

Decision No. 28272

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. 242 of the
Board of Supervisors of the County of
Contra Costa, California.

Application No. 20829

BY THE COMMISSION:

ORIGINAL

O P I N I O N

In this application Pacific Gas and Electric Company asks this Commission 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 Ordinance No. 242 of the Board of Supervisors of the County of Contra Costa, a copy of which is marked Exhibit "A" and is annexed to and made a part of the application.

Applicant alleges that it is now and it and its predecessors in interest have been furnishing electric service to the inhabitants of the County of Contra Costa under and pursuant to the franchise granted by the Board of Supervisors of the County of Contra Costa under the following Ordinances:

<u>Ordinance Number</u>	<u>Date Adopted</u>	<u>Date Expiring</u>	<u>Franchise Granted to:</u>
66	Apr. 4, 1898	Apr. 20, 1948	T.S. Bullock.
71	Feb. 5, 1900	Feb. 5, 1950	Standard Elec- tric Co. of Calif.
74	Aug. 13, 1900	Aug. 13, 1950	Yuba Electric Power Company.
86	Dec. 1, 1902	Dec. 1, 1952	J.H. Lawrence.
110	July 8, 1907	July 8, 1957	E.M. Downer.
119	Sept. 6, 1910	Sept. 6, 1960	Richmond Light & Power Company.
129	June 9, 1913	June 9, 1963	Great Western Power Company.
136	Oct. 4, 1915	Oct. 4, 1965	" " " "

Applicant 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. 242 of the Board of Supervisors of the County of Contra Costa in order that applicant may continue to furnish and supply electric energy in said County of Contra Costa and to the residents and inhabitants thereof for all lawful purposes.

Applicant further alleges that the only persons, firms or corporations that might be affected by the granting of this application are Pinole Light and Power Company and Bay Point Light and Power Company, the former being engaged in the public utility business of furnishing and supplying electric service in the Towns of Pinole and Rodeo and immediate contiguous territory and the latter in the Town of Bay Point; that the electric energy distributed and sold by these two utilities, now is and for some time last past has been purchased from applicant; that applicant in its business of supplying electricity in the County of Contra Costa is not competing with either of these utilities, and that the certificate sought by applicant in the application is not for the purpose of authorizing applicant to enter into the territory now being supplied by said utilities or to compete

with either of them in the public utility business of furnishing and supplying electric energy.

Applicant stipulates in the application that it will not, without an order of the Railroad Commission authorizing it so to do, extend its electric system into the territory now supplied with electric service of said Pinole Light and Power Company and said Bay Point Light and Power Company for the purpose of competing with said utilities or either of them, in the public utility business of furnishing and supplying electricity to the residents and inhabitants of the County of Contra Costa.

Applicant further stipulates in the application that applicant, its successors or assigns will never claim before the Railroad Commission of the State of California, or before any court or public body, any value for the aforesaid franchise in excess of the actual cost thereof, which cost is \$257.00, exclusive of the \$50.00 fee payable to the Commission pursuant to Section 57½ of the Public Utilities Act.

After having been notified by this Commission of this application and furnished with copies of same, both the Pinole Light and Power Company and the Bay Point Light and Power Company have notified this Commission, in writing, that they do not wish to protest the granting of the application.

It is the opinion of the Commission that this application should be granted and that a public hearing in the matter is not necessary.

ORDER

Pacific Gas and Electric Company having applied to the Commission 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. 242 of the Board of Supervisors of the County of Contra Costa, as fully set forth and described in Exhibit "A" attached 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, subject, however, to the following conditions and not otherwise:

- (1) That Pacific Gas and Electric Company will not, without an order of the Railroad Commission authorizing it so to do, extend its electric system into the territory now supplied with electric service by Pinole Light and Power Company and/or Bay Point Light and Power Company.
- (2) That the Railroad Commission may hereafter by appropriate proceedings and orders, revoke or limit, as to territory not then served by Pacific Gas and Electric Company, or its successors in interest, the authority herein granted.

The effective date of this Order is the date hereof.

Dated at San Francisco, California, this 16th

day of November 1936.

M. B. Kamin
Leon Whipple
W. J. Long
Frank R. Kelly
 COMMISSIONERS.