

Decision No. 68319

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the joint application )  
of CALIFORNIA-PACIFIC UTILITIES COMPANY )  
and CITY OF NAPA for an order authoriz- )  
ing California-Pacific Utilities Com- )  
pany to sell its Napa Junction Water )  
System to the City and to discontinue )  
its public utility service in the )  
County of Napa. )

Application No. 45761

SECOND SUPPLEMENTAL ORDER

By the First Supplemental Order herein (Decision No.68108), the Commission revised the language of ordering paragraph 1 of Decision No. 68010, to clarify the nature of the stipulation required by said ordering paragraph as a condition of the authority to transfer the utility system which is the subject of this application. Protestant American Canyon County Water District has now filed a petition seeking reopening of these proceedings and alleging that the change in Decision No. 68010 effected by the First Supplemental Order constituted more than a mere clarification of language; since the First Supplemental Order was issued ex parte and was made effective upon issuance, the District complains that it had no opportunity to present to the Commission its objections to the change in language. The petition requests that an opportunity now be afforded to present argument and evidence on this subject.

The City of Napa and California-Pacific Utilities Company, applicants, have individually responded to the petition. The City argues that the petition is without merit and should be denied; the Utility also argues that no further hearing should be held but

suggests that the Commission might appropriately permit briefs to be filed on the subject of the required stipulation.

We have considered the petition and the responses thereto and are of the opinion that the District should be allowed to present argument on the subject of the First Supplemental Order. However, the additional evidence which the District now desires to introduce has not been specified nor has any good reason been presented for reopening the record to receive additional evidence.

Petitioner and applicants have agreed that if there is to be further hearing it may be held on less than the usual ten days' notice.

O R D E R

Good cause appearing, IT IS ORDERED that:

1. This proceeding is hereby reopened for the limited purpose of (a) hearing oral argument on the subject of the First Supplemental Order and ordering paragraph 1 of Decision No. 68010, and (b) taking such action as may be appropriate in consideration of such argument and the record heretofore made herein.
2. Said argument shall be presented before Commissioner Grover and/or Examiner Jarvis at 10 a.m. on December 14, 1964 at the Council Chambers in the City Hall of the City of Napa.
3. The public interest requires that said hearing be held on less than ten days' notice, that is, on written notice to be mailed by the Secretary this date to each of the parties herein.
4. The operative effect of Decisions Nos. 68010 and 68108 is hereby stayed pending further order of the Commission.

The effective date of this Second Supplemental Order shall be the date hereof.

Dated at San Francisco, California, this 9<sup>th</sup> day of DECEMBER, 1964.

Fredrick B. Hallock  
President

George E. Crower

William R. Bevil

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Commissioners

Commissioner Peter E. Mitchell, 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.