

Decision No. 21531

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. 150 of the Board of Supervisors of the County of Trinity, State of California.

ORIGINAL

Application No. 21531

R. W. DuVal, for Applicant.

BY THE COMMISSION:

O P I N I O N

Pacific Gas and Electric Company requests a certificate of public convenience and necessity under Section 50(b) of the Public Utilities Act authorizing the exercise of the rights and privileges granted to it by Ordinance No. 150 of the Board of Supervisors of the County of Trinity, adopted on July 7, 1937, a copy of which is attached as Exhibit "A" to the application. Public hearing was held before Examiner W. H. Gorman at Redding, California, on November 23, 1937. No one appeared to protest the granting of the application.

It appears from the record that for more than twenty (20) years last past, applicant or its predecessors in interest have been rendering electric service in the County of Trinity, and

have used the public highways therein under and pursuant to the following franchises:

<u>Ordinance Number</u>	<u>Adopted</u>	<u>Expiring</u>	<u>Grantee</u>
Unnumbered	Sept. 7, 1916	Sept. 7, 1966	H. R. Given
Unnumbered	Jan. 4, 1917	Jan. 4, 1967	Western States Gas and Electric Company.

Applicant now renders electric service in a portion of the County of Trinity, but is not rendering such service in the entire county. Service of a like character is now being rendered by California Oregon Power Company in that portion of the County of Trinity lying north of 40 degrees, 50 minutes north latitude and by Weaverville Electric Company in the City of Weaverville and the territory immediately adjacent thereto.

It is of record that applicant applied to the Board of Supervisors of the County of Trinity for the franchise granted by Ordinance No. 150 primarily to enable applicant to continue to qualify its first and refunding mortgage bonds as legal investments for savings banks and trust funds in as many states as possible. Applicant has outstanding \$267,153,000.00 of first and refunding mortgage bonds. The most recent issue of such bonds matures on June 1, 1966. The bonds are now qualified as legal investments for savings banks and trust funds in the State of New York and in some other states. The law of the State of New York, it is said, permits investments by savings banks in 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) percentum 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 years beyond the maturity of such bonds." The laws of some other states are somewhat similar. The franchise referred to herein is essential to meet such statutory requirements.

Applicant has stipulated that it, its successors or assigns, will never claim before the Railroad Commission or any court or public body, any value for said franchise in excess of the actual cost thereof, which is One hundred eighty-two and 00/100 Dollars (\$182.00), exclusive of the Fifty Dollar (\$50.00) fee for the filing of the present application.

It should be noted that this is an application under Section 50(b) of the Public Utilities Act for a certificate of public convenience and necessity to exercise rights granted by a franchise which covers the entire county. Applicant does not now serve throughout the whole county. The franchise is for a term of fifty (50) years. The Commission cannot foretell future conditions nor make a finding now that public convenience and necessity require the exercise of such franchise in its entirety. However, the exercise of such rights should be authorized as to territory now served by applicant and as to extensions made in the normal course of business as contemplated by Section 50(a) of the Public Utilities Act.

In this proceeding consideration must also be given to the fact that at the present time California Oregon Power Company and Weaverville Electric Company render like service within the county.

Existing utilities should be protected as to territory now served by them, and also as to extensions made in the normal course of business, and applicant should not be authorized to exercise franchise rights as to such territory or extensions. Should a situation arise in the future where more than one utility desires to enter into the same locality or territory, the Commission reserves the right to adjudicate such dispute upon the facts disclosed in an appropriate proceeding, and to modify the present order or to make such order prescribing the terms and conditions under which service may be rendered as may be warranted by the record in such future proceeding.

O R D E R

IT IS FOUND AS A FACT that public convenience and necessity require, and Pacific Gas and Electric Company is hereby granted a certificate to exercise the rights and privileges granted to it by Ordinance No. 150 of the County of Trinity, as to territory now being served by it and as to extensions to its existing system made in the normal course of business as contemplated by Section 50(a) of the Public Utilities Act, provided, that as to territory not now served by applicant the rights and privileges granted by such franchise shall not be exercised to extend its facilities into territory served by the systems of California Oregon Power Company or Weaverville Electric Company, existing at the time such extension is contemplated.

This order shall be effective immediately.

Dated, San Francisco, California, this 3rd day of

Jan -, 1938.

Walter [unclear]
Leon [unclear]
Frank [unclear]
Ray [unclear]
Wesley [unclear]
Commissioners