

Decision No. 38803

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of
PACIFIC GAS AND ELECTRIC COMPANY, a
corporation, for an order of the Railroad
Commission of the State of California,
granting to applicant a certificate of
public convenience and necessity to exer-
cise the right, privilege and franchise
granted to applicant by Ordinance No. 260
of the Board of Supervisors of the COUNTY
OF TULARE, State of California.
(Electric)

ORIGINAL

Application No. 26180.

R. W. DuVal for Applicant; Gail C. Larkin and Bruce Renwick,
by Bruce Renwick, for Southern California Edison Company Ltd.

O P I N I O N

Pacific Gas and Electric Company seeks authority to exercise a franchise granted by the County of Tulare, permitting the installation and maintenance of electric transmission and distribution facilities upon the streets, alleys, public highways and public places 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 and provides that a fee is payable annually to the County equal to two per cent of the gross annual receipts arising from the use, operation, or possession thereof.

The direct cost to Applicant in obtaining this franchise is stated to have been \$239, including \$29 advertising expense.

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

Applicant or its predecessor in interest, San Joaquin Light and Power Corporation, hereinafter sometimes referred to as San Joaquin, for many years has maintained and operated transmission facilities throughout the County and distributed electric energy and service in the northerly and southwesterly portions thereof. Southern California Edison Company Ltd., hereinafter sometimes

referred to as Edison, likewise for many years has maintained and operated transmission facilities throughout the County and distributed electric energy and service in the central and eastern portions thereof. Applicant asserts that the requested authority is not being sought for the purpose of enabling it to compete with Edison in the business of supplying electric service in Tulare County.

The service areas of Applicant and Edison in Tulare County are separated by an irregular line extending generally north and south, which was established in 1924 by Decision No. 13409 in Application No. 8578, in which San Joaquin and Edison jointly asked the Commission to make a division of territory in Kings, Tulare, and Kern Counties and to determine the facilities to be transferred by each utility in order to eliminate unwarranted duplication resulting from competitive conditions.

This line begins at the southeast corner of Sec. 1, T. 17 S., R. 26 E., M.D.B. & M. in Tulare County and extends westward into Kings County, thence south, thence eastward into Tulare County, thence southeastward across the southwest corner of Tulare County to a point in Kern County approximately 30 feet north of the southeast corner of Sec. 17, T. 26 S., R. 28 E., M.D.B. & M. It is delineated on a map filed with Application No. 8578 as Exhibit A and described in Applicant's revised Exhibit No. 4, filed in connection with the hearing thereon.

Filed also with Application No. 8578 as Exhibit B was a copy of a proposed agreement covering the contemplated transfers, the consummation of which would limit Edison's service area to the territory lying generally east of said line and between two parallel lines projected due east from its north and south termini, and that of San Joaquin to territory lying generally west of and outside of these boundary lines.

Among the distribution facilities to have been acquired by Edison were those used by San Joaquin to supply service to that portion of the northeast quarter of Sec. 2, T. 17 S., R. 25 E., M.D.B. & M. lying south and west of the Atchison, Topeka and Santa Fe Railway, which constitutes the townsite of Seville. By mutual agreement, San Joaquin continued to serve this limited area and Edison now relinquishes claim thereto.

At the hearing Applicant supplemented its application by asking that the authority to exercise its newly acquired franchise be made county-wide for transmission purposes, but limited to its established service area for distribution purposes. In order better to define their respective service areas and reflect present and future operating conditions, Applicant and Edison have agreed upon certain changes and additions to the boundary line of 1924. These changes consist of relocating a portion of the line around the south and west sides of the northeast quarter of Sec. 2, T. 17 S., R. 25 E., M.D.B. & M. so as to exclude the townsite of Seville from Edison's area and of extending it northeasterly from its present northern terminus until it intersects the north boundary line of Sequoia National Park and thence along this park boundary line to its intersection with the eastern boundary line of Tulare County.

A description of this line and a map on which it is delineated are contained in Applicant's Exhibit 2. Also contained in this exhibit and shown on the map therein is a description of a limited area embracing the site of Applicant's Tule Power House, the Doyle Ranch, Camp Wishon, and a narrow strip of land along the transmission line between these points, which area though located in the middle of and surrounded by Edison's service area, has always been and will remain a detached portion of Applicant's service area. Edison expressed agreement with Applicant on the revised course of the boundary line and the consequent changes in service areas in Tulare County. (1)

In view of the foregoing it would appear that Applicant's request for authority to exercise its franchise and for a revision of service areas in Tulare

(1) Tr. p. 15: "Mr. Renwick: Yes. The record may show that the statements made by Mr. Pollard with reference to the agreement reached between the Pacific Gas and Electric Company and the Edison Company as to their respective areas within Tulare County is correct. Also that the Pacific Gas and Electric Company's Exhibit 2 has been checked by the Edison Company and the descriptions contained therein and also the map are correct and the map evidences the agreement between the parties as to their service areas within Tulare County."

County should be granted. The authority herein granted is subject to the following provisions 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 having been held upon the application of the 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,

IT IS HEREBY ORDERED that Pacific Gas and Electric Company be and it hereby is authorized to exercise the right, privilege and franchise granted it by the County of Tulare by Ordinance No. 260, adopted April 3, 1939, to install and maintain electric transmission lines and facilities throughout the entire County and to install and maintain distribution lines and facilities in the service area herein established.

IT IS HEREBY FURTHER ORDERED that the service area of Pacific Gas and Electric Company in Tulare County shall be the portions of said County lying generally north and west of an irregular line which begins at the point where the northern boundary line of Sequoia National Park intersects the eastern boundary line of Tulare County and follows a westerly and southerly course partly within Tulare County and partly within Kings County and terminates at the point where the center line of the Atchison, Topcka and Santa Fe main line intersects the southern boundary of Tulare County and that small isolated area in the central portion of said County comprising Applicant's Tule Power House site, Camp Wishon, the Doyle Ranch, and a narrow strip of land along the transmission line between these points, and that the service area of Southern California Edison Company Ltd. in Tulare County shall be that portion of said County lying generally east and south of said line excluding the aforementioned small isolated area in the vicinity of Applicant's Tule Power House, Camp Wishon, and Doyle Ranch, all of which areas and lines are described in detail and delineated on a map in Applicant's Exhibit 2.

IT IS HEREBY FURTHER ORDERED that the service areas and boundary lines for Pacific Gas and Electric Company and Southern California Edison Company Ltd. in Tulare County, established by Decision No. 13409 in Application No. 8578 shall be superseded by those established in this Order and that the service areas and boundary lines established for said utilities in Kings County and Kern County by said Decision No. 13409 shall remain unchanged.

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

Dated at San Francisco, California, this 2nd day of April, 1946.

David C. Quinn
Justin F. Casper
Frank W. Day
David A. Luedde
Harold H. Hill
Commissioners.