

ORIGINAL

Decision No. 47015

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SOUTHERN CALIFORNIA EDISON COMPANY,)
a corporation, for Certificate that)
Public Convenience and Necessity re-)
quire and will require the exercise)
by Applicant of the rights, privileges)
and franchise granted by Ordinance No.)
1153 of the City of Monrovia, County)
of Los Angeles, State of California,)
in accordance with Franchise Ordinance)
No. 1153 of said City.)

Application No. 33204

Bruce Renwick, Rollin E. Woodbury, and
Harry W. Sturges, Jr., by Harry W. Sturges,
Jr., for applicant.

O P I N I O N

Southern California Edison Company 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 Monrovia permitting the installation, maintenance and use of an electric distribution and transmission system in and upon the streets of said city.

The franchise referred to, a copy of which is attached to the application and designated as Exhibit "A", was granted by the City on January 2, 1952, in accordance with the Franchise Act of 1937, became effective 30 days after its adoption, 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 1/2% of the gross receipts derived from the sale of electricity within the limits of such city under said franchise and an asserted constitutional franchise.

The costs incurred by applicant in obtaining the franchise are stated to have been \$124, which includes the \$50 filing fee paid to this Commission and \$4.50 for the publication of notice of the hearing.

A public hearing was held before Commissioner Huls and Examiner Crenshaw on April 2, 1952, in Los Angeles, at which no objection to the granting of the requested certificate was manifested.

Applicant has been rendering electric service in the City of Monrovia under an asserted constitutional franchise and in accordance with a Broughton Act type of franchise granted by said City by Ordinance No. 954 adopted December 7, 1936, which was for a term of 30 years.

Although this franchise has not expired it is applicant's practice, according to the record, to obtain indeterminate franchises in lieu of term franchises, which assists it in qualifying its securities in some states as legal investments for savings banks, insurance companies, trust funds and other specified funds.

The new franchise granted by Ordinance No. 1153 is in lieu of all other franchises owned by applicant in the City of Monrovia, except the constitutional franchise.

The payments to the City of Monrovia under Franchise Ordinance No. 954 for the year 1951 were \$921.57, while under new Franchise Ordinance No. 1153 the estimated payments would have been \$3,298 for said year.

As this utility for many years has served electricity in and about the City of Monrovia without competition it is evident that the certificate applied for should be granted.

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

Application as above entitled having been filed, 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. 1153 of the City of Monrovia.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity is granted to Southern California Edison Company to exercise the rights and privileges granted by the City of Monrovia by Ordinance No. 1153 adopted January 2, 1952.

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

Dated at San Francisco, California, this 22nd day of April, 1952.

A. T. [Signature]
President.
James J. [Signature]
Harold [Signature]
[Signature]
[Signature]
Commissioners.