

Decision No. 57989

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application	)	
of CALIFORNIA ELECTRIC POWER COMPANY)	)	
for approval of a supplemental	)	
agreement with IMPERIAL IRRIGATION	)	Application No. 40557
DISTRICT and for modification of	)	
Decision No. 36623, as amended by	)	
Decision No. 39231, defining	)	
applicant's service area.	)	

OPINION AND ORDER

By the above-entitled application, filed October 30, 1958, California Electric Power Company requests authority to carry out the terms and conditions of a supplemental agreement with Imperial Irrigation District, dated September 16, 1958, and to amend the order in Decision No. 36623, all of which would have the effect of releasing to the District a small portion of applicant's service area in Riverside County. A copy of the supplemental agreement is attached to the application as Exhibit A.

By Decision No. 36623, in Application No. 25755, applicant was restricted for a period of twenty-five years from serving in certain portions of Riverside County, designated as the District Coachella Service Area, and in Imperial County. Concurrently, the California Districts Securities Commission issued its order restricting the service area of the Imperial Irrigation District for a like period so as not to infringe upon the service territory of applicant. These orders made effective the agreement of October 15, 1943, between applicant and the District, relative to service areas.

By Decision No. 39231, in Application No. 27323, the Commission permitted an enlargement of applicant's service area to include a small portion of Imperial County. At that time the

California Districts Securities Commission also issued its order authorizing the change in the service area boundary.

Applicant states that, within its service area, in the southwesterly portion of Township 6 South, Range 15 East, S.B.B.&M, there are four parties seeking electric service. Each of the parties requires such service for radio communication facilities atop Chuckawalla Peak. The nearest distribution lines of applicant are stated to be approximately four miles from these parties, and, if service were provided by applicant, construction over extremely difficult terrain, with high construction costs, would result. Applicant states further that the Imperial Irrigation District's nearest distribution line is three and one-half miles from the parties but that service could be provided from the District's line over much more accessible terrain.

Applicant and the District entered into an agreement, dated September 16, 1958, supplemental to the agreement of October 15, 1943 above referred to. The effect of this supplement is to allow the Imperial Irrigation District to serve in the described southwesterly corner of said Township 6 South, Range 15 East, subject to the provision that applicant may, upon six months' written notice, purchase the District's facilities in the described area and thus terminate said supplemental agreement. By its terms the supplemental agreement will become effective as to applicant only upon approval thereof by the Commission, and as to Imperial Irrigation District by approval of the California Districts Securities Commission, in accordance with the provisions of applicable law. On January 9, 1959, by its order No. 122, the California Districts Securities Commission approved the supplemental agreement and fixed the area of the District in accordance with such supplemental agreement.

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 as follows:

1. That California Electric Power Company be and it is authorized to carry out the terms and conditions of the supplemental agreement, dated September 16, 1958, with Imperial Irrigation District.
2. That the order in Decision No. 36623, dated September 22, 1943, (as modified by Decision No. 39231), be amended by adding, at the end of subparagraph (ii) of paragraph (a) thereof, the following:

"That portion of Township 6 South, Range 15 East, lying Southwesterly of a straight line running from the Southeast corner of Township 6 South, Range 15 East, to the Northwest corner of said Township 6 South, Range 15 East; provided, however, that Company may regain the right to serve within said portion of Township 6 South, Range 15 East upon compliance with and pursuant to the terms of that certain Supplemental Agreement, dated September 16, 1958, between Company and Imperial Irrigation District approved concurrently herewith."

3. That California Electric Power Company shall inform the Commission promptly if and when it elects to regain the right to serve within said portion of Township 6 South, Range 15 East, in accordance with the provisions of said supplemental agreement.

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

Dated at San Francisco, California, this 9th day of FEBRUARY, 1959.

*E. Lynn Fox*  
 President  
*[Signature]*  
*[Signature]*

Commissioners