

ORIGINAL

Decision No. 34840

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,
operate, alter, maintain and use an
electric distribution and transmission
system within the COUNTY OF KINGS, State
of California.

Application No. 23633

Roy V. Keppy, Gail C. Larkin and B. F. Woodard
by B. F. Woodard, for Applicant.
Lloyd Henley, for Pacific Gas and Electric Company.

BY THE COMMISSION:

O P I N I O N

Southern California Edison Company Ltd. seeks authority to exercise the rights and privileges of a franchise granted by the County of Kings, permitting the maintenance of electric facilities upon the highways of said County.

The franchise referred to is for the term of fifty years and contains the usual provision calling for the payment to the County of an annual fee equivalent to 2 per cent of the gross receipts arising from its use. The cost of the franchise is stated to have been \$419.75.

Applicant now renders electric service within a limited portion of Kings County. Contiguous areas are served by Pacific Gas and Electric Company. In 1924 the Commission approved an agreement between Edison Company and San Joaquin Light and Power Corporation, predecessor of Pacific Gas and Electric Company, establishing their respective service areas. To give continued effect to that agreement, there was filed in this proceeding a stipulation that the new franchise would not be exercised throughout the County, but only within the area and

to the extent agreed upon by the two utilities. With such restrictions imposed, we believe the requested authority to exercise the franchise should be granted.

O R D E R

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

IT IS ORDERED that Southern California Edison Company Ltd. be and hereby is granted a certificate to exercise the rights and privileges granted by the County of Kings, by Ordinance No. 166 adopted June 15, 1940, within those parts or portions of said County described and delineated in the instrument and map filed in this proceeding as Exhibits Nos. 1 and 2, which are now being served by it or 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 Kings 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 extension, or in accordance with any general or special authority granted by the Commission.
2. That, except on further certificate of this Commission first obtained, applicant shall not exercise said 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, nor in violation of the special agreement existing between applicant and Pacific Gas and Electric Company, successor in interest to San Joaquin Light and Power Corporation, referred to in the Commission's Decisions Nos. 13409 and 13557 in Applications Nos. 3056, 7762 and 8578.
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 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 day from and after the date hereof.

Dated at San Francisco this 9th day of December
1941.

W. B. Baker
Ray S. Riley
Justus F. Quecken

Commissioners.

Application No. 23633 - Southern California Edison Company Ltd.,
County of Kings - Electric Service

DISSENT

We dissent on the grounds set forth in Decision No. 34724 in Application No. 22665 (Southern California Gas Company), for a certificate of public convenience and necessity for gas service in the City of Visalia, California.

Francis R. Havenner
Richard Laska
Commissioners