

ORIGINAL

In the Matter of the Application of	:	
SIERRA AND SAN FRANCISCO POWER COMPANY	:	
For Permission to complete the Construction	:	Application
of an Electric Transmission Line.	:	No. 13.

DECISION.

Eshleman and Loveland, Commissioners.

The applicant is the owner of a hydro-electric plant situated in the County of Tuolumne, and carries a transmission line from this plant to San Francisco and has tapped this transmission line at Alviso, Santa Clara County, and is carrying a branch line to Salinas in Monterey County. The route to be covered by the branch lines passes through the Cities of Morgan Hill and Gilroy and also through the County of San Benito. A permit has been granted to the applicant by the municipal authorities of Gilroy to carry its lines through that municipality, but no franchise has been granted for distribution of power therein. An application for a franchise is pending before the municipal authorities of Morgan Hill. An application has also been made to the Supervisors of the County of San Benito for a franchise.

At the hearing, the Coast Counties Gas and Electric Company, which is the utility now operating in a part of the territory involved, appeared by its attorney, Mr. H. A. Van C. Trochiana, who expressed a willingness that a certificate be issued to the applicant provided it were merely for the con-

struction of its line through Morgan Hill and Gilroy and not for the distribution of light and power therein.

After consideration of all the facts, we are of the opinion that a certificate should issue contingent upon the securing by the applicant of the necessary municipal and county permissions to construct its line through the Cities of Morgan Hill and Gilroy and also the County of San Benito. No permission, however, is granted, at this time, to distribute light or power within either of the two cities involved or the County of San Benito. As regards the City of Gilroy, the evidence shows that the city does not propose to permit the distribution of light and power by the applicant and of course such disposition upon the part of the City of Gilroy disposes of the question of distribution within that city. Should the city authorities at some subsequent time desire to grant a franchise to the applicant to distribute light and power, then the Commission, on the proper application being made, will determine whether or not the public convenience and necessity would allow the applicant to enter such local field.

As regards the City of Morgan Hill, the Commission is not apprised of the attitude of the city authorities. If the city authorities there shall grant a franchise which would allow local distribution, then on the proper application, this Commission will determine whether or not the public convenience and necessity require the distribution of light and power in such municipality.

It does not appear from the evidence what portions of the County of San Benito, if any, are served by other utilities of the character of the applicant, and hence the permission herein merely gives the applicant the right to

construct its line through said county contingent upon the necessary permit or franchise by the Board of Supervisors thereof. On proper application and showing of facts, the Commission will determine whether or not the local distribution of light or power by the applicant shall be permitted in the County of San Benito.

The foregoing decision is hereby approved and ordered filed as the decision of the Railroad Commission.

Dated this 11th day of May, 1912.

John M. Eschleman

H. D. Loveland

W. G. Gordon

Max Thelen

Commissioners.

Attest.

Secretary