

Decision No. 38692

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. 89782 of the CITY OF LOS ANGELES to construct, install, operate and maintain electrical and telephone circuits, together with necessary appurtenances thereto, on certain streets and public places in the CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

ORIGINAL

Application No. 270SL

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

BY THE COMMISSION:

O P I N I O N

Southern California Edison Company Ltd. has applied for authority to exercise an electric franchise granted by the City of Los Angeles. A copy of the franchise is attached to the application and marked Exhibit A.

This franchise is for a period of approximately fifteen years and will expire on August 22, 1960. It runs concurrently with two similar franchises which applicant was authorized to exercise by Decision No. 33202 and permits the installation and maintenance of facilities on additional, designated streets or places within said city for the purpose of transmitting electricity to customers outside the city, to departments of the city and to railway stations, as well as for purposes of intercompany communication. Its specific purpose is to cover line changes and extensions made during the last several years for city and company convenience in locations not covered by previous franchises.^a

^a Under the city charter the exact streets that are to be affected are required to be shown in the franchise granted.

Annual payments to the city are to be made in accordance with the provisions of Ordinance No. 81509 underlying Decision No. 33202 which are as follows:

Telephone Lines

- (a) \$30 per route mile on jointly-owned poles.
- (b) \$60 per route mile on company-owned poles.

Power Lines

The greater of the two amounts computed in accordance with (a) and (b).

- (a) \$100 per route mile.
- (b) \$50 per route mile plus 2% of the receipts arising from the use, operation, or possession of the franchise but not less than 1% of the gross annual revenues from within the city.

In addition to the annual payments thus provided for an immediate additional payment of \$200 is required. This sum is said to represent the amount of money applicant should have paid the city under the annual payments provisions of the prior franchise, for lines on unauthorized streets from the time they were installed until the date on which this franchise was granted. The direct cost to applicant in obtaining this franchise is stated to have been \$300.

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

As the operations contemplated under the subject franchise are merely an enlargement of operations for the same purposes heretofore authorized, it is evident that the requested authority should be given.

The authority herein granted 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 on the application of Southern California Edison Company Ltd., the matter having been considered, it appearing to the Commission and being found as a fact that public convenience and necessity so require, therefore,

IT IS ORDERED that Southern California Edison Company Ltd. be and is hereby authorized to exercise the rights and privileges granted it by the City of Los Angeles under Franchise Ordinance No. 89782 adopted October 15, 1945.

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

Dated at San Francisco, California, this 19th
day of February, 1946.

David Rubin

Francisco Deane

Max H. Luce

Harold Huls

(Commissioners)