

Decision No. 21642.

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. 238 of the Board of Trustees (now known as Town Council) of the Town of Mill Valley, County of Marin, State of California.

ORIGINAL

Application No. 15959.

C. P. Cutten, R. W. DuVal, by
R. W. DuVal, for applicant.

LOUTTIT, COMMISSIONER:

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 Mill Valley.

Public hearing was held in San Francisco on October 1st, 1929, at which time evidence was introduced and the matter submitted for decision. No one appeared to oppose the granting of the application.

Pacific Gas and Electric Company has in the past been supplying the electric energy to the Town of Mill Valley and its inhabitants for lighting, heating, and power purposes, through rights acquired from its predecessors under and pursuant to the provisions of Section 19, 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, and the provision of Ordinance No. 53 of the Board of Trustees of the Town of Mill Valley. This ordinance expired on the 10th day of April 1927, and on August 8th, 1929, the Board of Trustees of the Town of Mill Valley awarded applicant a franchise (Ordinance No. 238) to use for transmitting, conducting and distributing electric energy for heat and power purposes, the facilities used by applicant to supply the Town and its inhabitants with electric lighting. This franchise, a copy of which is attached to the application, is for a term of fifty (50) years, and carries the usual provision for a tax of 2 per cent on the gross revenue. No other electric utility is operating in the Town of Mill Valley.

Applicant has filed with this Commission a resolution of its Board of Directors to the effect that applicant, 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, which is stated to be Two Hundred Ten (210) 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 Mill Valley under Ordinance No. 238, 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. 238 of the Board of Trustees (now known as Town Council) of the Town of Mill Valley.

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

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 3rd day of October, 1929.

Thos. J. Lott
Ch. Seavey
Edmund J. [unclear]
Leon C. Whipple

Commissioners.