

ORIGINAL

Decision No. 18610.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application  
of Ojai Power Company, a California  
Corporation, for certificate of pub-  
lic convenience and necessity to  
exercise certain franchise rights in  
the County of Ventura under franchise  
granted to applicant.

Application No. 13726.

M. W. Phillips, for applicant.  
Geo. S. Dennison, for City of Ojai.

BY THE COMMISSION:

O P I N I O N

This is an application by Ojai Power Company for an order declaring that public convenience and necessity require the exercise by it of the rights and privileges of franchise granted by the County of Ventura. Public hearing before Examiner Williams was held in Los Angeles, June 29, 1927, at which time testimony was introduced and the matter submitted for decision.

It appears that applicant is at present operating in a portion of Ventura County including that area within the limits of the now City of Ojai under a franchise granted to it by the Board of Supervisors of Ventura County on October 3, 1912, this franchise being in certain respects no longer adequate for applicant's needs. On March 15, 1927, said Board passed Ordinance No. 248 granting applicant a franchise to install, operate and maintain electrical facilities in a certain portion of Ventura County, including that area now being served under

franchise of October 3, 1912, but outside of the corporate limits of Ojai, and some additional territory. This franchise, a copy of which is attached to the application, is for a term of forty (40) years from and after April 1, 1927 and carries a provision for a tax of two (2) per cent of the gross revenue effective from the date of grant.

Witness for applicant testified that no other company is serving electricity in the territory covered by the franchise, that service can be rendered without detriment to present consumers on applicant's system and that this service is in the public interest.

Applicant agreed to file with the Commission a stipulation, duly and legally approved by resolution of its Board of Directors, to the effect that applicant, its successors, or assigns, will never claim before the Railroad Commission, or any court or public body, any value for the aforesaid franchise in excess of the actual cost thereof.

#### O R D E R

Ojai Power Company having applied to the Railroad Commission of the State of California for a certificate of public convenience and necessity for the exercise of certain rights and privileges granted by the County of Ventura, Ordinance No. 248, a public hearing having been held, the matter being submitted and now ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY CERTIFIES AND DECLARES that public convenience and necessity require and will require the exercise by Ojai Power Company of those rights and privileges granted by Ordinance No. 248, adopted by the Board of Supervisors of the County of Ventura on March 15,

1927, provided that the Railroad Commission may hereafter, by appropriate proceedings and orders, revoke or limit, as to territory not then served by Ojai Power Company, the authority herein granted, and subject to the following condition:

That on or before August 31, 1927, Ojai Power Company shall file with the Commission a stipulation duly executed upon authority of its Board of Directors to the effect that applicant, its successors or assigns, will never claim before the Railroad Commission, or any other court or public body, any value for the aforesaid franchise in excess of the actual cost thereof.

The authority herein granted shall be effective from and after the date of this order.

Dated at San Francisco, California, this 13<sup>th</sup> day of July, 1927.

Edmund Cook

Chas. H. ...

Leon Whitell

Commissioners.