

**ORIGINAL**

Decision No. 56787

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
SOUTHERN CALIFORNIA EDISON COMPANY )  
for an Order of the Public Utilities )  
Commission of the State of California )  
authorizing it to execute and deliver )  
a Grant of Easement to THE UNITED )  
STATES OF AMERICA pursuant to the )  
terms of a written Contract dated )  
January 2, 1950. )

Application No. 39980

OPINION AND ORDER

Southern California Edison Company, by the above entitled application filed April 7, 1958, requests an order of this Commission for authority to execute and deliver to The United States of America an easement on certain of its properties located in the County of Kern, which will be required in connection with the operation of the Isabella Dam, constructed by The United States of America.

Applicant states that on January 2, 1950, a contract was entered into with The United States of America for the relocation, rearrangement and alteration of existing facilities, at Government expense. A copy of the contract is attached to the application as Exhibit A.

Under the terms of said contract applicant has agreed, among other things, to execute and deliver to The United States of America an easement granting to the Government the right to inundate, submerge and overflow, permanently and intermittently by operation of the Isabella Dam, the Borel Canal and the facilities appurtenant thereto belonging to applicant. Such grant is to be in a form substantially

as shown in Exhibit B attached to the application and includes a detailed description of applicant's properties which are to be subject to said easement.

The terms and conditions of this agreement do not conform to the provisions of General Order No. 69 of the Commission in that a permanent easement is provided. Applicant alleges that it is essential that said easement be not subject to the provisions of General Order No. 69 in that this easement is necessary and useful to The United States of America in the operation of Isabella Reservoir on the Kern River for flood control and other purposes. By said general order this Commission authorized public utilities to grant easements, licenses or permits for use or occupancy of the operative property of said utilities for rights-of-way, or other limited uses, without further special authorization by this Commission provided that each such grant shall be made conditional upon the right of the grantor to commence or resume the use of the property in question whenever, in the interest of service to its patrons, it appears necessary or desirable so to do. Applicant states that it is informed and believes that the granting of this easement and the utilization thereof by The United States of America will not interfere with the operations, practices and service of applicant to and for its patrons or consumers. Further, the granting of said easement is a condition required to be performed by applicant in order that applicant may secure the rights, privileges, payments and other considerations provided for in the contract.

Wherefore, applicant requests an order authorizing it to execute and deliver a grant of easement to The United States of America substantially in the form of Exhibit B attached to the application.

The action taken herein shall not be construed to be a finding of the value of the grant of easement. The Commission having considered the above entitled application and being of the opinion that the application will not be adverse to the public interest and should be granted, and that a public hearing is not necessary, therefore,

IT IS HEREBY ORDERED that Southern California Edison Company be and it is authorized to execute and deliver a grant of easement to The United States of America substantially in the form of Exhibit B attached to this application.

IT IS FURTHER ORDERED that Southern California Edison Company shall file with this Commission within thirty days after the execution of such grant of easement two certified copies of the grant of easement.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 19th day of May, 1958.

[Signature]  
President  
[Signature]  
[Signature]  
[Signature]  
Commissioners