

Decision No. 14777

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of
The Southern Sierras Power Company, an
electrical corporation, for a certifi-
cate of the Railroad Commission that
public necessity and convenience re-
quire the exercise of all and several
the rights and privileges contained in
that certain grant of franchise, being
Ordinance No. 73-A, passed by the
Board of Supervisors of the County of
Imperial on or about the 6th day of
October, 1924, and authorizing one H.J.
Ingram, a resident of Westmorland,
Imperial County, California, his suc-
cessors and assigns, to erect, con-
struct, operate and maintain, for a
period of fifty (50) years an electric
pole, tower and wire system over,
along and upon the public roads and
highways in and about that portion of
the County of Imperial, State of
California, which portion includes and
surrounds the unincorporated Town or
Townsite of Westmorland and adjacent
areas;- and which said franchise was
thereafter, and on or about the 16th
day of October 1924, with the consent
and approval of said Board of
Supervisors of said County, assigned
and transferred to applicant company,
the present owner and holder thereof.

ORIGINAL

Application No. 10923.

Isaac B. Potter, for applicant.

BY THE COMMISSION:

O P I N I O N

The Railroad Commission is asked to make an order declar-
ing that public convenience and necessity require The Southern
Sierras Power Company to exercise the rights and privileges granted
it by the Board of Supervisors of Imperial County by Ordinance No.
73-A (Applicant's Exhibit No. 1).

Under date of October 6th, 1924, the Board of Supervisors
of Imperial County enacted an ordinance (No. 73-A) granting to H. J.
Ingram, his successors and assigns, a right, franchise and privilege
to erect, construct, operate and maintain, for a period of fifty years,

an electric pole, tower and wire system, consisting of poles, towers and wires and all other apparatus and appliances necessary or convenient for transmitting electricity, electrical energy, light, heat, and power over, along and upon certain of the public roads and highways in the vicinity of the Town or Townsite of Westmorland, Imperial County. The territory covered by the ordinance is described in said ordinance as follows:

"All of the townsite of Westmorland situated in the west half of Section Ten (10), and the east half of Section Eleven (11), Township Thirteen (13) South, Range Thirteen (13), East, San Bernardino Base and Meridian; also Tracts One Hundred Five (105), Ninety-seven (97), Ninety-eight (98), One Hundred Two (102), One Hundred Three (103), One Hundred Nineteen (119), One Hundred Twenty (120), One Hundred Eighty-two (182), One Hundred Eighty (180), One Hundred Twenty-three (123), One Hundred Twenty-four (124); north half of Tract Ninety-nine (99); the west half of Tract One Hundred Seven (107), and the west half of Tract One Hundred Six (106) in said Township Thirteen South, Range Thirteen (13) East; also Lots One (1) and Sixty-one (61) of Section Four (4), and Lots Seven (7), Four (4), Sixty-five (65), Sixty-six (66) and Seventy-two (72) of Section Three (3) of said Township Thirteen (13) South, Range Thirteen (13) East, which said Lots comprise the land lying between the north lines of Tracts One Hundred Twenty-three (123), One Hundred Twenty-four (124) and the north half of Tract One Hundred Seventy-seven (177) and the north line of said Township Thirteen (13) South, Range Thirteen (13) East; also the east half and the northwest quarter of Section Twenty-one (21); east half of Section Twenty-eight (28); east half and the southwest quarter of Section Thirty-three (33); west half and the northeast quarter of Section Twenty-two (22); west half of Section Twenty-seven (27), west half of Section Thirty-four (34); the northeast quarter and the south half of Section Thirteen (13); the south half of Sections Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17) and Eighteen (18); and the north half of Sections Nineteen (19), Twenty (20), Twenty-three (23) and Twenty-four (24), Township Twelve (12) South, Range Thirteen (13) East, San Bernardino Base and Meridian. Also the southwest quarter of Section Nine (9); south half of Section Seven (7); south half of Section Eight (8); Sections Seventeen (17) and Eighteen (18); and the northwest quarter of Section Nineteen (19), Township Twelve (12) South, Range Fourteen (14) East, San Bernardino Base and Meridian. Such franchise to include all highways within or bordering upon the above described lands and each of them."

Applicant has filed as its Exhibit No. 2 a document showing that H. J. Ingram has assigned his rights and privileges under Ordinance No. 73-A to The Southern Sierras Power Company, and that The Southern Sierras Power Company accepts and assumes all of the terms, covenants and conditions of said ordinance. The record shows that the district covered by Ordinance No. 73-A has a population of about four hundred (400) and that applicant has approximately 60 customers in such territory. No other electric utility operates within the territory, nor has anyone protested the granting of this application.

O R D E R

The Southern Sierras Power Company having applied to the Railroad Commission for an order declaring that public convenience and necessity require the exercise by the company of the rights and privileges granted it by Ordinance No. 73-A passed by the Board of Supervisors of the County of Imperial on or about October 6th, 1924, a public hearing having been held before Examiner Fankhauser and the Commission having considered the evidence submitted and being of the opinion that this application should be granted as herein provided,

The Railroad Commission of the State of California hereby declares that public convenience and necessity require the exercise by The Southern Sierras Power Company of the rights and privileges granted it by Ordinance No. 73-A passed by the Board of Supervisors of the County of Imperial on or about October 6th, 1924, provided, that The Southern Sierras Power Company shall first file with the Railroad Commission a stipulation duly authorized by its Board of Directors declaring that The Southern Sierras Power Company, its successors and assigns, will never claim before the Railroad Commission or any court or other public body, a value for said rights and privileges in excess of the amount actually paid to the County of Imperial by said The Southern Sierras Power Company or by H. J. Ingram, as a consideration for the granting of such rights and privileges, which amount is to be set forth in said stipulation, and shall have received from the Railroad Commission a supplemental order declaring that such stipulation has been filed in form satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 10th day of April, 1925.

H. H. Brundage
C. Leavelle

George D. Squires
Brundage
Commissioners.