

**ORIGINAL**Decision No. 65459

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
CALIFORNIA WATER & TELEPHONE COMPANY  
for a certificate of convenience  
and necessity.

Application No. 45185  
(Amended)

O P I N I O N

California Water & Telephone Company, in this proceeding, requests a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the City of Rosemead, California, permitting the installation, maintenance, and use of a water distribution and transmission system in the streets of said city.

The franchise referred to, a copy of which is attached to the application and designated as Exhibit A, was granted by the city in accordance with the Franchise Act of 1937 and is of indeterminate duration. A fee is payable annually to the city equivalent to 2 percent of the gross receipts arising from the use, operation, or possession of the franchise, but not less than 1 percent of the gross annual receipts from sales of water within the limits of the city under said franchise.

The costs incurred by applicant in obtaining the franchise are stated to have been \$150.00, which amount does not include costs incident to this application.

Applicant has served water in portions of the City of Rosemead for many years and alleges that it does not intend to

serve outside its present service area within the city or to serve within areas presently being served by other agencies within the boundaries of the city. No objection to the granting of the requested certificate has been received. A public hearing is not necessary.

After consideration the Commission finds that public convenience and necessity require the exercise by applicant of the right, privilege and franchise granted to applicant by Ordinance No. 96 of the City of Rosemead, California.

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

1. 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.
2. The franchise involved herein shall never be given any value before any court or other public authority in any proceeding of any character in excess of the cost to the grantee of the necessary publication and any other sum paid by it to the municipality therefor at the time of the acquisition thereof.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to California Water & Telephone Company to exercise the rights and privileges granted by the City of Rosemead, California, by Ordinance No. 96, adopted November 27, 1962.

2. Applicant shall not exercise said franchise for the purpose of supplying water to or within those portions of the City of Rosemead not presently being served by it, as described on a map annexed to the amendment to the application herein and designated as Exhibit 1 thereof.

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

Dated at San Francisco, California, this 29th day of May, 1963.

Carl E. Mitchell President  
Acting President

Frederick B. Holdhoff

William W. Brunell

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Commissioners

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

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