

GEM
Decision No. _____

ORIGINAL

Decision No. 4066

BEFORE THE RAILROAD COMMISSION OF THE STATE
OF CALIFORNIA.

In the Matter of the Application
of WESTERN STATES GAS AND ELECTRIC
COMPANY, A Corporation, for a cer-
tificate that public convenience and
necessity will require the exercise
by it of certain rights and privileges
under a proposed franchise from the
County of Trinity.) Appl. No. 2646

Chickering & Gregory, By
Allen Chickering, for Applicant.

Allan P. Matthew, for Northern
California Power Company, Con-
solidated.

Morrison, Dunne & Brobeck, By
Herman H. Phleger, for California-
Oregon Power Company.

W. A. Goetze, for Weaverville
Electric Company.

BY THE COMMISSION.

OPINION

This is an application by Western States Gas and Electric Company, a corporation, for an order declaring that public convenience and necessity will require the construction, maintenance and operation of lines for electric service in that portion of Trinity County lying west of a north and south line drawn through the center of the town of Weaverville, and for an order preliminary to the issue of a certificate that public convenience and necessity will require the exercise by applicant of rights and privileges under a certain franchise for which application has been made to the Board of Supervisors of Trinity County.

A public hearing in this proceeding was held at San Francisco on January 11th, 1917, the evidence being taken by Examiner Bancroft.

It appears that applicant is a corporation engaged in the business of generating and selling electricity in Humboldt and Trinity Counties as well as in the manufacture, production and sale of gas and electricity in other portions of California; that applicant generates electric energy for consumption in the two counties above mentioned by means of a hydro-electric plant near Junction City, Trinity County and by means of steam plants situated in Eureka, Humboldt County; that during about three months of each year, applicant's supply of hydro-electric energy is insufficient for all of its needs in these two counties, and that, accordingly, applicant has entered into a contract with Northern California Power Company, Consolidated providing for the sale by the said last named Company to applicant of electric energy, and that for the purpose of connecting the line of applicant with the lines of said Northern California Power Company, Consolidated, it is necessary for applicant to construct a high tension line from its power house near Junction City to the lines of Northern California Power Company, Consolidated at or near the town of Weaverville, Trinity County; that there are various small communities situated in Trinity County west of Weaverville, none of which is now supplied with electric service from any source, and that it will be possible by means of the construction of said high tension line for applicant to serve with electric energy the towns of Junction City, Douglas City, North Fork and Hayfork; that outside of the above mentioned towns there is also territory which can be served by applicant and which applicant proposes to

serve in which there are possibilities for dredging and agricultural development, and which would be benefited by the introduction of electricity.

It further appears that it is the intention of applicant to develop its business by the extension of its lines in the district above described, so far as the same can reasonably be done, and to extend its lines as far as the reasonable possibility of consumption of electric energy in said district will permit.

It further appears from the testimony offered by applicant that it does not intend or desire to serve the town of Weaverville, which is at present served by Weaverville Electric Company, or any portion of Trinity County lying east of a north and south line drawn through the center of the town of Weaverville. Upon this understanding no protest was made against the granting of the application.

Prior to the filing of the above entitled application, Western States Gas and Electric Company had applied to the County of Trinity for a franchise, and after the filing of this application, but before the hearing, namely, on January 4th, 1917, an ordinance was passed by the unanimous vote of the Board of Supervisors of said County, entitled "An Ordinance granting the right and privilege of erecting and maintaining poles and stringing and maintaining wires and other appliances and appurtenances thereon, for the transmission of electricity and electrical current over, along and upon the roads, trails and highways of and in said County of Trinity, State of California, and upon, along and over the streets, alleys and avenues of the

several unincorporated towns and villages in said County of Trinity"

This ordinance or franchise gives applicant the rights and privileges designated in its title for a term of fifty years from the date of its passage. It contains certain restrictions, among which may be mentioned those relating to the size of the poles, the proper construction of its lines and a clearance of twenty feet above any roads, highways, streets, alleys, or avenues which the lines may cross. It also provides that the franchise granted shall not be exclusive, but that any other similar grants and privileges shall not interfere with the reasonable ^{use of the} rights and privileges therein granted to applicant, and it provides that work shall be commenced by said applicant under said franchise within four months from the granting thereof, and it shall be completed within not more than three years thereafter under penalty of forfeiture for failure so to begin or so to complete said work.

Under all the circumstances, we are of the opinion that this application should be granted, subject to the conditions set forth in the following order.

ORDER

WESTERN STATES GAS AND ELECTRIC COMPANY, a corporation, having filed the above entitled application, and a public hearing having been held upon the same, and the matter being now ready for decision, the Railroad Commission hereby declares that present and future public convenience and necessity require the extension in Trinity County of the transmission and distribution lines of Western States Gas and Electric Company from its power house near Junction City to the lines of the Northern California Power Company,

Consolidated, near Weaverville, and the construction of distribution lines to or in the neighborhood of Junction City, Douglas City, North Fork, Hayfork and territory adjacent thereto in Trinity County, and the furnishing by it of electric energy to all that portion of Trinity County lying west of a north and south line drawn through the center of Weaverville which it will be practicable for it to serve, except the town of Weaverville, and the exercise within such territory of the rights and privileges conferred by the ordinance of the Board of Supervisors of Trinity County adopted on January 4th, 1917, which ordinance is more particularly described in the opinion which precedes this order, provided, that Western States Gas and Electric Company shall first have filed with the Railroad Commission a stipulation duly authorized by its Board of Directors agreeing for itself, its successors and assigns that they will never claim before the Railroad Commission or any other public authority any value for the rights and privileges conferred by said ordinance or franchise in excess of the actual cost thereof to applicant, which amount shall be specified in said stipulation, and shall have received from the Railroad Commission a supplemental order reciting that such stipulation in form satisfactory to the Railroad Commission has been filed herein.

Dated at San Francisco, California, this 30th
day of January, 1917.

Max Thelen

Alexander

Edwin O. Edgerton

Frank P. Decker

COMMISSIONERS