

Decision No. 42095

## 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 Com-  
 mission of the State of California  
 granting to applicant a certificate  
 of public convenience and necessity  
 to exercise the right, privilege and  
 franchise granted to applicant by  
 Ordinance No. 141 of the Board of Super-  
 visors of the COUNTY OF YUBA, State of  
 California.

(Gas)

ORIGINAL

Application No. 29289

R. W. DuVal, for applicant.

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 County of Yuba permitting the installation, maintenance and use of gas facilities upon the roads and highways of said county.

The franchise referred to, a copy of which is attached to the application and marked Exhibit A, is for an indeterminate term running until its surrender or abandonment or forfeiture for noncompliance, or purchase by the state, county, or other public corporation, either voluntarily or by condemnation. A fee is payable annually to the county equivalent to 2% of the gross annual receipts arising from the use, operation, or possession of the franchise.

The costs incurred by applicant in obtaining the franchise are stated to have been \$537.25 and the applicant has stipulated that it, its successors or assigns, will never claim before the Commission or before any court or public body, any value for the aforesaid franchise in excess of the actual cost thereof.

A hearing on this application was held by Examiner Knerr at which no opposition to the granting of the requested certificate was manifested. Pacific Gas and Electric Company, for many years, has served gas within the County of Yuba without competition, although its existing distribution facilities do not extend to all portions of the county. No other utility or agency now renders gas utility service within the county. The order will provide for a certificate for the presently served area together with extensions made in the ordinary course of business.

The certificate of public convenience and necessity 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

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 ORDERED that Pacific Gas and Electric Company be, and it is hereby, granted a certificate to exercise the right, privilege and franchise granted to it by Ordinance No. 141 of the County of Yuba, adopted January 5, 1948, within such parts or portions of said county as are now served by it or as hereafter may be served by it through

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extensions of its existing system made in the ordinary course of  
business as contemplated by Section 50 (a) of the Public Utilities Act.

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

Dated at San Francisco, California, this 5<sup>th</sup> day of  
October, 1948.

*P. J. [Signature]*

*Chas. H. [Signature]*

*Harold [Signature]*

*James [Signature]*

Commissioners.

