

Decision No. 34000

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

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, privi-  
 lege and franchise granted to applicant  
 by Ordinance No. 93 of the City Council  
 of the CITY OF MENLO PARK, County of  
 San Mateo, State of California.  
 (GAS)

Application No. 23779

R. W. DuVal, Attorney, for Applicant.

BY THE COMMISSION:

O P I N I O N

Pacific Gas and Electric Company has applied for authority to exercise rights and privileges pertaining to gas service expressed in a franchise granted it by the City of Menlo Park, San Mateo County.

This franchise is one authorized by the Franchise Act of 1937 and is in lieu of asserted franchises under which Applicant or its predecessors in interest have rendered gas service continuously in that city for many years. It is indeterminate in duration and provides that the grantee shall during the term thereof pay to the City of Menlo Park an amount not less than one per cent (1%) of the gross annual receipts derived by grantee from the sale of gas within the limits of said city.

A hearing on this application has been held and it is evident that the requested authority should be given.

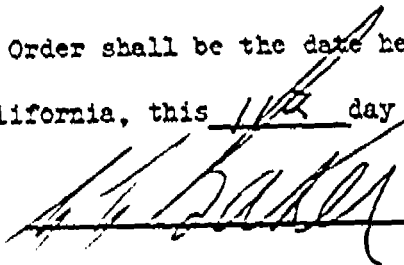
ORDER

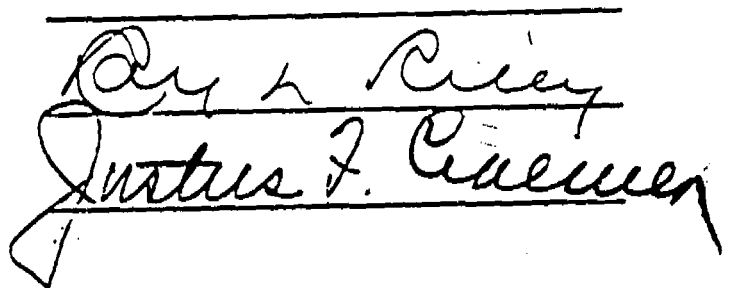
The application of Pacific Gas and Electric Company having been considered and it being found as a fact that public convenience and necessity so require,

IT IS ORDERED that Pacific Gas and Electric Company be and hereby is granted a certificate for the exercise of rights and privileges granted it by the City of Menlo Park, San Mateo County, California, under its Ordinance No. 93, adopted December 26, 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 said franchise or for the authority hereby granted in excess of the actual cost thereof.

The effective date of this Order shall be the date hereof.

Dated at San Francisco, California, this 14th day of March, 1941.

  
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Commissioners

Application No. 23779

For the same reasons which I assigned in the Menlo Park  
electric franchise case, Application No. 23778, I dissent.

*Franck E. Havener*

FRANCK E. HAVENER

COMMISSIONERS.