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Decision No. 7679

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application)	
of MT. WHITNEY POWER AND ELECTRIC)	
COMPANY for a certificate of pub-)	Application No. 3056
lic convenience and necessity to)	
exercise franchise rights in Kings)	
County.)	

Roy V. Reppy for Applicant.

Murray Bourne for San Joaquin
Light & Power Corporation.

LOVELAND, Commissioner:-

O P I N I O N

Mt. Whitney Power and Electric Company in its original application, filed July 23rd, 1917, requested that it be granted a certificate to exercise the rights and privileges obtained by it under Ordinance No. 104, passed February 9th, 1917 by the Board of Supervisors of the County of Kings.

Hearing in the matter was postponed from time to time at request of applicant until a final hearing was set on Friday, April 30th, 1920.

At the hearing applicant requested permission to amend the petition, and thereafter filed amended petition setting

forth therein as follows:-

"While applicant desires ultimately to obtain from the Commission a certificate that public convenience and necessity require the exercise by applicant of all rights granted in said Franchise Ordinance No. 104, passed February 9, 1917, referred to in paragraph II of the original application, it restricts its application at this time, owing to power shortage throughout the state of California, to obtaining the certificate of the Commission that public convenience and necessity requires the exercise by applicant of rights under said franchise ordinance to the extent of service to John McConnell and Arthur Horlock, by occupancy of highways as described in paragraph III of the original application, and to the extent of service which is now being made to two customers from lines which occupy a public highway between Section One (1), Township Twenty (20) South, Range Twenty-one (21) East, and Section Six (6), Township Twenty (20) South, Range Twenty-two (22) East, said lines being extensions of the system of the H. G. Lacey Company, acquired by applicant.

Applicant requests also that the certificate issued by the Commission, authorize it to cross such public highways as are now crossed by the lines which for a part of their length extend along the highways hereinabove mentioned.

With respect to further extensions for which application may be made by prospective consumers to applicant in the portion of Kings County now being served by it, applicant requests that the Commission's certificate issued upon this application, find that public convenience and necessity requires the exercise of rights under said franchise to the extent needed in the service of additional consumers in cases wherein stipulations can be filed herein, executed by both applicant and San Joaquin Light & Power Corporation."

Applicant, since the original filing of the application, has acquired the property of the H. G. Lacey Company, formerly serving in Hanford and vicinity. It has made certain extensions over private property and along public highways in Kings County as shown in its exhibits and as listed above.

San Joaquin Light and Power Corporation supplies, wholesale, the distribution system of applicant serving Han-

ford and is also serving certain portions of Kings County direct. San Joaquin Company at the hearing did not object to the granting of a certificate to applicant to exercise the franchise to the limited extent as requested.

Consumers are being served by applicant in Kings County under the franchise where no other utility is serving and it appears that public convenience and necessity require the exercise of the franchise to that extent. It appears that, pending the final determination of applicant's petition, which has by consent been postponed, new consumers should be served provided such service does not change the present relative status of the two companies serving.

Mt. Whitney Power and Electric Company has executed and filed with the Commission the usual stipulation, duly authorized by its Board of Directors, declaring that it, its successors and assigns, will never claim before the Railroad Commission, or any court or other public body, a value for the rights and privileges granted under Ordinance No. 104 of the County of Kings in excess of the original cost to said Mt. Whitney Power and Electric Company of said franchise, which cost is stated in said stipulation as the sum of One Hundred Dollars.

I submit the following form of Order:

O R D E R

Mt. Whitney Power and Electric Company having applied to the Railroad Commission for a certificate of public convenience and necessity for the exercise by it of the rights and privileges under a certain franchise of the County of Kings, public hearing having been held, copy of said fran-

chise and stipulation as to its claims for the value thereof having been duly filed in form satisfactory to this Commission,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity requires and will require the exercise by Mt. Whitney Power and Electric Company of the rights and privileges of the franchise granted to it by Ordinance No. 104 of the County of Kings to the extent set forth in the amended petition and as quoted in the Opinion herein, and to such greater extent as may be directed from time to time by this Commission.

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

8th day of June, 1920.

Edwin O. Edgerton
W. H. ...
Orion Martin

Commissioners.