

Decision No. 14094.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
Pacific Gas & 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 by
Ordinance No. 377 of the Board of
Trustees of the Town of Santa Clara,
State of California.

ORIGINAL

Application No. 10389

C. P. Cutten, for Applicant.

MARTIN, COMMISSIONER:

O P I N I O N.

Pacific Gas & 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. 377, passed July 7th, 1924, by the Board of Trustees of the town of Santa Clara. A hearing was held on September 19, 1924, and the matter submitted.

A copy of this ordinance has been filed in this proceeding. In general, it grants to the Pacific Gas & Electric Company, its successors and assigns, for a term of fifty (50) years, the right to lay and maintain a line of gas pipes through the town of Santa Clara along a specifically described route.

Under this franchise Pacific Gas & Electric Company proposes to construct an extension of its high pressure gas

transmission system, for the purpose of conveying gas for sale to the public outside the incorporated limits of the town of Santa Clara.

The reason for constructing said gas transmission system is that the existing gas transmission system in said county of Santa Clara, which extends from applicant's gas generating and manufacturing plant in the City and County of San Francisco, terminates at a point on the State highway near the town of Sunnyvale, County of Santa Clara. The said extension will connect the gas transmission system extending from the gas manufacturing plant in San Francisco with the gas manufacturing plant in San Jose, making both plants available for supplying artificial gas to applicant's consumers in the territory between San Francisco and San Jose.

Among other things, the ordinance requires the payment to the town of Santa Clara of a tax of two percent of the gross annual receipts arising from the use, operation or possession thereof; provided that no percentage shall be paid for the first five (5) years succeeding the date of the grant. The franchise does not give applicant any right to distribute gas to the public in the town of Santa Clara, and the evidence shows that Pacific Gas & Electric Company has no desire to compete with the Municipal gas system of the town.

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, 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 & 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 under Ordinance No. 377, passed on July 7th, 1924, by the Board of Trustees of the town of Santa Clara, a public hearing having been held and a satisfactory stipulation regarding future claims of the value of said franchise having been filed.

The Railroad Commission of the State of California hereby declares that public convenience and necessity require, and will require, the exercise by Pacific Gas & Electric Company, its successors and assigns, of the rights and privileges conferred upon it by Ordinance No. 377, passed on July 7th, 1924, by the Board of Trustees of the town of Santa Clara.

The foregoing Opinion and Order is 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 September, 1924.

O. L. Deary

Deering Martin

J. L. Whitting
Commissioners.