

Decision No. 32144

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN CALIFORNIA EDISON COMPANY, LTD., a corporation, for Certificate that Public Convenience and Necessity requires that it exercise the right and privilege granted it under franchise to construct and use an electric distribution and transmission system within the CITY OF COVINA, CITY OF SANTA MONICA, CITY OF SAN GABRIEL, and CITY OF EL MONTE, all in the County of Los Angeles, State of California, and within the CITY OF SANTA ANA, County of Orange, State of California.

ORIGINAL

APPLICATION NO. 22435.

Gail B. Selig, for Applicant

Claude A. Schutt, City Attorney, for City of El Monte

WAKEFIELD, COMMISSIONER:

O P I N I O N

In the above entitled application the Southern California Edison Company, Ltd., a corporation, asks this Commission to issue a certificate of public convenience and necessity authorizing it to exercise the rights and privileges granted by the following franchise ordinances:

Ordinance No. 1069 of the City of Santa Ana
Ordinance No. 220 of the City of Covina
Ordinance No. 676 of the City of Santa Monica
Ordinance No. 402 of the City of San Gabriel
Ordinance No. 231 of the City of El Monte

Said franchises are for an indeterminate period, adopted pursuant to the Franchise Act of 1937.

Applicant has filed with its application copies of each of the franchise ordinances, together with stipulations, duly executed under authority of the applicant's Board of Directors, agreeing that applicant, its successors and assigns will never claim before the Railroad Commission of the State of California, or any court or other public body, a value for the respective franchises in excess of the original cost of said franchises.

A public hearing was held in Los Angeles, California, on February 8, 1939, at which time the matter was submitted. No one appeared at the hearing to protest the granting of the application.

The evidence submitted shows that applicant has been serving and distributing electric energy to its consumers in the Cities of Santa Ana, Covina, Santa Monica, San Gabriel and El Monte for many years last past, and that public convenience and necessity require and will require the exercise by applicant of the rights and privileges granted to it under the franchise ordinances referred to in the above mentioned application. According to the testimony, applicant has constitutional franchises in the Cities of Santa Ana, Covina and Santa Monica covering the rendering of electric service for lighting purposes only, and the present franchises obtained from the Cities of Santa Ana, Covina and Santa Monica are for the purpose of serving electricity for power and heating and are complementary to the Company's constitutional franchises in these cities.

The franchises granted under Ordinance 402 of the City of San Gabriel and Ordinance 231 of the City of El Monte are for

the purpose of supplying electric energy for lighting, heating and power to the inhabitants of each of these cities. Since the Cities of San Gabriel and El Monte were incorporated subsequent to the amendment of October 10, 1911, to Section 19 of Article 11 of the Constitution of the State of California, the Company did not have a constitutional franchise covering these two cities.

Applicant now renders electric service in substantially all parts of the Cities of Santa Ana, Covina, Santa Monica, San Gabriel and El Monte and no other utility renders like service therein.

It is clear from the evidence that present and future public convenience and necessity require and will require that applicant exercise the franchises granted to it by Ordinances Nos. 1069 of the City of Santa Ana, 220 of the City of Covina, 676 of the City of Santa Monica, 402 of the City of San Gabriel and 231 of the City of El Monte, in order that it may continue to furnish electric service to the inhabitants of these cities.

Applicant has stipulated that it, its successors or assigns will never claim before the Railroad Commission of the State of California, or any court or public body, any value for the respective franchises in excess of the original cost of said franchises. Testimony shows that the cost of the franchise granted by Ordinance No. 1069 of the City of Santa Ana was \$76.35, that granted by Ordinance No. 220 of the City of Covina was \$59.00, that granted by Ordinance No. 676 of the City of Santa Monica was \$44.30, that granted by Ordinance No. 402 of the City of San Gabriel

was \$25.25 and that granted by Ordinance No. 231 of the City of El Monte was \$26.72, all of which are exclusive of the \$50.00 fee for filing the present application.

ORDER

IT IS FOUND AS A FACT that public convenience and necessity require, and Southern California Edison Company, Ltd. is hereby granted a certificate to exercise the rights and privileges granted to it by the ordinances to which reference is made in the foregoing opinion.

This order shall be effective immediately.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated, San Francisco, California, June 30, 1939.

Raymond J. ...
Frank P. ...

[Signature]

Commissioners.