

Decision No. 13318.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the matter of the Application of
Pacific Gas and Electric Company, a
corporation, for an order of the
Railroad Commission of the State of
California authorizing application
to increase its rates and charges
for electric energy.

Application No. 5567.

And Consolidated Proceedings (Appli-
cation 3602, Cases 748, 840, 930, 934,
996, 1203 and 1669).

SEAVEY AND BRUNDIGE, COMMISSIONERS.

OPINION AND ORDER ON PETITION FOR REHEARING OF
MARKET STREET RAILWAY COMPANY.

By Decision No. 11457 in the above entitled proceeding, the Railroad Commission fixed schedules of rates for electric service to various classes of consumers to be charged by Pacific Gas and Electric Company, both upon its own system and upon the system leased from Sierra and San Francisco Power Company.

As a consumer upon the leased system, Market Street Railway Company petitions for a rehearing of the above matter in so far as it affects the rate provided for service to electric railways, alleging that this rate is unjust and unreasonable in several particulars.

The United Railroads of San Francisco, the predecessor in interest of Market Street Railway Company, entered into a long

term contract a number of years ago with Sierra and San Francisco Power Company, covering the supply of electric energy. Under this contract and agreements which supplemented it, the Sierra Company replaced the existing sub-station equipment of the Railway Company with new apparatus adapted to the use of power from the system of the Sierra Company.

The two companies were closely allied and from time to time a number of agreements have been made covering the use of distribution lines, space in sub-stations, operation of apparatus, etc. With the leasing of the Sierra property to Pacific Gas and Electric Company on January 1, 1920, the interests of the Railway Company and the Company furnishing it with energy became divergent and many questions have come up regarding the application of rates and the interpretation of provisions of the original and supplemental agreements.

It does not appear that these questions are such as are within the province of this Commission to settle, except in the capacity of arbitrator. As a consumer of Pacific Gas and Electric Company, Market Street Railway Company is entitled to purchase public utility service at a just and reasonable rate and it is within the jurisdiction of this Commission to fix such a rate. Occupancy of space in sub-stations, furnishing of machinery, etc., are not public utility services and proper compensation should be agreed upon by the parties. A more complete and definite statement of the conditions and character of the public utility service covered by the rate than has existed in the past should be of material assistance in the settlement of such disputes.

In connection with the rate itself, Market Street Railway Company alleges certain defects. Careful consideration has been given to the evidence presented in support of these allegations and to evidence presented by Pacific Gas and Electric Company on the other side. As a result, certain modifications seem

✓ reasonable. A number of modifications in other rates, which were fixed in the same order, have been requested by Pacific Gas and Electric Company and certain of its consumers and, as a result, the Commission has, by Decision No. 13316, dated March 25, 1924, ordered modifications in many of the schedules. As a matter of record, it seems desirable that the schedules as finally modified should all be included in one order and such modifications as seem reasonable, in view of the evidence introduced in the present matter, were, therefore, made in connection with the above mentioned decision. In view of these modifications, which have already been ordered, it appears that the present petition for rehearing may technically be dismissed and we recommend the following form of order:

O R D E R

Market Street Railway Company having petitioned for a rehearing in Application No. 5567 of Pacific Gas and Electric Company, Decision No. 11457, and the Railroad Commission being of the opinion that all necessary changes in said decision have already been made,

IT IS HEREBY ORDERED that the petition for rehearing of Market Street Railway Company in the above entitled matter be and the same is hereby denied.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 25th day of March, 1924.

C. A. Seaver
H. V. B. Bunnell
I. W. Martin
Everton Shore
J. T. Whittey
Commissioners.

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