

Decision No. 30127

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. 380 of the  
City Council of the City of Albany,  
County of Alameda, State of California.

Application No. 21040.

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. 380 of the City Council of the City of Albany, County of Alameda, adopted on July 20, 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 more than thirty (30) years last past applicant or its predecessors in interest have been furnishing electric service to said City of Albany and its inhabitants, under and pursuant to the franchise granted by Section 19 of Article XI of the Constitution

Constitution of the State of California as it existed from 1885 to October 10, 1911, and under and pursuant to the following franchises granted to applicant's predecessors by the City of Albany:

<u>Ordinance No.</u>	<u>Adopted</u>	<u>Expiring</u>	<u>Grantee</u>
85	December 18, 1899,	December 18, 1949,	Standard Electric Company of California
49	November 28, 1910,	November 28, 1960,	Great Western Power Company

The record establishes the further facts that applicant is now furnishing electric service in substantially all parts of said City of Albany; 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. 380, 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. 380 in excess of the actual cost thereof, which cost was One hundred twenty-one and 00/100 Dollars (\$121.00), 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. 380 of the said City of Albany, County of Alameda, 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 20<sup>th</sup> day of

Sept, 1937.

McArthur  
Leon G. Wilson  
Samuel R. Noble  
Robert W. Wilson  
Ray L. Kelley  
-3- Commissioners