

Decis. No. 10278.

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA

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ORIGINAL

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. 183 of)
the Board of Supervisors of the Coun-)
ty of Marin, State of California.)

Application No. 7559

BENEDICT, Commissioner:

O P I N I O N

Pacific Gas and Electric Company asks the Railroad Commission to declare that public convenience and necessity require the exercise by applicant of the rights and privileges granted by Ordinance No. 183, passed and adopted December 27th, 1921, by the Board of Supervisors of Marin County. A copy of this Ordinance has been filed in this proceeding.

Applicant is now furnishing and supplying and it or its predecessor in interest has for many years past been furnishing and supplying electric energy in certain portions of Marin County, particularly in the cities and towns thereof, under and pursuant to the provisions of Ordinance No. 117, passed and adopted by the Board of Supervisors on or about September 4th, 1901. This Ordinance was granted to applicant's predeces-

son in interest, California Central Gas and Electric Company, for a period of twenty years and expired by limitation on or about September 4th, 1921.

Ordinance No. 183 above mentioned replaces Ordinance No. 117. In general it grants to Pacific Gas and Electric Company, its successors and assigns, for a period of twenty years the right to erect, construct and maintain electrical transmission and distribution lines in the highways, streets and roads of Marin County, and to use the same for the purpose of transmitting, distributing and supplying electric energy to the public, particularly to the inhabitants of Marin County, all being subject to the terms of the Ordinance.

Among other things the Ordinance requires that the applicant, its successors and assigns, pay during the life of the franchise to the said County of Marin an amount equal to two percent (2%) of the gross annual receipts arising from the use, operation or possession of the franchise, provided that no payments need be made during the first five years succeeding the date on which the franchise was granted.

Although Ordinance No. 183 contains the provision "that no percentage shall be paid during the first five years succeeding the date of the grant of said right, privilege or franchise", it also contains the further provision "provided, further, that if this franchise be a renewal of a right already in existence, the payment of said percentage of the gross receipts shall begin at once", and in consequence of this latter provision applicant will be required to pay said percentage from and after the date on which said Ordinance No. 183 was granted.

The Ordinance contains certain other conditions with

which applicant, its successors and assigns, must comply. These conditions are, however, set forth fully in the Ordinance and need not be re-enumerated herein.

Applicant reports the cost of procuring this franchise at one hundred dollars (\$100.00), and has filed a stipulation agreeing that neither it, its successors or assigns will ever claim before the Railroad Commission of the State of California or any court or other public body having jurisdiction a value for this franchise in excess of one hundred dollars (\$100.00).

I hereby submit the following form of Order:

O R D E R

Pacific Gas and Electric Company having asked the Railroad Commission to declare that public convenience and necessity require applicant, its successors and assigns, to exercise the rights and privileges granted to it by the Board of Supervisors of Marin County under Ordinance No. 183, passed and adopted on December 27th, 1921, a public hearing having been held and it appearing to the Railroad Commission that public convenience and necessity require the exercise by applicant, its successors and assigns, of rights and privileges referred to in said Ordinance: now, therefore,

The Railroad Commission of the State of California hereby declares that public convenience and necessity require, and will require, the exercise by Pacific Gas and Electric Company, its successors and assigns, of the rights and privileges conferred upon it by Ordinance No. 183, passed and adopted December

27th, 1921, by the Board of Supervisors of Marin County.

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 5th
day of April, 1922.

H. B. Branding
James M. Matson
James H. Lawrence
J. J. Leland
Commissioners.