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Decision No. _____

Decision No. 4635

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application
of SAN DIEGO CONSOLIDATED GAS AND
ELECTRIC CORPORATION for an order
declaring that public convenience
and necessity require and will
require the exercise by it of the
rights and privileges granted by the
County of Orange by Ordinance No.
144.

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Application No.

2827.

Sweet, Stearns and Forward,
by F. W. Stearns, for
Petitioner.

Thelen, Commissioner.

O P I N I O N.

San Diego Consolidated Gas and Electric Cor-
poration asks that the Railroad Commission make its order
declaring that public convenience and necessity require
and will require the exercise by it of the rights and
privileges granted to petitioner by Ordinance No. 144
of the County of Orange, adopted on January 16, 1917,
and effective fifteen days after its passage.

A public hearing herein was held in San Diego

on September 1, 1917.

Petitioner is engaged in the business of generating and producing gas and electric energy and of selling the same for heat, light and power in a territory having an area of at least 1000 square miles in San Diego County, including the cities of San Diego, East San Diego, Coronado, National City, La Mesa, Chula Vista, El Cajon, Oceanside and Escondido.

Ordinance No. 144 grants to petitioner a franchise to erect and construct poles and wires to transmit electric energy for light, heat and power along or upon all the public streets and highways within a portion of Orange County, more particularly described as follows:-

Sections One (1) to Six (6), Eight to Sixteen (16) and Twenty-one (21) to Twenty-five (25), all inclusive, in Township Eight (8) South, Range Eight (8) West, S.B.M.,

and Sections One (1) to Thirty-five (35) inclusive, in Township Eight (8) South, Range Seven (7) West, S.B.M., and Sections Four (4) to Nine (9) and Sixteen (16) to Twenty (20), all inclusive, in Township Eight (8) South, Range Six (6) West and Sections Two (2), Three (3), Four (4), Nine (9), Ten (10), Eleven (11) and Fifteen (15), in Township Nine (9) South, Range Seven (7) West, S.B.M., Sections One (1) to Three (3), inclusive, Fifteen (15), Twenty-two (22), Twenty-seven (27), Thirty-four (34) to Thirty-six (36), inclusive in Township Seven (7) South Range Eight (8) West, S.B.M., all of Township Seven (7) South, Range Seven (7) West, S.B.M., and Sections Two (2) to Eleven (11), Fifteen (15) to Twenty-two (22) and Twenty-eight (28) to Thirty-three (33), all inclusive, in Township Seven (7) South, Range six (6) West, S.B.M., all in the County of Orange, State of California.

The territory thus described is situated in the southwestern portion of Orange County, adjacent to the northern boundary of San Diego County and contains approximately fifteen square miles. No other public utility is distributing electric energy in this territory.

Ordinance No. 144 provides that work under the ordinance shall be begun within four months and be completed within three years; that the rights granted by the ordinance shall not be assigned without the consent of the Board of Supervisors of Orange County; that transmission lines, secondary wires and poles shall be erected only in the manner specified in the ordinance; and that petitioner shall pay to the County of Orange the taxes specified by the Broughton Act.

Petitioner intends under this franchise to construct a 7,000 kilowatt transmission main through the territory affected from the northern boundary line of San Diego County to a point approximately one-half mile north of San Juan Capistrano, in Orange County, at which point petitioner will take delivery of electric energy from Southern California Edison Company under a contract recently consummated and now on file with the Railroad Commission.

Petitioner also intends under this franchise to distribute electric energy for all purposes in the unincorporated town of San Juan Capistrano and adjacent territory, in none of which territory has electric energy heretofore been supplied, and to extend its electric

distributing system, as quickly as business develops, throughout the entire territory described in the ordinance.

The petition herein alleges in part as follows:

"That your petitioner proposes to serve the inhabitants within the territorial limits of said franchise at the same rates at which similar service is furnished in other territories now being supplied by your petitioner."

Petitioner has filed herein a stipulation duly authorized by its Board of Directors, in form satisfactory to the Railroad Commission, agreeing for itself, its successors and assigns that it and they will never claim before the Railroad Commission or any other public authority any value for said franchise, for rate making or any other purpose, in excess of the amount paid therefor to the Board of Supervisors of Orange County, which amount is alleged in the stipulation to be the sum of \$100.00.

I recommend that the petition be granted and submit the following form of Order:

O R D E R

SAN DIEGO CONSOLIDATED GAS AND ELECTRIC CORPORATION having filed its petition in the above entitled proceeding asking that the Railroad Commission make the declaration hereinafter set forth, a public hearing having been held, and this proceeding being now ready for decision,

The Railroad Commission hereby declares that public convenience and necessity require and will require the exercise by San Diego Consolidated Gas and Electric Corporation of the rights and privileges granted to said corporation by Ordinance No. 144 of the County of Orange, approved January 16, 1917.

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 11th day of September, 1917.

Marc Shellen

W. G. Gordon

Frank R. Derby
Commissioners