

Decision No. _____

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE
STATE OF CALIFORNIA.

In the Matter of the Application)	
of NORTHERN CALIFORNIA POWER COMPANY,)	
CONSOLIDATED for an order that Pub-)	Application
lic Convenience and Necessity require)	No. 2611
the exercise of Rights and Privileges)	
under a Franchise granted by the Board)	
of Supervisors of Trinity County.)	

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

Morrison, Dunne & Brobeck, by
W. I. Brobeck and Herman E.
Phleger, for California-
Oregon Power Co., Protestant.

W. A. Goetze, for Weaverville
Electric Company

BY THE COMMISSION.

O P I N I O N

By its amended application, filed by leave of
the Commission, Northern California Power Company, Con-
solidated, requests the Railroad Commission of the State
of California to make an order pursuant to Section 50-B
of the Public Utilities Act, that public convenience and
necessity require the exercise by applicant of rights
and privileges acquired by it by virtue of a franchise
granted by the Board of Supervisors of Trinity County to

H. R. Gibbon and by him assigned to applicant.

Public hearings in this proceeding were held in Weaverville on December 6th, 1916 and in San Francisco on January 11th and January 16th, 1917, before Examiners Encell and Bancroft.

From the evidence it appears that on the 7th day of September, 1916, an ordinance was unanimously adopted by the Board of Supervisors of Trinity County granting to H. R. Gibbon, his successors and assigns, for the term of 50 years, certain rights and privileges, including those of erecting poles, stretching wires and other appliances and appurtenances thereon, and maintaining the same for the purpose of conducting and transmitting electricity and electric current for power, light, heat and other necessary and useful purposes along, over and upon the roads, trails and highways of Trinity County.

The ordinance provides that wherever said wires shall cross any of such roads or highways they shall have a clearance of not less than twenty feet, and that the rights and privileges granted in said ordinance shall not be exclusive. The ordinance also contains a provision that work shall be commenced by the grantee under said franchise within four months from the granting thereof and shall be completed within three years thereafter, and if not so commenced and so completed said franchise shall be forfeited. On September 8th, 1916, said franchise was sold and assigned by said H. R. Gibbon to Northern California Power Company.

It further appears that Northern California Power Company has been furnishing electric energy in Trinity County

for approximately ten years to the Lappin Mine, which is situated about one and a half miles from the eastern boundary of the county. This mine was served by a 2000 volt transmission line running westerly from applicant's Washington Sub-station in Shasta County. No other customers were served by applicant and no extensions in Trinity County were made until September, 1916.

During all this period applicant never obtained a franchise from Trinity County, owing to the fact that its line did not follow or cross any public roads or highways in said County. Since obtaining the franchise above referred to, applicant has replaced its old line to Lappin Mine by a new 60,000 volt line running all the way from Keswick, Shasta County, a distance of some thirty or forty miles, and has extended its lines in Trinity County from Lappin Mine through Lewiston to Weaverville; it has also run a line from Lewiston to the postoffice near Minersville. All of this extension in Trinity County was made without securing from this Commission a certificate of public convenience and necessity.

It further appears that California-Oregon Power Company secured a franchise from Trinity County in January, 1915 and ran a 60,000 volt transmission line early in the summer of 1916 across the mountains into the northern portion of Trinity County and down the Trinity River through Carville to Trinity Center, at a gross outlay of approximately \$90,000. Of this amount the Yukon Gold Dredging Company

advanced the sum of \$25,000.00 which the power company is repaying to it by an allowance on its bills equal to 25% of the price of the power furnished.

Although there are approximately 3,000,000 acres of land in Trinity County, it was stated at the hearing that the county contains less than 3000 acres of level land; and while there is apparently a field for power development, such development will, for the near future at least, depend almost entirely upon mining operations. According to the testimony of protestant, practically the only area in northern Trinity County available for exploitation by dredgers lies along the Trinity River, which is here bounded on either side by precipitous mountains.

Trinity Center is some 14 miles north of Minersville Postoffice, the northernmost point to which applicant has extended its transmission line, and while protestant does not object to the extensions which applicant has actually made thus far, it does object to applicant extending its line to any point north of 40° 50' north latitude, which is about a mile north of the Minersville Postoffice.

