

Decision No. 10146

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
The Pacific Telephone and Telegraph
Company, a corporation, for an order
of the Railroad Commission of the
State of California, granting it a
certificate that public convenience
and necessity require the exercise
by it of the rights and privileges
conferred upon it under the franchise
granted it by the Board of Trustees
of the City of Vacaville by Ordinance
No. 217 on the first day of November,
1921.

ORIGINAL

Application No. 7509.

Bert F. Rabinowitz of Pillsbury,
Madison & Sutro for applicant.

BENEDICT, Commissioner.

O P I N I O N

In this proceeding, The Pacific Telephone and Telegraph Company is seeking an order of the Railroad Commission declaring that the public convenience and necessity require the exercise by it of the rights and privileges conferred upon it under the franchise granted it by the Board of Trustees of the City of Vacaville by Ordinance No. 217 on the first day of November, 1921, entitled "An ordinance, granting to The Pacific Telephone and Telegraph Company, its successors and assigns, the right to place, erect and maintain poles, wires and other appliances and conductors and to lay underground conductors for wires for the transmission of electricity for telephone and telegraph purposes, in, upon and under the streets, alleys, avenues, thoroughfares and public highways, in the City of Vacaville, State of California, and to exercise the privilege of operating telephone and telegraph instruments and of doing a telephone and telegraph business with-

in the said City of Vacaville."

A public hearing was held on this application in San Francisco, on February 9, 1922.

The ordinance herein referred to, a copy of which is attached to this application as Exhibit B, grants a renewal of a right already in existence for a term of twenty-five (25) years from and after the date of the passage of the ordinance granting the franchise. It provides, among other things, for the payment by the grantee, its successors and assigns, of two per cent. (2%) of the gross annual receipts arising out of its use; for the use by the City of certain specified facilities for police and fire alarm purposes, such use to be without charge by the grantee to the City; and contains the usual provisions with reference to the public powers of the City, having to do with the placing of poles, conduits, etc.

The application sets forth that the consideration given for the grant of the franchise is the sum of \$100.00. Applicant has stated that the consideration covers the entire cost of the franchise, except that the franchise itself provides for the payment of two per cent. (2%) of the gross receipts as hereinabove set forth.

Applicant further states that there are no other public utilities operating in said City with which it is likely to compete.

The following order is suggested.

O R D E R

The Pacific Telephone and Telegraph Company having applied to the Railroad Commission for a certificate of public convenience and necessity authorizing it to exercise the rights and privileges granted it under Ordinance No. 217 by the City of Vacaville on

November 1st, 1921; a hearing having been held, and it appearing to the Railroad Commission that public convenience and necessity require the construction and operation of the telephone plant and system therein provided for and that there are no other public utilities of like character at present operating within the territory involved in this proceeding,

The Railroad Commission of the State of California hereby declares that public convenience and necessity require and will require the exercise by The Pacific Telephone and Telegraph Company of the rights and privileges conferred upon it by the ordinance hereinbefore described; provided that neither the applicant herein, its successors or assigns, shall ever claim before this Commission or any other public body a value for said franchise for rate fixing or other purposes in excess of \$100.00, the amount actually paid to the City of Vacaville as consideration for the granting of such franchise, as set forth in the Opinion preceding 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 6th day of March, 1922.

H. B. Anderson
H. B. Anderson

H. B. Anderson

Commissioners.