

Decision No. 6268.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE  
STATE OF CALIFORNIA.

In the Matter of the Application )  
of PACIFIC GAS AND ELECTRIC COM- )  
PANY, a corporation, for an Order )  
authorizing it to withdraw and )  
cancel its Electric Rate Schedule )  
No. 123 for Cement Manufacturing )  
Power Service. )

Application  
No. 4357

Charles P. Cutten, for Applicant.  
Morrison, Dunne and Brobeck, by  
E. H. Phleger, for Santa Cruz Portland  
Cement Company and Standard Portland  
Cement Corporation.  
R. B. Henderson, for Pacific Portland  
Cement Company.

LOVELAND, Commissioner.

OPINION

In this proceeding Pacific Gas and Electric  
Company, hereinafter at times referred to as applicant,  
requests authority to withdraw and cancel its electric

rate schedule, No. 123, (Original Sheet C.R.C. No. 29-E), for reasons which will appear hereinafter. A hearing was held in San Francisco on April 10th, 1919, the matter submitted and is now ready for decision.

It appears that on or about April 1st, 1911, Pacific Gas and Electric Company entered into certain contracts with Santa Cruz Portland Cement Company, Standard Portland Cement Corporation and Pacific Portland Cement Company, hereinafter referred to as the cement companies, for a supply of electric energy to their cement manufacturing plants, which contracts are on file with the Railroad Commission and which set forth certain rates and minimum charges for said electric service. Subsequently in April and June, 1916, supplementary agreements were entered into between the parties modifying the minimums of said contracts. On October 15th, 1912, Pacific Gas and Electric Company filed with the Railroad Commission its Schedule No. 123 for cement manufacturing power service, which schedule sets forth the same rates for electricity as named in the previously negotiated contracts, and since the cement companies herein were at that time, and have since been the only consumers of electricity for cement manufacturing power service, which service had been previously covered by said contracts, said schedule was not in

actual use. There was, however, a difference in the minimum charges for service in the schedule as compared with the minimum charges of the contracts.

By the terms of Decision No. 5519, dated June 27th, 1918, (Volume No. 15, Opinions and Orders of the Railroad Commission of the State of California, Page No. 886 ), Pacific Gas and Electric Company was ordered to place upon schedule rates all consumers who were served under deviation contracts where the rates named in such contracts differed from applicable schedules on file. In accordance with the terms of this order, the cement companies were thereupon placed upon said Schedule No. 123, and have since been charged in accordance therewith. It now develops that Schedule No. 123, on account of its lack of definiteness, is not acceptable to the cement companies, and it further appears that there are on file with the Railroad Commission other schedules for electric service which are applicable to the cement manufacturing service, and the rates of which are satisfactory to the cement companies.

Previous to the hearing in this matter, it was agreed upon by applicant and the cement companies that the contracts of 1911, as modified by agreements of 1916, should be cancelled as of March 31st, 1919,

and that thereafter the cement companies would purchase power under the terms of one or more of the regularly filed electric rate schedules of applicant. To cover this understanding applicant amends its prayer to the effect that said contracts be permitted to lapse as of March 31st, 1919, and to withdraw and cancel said Schedule No. 123, as of the same date.

I recommend that the request as amended be granted and submit the following form of order:

ORDER

Pacific Gas and Electric Company having applied to the Railroad Commission for authority to withdraw and cancel its electric rate schedule No. 123 for cement manufacturing power service, a hearing having been held, the matter submitted and ready for decision, the Railroad Commission of the State of California hereby finds that such cancellation and withdrawal is reasonable and proper, and basing its order on this fact and on the other findings of fact contained in the opinion which precedes this order,

IT IS HEREBY ORDERED that Pacific Gas and Electric Company be and is hereby authorized to cancel and withdraw its electric rate Schedule No. 123 (C.R.C. Original Sheet No. 29-E) as of March 31st, 1919, and to thereafter charge for electricity for cement manufacturing power service in accordance with its other regularly filed schedules of rates and surcharges authorized by the Railroad Commission.

The foregoing opinion and order is 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 16th day of April 1919.

Edwin O. Edgerton  
H. S. [unclear]  
H. C. [unclear]  
Living Martin  
COMMISSIONERS