

Decision No. 13779

ORIGINAL

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 Rail-)
road Commission of the State of Cali-)
fornia, granting to Applicant a certificate) Application
of public convenience and necessity to) No. 10213
exercise the right, privilege and franchise)
granted to Applicant by Ordinance No. 120)
of the Board of Supervisors of the County)
of Napa, State of California.)

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. 120, passed May 13, 1924, by the Board of Supervisors of the County of Napa, State of California. A hearing was held on August 5, 1924, and the matter submitted.

A copy of this ordinance has been filed in this proceeding.

In general, it grants to the 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 other conduits in the highways, streets and alleys in the County of Napa 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 Napa, 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 Napa an amount equal to two percent (2%) of the gross annual receipts arising from the use, operation, or possession thereof, provided however, that no percentage shall be paid for the first five (5) years succeeding the date of the grant of said right, privilege and franchise.

The evidence shows that the Pacific Gas and Electric Company does not intend to use the authority granted in this franchise to enter into competition with the Napa Valley Electric Company serving gas in this County, but that the purpose of the franchise is to enable the Company to lawfully extend its mains to furnish and supply gas to the inhabitants of the County of Napa and in particular to the inhabitants in the territory adjacent to and in the vicinity of the City of Napa. 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 Napa under Ordinance No. 120, passed on May 13, 1924, by the Board of Supervisors of said County of Napa, 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.

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. 120, passed on May 13, 1924, by the Board of Supervisors of the County of Napa, provided that the Railroad Commission may hereafter by appropriate proceedings and orders revoke or limit, as to territory not then served by Pacific Gas and Electric Company, the authority herein granted.

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 27th day of August, 1924.

C. Seavey
H. A. Bondiger
Irving Martin
Egerton Shore
J. Whitney
Commissioners