

Decision No. 57433**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of  
 PACIFIC GAS AND ELECTRIC COMPANY for  
 an order granting and conferring  
 upon applicant all necessary permission  
 and authority to carry out the terms  
 and conditions of a written agreement  
 with the CITY OF LINCOLN, dated  
 March 11, 1958.

Application No. 40328

(Water)

OPINION AND ORDER

Pacific Gas and Electric Company,<sup>1/</sup> a corporation, by application filed August 8, 1958, seeks authority from this Commission to carry out the terms and conditions of an agreement dated March 11, 1958 with the City of Lincoln<sup>2/</sup> providing for the sale to Lincoln of untreated water to be used for resale to the latter's customers.

Under the terms of the agreement between the parties, a copy of which is attached to the application as Exhibit A, Pacific proposes to deliver water at the rates of flow and under the special conditions peculiar to service to Lincoln specified in the agreement. Payment for such water is based upon the rates and charges applicable thereto as set forth in Pacific's Placer Water System schedule entitled "Schedule No. R-1, Resale Service - Untreated Water," and service is generally to be furnished in accordance with Pacific's applicable rules on file and in effect from time to time. Pacific has no contract form on file as required by the special conditions of the reference rate schedule and, accordingly, asks to be allowed to deviate from such provision in the schedule and seeks authorization to carry out the terms and conditions of the subject contract under Section X-A of General Order No. 96.

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<sup>1/</sup> Sometimes herein called Pacific.

<sup>2/</sup> Sometimes herein called Lincoln.

The initial term of the agreement is for 25 years from and after May 1, 1957 and may be extended for successive 10-year terms. Either Pacific or Lincoln may terminate the agreement at the expiration of the initial 25-year term or any subsequent 10-year term by giving the other party written notice at least 36 months prior to such termination date.

The revenue which Pacific realized from the sale of water to Lincoln at the rates in Schedule No. R-1 amounted to approximately \$10,940 for the 12-month period ended June 30, 1958.

The contract contains the provisions that it shall not become effective until it has been authorized by this Commission and that it shall at all times be subject to change or modification by this Commission in the exercise of its jurisdiction.

The Commission having considered the request of applicant and being of the opinion that the application should be granted and that a public hearing is not necessary, therefore

IT IS HEREBY ORDERED that Pacific Gas and Electric Company is authorized to carry out the terms and conditions of the written agreement dated March 11, 1958 with the City of Lincoln, as set forth in Exhibit A attached to the application, which exhibit is made a part of this order by reference.

IT IS HEREBY FURTHER ORDERED that:

1. Pacific Gas and Electric Company shall file with this Commission, within thirty days after the effective date of this order, two certified copies of the agreement as executed, together with a statement of the date on which the agreement is deemed to have become effective.

2. Pacific Gas and Electric Company shall notify this Commission of the date of the termination of said agreement within thirty days after said date of termination.

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

Dated at San Francisco, California, this 7<sup>th</sup> day of OCTOBER, 1958.

E. L. Fox  
President  
J. E. [unclear]  
Paul [unclear]  
[unclear]  
[unclear]  
Commissioners