

Decision No. 35308

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  
 Railroad Commission of the State of  
 California, granting to applicant a  
 certificate of public convenience  
 and necessity to exercise the right,  
 privilege and franchise granted to  
 applicant by Ordinance No. 90 N.S.  
 of the City Council of the CITY OF  
 EL PASO de ROBLES, County of San  
 Luis Obispo, State of California.  
 (Electric)

ORIGINAL

Application No. 24805

R. W. DuVal, Attorney, for Applicant.

BY THE COMMISSION:

O P I N I O N

Pacific Gas and Electric Company seeks authority to exercise a franchise granted by the City of El Paso de Robles permitting the maintenance of electric facilities upon the streets of said City.

As the franchise referred to is one granted by the City in accordance with the Franchise Act of 1937, it is provided therein that it shall be of indeterminate duration. A fee is payable annually to the City equivalent to 2 per cent of the gross receipts arising from the use of the franchise, but not less than 1/2 per cent of all sales of electricity by applicant within the City. The direct cost to applicant in obtaining the franchise is stated to have been \$1,428.50.

As this utility has for many years served electricity within and about the City of El Paso de Robles, San Luis Obispo County, without competition, it is evident that its request for a certificate to exercise this franchise should be granted.

O R D E R

A public hearing having been held upon 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 City of El Paso de Robles by Ordinance No. 90 N.S., adopted December 15, 1941, subject to the condition, however, 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 5<sup>th</sup> day of May, 1942.

Justus J. Cullen  
By H. Riley  
H. BAKER

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Commissioners.

DISSENT IN DECISION NO. 35308

APPLICATION NO. 24805

We dissent from the majority decision on the grounds and for the reasons stated in our dissent in Decisions No. 35124 and No. 35125 in Applications No. 24590 and No. 24591 (Pacific Gas and Electric Company service in the City of Bakersfield).

Francis R. Havenner

Richard Jackson

Commissioners.