

Decision No. 37373

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PACIFIC GAS AND ELECTRIC COMPANY for an
order granting to applicant a certificate
to exercise the rights, privileges and
franchise granted to applicant by Ordinance
No. 346 of the City Council of the CITY OF
LOMPOC, County of Santa Barbara, State of
California. (Special Electric Franchise)

ORIGINAL

Application No. 26179.

R. W. DuVal, for Applicant

BY THE COMMISSION:

O P I N I O N

In this application Pacific Gas and Electric Company seeks authority to exercise a franchise granted by the City of Lompoc permitting the installation and maintenance of electric facilities upon certain streets of said city.

The franchise referred to, a copy of which is attached to the application and marked Exhibit "A," is restrictive in character and limits the authority granted to certain specified streets. Its term is fifty years and it provides that a fee is payable annually to the city equivalent to two per cent of the gross receipts arising from the use, operation and possession of the franchise. The direct costs to Applicant in obtaining this franchise are stated to have been \$177.00.

A hearing on this application was held by Examiner Daly and from the testimony received it appears that this franchise was issued by the city in order to enable Applicant to relocate a portion of a distribution line so as to remove possible obstructions to the operation of the adjacent U. S. Navy Blimp Base.

The line referred to is a 10 ^{KV} circuit transmitting energy from Applicant's substation within the city to the area lying beyond its western boundary. (a)

(a) Applicant distributes no energy within the city limits that function being performed by the city's municipal electric department which purchases energy wholesale from Applicant.

It was built along streets specified in a prior franchise granted by the city by its Ordinance No. 307 and that portion of its alignment extending westward from "E" Street to the city's western boundary was located on College Avenue.

In order to meet the needs of the U. S. Navy that portion of the line on College Avenue between "E" Street and "O" Street has already been moved one block south and installed on Maple Street which runs parallel to College Avenue and that portion on "E" Street between College Avenue and Maple Street has been moved westward to a corresponding position on "O" Street.

The new franchise upon which this application is based specifies streets to conform to the alignment as altered.

Upon receipt of the requested certificate of public convenience and necessity Applicant will surrender its rights and privileges obtained under Ordinance No. 307.

Applicant also maintains other lines and facilities on streets and on lands within the city under another prior franchise granted by the city by Ordinance No. 247 which franchise and facilities are unaffected by the above-mentioned line relocation.

A certificate of public convenience and necessity to exercise the special franchises granted by Ordinances Nos. 247 and 307 was granted to Applicant by Decision No. 32387.

As Applicant has for many years supplied electric service to customers outside the city limits by means of this line and as its relocation appears necessary to enable the U. S. Navy to best utilize its facilities, it is evident that Applicant's request to exercise the franchise making possible the forced line relocation should be granted.

The certificate of public convenience and necessity granted herein is subject to the following provisions of law:

- (a) That the Commission shall have no power to authorize the capitalization of the franchise involved herein or this certificate of public convenience and necessity or the right to own, operate or enjoy such franchise or certificate of public convenience and necessity in excess of the amount (exclusive of any tax or annual charge) actually paid to the State or to a political subdivision thereof as the consideration for the grant of such franchise, certificate of public convenience and necessity or right.

- (b) That the franchise involved herein shall never be given any value before any court or other public authority in any proceeding of any character in excess of the cost to the grantee of the necessary publication and any other sum paid by it to the municipality therefor at the time of the acquisition thereof.

ORDER

A public hearing having been held upon the application of Pacific Gas and Electric Company, the matter considered, it appearing to the Commission and it being found as a fact that public convenience and necessity so require, therefore,

IT IS HEREBY ORDERED that Pacific Gas and Electric Company be and hereby is granted a certificate to exercise the right and privilege granted by the City of Lompoc by Ordinance No. 346, adopted October 5, 1943.

The effective date of this order shall be the date hereof.

Dated San Francisco California, this 26th day of September, 1944.

Justice F. Callahan
Francis R. Haven
Francis J. Jones
Charles H. Dangle
Commissioners