

Decision No. 27898.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of  
PACIFIC GAS AND ELECTRIC COMPANY, a  
corporation, for an order of the  
Railroad Commission of the State of  
California, granting to applicant a  
certificate of public convenience  
and necessity to exercise the right,  
privilege and franchise granted to  
applicant by Ordinance No. 54 of the  
City Council of the City of Fairfax,  
County of Marin, State of California.

ORIGINAL

Application No. 19724

C. P. Cutten and R. W. DuVal, by  
R. W. DuVal for Applicant.

BY THE COMMISSION:

O P I N I O N

In this proceeding the Pacific Gas and Electric Company, a corporation, asks that this Commission issue a certificate of public convenience and necessity authorizing it to exercise the right and privilege granted by Ordinance No. 54 of the City of Fairfax, Marin County.

A public hearing on this application was held before Examiner McCaffrey at San Francisco on January 14, 1935, at which time testimony was taken and the matter submitted.

Applicant testified that through franchise rights conferred upon its predecessor in interest, California Central Gas and Electric Company by Ordinance No. 117 of the Board of Supervisors of the County of Marin, it served and distributed electricity in the City of Fairfax from 1911, then unincorporated, until the 4th day of September, 1921, at which time

franchise expired.

Subsequent thereto until March 4, 1931, at which time the City of Fairfax was incorporated, applicant served the community with electricity under franchise rights conferred upon it by Ordinance No. 183 of the Board of Supervisors of the County of Marin. Since this latter date applicant has not been in possession of any franchise to occupy the streets and highways of the City of Fairfax for the purpose of distributing and supplying electricity to the public therein and alleges, therefore, that it became necessary to procure a franchise from the said City of Fairfax to exercise such rights. On November 2, 1934, under Ordinance No. 54 of the City Council of the City of Fairfax, such rights were duly granted to applicant.

Applicant alleges that the right and privilege granted under Ordinance No. 54 of the said City of Fairfax will not conflict with the right and privilege of any other public utility. A copy of such Ordinance (Exhibit "A"), together with the stipulation that applicant, its successors or assigns, will never claim before the Railroad Commission or any other court or public body a value for the franchise in excess of the original cost thereof, has been filed with and made a part of the application herein.

No one appeared at the hearing to protest the granting of the application and it is clear from the record that public convenience and necessity require and will require the exercise by applicant of the rights granted to it under the aforesaid franchise of the City of Fairfax. We are, therefore, of the opinion that this application should be granted.

O R D E R

Pacific Gas and Electric Company having requested that this Commission issue a certificate of public convenience and necessity requiring the exercise by applicant of the right and privilege granted to it by the Ordinance to which reference is made in the foregoing Opinion, a public hearing having been held and the matter having been submitted and now ready for decision,

IT IS HEREBY ORDERED that Pacific Gas and Electric Company be and it is hereby granted a certificate of public convenience and necessity and authorized to exercise the right and privilege granted to it under Ordinance No. 54 of the City of Fairfax, Marin County, with the proviso, however, that the Railroad Commission of the State of California may hereafter, by appropriate proceedings and orders, revoke or limit, as to territory not then served by Pacific Gas and Electric Company, the authority herein granted.

The effective date of this Order shall be the date hereof.

Dated at San Francisco, California, this 28th day of January, 1935.

Leon A. Cullen

M. A. Cullen

M. B. Harris

Matthew J. Harris

John A. Harris  
Commissioners.