

ORIGINAL

Decision No. ✓

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

Decision No. 3452

In the matter of the application of Northern California Power Company, Consolidated, for a certificate that public convenience and necessity require the exercise of rights and privileges under a proposed franchise from the County of Yolo.

Application No. 2320.

BY THE COMMISSION.

O P I N I O N.

This is an application of Northern California Power Company, Consolidated, a corporation, for an order of the Railroad Commission declaring that it will upon application, issue a certificate that the present and future public convenience and necessity require the exercise by said corporation of rights and privileges under a franchise for which it has applied to the County of Yolo.

A public hearing was held in San Francisco on June 15, 1916. From the evidence it appears that applicant is engaged in the business of generating, transmitting and distributing electric energy in the counties of Shasta, Tehama, Glenn, Butte, Colusa and Trinity, and of distributing water for domestic purposes in the municipalities of Redding and Willows, and of generating and distributing artificial gas in the municipalities of Redding, Red Bluff and Willows; that a number of the residents of the town of Dunnigan, Yolo County and its vicinity

are desirous of obtaining electric energy from applicant, and that there is no electric service of any kind or character now being rendered in the town of Dunnigan or its vicinity. It further appears that certain residents of Dunnigan have, without avail, endeavored to induce the Pacific Gas & Electric Company to extend its service from Howells Point, and that thereupon they applied to applicant for such service through informal proceedings instituted before this Commission. According to the testimony offered by applicant as well as that of several witnesses residing in or near Dunnigan, it further appears that there is an active demand for electric service in this district and that its introduction will materially benefit this community.

In Decision No. 123, In the matter of the application of Oro Electric Corporation for a certificate of public convenience and necessity, etc., (dated July 3, 1912 and reported in Vol. 1 Opinions and Orders of the Railroad Commission of California, p. 253), Commissioner Thelen stated:

"As to Yolo County, applicant asks for this Commission's certificate for the entire county. The Pacific Gas & Electric Company is at present serving the City of Woodland and a limited territory to the south and east thereof but the entire remaining portion of the county is without any electric service whatsoever. The testimony shows great possibility for power development in this county, with some considerable demand at present. Apart from the City of Woodland I recommend that the application be granted as prayed for".

It further appears that Oro Electric Company failed to exercise its rights or privileges under the certificate of public

convenience and necessity granted by said decision, and that Pacific Gas & Electric Company has not, since that date, extended its service to any new territory in Yolo County. Applicant stated that it contemplates extending its service as rapidly as practicable throughout all that portion of Yolo County not at present served by the Pacific Gas & Electric Company.

Since the filing of the above entitled application, Northern California Power Company, Consolidated, has applied to the County of Yolo for a franchise and, according to testimony of Mr. F. B. Edson one of the supervisors of said county, there is apparently little doubt but what the franchise will be granted. While ordinarily this Commission is averse to giving a certificate of public convenience and necessity to exercise rights and privileges under a proposed franchise which has not yet been secured, nevertheless, in view of all the circumstances in this case, including the fact that no objection or protest was made to this application and that refusal to pass upon the matter at this time would subject both applicant and the inhabitants of Dunnigan to an unnecessary delay, we find that the application should be granted subject to conditions set forth in the following order:

O R D E R.

Northern California Power Company, Consolidated, having applied to this Commission for a declaration that it will upon application, issue a certificate that the present and future public convenience and necessity require the exercise by said corporation of rights and privileges under a franchise which it contemplates securing from the County of Yolo, and a public hearing having been held, and the matter being now ready for decision,

the Railroad Commission of California declares:

That present and future public convenience and necessity require the extension of the power line of Northern California Power Company, Consolidated, from College City to Dunnigan, Yolo County, and the furnishing by it of electric energy to all that portion of Yolo County not now served by Pacific Gas & Electric Company, and the exercise within such territory of the rights and privileges which may be granted under a franchise for which said corporation has applied to the County of Yolo;

Provided that upon the granting by the County of Yolo of the franchise for which application has been made as set forth in the foregoing opinion, Northern California Power Company, Consolidated shall file with this Commission a supplemental application, under the provisions of Section 50 of the Public Utilities Act, for a certificate that public convenience and necessity require the exercise by said corporation of the rights and privileges under said franchise;

AND PROVIDED FURTHER that Northern California Power Company, Consolidated shall before obtaining said certificate of public convenience and necessity have first filed with this Commission a stipulation duly authorized by its Board of Directors, agreeing that Northern California Power Company, Consolidated, its successors and assigns will never claim before the Railroad Commission of the State of California or any other public authority, any value for the franchise granted by said County of Yolo in excess of the actual cost thereof, and shall have secured from this Commission a further supplemental order herein, declaring that such stipulation satisfactory to the Railroad Commission has been filed;

^{FURTHER}
AND PROVIDED/that unless the County of Yolo shall have

granted to applicant on or before April 30, 1917, a franchise covering the territory included in the proposed franchise above referred to, for which applicant has applied to the Board of Supervisors of said County of Yolo, then this order shall become null and void.

Dated at San Francisco, California, this 22nd day of June, 1916.

Max Thelen

Al Gordon

Edwin O. Edgerton

Commissioners.