

**ORIGINAL**Decision No. 63542

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of  
 CALIFORNIA ELECTRIC POWER COMPANY  
 for Approval of a Supplemental Agree-  
 ment with IMPERIAL IRRIGATION DISTRICT  
 and for Modification of Decision No.  
 36623, as Amended by Decisions 39231  
 and 57989, defining Applicant's  
 Service Area.

Application No. 44027

OPINION AND ORDER

By the above-entitled application filed December 19, 1961, California Electric Power Company requests authority to carry out the terms and conditions of a Supplemental Agreement with Imperial Irrigation District, dated November 14, 1961, and to amend the order in Decision No. 36623, as modified by Decisions Nos. 39321 and 57989, all of which will have the effect of releasing to applicant a portion of the service area of Imperial Irrigation District. A copy of the Supplemental Agreement is attached to the application herein 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.

On July 30, 1946, in Decision No. 39231 issued in Application No. 27323 the Commission permitted an enlargement of applicant's

service area to include a small portion of Imperial County pursuant to supplemental agreement between applicant and the Imperial Irrigation District. On February 9, 1959, the Commission in Decision No. 57989 issued in Application 40557 authorized applicant to cede a small portion of its Riverside County service area to the Imperial Irrigation District in accordance with an appropriate supplemental agreement between the two parties.

In this application applicant alleges that because of continuing development of the northeast portion of Imperial County there have been further requests for electric service in locations which are outside of applicant's present Imperial County service area, but at the same time are much closer to applicant's distribution lines than those of the Imperial Irrigation District. Since it would be uneconomic for the District to provide electric service in this area, the District and applicant have entered into the Supplemental Agreement dated November 14, 1961, which is the subject of this application which will allow applicant to serve in approximately 46 additional square miles of Imperial County. All extensions and service will be made pursuant to applicant's filed rules and tariff schedules.

The Supplemental Agreement provides the District may, upon purchasing applicant's facilities in the described area, terminate said Supplemental Agreement. The Supplemental Agreement further provides that upon recapture the District will also reimburse applicant for the costs of expansion of its Riverside County facilities required because of service in Imperial County. 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 19, 1962, by its Order No. 123, California Districts Securities Commission approved the Supplemental Agreement and fixed the area of the District in accordance with such Supplemental Agreement. A photostatic copy of said Order No. 123 of the California Districts Securities Commission together with the letter of transmittal dated January 31, 1962 from Kenneth M. Lemon of the California Electric Power Company to this Commission is hereby made a part of the record herein as Exhibit No. 1.

Upon consideration of the evidence the Commission finds and concludes as follows:

1. Public convenience and necessity require that the application be granted as set forth in the ensuing order.
2. A public hearing is not necessary.

Therefore, IT IS HEREBY ORDERED as follows:

1. That California Electric Power Company is authorized to carry out the terms and conditions of the Supplementary Agreement dated November 14, 1961, with Imperial Irrigation District which is attached to the application herein as Exhibit A.

2. That the order in Decision No. 36623, dated September 22, 1943, as modified by Decisions No. 39231 and No. 57989, be amended by changing subparagraph (i) of paragraph (a) thereof to read as follows:

- (i) The County of Imperial, State of California, except that portion beginning at the intersection of the Northerly boundary line of Imperial County, California within the California-Arizona State Boundary Line; thence Westerly along the Northerly boundary line of Imperial County, California, being also the North line of Township 9 South, Range 22 East, S.B.B. & M., and the North line of Township 9 South, Range 21 East, S.B.B. & M., to the Northwest corner of Section 4, Township 9 South, Range 21 East, S.B.B. & M.; thence Southerly along the West lines of Sections 4, 9, 16, 21 and 28, Township 9 South, Range 21 East, S.B.B. & M. to the Southwest corner of said Section 28; thence continuing Southerly, in a

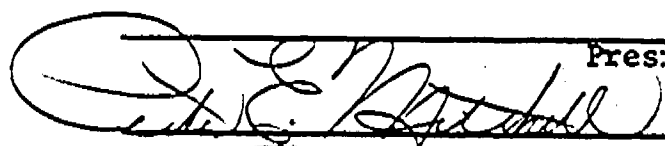
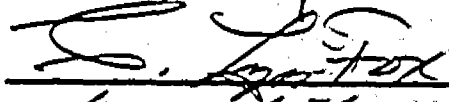
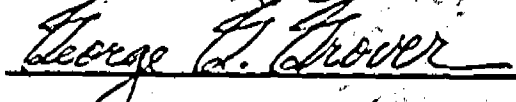
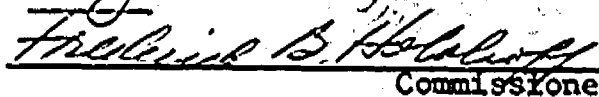
straight line, to the Southwest corner of Section 4, Township 10 South, Range 21 East, S.B.B. & M.; thence continuing Southerly along the West lines of Sections 9, 16, 21, 28 and 33, Township 10 South, Range 21 East, S.B.B. & M. to the Southwest corner of said Section 33; thence continuing Southerly, in a straight line, to the Northwest corner of Section 4, Township 11 South, Range 21 East, S.B.B. & M.; thence Easterly along the North lines of Sections 4 and 3 Township 11 South, Range 21 East, S.B.B. & M., to the Northwest corner of Section 2, Township 11 South, Range 21 East, S.B.B. & M.; thence Southerly along the West lines of Sections 2, 11, 14 and 23, Township 11 South, Range 21 East, S.B.B. & M. to the Southwest corner of said Section 23; thence Easterly along the South lines of Sections 23 and 24, Township 11 South, Range 21 East, S.B.B. & M., to the Southeast corner of said Section 24; thence Southerly along the West line of Section 30, Township 11 South, Range 22 East, S.B.B. & M., to the Southwest corner of said Section 30; thence Easterly along the South line of Section 30, Township 11 South, Range 22 East, S.B.B. & M. to the Southeast corner of said Section 30; thence continuing Easterly on the South line of Section 29, Township 11 South, Range 22 East, S.B.B. & M., and the Easterly extension thereof, to a point on the California - Arizona State Boundary Line, being also the Easterly boundary line of Imperial County, California; thence Northerly, along the California - Arizona State Boundary Line to the point of beginning; provided, however, that District may regain the right to serve within said area upon compliance with and pursuant to the terms of that certain Supplemental Agreement dated November 14, 1961, between Company and Imperial Irrigation District, approved concurrently herewith.

3. Upon termination of said Supplemental Agreement dated November 14, 1961, applicant shall promptly notify the Commission of the date said Supplemental Agreement was terminated and shall

promptly file with this Commission one copy of each of the documents by which said termination was effected.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 10th day of APRIL 4, 1962.

 President  
  
  
 Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.