Applicant's line from Lewiston to Minersville Postoffice has been constructed at a cost of some \$20,000, although the immediate business along this route will yield a very small revenue, and evidently applicant has built its line this distance largely with a view to extending it into the gold dredging district. The point then arises as to whether applicant can extend its lines further north without entering territory already served by protestant. The latter

is at present supplying the Yukon Gold Dredging Company with from 700 to 800 H.P. and is supplying light to the consumers of Trinity Center and Carville. A survey has been completed by protestant from Trinity Center as far south as Minersville, and portions of the right of way have been purchased; but protestant does not intend to extend its lines any further south unless there should arise a future demand for electricity in that direction. It has installed at Trinity Center a sub-station of 600 kilowatt capacity, and, according to its testimony, it can serve territory within a radius of from five to eight miles of Trinity Center by service leads.

Under these circumstances, it is somewhat difficult to define just what territory in northern Trinity County is at present occupied and served by California-Oregon Power Company. It is obvious that, in order to serve and occupy country of this description, it would not be necessary to run distribution lines as closely as in a well built-up community. It would certainly not be economical for California-Oregon Power Company to build branch lines or leads to mining claims where at present there is no demand whatever for electricity, but where it hopes that at some future time a dredger may be installed; and the mere fact that it has not extended its leads to such points would not necessarily prevent such territory from being adequately served by protestant, provided that the latter stood ready and willing to install its lead and serve the property under reasonable and proper terms.

The evidence shows, however, that California-Oregon Power Company has never made an extension in Trinity

County, except when the cost thereof was defrayed by the consumer.

On May 8, 1916, by Decision No. 3313, this Commission granted to California-Oregon Power Company a certificate of public convenience and necessity covering a portion of Trinity County, which included the territory lying south of Trinity Center and north of 40° 50' north latitude. The present decision will give to Northern California Power Company a certificate of public convenience and necessity including this same territory; the intention of this Commission being that this is unoccupied territory and that, as both companies have county franchises covering this district, either may build its lines into the same, after which the other company shall not have the right to enter territory so served without first obtaining from this Commission a further order authorizing it to do so.

Applicant does not desire to serve any territory west of a north and south line drawn through the center of the unincorporated town of Weaverville, nor does it desire to serve the town of Weaverville itself, although it will sell electricity to the Weaverville Electric Company, which, in turn, serves said town.

We are of the opinion that the application should be granted subject to the conditions and modifications set forth in the order following this opinion.

O R D E R .

NORTHERN CALIFORNIA POWER COMPANY, CONSOLIDATED,
a corporation, having filed the above entitled appli-
cation and public hearings 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 oper-
ation by applicant of its electric lines in Trinity County
from Lappin Mine through Lewiston to Weaverville and from
Lewiston to the Minersvills postoffice, and the furnish-
ing by it of electric energy to all the portion of Trinity
County lying east of a north and south line drawn through
the center of the Town of Weaverville which it will be
practicable for it to serve, including the electric energy
furnished to the Weaverville Electric Company, but exclud-
ing any ^{other} service within the unincorporated town of Weaver-
ville and excluding service within any territory now served
by California-Oregon Power Company in Trinity County; and
the Railroad Commission hereby declares that public conven-
ience and necessity require the exercise within the above
described territory of the rights and privileges conferred
upon H. R. Gibbon by the ordinance of the Board of Super-
visors of Trinity County adopted September 7, 1916, which
rights and privileges were thereafter assigned by said
H. R. Gibbon to Northern California Power Company, Consoli-
dated and which ordinance is more particularly described
in the opinion which precedes this order, provided that
Northern California Power Company, Consolidated 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 said H. R. Gibbon, 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; and provided further that applicant shall not in the future make any extension into any portion of Trinity County which may at that time be served by California-Oregon Power Company, unless applicant shall first have obtained an order of this Commission authorizing it to make such extension.

Dated at San Francisco, California, this 3rd day of March, 1917.

Max Thelen
H. J. Howard

Edwin O. Edgerton
Frank D. Deane

Commissioners.