

Decision No. 28872

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. 428 C.S. of the Council of the City of Monterey, Monterey County, State of California.

Application No. 20548

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 granting to applicant a certificate 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. 428 C.S., of the City Council of the City of Monterey, County of Monterey, a copy of which is annexed to and made a part of the application.

Applicant alleges that it is now and since the year 1902, it or its predecessors have been furnishing gas service to the inhabitants of the City of Monterey 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.

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. 428 C.S. in order that applicant may continue to furnish and supply gas to said City and to the inhabitants thereof for all lawful purposes.

*HGM*  
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 <sup>gas</sup> for light, heat, power or other purposes to said City of Monterey or 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 \$185.00.

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 granting to applicant a certificate 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 or privilege under the franchise granted to it by Ordinance No. 428 C.S. of the City of Monterey, County of Monterey, as fully set forth and described in Exhibit "A" attached to and made a part of the application herein and that a certificate of public convenience and necessity authorizing such exercise be and it is hereby granted to applicant.

The effective date of this Order is the date hereof.

Dated at San Francisco, California, this 8<sup>th</sup> day of June, 1936.

M. B. Lewis  
Leon Whitwell  
M. A. Lee  
W. H. ...  
Frank R. ...  
Commissioners