

Decision No. 26786

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
PACIFIC GAS AND ELECTRIC COMPANY for  
an order of the Railroad Commission  
of the State of California approving  
an agreement entered into with DOWNTOWN  
MERCHANTS ASSOCIATION, INC., under date  
of October 25, 1943, and relating to the  
electric service furnished for street  
lighting.

ORIGINAL

Application No. 25903

BY THE COMMISSION:

OPINION AND ORDER

In this application Pacific Gas and Electric Company seeks approval of an agreement entered into with Downtown Merchants Association, Inc. (Oakland) under date of October 25, 1943, relative to electric service for outdoor decorative street lighting. This agreement marked Exhibit "A" is appended to said application.

For many years the Downtown Merchants Association has secured temporary and intermittent service from the Company for the above purposes by paying in addition to the charge for electric service the estimated cost involved in the installation and removal of the many service connections required. To avoid the repeated costs incurred for installation and removal of these service connections at the same locations, from time to time, the service has been furnished and used from December 12, 1937 to December 11, 1943, under a contract authorized by this Commission's Decision No. 30654, dated February 28, 1938, in Application No. 21626.

This original contract provided, among other things, for (1) delivery of low-voltage lighting service at 54 separate locations described in print attached to Exhibit "A" of Application No. 21626; (2) installation of the

necessary 54 service outlets and extensions from certain existing manholes along the underground lines, for which service extensions the Association paid the sum of \$8,724 to the Company; and (3) payment of the following rates for the service:

Service Charge: \$55.00 per month starting with delivery of service hereunder.

Energy Charge: (To be added to service charge)  
1¢ per kilowatt-hour per month.

By reason of governmental restrictions, the Association has been unable to operate its decorative street lighting installation. Also the above mentioned contract, which was for a period of five years, was deemed to have terminated as of December 11, 1942. The Association, nevertheless, has requested the Company not to remove the service connections, but to maintain them in their present locations so that the Company may be enabled to operate them in the future. The Company has complied with this request under the condition, stated in the agreement of October 25, 1943, that the Association shall pay beginning July 1, 1943, the sum of \$40 per month to cover maintenance costs until such time as governmental restrictions are removed and the Association shall again put its decorative street lighting installation into operation; and furthermore, that after such beginning of operation the Association shall pay the following rates for service:

Service Charge: \$55.00 per month commencing with the date said street lighting installation is first operated following the lifting of said Government restrictions.

Energy Charge: (To be added to service charge)  
1¢ per kilowatt-hour per month.

The term of the new agreement is for a period of five years from and after the first day of July, 1943, unless previously terminated in accordance with the terms thereof.

The rates proposed to be charged and collected by Applicant and paid by the customer are different and may be lower than the rates and charges contained in Applicant's filed schedule for commercial lighting service. In view of the fact, however, that the Association has provided the capital for the

construction of the service connections and outlets, as well as certain contributions towards the maintenance of the same, it does not appear that the carrying out of the aforesaid agreement will constitute a burden upon Applicant's other customers. Said agreement contains the usual statement that it shall at all times be subject to such changes or modifications by the Railroad Commission as said Commission may from time to time direct in the exercise of its jurisdiction.

The Commission is of the opinion that a public hearing in the matter is not necessary and that the application should be granted and good cause appearing,

IT IS HEREBY ORDERED that Pacific Gas and Electric Company be and it is hereby authorized to make effective and carry out the terms and make the charges therein specified of that certain contract or agreement with Downtown Merchants Association, Inc., (Oakland) attached as Exhibit "A" to the application herein. Pacific Gas and Electric Company shall file with this Commission within a period of thirty days three copies of the executed agreement.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 14<sup>th</sup> day of December, 1943.

Francis D. Havens  
Justin J. Calkins  
Richard Sachs  
Francis J. O'Connell

Commissioners