

Decision No. 47056

ORIGINAL

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)
require and will require the exercise)
by Applicant of the rights, privileges)
and franchise granted by Ordinance)
No. 470 of the County of Ventura,)
State of California, to construct,)
operate, alter, maintain and use an)
electric distribution, transmission)
and communication system within said)
County.)

Application No. 33076

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, a corporation, by the above-entitled application filed January 23, 1952, requests a certificate of public convenience and necessity to exercise the rights, privileges and franchise granted it by Ordinance No. 470 of the County of Ventura, California, to construct, operate, alter, maintain and use an electric distribution, transmission and communication system within the unincorporated area of said county.

A public hearing in this matter was held before Commissioner Huls and Examiner Warner on April 11, 1952, at Los Angeles. Notice of the hearing was sent to the Clerk of the Board of Supervisors of Ventura County and was published in a newspaper of general circulation but no appearance, other than that of applicant, was made at the hearing.

Franchise Ordinance No. 470 of the County of Ventura, a copy of which is attached to the application and designated as Exhibit "A", was granted by the county on August 14, 1951, and became effective 30 days thereafter. The franchise is in accordance with the Broughton Act and is for a term of 50 years. Since September 6, 1932, applicant has been exercising a Broughton Act franchise granted by the county in Ordinance No. 284. This franchise covered the entire county, and a certificate of public convenience and necessity to exercise its terms was granted by the Commission in its Decision No. 25511, dated December 31, 1932, in Application No. 18466. Applicant also owns franchises granted by Ventura County to predecessor companies through the following: Ordinance No. 181, granted in 1915, for a term of 50 years, expiring in 1965; Ordinance No. 193, granted to Ventura Power Company in 1916, for a term of 50 years, expiring in 1966; and Ordinance No. 248, granted to Ojai Power Company in 1927, for a term of 40 years, expiring in 1967.

Applicant's witness, C. L. Ashley, rate engineer, testified that its primary reasons for securing Franchise Ordinance No. 470 were that such franchise would be of value to it, among other things, in continuing to qualify its outstanding bonds and in effecting qualifying of future issues of bonds as legal investments in states having laws relating to the qualification of bonds of public utility companies. At the present time applicant has issued and outstanding \$268,000,000 principal amount of first mortgage bonds. The last issue was in August, 1951, in the principal amount of \$30,000,000. The bonds of this issue are dated August 15, 1951, and will mature on August 15, 1976.

In accordance with the terms of Section 5 of Ordinance No. 470, payments will be made to Ventura County based on 2% of the gross annual receipts arising from the use, operation, or possession of the franchise within said county. The record shows that the method and basis of payments are similar to other franchises owned by applicant in Ventura County, and, that, therefore, the annual payments will not be changed by Ordinance No. 470.

The costs incurred by applicant in obtaining Franchise Ordinance No. 470 were \$923.18, including \$300 cost of the bid, \$448.20 cost of publication of notice of sale, \$118.50 cost of publication of the ordinance itself, \$50 filing fee, and \$6.48 cost of publication of notice of the hearing in this matter. A \$1,000 bond, as required by the franchise, was filed by applicant on August 14, 1951, and acceptance of the franchise was filed by applicant with the county on September 13, 1951.

Since applicant has served electricity in Ventura County since about 1900, and since no other persons, firms or corporations render public utility electric service in the unincorporated territory of Ventura County, 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 provision 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

Application as above entitled having been filed, a public hearing having been held thereon, the matter having been submitted, the Commission being fully advised in the premises and hereby finding that public convenience and necessity so require,

IT IS HEREBY ORDERED that a certificate of public convenience and necessity is granted to Southern California Edison Company to exercise the rights, privileges and franchise granted by the County of Ventura by Ordinance No. 470, adopted August 14, 1951.

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

Dated at San Francisco, California, this 29th day of April, 1952.

A. J. ...
President.

Harold P. ...

... Patten

... E. ...

Commissioners.

Commissioner JUSTUS E. CRAEMER, being necessarily absent, did not participate in the disposition of this proceeding.