

ORIGINAL

Decision No. 34723

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 Pub-
lic Convenience and Necessity requires
that it exercise the right and privilege
granted it under franchise to construct,
operate, alter, maintain and use an
electric distribution and transmission
system within the COUNTY OF RIVERSIDE,
State of California.

Application No. 23634

Mr. Courtney C. Platt, for applicant.

BY THE COMMISSION:

O P I N I O N

Southern California Edison Company/^{Ltd.,} seeks authority to exer-
cise a franchise granted by the County of Riverside permitting the
maintenance of electric facilities upon the highways of said County.

Applicant has for many years rendered electric service
in the western portion of said County. The Nevada-California
Electric Company* also occupies parts of the County. Applicant has
stipulated, however, that it will not exercise this franchise
within any territory now being lawfully served with electricity by
any other public utility.

The franchise is for a term of fifty years, superseding
one granted in 1913. The annual fee payable to the County is 2
per cent of the receipts arising from the use of the franchise.
Applicant reports the costs incident to obtaining the franchise
to be \$477.98.

1.

* Now California Electric Power Company.

It appears that the requested certificate should be granted subject to the conditions usually imposed by the Commission in like situations to safeguard against duplicating services.

O R D E R

A public hearing having been held upon the application of Southern California Edison Company/^{Ltd.}, the matter considered, and it appearing to the Commission and it being found as a fact that public convenience and necessity so require, therefore,

IT IS ORDERED that Southern California Edison Company/^{Ltd.} and hereby is granted a certificate to exercise the rights and privileges granted by the County of Riverside, by Ordinance No. 259, adopted July 22, 1940, within such parts or portions of said County as are now served by it or as hereafter may be served by it through extensions of its existing system made in the ordinary course of business as contemplated by Section 50 (a) of the Public Utilities Act; provided, however, that this certificate shall be subject to the following conditions:

1. That extensions of applicant's distribution lines in said County of Riverside may be made only in accordance with such applicable rule or rules as may be prescribed or approved by the Commission and in effect at the time covering such extensions, or in accordance with any general or special authority granted by the Commission;

2. That, except upon further certificate of this Commission first obtained, applicant shall not exercise such franchise for the purpose of supplying electricity within those parts or portions

of said County now being served with electricity by any other public utility.

3. That the Commission may hereafter, by appropriate proceeding and order, limit the authority herein granted to applicant as to any territory within said County not then being served by it; and

4. That no claim of value for such franchise or the authority herein granted in excess of the actual cost thereof shall ever be made by grantee, its successors, or assigns, before this Commission or before any court or other public body.

The effective date of this Order shall be the twentieth day from and after the date hereof.

Dated, San Francisco, California, this 4th day of

November, 1941.

[Signature]
[Signature]
Justus J. Caschen

Commissioners

Application No. 23634 - Southern California Edison Company Ltd - Electric Service
in Riverside County.

DISSENT

We dissent on the following grounds:

(a) The order of the Commission grants the utility a certificate "to exercise the rights and privileges granted by the political subdivision (county or city) in its franchise ordinance. The language and effect of the Commission's order is uncertain and ambiguous and fails to make definite whether an operating and service certificate is granted or whether ^{the} Commission's grant is confined to the mere certification of the franchise permitting the occupancy of streets, roads and highways without conveying any operating or service rights and privileges.

(b) The franchise granted by the political subdivision purports to grant to the utility operating and service rights for a specified number of years (fifty (50) years in Ordinance No. 259). We think the authority to make such grants of operating rights is exclusively vested in this Commission and the Commission should not, by implication, approve or certify any such unlawful franchise provision or a provision pertaining to operation and contrary to the public interest. It has been the Commission's consistent policy, we understand, to make its grants of operating certificates of public convenience and necessity for an indeterminate period and not for a fixed term of years and this, we think, is sound policy. If the order in this decision is construed, and we think it may be thus construed, as a grant of an operating certificate for a period of fifty (50) years, the Commission's policy is departed from.

(c) In certificate applications, such as this one, where a new franchise supersedes, or is obtained by the utility in lieu of, an existing franchise and where certificates of this Commission are outstanding covering such superseded franchises, this Commission should, we think, require the surrender and cancellation of such superseded Commission certificates. Otherwise confusion must result

and there will be outstanding, and apparently simultaneously in effect, several certificates and grants conflicting in terms and conditions and overlapping in space and time.

These points we have discussed at some length in our dissents in decisions No. 34488 et seq, to which dissents reference is made.

Francis R. Havenue

Richard L. Laska

Commissioners