

Decision No. 23628.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the Application of
Benbow Power Company, a corporation,
for certificate of public convenience
and necessity for the manufacturing
and generating of electricity, etc.

Application No. 17023.

ORIGINAL

Burtis W. Benbow, for Applicant.

BY THE COMMISSION:

O P I N I O N

In this application, Benbow Power Company asks that the Commission grant to it a certificate of public convenience and necessity, authorizing applicant to extend its electrical facilities and to exercise the rights or privileges under the franchises to be acquired by applicant within certain territory in the counties of Humboldt and Mendocino, State of California.

A public hearing was held on this application before Examiner Williams at Benbow, Humboldt County, on December 15, 1930.

Testimony introduced by the utility at the hearing indicated that approximately 140 new consumers in this territory desired electric service. No one appeared in opposition to this application and the evidence shows that no other utility is serving the territory in question.

The Board of Supervisors of Humboldt County, on January 13, 1931, granted to the applicant a franchise (Ordinance No. 169) to construct, maintain and operate electric facilities

in a limited portion of Humboldt County, and similarly, the Board of Supervisors of Mendocino County on February 10, 1931, granted to the applicant a franchise (Ordinance No. 230) to construct, maintain and operate electric facilities in a limited portion of Mendocino County.

O R D E R

Benbow Power Company having asked that the Commission grant to it a certificate of public convenience and necessity authorizing the exercise by applicant of the rights and privileges granted in the franchises above described, a public hearing having been held, the matter being submitted and now ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

HEREBY ORDERS AND DECLARES that public convenience and necessity require and will require the exercise by Benbow Power Company of the rights and privileges granted by Ordinance No. 169 of the Board of Supervisors of Humboldt County and Ordinance No. 230 of the Board of Supervisors of Mendocino County for the purpose of distribution of electric energy for light, heat and power purposes, as set forth in said franchises.

IT IS HEREBY FURTHER ORDERED that the above certifications and authorizations are subject to the following conditions and not otherwise:

- (1) That the authority herein granted shall apply only within that territory of Humboldt County described as follows:

Commencing at a point on the county line common to Mendocino and Humboldt Counties, State of California, where the same is intersected by the center line of the public highway known as the Redwood Highway, also known as United States Route No. 101, and State of California Highway Route No. 1 in Humboldt County, State of California; thence proceeding northerly along the said center line of

said highway to where the same intersects the northerly bank of the South Fork of the Eel River at Dyerville; also including all that territory, within said county, for a distance of five miles upon either side of the center line above described, excepting from the foregoing description the territory embraced within California Railroad Commission Decision No. 19871, more particularly defined as that part of Humboldt County included in TWP. 4 S., R. 3 E., T. 4 S., R. 4 E., and T. 5 S., R. 3 E., T. 5 S., R. 4 E., Humboldt Meridian.

- (2) That the authority herein granted shall apply only within that territory of Mendocino County described as follows:

Commencing at a point in center of what is known as the Redwood Highway in Mendocino County, State of California, ten miles southerly from the post-office in the village of Cummings, in said county; said highway being also known as United States Highway Route No. 101, and State of California Highway Route No. 1; thence northerly along the center line of said highway to where the same intersects the county line common to the counties of Mendocino and Humboldt; also including all of the territory in said county of Mendocino embraced within a distance of five miles upon either side of the center line above described; excepting from the foregoing description the territory embraced within the ordinance or franchise heretofore granted to the Benbow Power Company by Ordinance No. 225 passed May 15, 1928.

- (3) That the Railroad Commission may hereafter, by appropriate proceedings and orders, revoke or limit, as to territory not then served by Benbow Power Company, the authority herein granted.
- (4) That Benbow Power Company shall file with this Commission, on or before June 30, 1931, a stipulation, duly executed upon the authority of its Board of Directors, that applicant, its successors or assigns, will never claim before the Railroad Commission, or any other body or court, a value for said franchises in excess of the actual cost thereof.
- (5) That Benbow Power Company shall file with this Commission, thirty (30) days prior to the initiation of service, rates for domestic, commercial and general electric service, to be rendered in the territory involved, which rates shall be subject to the approval of this Commission.

- (6) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.
- (7) Upon the filing in proper form of the stipulation referred to in Condition (4) the Commission will issue its supplemental order authorizing the exercise of the rights conferred by said franchises as limited by this order.

The authorization herein granted, except as otherwise specifically provided, shall be effective from and after the date of this order.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

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 27th day of April, 1931.

Albany
Leon A. Whitney
M. J. C.
M. B. Harris
Fred G. Stewart
 Commissioners.