

ORIGINALDecision No. 72832

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SOUTHERN CALIFORNIA
 WATER COMPANY for a certificate that
 public convenience and necessity
 require the exercise of the rights
 and privileges conferred under a
 franchise of the City of Ojai.

Application No. 49509
 (Filed June 29, 1967)

O P I N I O N

Southern California Water Company requests a certificate of public convenience and necessity to exercise the rights and privileges conferred under a franchise granted by the City of Ojai.

Applicant presently supplies water service to the City of Ojai, a part of its Ojai District, pursuant to Franchise No. 38, as amended by Franchise No. 40, which were granted by the City of Ojai pursuant to the Broughton Act. Franchise No. 38, as amended by Franchise No. 40, expired on July 25, 1967. On May 8, 1967, pursuant to the terms of the Franchise Act of 1937, the City of Ojai adopted Ordinance No. 382, granting to applicant a new franchise to render water service in that portion of the City presently granted by Franchise No. 38, as amended by Franchise No. 40.

The term of the new franchise is of indeterminate duration and provides that applicant shall pay to the City each year an amount equal to two percent of the gross receipts of applicant arising from the use, operation or possession of the franchise, provided that in no event shall such payments be less than one percent of the gross annual receipts of applicant derived from the sale of water within the City.

After consideration, the Commission finds that public convenience and necessity require the exercise by applicant of the

rights, privileges and franchise granted to applicant by Ordinance No. 382 of the City of Ojai. A public hearing is not necessary.

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 hereby granted to Southern California Water Company to exercise the rights and privileges granted by the City of Ojai, by Ordinance No. 382, adopted May 8, 1967.

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

Dated at San Francisco, California, this 1st day of AUGUST, 1967.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners