

Decision No. 41005

ORIGINAL

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 certifi-
 cate of public convenience and necessity to
 exercise the rights, privileges and franchise
 granted to applicant by Ordinance No. 437
 (Miscellaneous Ordinance No. 22) of the City
 Council of the CITY OF SAN BRUNO, County of
 San Mateo, State of California.

Application No. 28819.

(Electric)

R. W. DuVal for applicant; J. J. Hearne, Mayor, for the City of
 San Bruno.

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 Bruno
 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 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 electricity within the
 city.

The costs incurred by applicant in obtaining the franchise are stated to
 have been \$1,818.75.

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 electricity in and about the
 city of San Bruno without competition, it is evident that the requested certificate
 should be granted.

The certificate of public convenience and necessity 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 Bruno by Ordinance No. 437 (Miscellaneous Ordinance No. 22), adopted April 23, 1947.

The effective date of this Order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 17th day of

December, 1947.

Harold P. Hule

Justice F. Coakley

Frank H. Hule

A. E. Jones

Commissioner.