

Decision No. 30126

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. 72 of the
City Council of the City of Walnut
Creek, County of Contra Costa, State
of California.

Application No. 21042.

ORIGINAL

R. W. DuVal for Applicant.

WAKEFIELD, COMMISSIONER:

O P I N I O N

In this application, Pacific Gas and Electric Company asks for a certificate of public convenience and necessity authorizing it to exercise the fifty (50) year franchise granted to it by Ordinance No. 72 of the City Council of the City of Walnut Creek, County of Contra Costa, adopted August 10, 1936, a copy of which is marked Exhibit "A" and attached to and made a part of the application.

Public hearing was held on this matter at San Francisco, California, on April 28, 1937. No one appeared to protest the granting of the application.

Evidence introduced by applicant establishes the facts that for many years last past applicant or its predecessors in interest have been furnishing electric service to said City of Walnut Creek and its inhabitants, under and pursuant to franchises granted

by the following ordinances of the Board of Supervisors of the County of Contra Costa:

<u>Ordinance Number</u>	<u>Adopted</u>	<u>Expiring</u>	<u>Grantee</u>
66	April 4, 1898	April 20, 1948	T.S. Bullock
86	December 1, 1902	December 1, 1952	J.H. Lawrence
71	February 5, 1900	February 5, 1950	Standard Electric Company of California
74	August 13, 1900	August 13, 1950	Yuba Electric Power Co.
110	July 8, 1907	July 8, 1957	E. M. Downer
119	September 6, 1910	September 6, 1960	Richmond Light and Power Company
129	June 9, 1913	June 9, 1963	Great Western Power Co.
136	October 4, 1915	October 4, 1965	Great Western Power Co.

and that applicant is now furnishing such service in substantially all parts of the city; that no person, firm, or corporation other than applicant is now engaged in the public utility business of furnishing electricity in said city; and that present and future public convenience and necessity require and will require that applicant exercise the franchise granted by said Ordinance No. 72, in order that applicant may continue to furnish electricity to said city and its inhabitants and, further, in order that applicant may qualify its first and refunding mortgage bonds as legal investments for savings banks and trust funds in certain states.

It appears from the evidence that the laws of the State of New York permit investments by savings banks in the bonds of gas and electric corporations provided, among other things, that "such corporation shall have all franchises necessary to operate in territory in which at least seventy-five (75) per centum of its gross income is earned, which franchises shall either be indeterminate permits or agreements with, or subject to the jurisdiction of a public service commission or other duly constituted regulatory body, or shall extend at least five (5) years beyond the maturity of such bonds, *** " and that the statutes of other states contain similar provisions. Ability to comply with these statutory provisions materially assists the applicant in selling its securities and the granting of this application

is one step in the applicant's program of qualifying its bonds under these laws. Other applications involving other areas in which applicant is rendering service are now pending before the Commission.

Applicant has stipulated that it, its successors or assigns, will never claim before the Commission, or any court or public body, any value for said franchise granted by Ordinance No. 72 in excess of the actual cost thereof, which cost was One Hundred and Twenty-nine and 00/100 Dollars (\$129.00), exclusive of the Fifty Dollar (\$50) filing fee.

It appears that this application should be granted, and I recommend the following form of order:

O R D E R

Pacific Gas and Electric Company having asked the Commission for a certificate of public convenience and necessity, as described in the opinion above, public hearing having been held, the matter being submitted and ready for decision,

IT IS HEREBY ORDERED that a certificate of public convenience and necessity, authorizing the exercise by Pacific Gas and Electric Company of the right and privilege under the franchise granted to it by Ordinance No. 72 of the said City of Walnut Creek, County of Contra Costa, as set forth and described in Exhibit "A" of the application herein, be and it is hereby granted to applicant.

The effective date of this order is the date hereof.

Dated at San Francisco, California, the 20th day of

Sept., 1937.

W. M. McMan
Leon S. McMan
Frank P. McMan
W. M. McMan
W. M. McMan
Commissioners.