

Decision No. 42876

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 right, privilege and
 franchise granted to applicant by
 Ordinance No. 212 of the Board of
 Supervisors of the COUNTY OF YOLO,
 State of California.
 (Gas)

Application No. 29836

Ralph W. DuVal, by 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 authorizing it to exercise the rights and privileges conferred by Ordinance No. 212, adopted June 7, 1948, by the Board of Supervisors of the County of Yolo, granting a franchise to construct, install, maintain and use gas 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 \$392.20. 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.

In its application Pacific Gas and Electric Company alleges that it and its predecessors originally constructed and subsequently extended gas systems in Yolo County and engaged in the business of furnishing and supplying gas service therein under one or a combination of the following authorizations: (1) under the grant of power and rights conferred by their charters; (2) under and pursuant to franchises granted to applicant or its predecessors; (3) under certificates of public convenience and necessity granted by the Commission to applicant by Decision No. 8209 in Application No. 5999, and Decision No. 30459 in Application No. 21200. Applicant's statement shows four franchises effective in Yolo County prior to the adoption of Ordinance No. 212. Those franchises are identified as follows:

<u>Ordinance No.</u>	<u>Adopted</u>	<u>Expiring</u>	<u>Granting Franchise To</u>
39	July 7, 1903	July 7, 1953	Washington Electric Gas and Fuel Co.
103	July 12, 1920	Aug. 11, 1970	Pacific Gas and Electric Co.
108	Nov. 21, 1921	Nov. 21, 1971	Pacific Gas and Electric Co.
148	Jan. 19, 1937	Feb. 18, 1987	Pacific Gas and Electric Co.

A hearing on the instant application was held at Woodland on April 20, 1949, before Examiner Gregory. No opposition to the granting of the certificate was manifested. Pacific Gas and Electric Company and its predecessors for many years have served gas within the County of Yolo, although applicant's existing distribution facilities do not extend to all portions of the county. From the testimony received it appears that no other public or private agency presently renders gas service in the 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 it by Ordinance No. 212 of the Board of Supervisors of the County of Yolo, State of California.

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. 212, adopted June 7, 1948, by the Board of Supervisors of the County of Yolo, State of California, subject however, to the following conditions:

1. That Pacific Gas and Electric Company shall not exercise said franchise for the purpose of supplying gas in those parts or portions of the County of Yolo 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;
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 17th day of May, 1949.

A. J. [Signature]
Justus P. [Signature]
David [Signature]