

ORIGINAL

Decision No. 57556

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of DIAMOND BAR WATER COMPANY, a
corporation, for authority to
construct and operate a public
utility water system in Los
Angeles County, California, and
for authority to issue stock and
other securities.

Application No. 39540
First Supplemental

O P I N I O N

By Decision No. 56524 dated April 15, 1958, in Application No. 39540, Diamond Bar Water Company, a corporation, was given a certificate of public convenience and necessity to construct and operate a public utility water system in an unincorporated portion of the County of Los Angeles, California. In the application it was stated that a franchise would be required from the County of Los Angeles in connection with pipe lines or facilities which may be laid along county roads or highways within the service area, and an application therefor would be filed with the County of Los Angeles.

In Decision No. 56524, supra, it is stated that the attorney for the applicant agreed to file a supplemental application if and when such franchise is granted.

On September 23, 1958, applicant filed its First Supplemental Application No. 39540 wherein it alleges, inter alia, that on August 5, 1958, the Board of Supervisors of the County of Los Angeles adopted Ordinance No. 7378, effective as of that date,^{11/}

^{11/} Exhibit A to supplemental application indicates ordinance is effective September 5, 1958.

and that on August 14, 1958, said ordinance was duly published in the Metropolitan News in accordance with Section 7 of the ordinance, a copy of which is attached to the First Supplemental Application and marked "Exhibit A". Applicant requests that the Commission issue its certificate that public convenience and necessity require the exercise by it of the rights and privileges granted by said Ordinance No. 7378.

The franchise granted by Ordinance No. 7378 will continue in effect for 25 years. Applicant will pay annually during the life of the franchise a fee equivalent to 2 percent of the gross annual receipts of the grantee arising from the use, operation or possession of the franchise.

Further public hearing is not necessary.

After consideration it is found as a fact that public convenience and necessity require the exercise by applicant of the rights and privileges of the franchise granted to applicant by Ordinance No. 7378 of the County of Los Angeles. Applicant is placed upon notice that the certificate herein granted is for the purpose of exercising the franchise and not for the purpose of extending service.

The certificate of public convenience and necessity herein granted is subject to the following provision of law:

The Commission shall have no power to authorize the capitalization of the franchise involved herein or this certificate of public convenience and necessity or the right to own, operate or enjoy such franchise or certificate of public convenience and necessity in excess of the amount (exclusive of any tax or annual charge) actually paid to the State or to a political subdivision thereof as the consideration for the grant of such franchise, certificate of public convenience and necessity or right.

ORDER

The above-entitled application having been filed and the Commission being fully informed in the premises,

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and it is, granted to Diamond Bar Water Company, a corporation, to exercise the rights, privileges, and franchise granted by the County of Los Angeles by Ordinance No. 7378, adopted on August 5, 1958, by the Board of Supervisors of said County, subject, however, to the following conditions:

1. That Diamond Bar Water Company shall not exercise said franchise for the purpose of supplying water service in those parts or portions of Los Angeles County not now served by it except through extensions of its existing system made in the ordinary course of business as contemplated by Section 1001 of the Public Utilities Code; and
2. That the Commission may hereafter by appropriate proceeding and order limit the authority herein granted to applicant as to any territory within said County not then being served by it.

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

Dated at San Francisco, California, this 3rd day of November, 1958.

E. Leo Fox
President

W. E. ...

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Theodore ...
Commissioners