

ORIGINAL

Decision No. 43004

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. 196 of the Board of
 Supervisors of the COUNTY OF Placer,
 State of California.
 (Gas)

Application No. 29988

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. 196, adopted March 5, 1948, by the Board of Supervisors of the County of Placer, 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 or 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 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 \$286.88. 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 originally constructed and subsequently extended the gas system in Placer County and engaged in the business of furnishing and supplying gas service therein under one or more of the following authorizations: (1) under the grant of power and rights conferred by its charter; (2) under and pursuant to the franchises granted to applicant by the Board of Supervisors of the County of Placer, as follows:

<u>Ordinance No.</u>	<u>Adopted</u>	<u>Expiring</u>	<u>Granting Franchise To</u>
40-Series B	Oct. 25, 1926	Nov. 24, 1976	Pacific Gas and Electric Company
48-Series B	March 4, 1930	April 3, 1980	Pacific Gas and Electric Company

(3) under certificates of public convenience and necessity granted to applicant by the Commission in Decision No. 17957, in Application No. 13409, in connection with Ordinance No. 40 Series B, and in Decision No. 31809, in Application No. 22510 and Decision No. 36073, in Application No. 25420, in connection with Ordinance No. 48 Series B.

A hearing on the instant application was held at Auburn on April 21, 1949, before Examiner Gregory. No opposition to the granting of the certificate was manifested. Pacific Gas and Electric Company for many years has rendered gas service within the County of Placer, although its distribution facilities do not extend to all portions of the county. From the testimony received, it appears that no public or private agency, other than applicant, is presently rendering gas service in Placer 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. 196

of the Board of Supervisors of Placer County, subject, however, 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. 196, adopted March 5, 1948, by the Board of Supervisors of the County of Placer, 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 Placer 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 21st day of

June, 1949.

R. Z. [unclear]
Justin J. [unclear]
[unclear]
Harold P. [unclear]
[unclear]
Commissioners.