

ORIGINAL

Decision No. 9778

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 MARIPOSA COMMERCIAL AND MINING COMPANY)
 for permission to sell its Electric)
 Transmission and Distribution System) Application No. 7326
 and of SAN JOAQUIN LIGHT AND POWER)
 CORPORATION to purchase the same.)

BY THE COMMISSION:

O P I N I O N

This is the joint application of Mariposa Commercial and Mining Company for permission to sell, and San Joaquin Light and Power Corporation for permission to buy, the electric distribution system of the former company in the town of Mariposa and its transmission line from Bagby to Mariposa.

The Mining Company has in the past maintained a small generating plant for the operation of its mining properties and in connection therewith has carried on the public utility business of distributing electricity to a comparatively small number of consumers in Mariposa and vicinity. The dam across the Merced River in connection with the Mining Company's power plant has been destroyed and the plant cannot be operated until extensive repairs are made. The business has not been a profitable one from the point of view of the Mining Company and it has therefore made arrangements for the taking over^{of} its distribution system and consumers by San Joaquin Light and Power Corporation. As this latter company now operates an extensive transmission and distribution system and is in a position to give much better service than was the Mining Company, it appears to be highly desirable that the proposed transfer be made.

The Mining Company has in the past charged its consumers for energy on a flat rate basis, but the San Joaquin Company proposes to install meters and charge the same schedule of rates that is now in effect upon its present system and which has been approved by this Commission. These rates have been found by the Commission to be fair and reasonable in territory similar to and adjacent to that heretofore served by the Mining Company. Flat rates are not just and fair as between individual consumers and there appears no reason why San Joaquin Light and Power Corporation should not put in effect in this territory the meter rates now charged on the rest of its system.

O R D E R

The Railroad Commission of the State of California, being of the opinion that the granting of the authority herein sought will be in the public interest, and that a public hearing in this matter is not necessary,

IT IS HEREBY ORDERED that Mariposa Commercial and Mining Company be, and it is, authorized to sell, and the San Joaquin Light and Power Corporation be, and it is, authorized to purchase the electrical transmission and distribution system of Mariposa Commercial and Mining Company located in the vicinity of the town of Mariposa and more particularly described in the form of agreement filed in this matter and identified as "Exhibit A"; all in accordance with the terms and conditions set forth in said "Exhibit A".

IT IS HEREBY FURTHER ORDERED that San Joaquin Light and Power Corporation be, and it is, authorized to charge and collect for electric service sold from said distributing system its rates now on file with the Railroad Commission and such other rates as may from time to time be filed with and approved by the Railroad Commission.

The authority herein granted is upon the following conditions and not otherwise:-

1. Within sixty days after the acquisition of the electrical property of Mariposa Commercial and Mining Company, San Joaquin Light and Power Corporation shall file with the Railroad Commission for approval a

stipulation duly authorized by its Board of Directors declaring that San Joaquin Light and Power Corporation, its successors and assigns, will never, in any proceeding before the Railroad Commission or any other public authority, claim any value for any franchises or permits acquired from Mariposa Commercial and Mining Company in excess of the amount paid by the original grantee of such franchises or permits to the public authority granting the same; which amount shall be specified in said stipulation.

2. The consideration at which the public utility properties are herein authorized to be transferred shall not be considered as a measure of the value of said properties for any purpose other than the transfer herein authorized.

3. The authority herein granted will apply only to such transfer as may be made on or before sixty days from the date of this order.

Dated at San Francisco, California, this 18th day of November, 1921.

H. B. Bunting
H. S. Loveland
James Martin
Albert S. Power
J. T. Medick
Commissioners.