

Decision No. 28548

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
THE CALIFORNIA OREGON POWER COMPANY,
a corporation, for an order granting
to it a certificate of public
convenience and necessity to exercise
the right, privilege and franchise
granted to it by the City of Alturas,
Modoc County, California.

ORIGINAL

Application No. 26949

Brobeck, Phleger, and Harrison, by
James S. Moore, Jr., and George D.
Rives for Applicant.

BY THE COMMISSION:

OPINION

In this application The California Oregon Power Company seeks authority to exercise a franchise granted by the City of Alturas permitting the installation and 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," was 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 2% of the gross receipts arising from the use of the franchise, but not less than one-half of 1% of all sales of electricity by applicant within the City. The direct costs to applicant in obtaining this franchise are stated to have been \$52 composed of the following items:

Publishing Notice of Intention	\$24
Publishing Ordinance	28
Total	\$52

A public hearing on this application was held by Examiner Daly, 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 Alturas, 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 The California Oregon Power 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 The California Oregon Power Company be and hereby is granted a certificate to exercise the right and privilege granted by the City of Alturas, by Ordinance No. 210, adopted July 9, 1945.

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

Dated at San Francisco, California, this 21st day of December, 1945.

Harold C. Huber
Justus F. Cruesen
Francis W. DeWitt
Ernest A. Dwyer
Harold P. Hull
Commissioners