

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

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ORIGINAL
Decision No. 700

In the matter of the application of
THE SOUTHERN SIERRAS POWER COMPANY
for an order authorizing said com-
pany to proceed to the completion
of its work in the County of Riverside,
outside the limits of incorporated
cities and towns, under franchise
from Board of Supervisors of Riverside
County.

Application No. 574.

Charles F. Potter and Isaac B. Potter for applicant.
Harry J. Bauer for Southern California Edison Company.

THELEN, Commissioner.

O P I N I O N .

This is an application for an order authorizing The Southern Sierras Power Company to proceed to the completion of work under a franchise granted to Fred B. Mechling by Ordinance No. 108 of the Board of Supervisors of Riverside County, on July 17, 1911, and thereafter assigned by Mechling to the present applicant.

The ordinance grants the right to erect, construct, operate and maintain for the period of fifty years an electric pole, tower and wire system, consisting of poles, towers, wires, and all other apparatus and appliances necessary or convenient for transmitting electricity, electrical energy, light, heat and power, over, along and upon all the public roads and highways in the County of Riverside, outside of incorporated cities and towns, for light, heat and power purposes and for any other purpose to which electricity may be applied, and to distribute the same. The ordinance provides that the work shall commence within four months and be completed within three years. As usual under the Broughton Act, a payment to the grantor of 2% of the gross annual receipts after five years is provided for. The

ordinance contains other provisions demanded by the Broughton Act and establishes specifications for the construction of the work to be performed under its terms.

The application is made under the proviso in Section 50-b of the Public Utilities Act, reading as follows:

"Provided, that when the commission shall find, after hearing, that a public utility has heretofore begun actual construction work and is prosecuting such work, in good faith, uninterruptedly, and with reasonable diligence in proportion to the magnitude of the undertaking, under any franchise or permit heretofore granted but not heretofore actually exercised, such public utility may proceed, under such rules and regulations as the commission may prescribe, to the completion of such work, and may after such completion, exercise such right or privilege."

The affidavits attached to the petition show that considerable work was done under this franchise prior to March 23, 1912, the effective date of the Public Utilities Act, and that the construction work under said franchise has been prosecuted in good faith, uninterruptedly, and with reasonable diligence in proportion to the magnitude of the undertaking.

The Southern California Edison Company was represented at the public hearing and its attorney stated that his company has no objection to the granting of the application. The proceeding seems to fall squarely within this Commission's decision on Application No. 485, Decision No. 582, in which matter the Commission, on the application of the Southern Sierras Power Company, made a similar order as to San Bernardino County.

I recommend that the application be granted, and that the applicant be authorized to proceed to the completion of its work under said franchise, under such rules and regulations as the Commission may from time to time prescribe.

I submit the following form of order:

O R D E R .

THE SOUTHERN SIERRAS POWER COMPANY having filed with this Commission its application for an order authorizing it to proceed to the completion of work in Riverside County, outside of incorporated cities and towns, under franchise granted by Ordinance No. 108 of the Board of Supervisors of said Riverside County on July 17, 1911, and a public hearing having been held on said application,

THE RAILROAD COMMISSION HEREBY FINDS AS A FACT that The Southern Sierras Power Company, a public utility, prior to the 23rd day of March, 1912, began actual construction work in the County of Riverside, and subsequently thereto has prosecuted such work in good faith, uninterruptedly and with reasonable diligence in proportion to the magnitude of the undertaking, under a franchise theretofore granted to Fred B. Mechling by the Board of Supervisors of said Riverside County by Ordinance No. 108, and thereafter by him assigned to The Southern Sierras Power Company, and that said franchise was not prior to March 23, 1912, actually exercised by said Company, and

Basing its order on the foregoing findings of fact and on the further findings contained in the opinion which precedes this order

IT IS HEREBY ORDERED that The Southern Sierras Power Company is hereby permitted to proceed to the completion of its work in said Riverside County to the extent permitted by said franchise, subject to such rules and regulations as this Commission may, from time to time, prescribe.

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 2nd day of June, 1913

John M. Keck
W. H. Lovelace
Max Thelen
Edwin D. Egan

Commissioners.