

Decision No. 34795

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PACIFIC GAS AND ELECTRIC COMPANY, a
corp., for an order granting to ap-
plicant a certificate of public
convenience and necessity to exercise
the right, privilege and franchise
granted to applicant by Ordinance
No. 125 of the City Council of the
Town of Ross, County of Marin, State
of California. (Gas)

Application No. 24201

R. W. DuVal for Applicant
A. J. Dibblee for Town of Ross

BY THE COMMISSION:

O P I N I O N

Pacific Gas and Electric Company applies for authority to exercise a franchise granted it by the Town of Ross, County of Marin, permitting the maintenance of gas facilities within said Town.

The duration of the franchise, which is subject to the terms and conditions of the Franchise Act of 1937, is indeterminate. The cost to the grantee of said franchise is stated to have been \$515.50, and the annual fee payable to the Town is 2% of the gross receipts arising from the use thereof, but in no case less than one% of the gross annual receipts derived by grantee from the sale of gas within the Town.

As the applicant utility and its predecessors in interest for more than thirty-five years have rendered gas service continuously in the Town of Ross, and applicant still is so doing, it is evident that the requested certificate should be given.

ORDER

A public hearing having been held on the application of Pacific Gas and Electric Company, 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 Pacific Gas and Electric Company be and hereby is granted a certificate to exercise the rights and privileges granted by the Town of Ross by Ordinance No. 125, adopted August 9, 1940, subject to the condition, however, that no claim of value for said 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 (20th) day from and after the date hereof.

Dated at San Francisco, California, this 25th day of November, 1941.

[Signature]
[Signature]
[Signature]

Commissioners.

DISSENT

We dissent on the grounds set forth in the dissents in Decisions Nos. 33902 and 34488, being decisions in applications for certificates of public convenience and necessity for gas service in the City of Alameda and for electric service in Butte County, California, respectively.

Francis R. Havener

Richard H. Haskins
Commissioners.