

sjg/vo

Decision No. 79424

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SOUTHERN CALIFORNIA  
 WATER COMPANY for a certificate  
 that public convenience and neces-  
 sity require the exercise of the  
 rights and privileges conferred  
 under a franchise for electric  
 operations granted by the County  
 of San Bernardino.

Application No. 52861  
(Filed September 10, 1971)

O P I N I O N

Southern California Water Company, a California corporation, requests a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the County of San Bernardino, permitting the installation, maintenance, and use of electric distribution and transmission systems in the streets of said county.

Applicant is a public utility rendering water service in various areas in the counties of Contra Costa, Imperial, Los Angeles, Orange, Sacramento, San Bernardino and Ventura, and electric service in the vicinity of Big Bear Lake in San Bernardino County. Its Articles of Incorporation were filed with the Commission in Application No. 45238.

The franchise referred to, a copy of which is attached to the application and designated as Exhibit A, was granted by the County of San Bernardino by Ordinance No. 1642 and gives to applicant the right, privilege and franchise to use and to construct and use, for transmitting and distributing electricity for any and

all purposes, poles, wires, conduits and appurtenances, including communications circuits necessary or proper therefor, in, along, across, over and under the public streets, ways, alleys and places within certain portions of said county described therein. The franchise further provides that applicant shall pay to the county each year an amount equal to two percent (2%) of the gross annual receipts of applicant arising from the use, operation or possession of the franchise. The franchise is dated May 24, 1971, and is effective 30 days thereafter. The term of the franchise is 50 years after the effective date.

Applicant estimates that the total cost of securing the franchise is approximately \$1,500.00.

The applicant states it has mailed a copy of the application, postage prepaid, to the Southern California Edison Company.

Applicant requests the correction of an error in the page numbering of Exhibit A in which the numbers of pages 10 and 11 should be changed so that "Exhibit A - Page 10 of 11" is changed to read "Exhibit A - Page 11 of 11" and that "Exhibit A - Page 11 of 11" is changed to read "Exhibit A - Page 10 of 11".

The application has been served in accordance with the rules of the Commission. No objection to the granting of the requested certificate has been received and 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. 1642 of the County of San Bernardino.

The application, as amended by correcting the transposed page numbers 10 and 11 of Exhibit A, will be granted.

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 paid by it to the municipality therefor at the time of the acquisition thereof.

ORDER

IT IS ORDERED that a certificate of public convenience and necessity is granted to Southern California Water Company, a California corporation, to exercise the rights and privileges granted by the County of San Bernardino by Ordinance No. 1642, adopted May 24, 1971.

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

Dated at San Francisco, California, this 30<sup>th</sup> day of NOVEMBER, 1971.

[Signature]  
Chairman

[Signature]

[Signature]

[Signature]  
Commissioners