

Decision No. 40677

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of  
 PACIFIC GAS AND ELECTRIC COMPANY for  
 an order of the Public Utilities  
 Commission of the State of California  
 granting to applicant a certificate  
 of public convenience and necessity  
 to exercise the rights, privileges  
 and franchise granted to applicant  
 by Ordinance No. 182 of the City  
 Council of the CITY OF SAN CARLOS,  
 County of San Mateo, State of Cali-  
 fornia.

(Gas)

ORIGINAL

Application No. 28599

R. W. DuVal for Applicant;  
 Patrick J. Kearns, Mayor, and  
 Carl W. Anderson, City Attorney,  
 for City of San Carlos.

O P I N I O N

Pacific Gas and Electric Company asks for a certificate of public convenience and necessity to exercise a franchise granted by the City of San Carlos permitting the installation and maintenance of gas 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 is of indeterminate duration. A fee is payable annually to the city equivalent to two per cent of the gross receipts arising from the use of the franchise but not less than one per cent of all sales of gas by Applicant within the city.

The costs incurred by Applicant in obtaining the franchise are stated to have been \$2,034.00.

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

As this utility has for many years served gas within and about the city of San Carlos without competition, it is evident that the requested certificate should be granted.

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.

O R D E R

Application as above entitled having been filed, a public hearing having been held thereon, the matter having been submitted, the Commission being fully advised in the premises and hereby finding that public convenience and necessity so require,

IT IS HEREBY ORDERED that a certificate of public convenience and necessity is hereby granted to Pacific Gas and Electric Company to exercise the rights and privileges granted by the City of San Carlos by Ordinance No. 182, adopted January 22, 1947.

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

Dated at Los Angeles California, this 10<sup>th</sup> day of September, 1947.

Harold Hulse  
Justice F. C. C. C. C.  
Justice F. C. C. C.  
R. F. C. C. C.