

Decision No. 28822

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

COAST COUNTIES GAS AND ELECTRIC  
COMPANY,

Complainant,

vs.

SIERRA AND SAN FRANCISCO POWER  
COMPANY,

Defendant.

Case No. 1015

In the Matter of the Application of  
SIERRA AND SAN FRANCISCO POWER COM-  
PANY for a Certificate of Public  
Convenience and Necessity to Serve  
Old Mission Portland Cement Company.

Application No. 2624

In the Matter of the Application of  
SIERRA AND SAN FRANCISCO POWER COM-  
PANY for order preliminary to issu-  
ance of Certificate of Public Con-  
venience and Necessity in San Benito  
County.

Application No. 2626

BY THE COMMISSION:

SECOND SUPPLEMENTAL OPINION AND ORDER

In compliance with Decision No. 4116 of this Commission, Sierra and San Francisco Power Company and Coast Counties Gas and Electric Company submitted, under date of March 17, 1917, a joint agreement relating to electric service rendered within that portion of San Benito County lying north of the east and west line of townships 14 and 15 south, Mt. Diablo Base.

Said joint agreement, which was approved by the Commission in its Decision No. 4253, reads in part as follows:

"(7) It is contemplated that this arrangement shall be a continuing arrangement for the purchase and sale of electric power and/or energy between the two companies, and that the same shall remain in force until modified by mutual consent, subject to the approval of the Railroad Commission of the State of California, or until modified by order of the Railroad Commission of the State of California."

Under the terms of said agreement of March 17, 1917, Sierra and San Francisco Power Company constructed, maintained and operated in the vicinity of the Old Mission Portland Cement Company's plant (now the Pacific Portland Cement Company) near San Juan, a substation, from which it supplied the electric requirements of said Cement Company's plant and also delivered power to Coast Counties Gas and Electric Company. After the expiration of a three-year period from date of said agreement, Coast Counties Gas and Electric Company could elect to take over the service of electric power to the Cement Company.

Under date of March 31, 1936, Pacific Gas and Electric Company (lessee of Sierra and San Francisco Power Company) and Coast Counties Gas and Electric Company entered into a written agreement which, by its terms, is subject to the approval of the Railroad Commission and when so approved is to be effective as of June 30, 1936, cancels the aforementioned agreement of March 17, 1917, and provides that Coast Counties Gas and Electric Company will, commencing on July 1, 1936, furnish electric energy for the operation of the San Juan Cement Plant of the Pacific Portland Cement Company.

Wherefore, Pacific Gas and Electric Company requests, in writing, under date of April 29, 1936, that the Railroad Commission issue a supplemental order in the above-numbered proceedings approving said agreement of March 31, 1936, a copy of which is attached to and made a part of, and has been filed with its

letter of April 29, 1936.

After having given careful consideration to the above-mentioned request, the Commission is of the opinion that said agreement of March 31, 1936, which cancels and supersedes that certain agreement of March 17, 1917, is fair to all parties and should be approved and that a public hearing in the matter is not necessary.

Good Cause Appearing, IT IS HEREBY ORDERED that said agreement of March 31, 1936 be, and the same is, hereby approved.

Dated at San Francisco, California, this 18<sup>th</sup> day of May, 1936.

*M. E. Brown*  
*Leon A. White*  
*W. J. Linn*  
*Walter W. ...*  
*Joseph P. ...*  
COMMISSIONERS