

Decision No. 26278.

## 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  
 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 to  
 applicant by Ordinance No. 190 of the  
 Board of Trustees of the Town of  
 Willows, County of Glenn, State of  
 California.

ORIGINAL

Application No. 15,040.

C. P. Cutten, R. W. DuVal,  
 By R. W. DuVal, for Applicant.

BY THE COMMISSION:

O P I N I O N

In this application, Pacific Gas and Electric Company asks the Railroad Commission for an order certifying that public convenience and necessity require the exercise by it of the rights and privileges of franchise granted by the Town of Willows.

A public hearing before Examiner Gannon was held October 10, 1928, at which time testimony was introduced and the matter submitted for decision. No one appeared to oppose the granting of the application.

It appears that the Pacific Gas and Electric Company has in the past been distributing electric energy in the Town of Willows through rights acquired from its predecessor companies under and pursuant to the provisions of Section 19 of Article XI of the Constitution of the State of California, as the same existed

prior to its amendment on the 10th day of October, 1911. There is some doubt that this authority is broad enough to cover the electric operations of the company other than for the purpose of distributing electric energy for lighting. On August 6, 1928, the Board of Trustees of the Town of Willows awarded applicant a franchise (Ordinance No. 190) to use, for the purpose of transmitting, conducting and distributing electricity for heat and power purposes, the electric facilities maintained or used by applicant for the purpose of supplying the town or its inhabitants with electric light. This franchise, a copy of which is attached to the application, is for a term of thirty-five (35) years and carries the usual provision for a tax of two (2) per cent upon the gross revenue. No other electric utility is operating within the Town of Willows.

Applicant has filed with this Commission a 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, which cost is stated to be One Hundred (100) Dollars.

#### O R D E R

Pacific Gas and Electric Company having applied to the Railroad Commission for an order certifying that public convenience and necessity require and will require the exercise of the rights and privileges granted to it by the Town of Willows under Ordinance No. 190, a public hearing having been held, the matter having been submitted and now being 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 the Pacific Gas and Electric Company of the rights and privileges granted by Ordinance No. 190 of the Board of Trustees of the Town of Willows.

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

Dated at San Francisco, California, this 24th day of October, 1928.

Leon O'Connell

Chas. J. ...

Thos. J. ...

M. J. ...  
Commissioners.