

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application  
of the PIT RIVER POWER COMPANY.  
a corporation, for permission to  
supply electricity in the North-  
east portion of Shasta county and  
in Modoc county and Lassen county,  
state of California. :  
: Application No. 470.  
:

LOVELAND, Commissioner:

O P I N I O N

This application was filed with the Commission on March 28, 1913 and thereafter a hearing was held, at which it developed that applicant had not yet secured its franchises from the Supervisors of Shasta, Modoc and Lassen counties. Further hearing of the application was, therefore, continued until such franchises could be secured. Applicant, thereupon, applied to the Supervisors of the counties mentioned for the franchises desired and in due course its applications came on for hearing before said boards of Supervisors.

In the meantime, anticipating no competition for the franchises, applicant had done considerable preliminary work.

At the hearing of the applications for franchises, applicant had a representative present, who, understanding that he was not authorized to bid higher than a certain amount, and it developing that others were bidding for the franchises, permitted them to be sold to other parties.

Thereupon, applicant filed a supplemental application with this Commission setting forth the above facts and praying for a preliminary order, under Section 50 A of the Public Utilities Act, that public convenience and necessity will require the construction and operation of such an electric plant or system as applicant contemplates building, as set forth hereafter in the Order

1022-1120

when the necessary franchises shall have been secured from the boards of Supervisors of Shasta, Modoc and Lassen counties.

At the time the first application was filed, applicant applied for permission to serve a certain section in Modoc county for which section an application was also before the Commission in which E. M. Wilson, Nettie B. Harris and Lawrence A. Wilson were also applicants for a certificate of public convenience and necessity, but under the amended application for a preliminary certificate the section of country referred to is excluded. Applicant also asked permission from this Commission to continue its preliminary work until said franchises were granted.

This Commission cannot grant applicant permission to continue its preliminary work, as that would be undue interference with the authority vested in the boards of Supervisors of the various counties within which applicant has asked for franchises. The Commission can, however, decide that public convenience and necessity will require the installation of such an electric plant or system as applicant desires to erect within the counties where franchises have been asked for when such franchises are granted.

Believing that applicant is acting in good faith and that the public convenience and necessity of the people living in the country where applicant has applied for franchises will be promoted and served by the installation of an electric plant by applicant, as set forth in the Order, I find as a fact that public convenience and necessity will require the granting of a certificate of convenience and necessity to applicant when it shall have secured the franchises applied for in said counties of Shasta, Modoc and Lassen, and I recommend the following Order:-

#### O R D E R

The Pit River Power Company, a corporation, having applied to this Commission for a preliminary order granting it permission

to continue preliminary work pending the hearing of its application for franchises in Shasta, Modoc and Lassen counties to erect, construct, maintain and operate poles, piers, towers and other superstructures necessary for transmitting and conducting electricity, and to lay, maintain and operate wires, cables and other appliances in such modes as may be convenient and proper through, along, over and under the roads, highways, public ways, streets, lanes and public grounds and places of and in the counties of Shasta, Modoc and Lassen, state of California for the purpose of transmitting and conducting electricity for furnishing light, heat and power for any and all other purposes for which electricity can or may be used;

And it appearing to the Commission that applicant is acting in good faith;

THE COMMISSION FINDS AS A FACT: That public convenience and necessity will require the granting of a certificate of public convenience and necessity to applicant when applicant shall have secured the necessary franchises from the boards of Supervisors of Shasta, Modoc and Lassen counties.

IT IS, THEREFORE, HEREBY ORDERED: That if applicant secures the franchises mentioned and presents them to this Commission for approval, together with an application for a certificate of public convenience and necessity and for permission to exercise rights under said franchises, if the Commission approves of said franchises, such certificate of public convenience and necessity and permission to exercise franchise rights will be issued.

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 9th

day of December, 1913.

John M. Eschleman  
H. H. Howard  
Alfred J. ...  
Edwin V. Edgerton

Commissioners.