

Decision No. 13784

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of Truckee River Power Company, a
corporation, for an Order Prelim-
inary to the granting to Applicant
of a Certificate of Public Con-
venience and Necessity to exercise
a right or privilege under a Fran-
chise which Applicant contemplates
securing from the County of Nevada,
State of California.

ORIGINAL

Application No. 9822

Goodfellow, Eells, Moore & Orrick,
by T. W. Dehliquist, for Applicant.
Devlin and Brookman, by Douglas Brookman,
for Truckee Electric Light and Power Com-
pany and Paul M. Doyle.
Charles P. Cutten, for Pacific Gas & Electric Co.

WHITTLESEY COMMISSIONER;

O P I N I O N

This is an application by Truckee River Power Company for an order preliminary to the granting to applicant of a Certificate of Public Convenience and Necessity to operate under a franchise which applicant contemplated securing from the County of Nevada, State of California. Public hearing was held March 20, 1924.

Applicant has for some years past furnished electric energy to Crown Willamette Paper Company at Floriston, California. A transmission line has recently been built from the California - Nevada boundary line to Summit, California, which now makes possible the interchange of electric energy between the systems of applicant and Pacific Gas and Electric Company. Applicant proposes to render service from the above line to whatever extent is warranted, and in particular desired to supply the Southern Pacific Company at Truckee with electric energy for shop and other use.

It being stipulated that the Truckee River Power Company would not enter the territory west of the summit, counsel for Pacific Gas and Electric Company withdrew.

Truckee Electric Light and Power Company and Paul M. Doyle, now operating in the town of Truckee, opposed the application, Mr. Doyle testifying that he was prepared to install additional hydroelectric facilities should the Southern Pacific desire service in excess of present plant capacity.

No definite information as to the extent of the Southern Pacific requirements at Truckee being available, and as the interested parties expressed willingness to negotiate a purchase and sale agreement, the hearing was adjourned.

Interested parties have, since adjournment, concluded an agreement which is now on file with the Commission, and stipulations have been filed waiving further hearing.

Subsequent to the above hearing a franchise was granted by the County of Nevada, copy of said franchise being filed, together with supplemental application that the Commission make its order granting and issuing to applicant a certificate declaring that the Public Convenience and Necessity require the exercise by applicant of the rights and privileges under the above franchise. Applicant has filed with this Commission a stipulation, duly executed by its manager, stating that it will never claim before the Railroad Commission of the State of California, or any court, or any other public authority, a value for the rights and privileges granted under this franchise, in excess of the actual costs and expense incurred in acquiring said franchise.

Public convenience and necessity require the exercise by Truckee River Power Company of the rights and privileges granted under the above mentioned franchise only in that portion of the territory lying east of the summit, and further, within the Town

of Truckee, only to the extent necessary to supply the requirements of Truckee Electric Light and Power Company, and any exercise of the rights and privileges granted by said franchise should be so limited.

I submit the following form of order:

O R D E R .

Truckee River Power Company having applied to the Railroad Commission for a Certificate declaring that public convenience and necessity require the exercise of the rights and privileges granted to it by the County of Nevada, State of California, under Ordinance 226, dated May 9, 1924, a hearing having been held, copies of said franchise, and a stipulation as to the claim for value thereof having been duly filed in form satisfactory to this Commission,

The Railroad Commission of the State of California hereby declares that public convenience and necessity require, and will require the exercise by Truckee River Power Company of the rights and privileges granted under Ordinance 226, County of Nevada, in that portion of Nevada County lying east of the summit of the Sierra Nevada Mountains, but expressly excluding the town of Truckee, except to such degree as may be necessary to deliver power

to the Truckee Electric Light and Power Company now operating in Truckee.

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 12th day of July, 1924.

C. Seaver
H. B. Burdige
Dwight Martin
Commissioners.