

Decision 90-12-097 December 19, 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CALIFORNIA WATER)
 SERVICE COMPANY, U-6-W, a)
 corporation, to issue and sell)
 \$20,000,000 principal amount of)
 its First Mortgage Bonds,)
 Series CC, and to execute and)
 deliver a Supplemental Mortgage)
 of Chattels and Trust Indenture)

MODIFICATION
 Application 90-07-044
 (Petition for Modification filed
 November 21, 1990)

SUPPLEMENTAL OPINION

Summary of Decision

This decision grants California Water Service, Co. (Cal Water Service) the authority requested in its Petition for Modification of Decision (D.) 90-09-069.

Notice of the filing of the Petition for Modification appeared on the Commission's Daily Calendar of November 21, 1990. No protests have been received. The proper 30 day protest period under Rule 8.3 (Rule) of the Commission's Rules of Practice and Procedure has not completely expired; however, due to the insignificant nature of the modification of D.90-09-069 and the fact that there were no protests to A.90-07-044, the Rule will be waived in this case.

By D.90-09-069, dated September 25, 1990, the Commission authorized Cal Water Service to issue and sell up to \$20,000,000 principal amount of its First Mortgage Bonds, Series CC (Bonds). In connection with such issuance, Cal Water Service also requested authority to execute and deliver a Supplemental Mortgage of Chattels and Trust Indenture (Thirty-Fourth Supplemental Indenture). Ordering Paragraph 2 authorized Cal Water Service to execute and deliver its Thirty-Fourth Supplemental Indenture "in substantially the same form as set forth in Exhibit E attached to the application."

Cal Water Service notes that:

"Ordering Paragraph 2 should be revised in light of the fact that the form of the Thirty-Fourth Supplemental Indenture was not filed as Exhibit E with the application . . . Rather, A.90-07-044 stated that the Thirty-Fourth Supplemental Indenture would be filed as a late-filed exhibit, since the terms of the Thirty-Fourth Supplemental Indenture had not been negotiated with the prospective purchaser of the Series CC Bonds at the time A.90-07-044 was filed."

Cal Water Service, therefore, requests that Ordering Paragraph 2 be revised to read as follows:

"2. Cal Water Service may execute and deliver the Supplemental Mortgage of Chattels and Trust Indenture (Thirty-Fourth Supplemental Indenture) in or substantially in the same form as set forth in late-filed Exhibit E."

The Commission Advisory and Compliance Division recommends, and we agree, that Cal Water Service's language should be adopted and Ordering Paragraph 2 in D.90-09-069 should be revised so that no errors shall be made in interpreting its meaning in context to the remainder of the decision.

Findings of Fact

1. Cal Water Service, a California corporation, operates as a water utility subject to the jurisdiction of this Commission.
2. D.90-09-069 authorized Cal Water Service to issue and sell up to \$20,000,000 principal amount of its First Mortgage Bonds, Series CC (Bonds).
3. In connection with such issuance, Cal Water Service also requested authority to execute and deliver a Supplemental Mortgage of Chattels and Trust Indenture (Thirty-Fourth Supplemental Indenture).

4. Cal Water Service did not attach the Thirty-Fourth Supplemental Indenture as a part of A.90-07-044.

5. Ordering Paragraph 2 of D.90-09-069, which asserted that Cal Water Service did attach the Thirty-Fourth Supplemental Indenture as a part of A.90-07-044, should be corrected.

Conclusions of Law

1. A public hearing is not necessary.

2. The Petition for Modification should be granted to the extent set forth in the order which follows.

3. The following supplemental order should be effective on the date of signature in order to reduce any confusion created in D.90-09-069.

S U P P L E M E N T A L O R D E R

IT IS ORDERED that:

1. Ordering Paragraph 2 of D.90-09-069 is corrected to read as follows:

"2. Cal Water Service may execute and deliver the Supplemental Mortgage of Chattels and Trust Indenture (Thirty-Fourth Supplemental Indenture) in or substantially in the same form as set forth in late-filed Exhibit E."

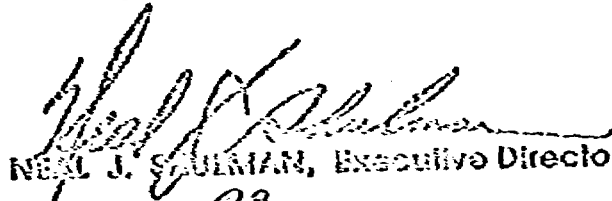
2. The Petition for Modification is granted as set forth above.

3. The authority granted by this supplemental order shall become effective on the date of signature.

Dated December 19, 1990, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY


NEAL J. SCHULMAN, Executive Director
03