

Decision No. 23288

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 Rail-  
road Commission of the State of Cali-  
fornia, granting to applicant a certi-  
ficate of public convenience and  
necessity to exercise the right, privi-  
lege and franchise heretofore granted  
to applicant's predecessor in interest  
San Joaquin Light and Power Corpora-  
tion by Ordinance No. 46 of the City  
Council of the CITY OF ATWATER, County  
of Merced, State of California.

ORIGINAL

Application No. 23201

R. W. DuVal, Attorney for Applicant.

BY THE COMMISSION:

Pacific Gas and Electric Company has applied for authority to exercise rights and privileges pertaining to electric service expressed in a franchise granted it by the City of Atwater, Merced County. This franchise is one authorized by the Franchise Act of 1937 and is in lieu of an asserted franchise under which applicant or its predecessors in interest have rendered electric service in that city for many years.

A public hearing on the application was held and it is evident that the requested authority should be given.

O R D E R

IT IS HEREBY FOUND AS A FACT that public convenience and necessity require and will require, and Pacific Gas and Electric Company is hereby granted a certificate for the exer-

cise of the rights and privileges granted it by the City of Atwater, Merced County, under its Ordinance No. 46 adopted June 7, 1939. This grant is subject to the condition, however, that Pacific Gas and Electric Company, its successors or assigns, will never claim before this Commission or any court or other public body a value for that franchise or for the authority hereby granted in excess of the actual cost thereof.

This Order shall be effective immediately.

Dated at San Francisco, California, this 3<sup>rd</sup> day of July, 1940.

Ray & Rice  
Frank M. ...  
Ray ...  
M. ...  
Justice J. ...  
Commissioners