

Decision No. 38358

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of E. R. SEAMAN, doing business under the firm name and style of OAKS LIGHT AND POWER COMPANY, 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. 261 of the Board of Supervisors of the COUNTY OF LAKE, State of California.

ORIGINAL

Application No. 26945

E. R. Seaman, for Applicant
James F. Pollard, for Pacific Gas and
Electric Company

O P I N I O N

E. R. Seaman, doing business as Oaks Light and Power Company, seeks authority to exercise a franchise granted by the County of Lake permitting the installation and maintenance of electric facilities upon the public highways and roads in a limited portion of said county.

The franchise referred to, a copy of which is attached to the application and marked Exhibit "A," is for a term of fifty years. Under its provisions, a fee is payable annually to the county equivalent to 2% of the gross annual receipts arising from the use, operation or possession thereof, said payments to commence five years after the date of grant.

The cost to Applicant in obtaining this franchise is stated to have been \$300.

A public hearing on this application was held by Examiner Daly.

Applicant, since 1926, has furnished electric service continuously in and about the unincorporated town of Clear Lake Oaks under a certificate of public convenience and necessity granted by Decision No. 17200 in Application No. 12737. The limits of Applicant's service area were specifically described

in that application and were restricted to properties then controlled by Stubbs-Earley Company Inc., a realty concern engaged in developing that area. Facilities generally were installed upon these properties under a permit from the realty concern and no franchise from the county was obtained.

Applicant, for some time, has been receiving requests for service in the lake shore area located without and to the north and west of its presently certificated service area and, in order to render this additional service, has obtained the aforementioned franchise. This franchise, which is limited to specified sections in specified townships, is so worded as to provide a liberal area for expansion to and beyond the points from which requests for service have come and also to include Applicant's present service area. The effect of this inclusion will be to clarify Applicant's right to utilize public roads and highways not specifically mentioned in the permit from the realty concern or not existing at the time of its granting.

The area specified in the franchise is as follows:

Section 5 in Township 13 North Range 7 West,
Sections 29,30,31 and 32 in Township 14 North
Range 7 West, Sections 7,17,18,19,20,21,27,28,
29,34,35 and 36 in Township 14 North Range 8
West Mt. Diablo Base and Meridian, all in the
County of Lake.

Pacific Gas and Electric Company, from which Oaks Light and Power Company purchases the energy for its operation, also serves territory in the vicinity of Clear Lake Oaks, its service area adjoining that of Applicant on the south and being separated from it by several miles of intervening unserved territory on the north and west.

While this application asks for a certificate of public convenience and necessity to exercise the franchise as written, Mr. Seaman at the hearing asked that the certificate issued exclude Section 7, 17, 18, 19 and 20 of Township 14 North, Range 8 West M.D.B. & M., they being beyond the limits to which he feels able to extend his facilities and service in the reasonably near future. The Order herein will so provide.

No one made a protest to the granting of this application.

Applicant has proceeded with the construction of an extension into the unserved area and has progressed to such an extent that a portion of the line has been energized temporarily. The details of establishing service can proceed immediately.

Applicant states that its operations will not conflict with those of Pacific Gas and Electric Company and that if the requested certificate is granted it will never use the same for the purpose of extending its facilities into the recognized service area of that utility and competing with it.

From the foregoing it is evident that a need has developed for the extension of Applicant's service into the unserved area mentioned and that authority to exercise its newly acquired franchise with the desired limitations should be given. The certificate of public convenience and necessity authorized herein is subject to the following provision of law:

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.

O R D E R

A public hearing on the application of Oaks Light and Power Company having been held, 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 E. R. Seaman, doing business as Oaks Light and Power Company, be and hereby is granted a certificate to exercise the right, privilege and franchise granted by the County of Lake by Ordinance No. 261

adopted July 10, 1944 in a portion of the territory specified therein which portion is contained in the following described land areas:

Section 5 in Township 13 North Range 7 West,
Sections 29,30,31 and 32 in Township 14 North
Range 7 West and Sections 21,27,28,29,34,35 and
36 in Township 14 North Range 8 West Mt. Diablo
Base and Meridian, all in the County of Lake.

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

Dated at Los Angeles, California, this 30 day
of October, 1945.

[Signature]
[Signature]
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Commissioners