

Decision No. 44955

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 rights, privileges and  
 franchise granted to applicant by  
 Ordinance No. 627 of the City Council  
 of the City of Albany, County of Alameda,  
 State of California.

(Gas)

ORIGINAL

Application 31708

R. 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, in this proceeding asks for a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the City of Albany, permitting the installation, maintenance, and use of a gas transmission and distribution system upon the streets of said city. A public hearing was held before Examiner Emerson on October 17, 1950, at Albany, California.

The franchise referred to, a copy of which is attached to the application as Exhibit "A" thereof, 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, operation, or possession of the franchise, but not less than 1% of the gross annual receipts from 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 \$22.35, 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 City of Albany. As of December 31, 1949, it served 4,594 gas customers within the city's limits. No other utility serves gas in the area.

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 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 application thereof.

O R D E R

The above-entitled application having been considered, a public hearing having been held, the matter having been submitted and now being ready for decision,

IT IS HEREBY FOUND AS A FACT that public convenience and necessity require the exercise by applicant of the right, privilege, and franchise granted to applicant by Ordinance No. 627 of the City of Albany.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and is granted to Pacific Gas and

Electric Company of California to exercise the rights and privileges granted by the City of Albany by Ordinance No. 627, adopted July 17, 1950.

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

Dated at San Francisco, California, this 30<sup>th</sup> day of October, 1950.

A. Z. Anderson  
Justice J. Gallen  
Edward L. Linnell  
Harold H. Kile  
Herbert P. Pottel  
Commissioners.