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ORIGINAL

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application  
of the Southern California Water  
Company for an order granting it  
a certificate declaring that the  
public convenience and necessity  
require the exercise by it of  
rights and privileges conferred  
under the franchise granted by  
Ordinance No. 1287 of the City of  
Westminster.

Application No. 45789  
Filed September 18, 1963

(Water)

O P I N I O N

Southern California Water 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 Westminster, 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 \$90.61, which amount does not include costs incident to this application.

On August 1, 1962, applicant acquired certain of the properties and distribution systems of Pacific Water Company, including the distribution system and properties of Pacific in the City of Westminster (Decision No. 64011, Application No. 44579). The acquisition of the Westminster system and properties, however, did not include a franchise from that city. As of June 30, 1963, applicant served 2,162 customers within 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. 1287, of the City of Westminster, 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 a certificate of public convenience and necessity is granted to Southern California Water Company to exercise

the rights and privileges granted by the City of Westminster,  
California, by Ordinance No. 1287, adopted May 28, 1963.

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

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

*William W. Bennett*  
President

*John E. [unclear]*

*Robert [unclear]*

*Fredrick B. Halaloff*

Commissioners

Commissioner George G. Grover  
present but not voting.