

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

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In the matter of the application of ORO ELECTRIC CORPORATION for a certificate that public convenience and necessity require and will require the exercise by it of rights and privileges under franchises granted to it by the City of Stockton, by Ordinance No. 566, approved December 30, 1912, and by the county of San Joaquin, by Ordinance No. 339, passed January 7, 1913, (other than the territory as to which said corporation was granted a certificate of public convenience and necessity by order of the Railroad Commission dated July 3, 1912, as modified by its order dated October 8, 1912.)

Application No. 347.

Goodfellow, Bells & Orrick, C. L. Neumiller and Samuel Knight for Oro Electric Corporation.
Chickering & Gregory, Frederic W. Stearns and Kutter & Orr for Western States Gas & Electric Company.

ESHELMAN and THELEN, Commissioners.

SUPPLEMENTAL OPINION.

In the Commission's opinion and order on April 29, 1913, a final ruling on the application was held in abeyance for ninety days from the date thereof with reference to the city of Stockton and certain territory adjacent thereto, north of the right of way of the Atchison, Topeka and Santa Fe Railway Company. It is in evidence that the franchise of the Oro Electric Corporation granted by the City of Stockton will expire by operation of law on May 1, 1913, unless work is done thereunder prior to said date. If said company is not permitted to do such work it will, in effect, be denied the right given to it by law to apply to this Commission for a rehearing and the further right to take advantage of the favorable order of this Commission, should it be made, following the failure of the Western States Company to comply with the provisions of the order within the limit fixed. Under these circumstances, we believe

that the Oro Corporation should be permitted to do such an amount of work within the city of Stockton as may be necessary to protect its franchise rights, with the distinct understanding that such work is done for this and no other purpose.

With respect to that portion of San Joaquin county which lies south of the right of way of the Atchison, Topeka and Santa Fe Railway Company, this Commission's said opinion and order are to be taken to cover only the prayer of the application which affected merely a strip within a constant distance of two miles from the boundaries of the city of Stockton south of said right of way.

We submit herewith the following form of supplemental order:

SUPPLEMENTAL ORDER.

It is hereby ordered that the ORO ELECTRIC CORPORATION be granted permission to do work within the city of Stockton under its franchise heretofore granted, to the extent to which such work is necessary, to preserve its rights under said franchise, this order, however, to be on the following condition:

It is specifically decided and ordered that such work shall be done to the extent and for the purpose set out herein and not otherwise, and that the Oro Electric Corporation shall not claim that by virtue of such work it has secured any right to exercise any privileges under said franchise if the Commission shall finally deny its application at the expiration of the ninety days set out in the main opinion and order. If at any time this Commission shall be of the opinion that said Oro Electric Corporation is using this order for the purpose of doing work within said City of Stockton in excess of the minimum necessary to comply with the terms of said franchise this permission will be immediately revoked.

The foregoing supplemental opinion and order are hereby approved and ordered filed as the supplemental opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 30th day of April, 1913.

John M. Easbleman
Edwin D. Edgerton
Alfred H. ...
Max Thelen

Commissioners.