

Decision No. 28406.

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. 187 of the City Council of the City of San Rafael, Marin County, State of California.

Application No. 20222.

**ORIGINAL**

BY THE COMMISSION:

O P I N I O N

In this application Pacific Gas and Electric Company asks this Commission to make its decision and order declaring that public convenience and necessity require and will require the exercise by applicant of the right, privilege and franchise granted to it by Ordinance No. 187 of the City Council of the City of San Rafael, County of Marin, a copy of which is annexed to and made a part of the application.

Applicant alleges that it is now and since the year 1875 it or its predecessors have been furnishing gas service to the inhabitants of the City of San Rafael under and pursuant to the franchise granted by the provisions of Section 19 of Article XI of the Constitution of the State of California as it existed prior to the amendment adopted October 10, 1911, and the franchises granted to applicant's predecessors by Ordinance No. 32 of the Town of San Rafael adopted by the trustees thereof on August 2, 1875, and Ordinance No. 332 of the City of San Rafael adopted by the Board of Trustees thereof on March 7, 1898.

Applicant further alleges that the present and future public convenience and necessity require and will require that it

exercise the right, privilege and franchise granted to it by the aforesaid Ordinance No. 187 in order that applicant may continue to furnish and supply gas to said city and the inhabitants thereof for all lawful purposes.

Applicant further alleges that no person, firm or public or private corporation, other than applicant, is now engaged in the public utility business of furnishing, distributing or selling gas for light, heat, power or other purposes to said City of San Rafael or to the inhabitants thereof.

Applicant has stipulated to the effect that it, its successors or assigns will never claim before the Railroad Commission of the State of California, or before any court or other public body, any value for the aforesaid franchise in excess of the actual cost thereof, which cost is \$250.00.

After careful consideration, it is the opinion of the Commission that this application should be granted and that a public hearing in the matter is not necessary.

#### O R D E R

Pacific Gas and Electric Company having applied to the Railroad Commission of the State of California for an order declaring that public convenience and necessity require and will require the exercise by applicant of the right, privilege and franchise granted to it by the Ordinance described in the foregoing Opinion, the Commission having considered the matter and being of the opinion that the application should be granted,

The Railroad Commission of the State of California hereby orders and declares that public convenience and necessity require and will require the exercise by Pacific Gas and Electric

Company of the right, privilege and franchise granted to it by Ordinance No. 187 of the City of San Rafael, County of Marin, as fully set forth and described in Exhibit "A" attached to and made a part of the application herein, provided 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 is the date hereof.

Dated at San Francisco, California, this 2nd day of December, 1935.

Leon Whitely

M. A. Cunn

W. B. Harris

W. H. Brown

Frank H. Williams

Commissioners.