

ORIGINAL

Decision No. 43006

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. 161 of the Board of
Supervisors of the COUNTY OF NEVADA,
State of California.
(Gas)

Application No. 29687

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. 161, adopted January 5, 1948, by the Board of Supervisors of the County of Nevada, 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 two per cent 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 \$523.50. 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 the gas system in Nevada 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 their charters; (2) under and pursuant to the franchise granted to California Central Gas and Electric Company by Ordinance No. 80, adopted January 6, 1904, by the Board of Supervisors of the County of Nevada, and expiring January 6, 1954.

A hearing on the instant application was held at Nevada City on April 21, 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 rendered gas service within the County of Nevada, although applicant's 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 Nevada 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. 161 of the Board of Supervisors of Nevada 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. 161, adopted January 5, 1948, by the Board of Supervisors of the County of Nevada, 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 Nevada 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. E. Anderson
Justus F. Calmes
Joseph H. Kice
Harold P. Hills
Marion L. Patten
Commissioners.