

ORIGINAL

Decision No. 39907

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SOUTHERN CALIFORNIA EDISON COMPANY LTD.,
a corporation, for an Order of the
Railroad Commission of the State of
California granting to Applicant a certifi-
cate of public convenience and necessity to
exercise the right, privilege and franchise
granted to Applicant by Ordinance No. F-2
of the Board of Supervisors of the County
of Kern, State of California, to construct,
and use an electric distribution and
transmission system within the County of
Kern, State of California.

Application No. 27836

Gail C. Larkin, B. F. Woodard and Bruce
Renwick by Bruce Renwick for Applicant;
R. W. DuVal and Lloyd Henley by Lloyd
Henley for Pacific Gas and Electric Company.

O P I N I O N

Southern California Edison Company Ltd. asks authority to exercise a franchise granted by the County of Kern permitting the installation and maintenance of electric transmission and distribution facilities upon the streets, alleys, public ways, 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 50 years and provides that a fee is payable annually to the county equivalent to 2% 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 \$581.

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

Applicant for many years has maintained and operated transmission facilities throughout the county and distributed electric energy and service in the east central portion thereof; Pacific Gas and Electric Company, hereinafter

sometimes referred to as Pacific, or its predecessor in interest, San Joaquin Light and Power Corporation, for many years has maintained and operated transmission facilities throughout the county and distributed electric energy and service in the western portion thereof; and California Electric Power Company, hereinafter sometimes referred to as Cal. Electric, or its predecessor in interest, Southern Sierras Power Company, likewise for many years has maintained and operated transmission facilities in the eastern portion of the county and distributed electric energy and service therein. Applicant asserts that the requested authority is not being sought for the purpose of enabling it to compete with Pacific or with Cal. Electric in the business of supplying electric service in Kern County.

The service areas of Applicant and Pacific in Kern County are the results of development and are separated by an irregular line running generally north and south. The course of the northerly portion of this line was established in 1924 by Decision No. 13409 in Application No. 8578 but the remaining portion has never been formally established.

The service areas of Applicant and Cal. Electric in Kern County are separated by an approximately straight line running generally north and south which was established in 1916 by Decision No. 3341 in Application No. 2225, and reaffirmed in 1917 by Decision No. 4597 in Application No. 3050.

In order to define clearly their service areas and reflect present operating conditions, Applicant and Pacific have agreed upon a boundary line involving minor changes in that portion established by Decision No. 13409. A description of this line and a map on which it is delineated are contained in Applicant's Exhibit 1. Pacific expressed agreement with Applicant upon the description and delineation set forth therein.

Also contained in this exhibit and delineated on the map therein is a description of the boundary line between the service areas of Applicant and Cal. Electric. Cal. Electric has stipulated in writing that said line conforms to the boundary line established for this purpose by Decision No. 3341 in Application No. 2225 and Decision No. 4597 in Application No. 3050.

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 view of the foregoing, it would appear that Applicant's request for authority to exercise its franchise and for a revision and definition of service areas in Kern 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 franchises involved herein or this certificate of public convenience and necessity or the right to own, operate or enjoy such franchises 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 franchises, certificate of public convenience and necessity or right.

O R D E R

A public hearing having been held upon 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,

IT IS ORDERED that Southern California Edison Company Ltd. be and hereby is authorized to exercise the right, privilege, and franchise granted it by the County of Kern by Ordinance No. F-2, adopted April 15, 1946, 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 FURTHER ORDERED that the service area of Southern California Edison Company Ltd. in Kern County shall be that portion of said county lying generally east and south of an irregular line which begins at the point where the center line of the railroad right of way of the Atchison, Topeka, and Santa Fe Railroad Company intersects the northern boundary line of Kern County and follows a southerly and westerly course to the point where the western

boundary line of Santa Barbara County intersects the southern boundary line of Kern County; and lying generally west of an approximately straight line which begins at the intersection of the range line between ranges 35 and 36 east, M.D.M. with the northern boundary line of Kern County and follows a southerly course to the southwest corner of township 9 north, range 9 west, S.B.B. and M., said southwest corner being in the southern boundary line of Kern County, which lines are described in detail and delineated on a map in Applicant's Exhibit 1.

IT IS FURTHER ORDERED that the service areas and boundary line in Kern County established for Applicant and San Joaquin Light and Power Corporation, predecessor in interest of Pacific Gas and Electric Company by Decision No. 13409 in Application No. 8578, shall be superseded by those established by this Order.

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

Dated at San Francisco, California, this 25th day
of January, 1947.

Harold J. Kula

Justus J. Cullen

A. F. Anderson

Commissioners.