

Decision No. 13390

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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, granting to Applicant a
certificate of public convenience and
necessity to exercise the right,
privilege and franchise granted to
applicant by Ordinance No. 228 of the
Board of Supervisors of the County of
FRESNO, State of California.

ORIGINAL

Application No. 9765.

C. P. Cutten, for Applicant.

MARTIN, COMMISSIONER:

O P I N I O N

Pacific Gas and Electric Company asks the Railroad Commission to declare that public convenience and necessity require the exercise by applicant of the rights and privileges granted by Ordinance No. 228, passed December 10, 1923 by the Board of Supervisors of the County of Fresno, State of California. A hearing was held on March 6, 1924 and the matter submitted.

A copy of this Ordinance has been filed in this proceeding. In general it grants to Pacific Gas and Electric Company, its successors and assigns, for a term of fifty (50) years, the right to lay and maintain gas pipes, mains and conduits in the highways, streets and alleys in the County of Fresno adjacent to or in the vicinity of the City of Fresno and to use the same for the purpose of conveying, distributing and supplying gas to the public, and particularly to the inhabitants of the County of Fresno, for light, heat, power and all lawful purposes, all subject to the terms and conditions set forth in the Ordinance.

Among other things, the Ordinance requires that applicant, its successors and assigns, pay during the life of the franchise to the said County of Fresno an amount equal to two per cent. (2%) of the gross annual receipts arising from the use, operation or possession thereof.

The evidence shows that Pacific Gas and Electric Company do not intend to use the authority granted in this franchise to enter into competition with other utilities serving gas in this County, but that the purpose of the franchise is to enable the Company to lawfully extend its mains beyond the corporate limits of the City of Fresno, where it is at present serving gas, in order to properly serve applicants for service residing adjacent to said corporate limits. Applicant reports the cost of securing this franchise at One Hundred Dollars (\$100.00), and has filed a stipulation agreeing that neither it nor its successors and assigns will ever claim before the Railroad Commission of the State of California, or any court or other public body having jurisdiction, a value for this franchise in excess of One Hundred Dollars (\$100.00).

I hereby submit the following form of Order.

O R D E R

Pacific Gas and Electric Company having asked the Railroad Commission to declare that public convenience and necessity require applicant, its successors and assigns, to exercise the rights and privileges granted to it by the County of Fresno under Ordinance No. 228, passed on December 10, 1923, by the Board of Supervisors of said County of Fresno, public hearing having been held and it appearing to the Railroad Commission that public convenience

and necessity require the exercise by applicant, its successors and assigns, of the rights and privileges referred to in said Ordinance, insofar as they relate to that part of the County adjacent to and in the vicinity of the City of Fresno; therefore,

The Railroad Commission of the State of California hereby declares that public convenience and necessity require, and will require, the exercise by Pacific Gas and Electric Company, its successors and assigns, of the rights and privileges conferred upon it by Ordinance No. 228, passed on December 10, 1923, by the Board of Supervisors of the County of Fresno.

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, this 9th day of April, 1924.

C. Seaver

H. B. Bunnell

J. W. Martin

Egerton Shore

J. T. Whittney
Commissioners