

Decision No. 42442**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 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. 234 of the Board of
 Supervisors of the COUNTY OF AMADOR,
 State of California.
 (Electric)

Application No. 29686

Ralph W. DuVal and Frederick T. Searls, for applicant.O P I N I O N

Pacific Gas and Electric Company, by the above-entitled application, requests a certificate of public convenience and necessity to exercise the rights and privileges conferred by Ordinance No. 234, adopted March 1, 1948, by the Board of Supervisors of the County of Amador, granting a franchise to construct, install, maintain and use electric transmission and distribution facilities in the public streets of the county.

The term of the franchise is indeterminate, running until its surrender, abandonment or forfeiture for noncompliance, or purchase by the state, county or other public corporation either voluntarily or by condemnation. Under the ordinance, a fee is payable by the grantee 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 \$230.50 and the applicant has stipulated that it, its successor 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.

In its application, Pacific Gas and Electric Company alleges that it and its predecessors originally constructed and subsequently extended the electric systems in Amador County and engaged in the business of furnishing and supplying electric service therein under the grant of power and rights conferred by its charter and/or pursuant to franchises granted to it and/or under certificates of public convenience and necessity granted by the Commission to applicant in Decision No. 30346, dated November 22, 1937, in Application No. 21074. Applicant's statement shows four franchises effective in Amador County prior to the adoption of the newest such ordinance. These franchises are identified as follows:

<u>Ordinance No.</u>	<u>Adopted</u>	<u>Expiring</u>	<u>Granting Franchise To:</u>
77	June 7, 1897	June 7, 1947	Blue Lakes Water Company
97	Dec. 4, 1899	Dec. 4, 1949	Standard Electric Company
113	July 6, 1903	July 6, 1953	American River Electric Co.
188	Nov. 2, 1936	Dec. 2, 1986	Pacific Gas and Electric Co.

A hearing on the instant application was held before Examiner Knerr at which no opposition to the granting of the certificate was manifested. Pacific Gas and Electric Company for many years has served electricity within the County of Amador, although its existing distribution facilities do not extend to all portions of the county. From the testimony received, it appears that no person, firm or public or private corporation other than Pacific Gas and Electric Company is now engaged in the business of furnishing, distributing, and selling electricity in Amador County.

From the evidence of record, the Commission finds that public convenience and necessity require the exercise by applicant of the right, privilege and franchise granted to Pacific Gas and Electric Company by Ordinance No. 234 of the Board of Supervisors of Amador County, subject to appropriate restrictions concerning the territory not now served.

The certificate of public convenience and necessity granted herein 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

Public hearing having been held on the above-entitled application, the matter having been submitted, and the Commission being fully advised,

IT IS HEREBY ORDERED that Pacific Gas and Electric Company be and it is granted a certificate that public convenience and necessity require the exercise by it of the right, privilege, and franchise granted to it by Ordinance No. 234 adopted March 1, 1948, by the Board of Supervisors of Amador County, subject, however, to the following conditions:

1. That Pacific Gas and Electric Company shall not exercise said franchise for the purpose of supplying electricity in those parts or portions of Amador County not now served by it except through extensions of its existing system made in the ordinary course of business as contemplated by Section 50 (a) of the Public Utilities Act; and

2. That the Commission may hereafter by appropriate proceeding and order limit the authority herein granted to applicant as to any territory within said county not then being served by it.

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

Dated at San Francisco, California, this 25th day of January, 1949.

R. Z. Anderson

James R. ...

Harold T. ...

Harold T. ...
Commissioners