

ORIGINAL

Decision No. 748

In the Matter of the Application of ORO ELECTRIC CORPORATION for a certificate of public convenience and necessity.

Application No. 347.

Chickering & Gregory for petitioner, Sierra and San Francisco Power Company.

By the Commission.

ORDER ON PETITION OF SIERRA AND SAN FRANCISCO POWER COMPANY.

SIERRA AND SAN FRANCISCO POWER COMPANY having heretofore on June 20, 1913, filed its petition in the above entitled proceeding asking permission to present evidence in the matter of its service in designated portions of San Joaquin County, and asking that the orders heretofore made by this Commission in Applications No. 64 and No. 347 be so modified that the Oro Electric Corporation will be refused permission to enter that portion of San Joaquin County which lies east of the San Joaquin river and south of a line running northeast and southwest through the towns of Castoria and Peters; and,

It appearing that at the time this Commission rendered its decision in Application No. 64 on July 3, 1912, and its decision on rehearing in said proceeding on October 8, 1912, the Sierra and San Francisco Power Company was not actually serving any portion of San Joaquin County north of the right-of-way of the Atchison, Topeka and Santa Fe Railway Company, other than a portion of the town of Escalon, and that consequently it was not at said time in such a position that it might appear as a protestant to the application of the Oro Electric Corporation; and,

It appearing further, that said Company is not serving any territory in San Joaquin County south of the right-of-way of the Atchison, Topeka and Santa Fe Railway Company, into which territory said Oro Electric Corporation has been authorized to enter, so that the only territory which was being served by said Sierra and

San Francisco Power Company at the time this Commission made its orders in said applications No. 64 and No. 347, respectively, was a small portion of the town of Escalon; and,

It appearing further, that said Sierra and San Francisco Power Company has had full notice of the proceedings pending before this Commission in said applications No. 64 and No. 347, and that a representative of said Company was present during a portion of the hearings on said Application No. 347, and that nevertheless, said Sierra and San Francisco Power Company has taken no formal action until long subsequent to this Commission's decisions in said Applications No. 64 and No. 347, and that there is no merit in its said petition,

IT IS HEREBY ORDERED, that said petition be and the same is hereby denied.

Dated at San Francisco, California, this 26th day of June, 1913.

John W. Fisherman
L. H. ...
W. Gordon

Commissioners.