

Decision No. 42797

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  
 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. 36 of the City Council  
 of the City of San Pablo, County of  
 Contra Costa, State of California.  
 (Gas)

Application No. 30831

Ralph W. DuVal and Frederick T. Searls  
 by Frederick T. Searls for applicant.

O P I N I O N

Pacific Gas and Electric Company, a California corporation,  
 by the above-entitled application filed December 7, 1949, requests  
 a certificate of public convenience and necessity to exercise the  
 rights and privileges of a franchise granted by the City of San  
 Pablo, permitting the installation, maintenance and use of a gas  
 distribution and transmission system upon the streets of said city.  
 A public hearing was held before Examiner Edwards on January 17,  
 1950, at San Pablo, California.

The franchise referred to, a copy of which is attached to  
 the application and designated as Exhibit "A," was granted by the  
 city in accordance with the Franchise Act of 1937, and is of  
 indeterminate duration. A fee is payable annually to the city  
 equivalent to 2% of the gross receipts arising from the use, opera-  
 tion or possession of the franchise, but not less than 1% of the  
 gross annual receipts from all sales of gas within the limits of  
 such city under said franchise.

The costs incurred by applicant in obtaining the franchise are stated to have been \$47.07, which amount does not include costs incident to this application.

No objection to the granting of the certificate has been entered. Furthermore, this utility has for many years served gas in the area which now comprises the City of San Pablo without competition. 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 applicant by Ordinance No. 36 of the City of San Pablo.

The certificate of public convenience and necessity herein granted is subject to the following provisions of law:

- a. 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.
- b. That the franchise involved herein shall never be given any value before any court or other public authority in any proceeding of any character in excess of the cost to the grantee of the necessary publication and any other sum paid by it to the municipality therefor at the time of the acquisition thereof.

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 a certificate of public convenience and necessity is granted to the Pacific Gas and Electric

Company to exercise the rights and privileges granted by the City of San Pablo, by Ordinance No. 36, adopted October 17, 1949.

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

Dated at San Francisco, California, this 14th day of February, 1950.

R. E. Zimmerman  
Justus J. Casanova  
Irving L. Russell  
Harold P. Kula  
Herbert P. Pottel  
Commissioners.