

Decision No. 38021

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 require that it exercise the rights and privileges granted it under franchise ordinance No. 445 to use, or to construct and use, an electric distribution and transmission system within the CITY OF MONTEREY PARK, County of Los Angeles, State of California.

ORIGINAL

Application No. 26666

Gail C. Larkin, B. F. Woodard and
Bruce Renwick, by B. F. Woodard
for Applicant

BY THE COMMISSION:

O P I N I O N

The Southern California Edison Company Ltd. seeks authority to exercise a franchise granted by the City of Monterey Park, permitting the maintenance of electric facilities upon the streets of said City.

The franchise referred to, a copy of which is attached to the application and marked Exhibit "A," is one granted by the City in accordance with the Franchise Act of 1937, and it is provided therein that it shall be of indeterminate duration. A fee is payable annually to the City equivalent to two per cent of the gross receipts arising from the use of the franchise, but not less than one per cent of all sales of electricity by Applicant within the City. The direct costs to Applicant in obtaining the franchise are stated to have been \$89.00.

A public hearing on this application was held by Examiner Crenshaw, at which no one appeared to oppose or protest the granting of the requested authority.

As this utility has for many years served electricity within and about the City of Monterey Park without competition, it is evident that its request for a certificate to exercise its franchise 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 Southern California Edison Company Ltd., 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 Southern California Edison Company Ltd. be and hereby is authorized to exercise the rights and privileges granted by the City of Monterey Park by Ordinance No. 445, adopted March 12, 1945.

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

Dated, San Francisco, California, this 26th day of June,

1945.

Richard Anderson
Justice F. Casper
Richard K. Chase

Commissioners

James M. Powell