

ORIGINAL

Decision No. 47304

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. 344 of the Board of)
Supervisors of the COUNTY OF SOLANO,)
State of California.)
(Electric))

Application No. 33203

R. W. DuVal for applicant.

O P I N I O N

Pacific Gas and Electric 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 County of Solano, permitting the installation, maintenance and use of an electric distribution and transmission system upon the public streets of said county. A public hearing was held before Examiner Watters on June 9, 1952, at San Francisco.

The franchise referred to, a copy of which is attached to the application and designated as Exhibit A, was granted by the county in accordance with the Broughton Act, and is of indeterminate duration. A fee is payable annually to the county, equivalent to 2% 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 \$467.00, which amount does not include costs incident to this application.

No objection to the granting of the requested certificate has been entered. Furthermore, this utility or its predecessors have for many years served electricity within the County of Solano, although its existing distribution facilities do not extend to all portions of this county. From the testimony received it appears that the only person, firm or corporation, other than applicant, now engaged in the business of furnishing, distributing and selling electricity in portions of Solano County is the Vallejo Electric Light and Power Company. As of the 1950 general census, the population within the unincorporated portions of this county was 63,221.

Vallejo Electric Light and Power Company distributes and sells electricity to customers in the City of Vallejo and in the unincorporated area immediately adjacent thereto. This company obtains all of its power supply now and for some time past directly from applicant as a resale customer. The outstanding stock of the Vallejo Electric Light and Power Company is owned by applicant who presently operates this company as a subsidiary. The service area boundaries between the Vallejo company and applicant or its predecessors have been delineated by prior Commission decisions as follows: Decision No. 4438 dated July 3, 1917 in Application No. 2945, Decision No. 10700 dated July 12, 1922 in Case No. 1643, Decision No. 30345 dated November 22, 1937 in Application No. 20992, and Decision No. 30470 dated January 3, 1938 in Application No. 21497.

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.

ORDER

The above-entitled application 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. 344 of the County of Solano, subject to appropriate restrictions concerning the territory now served by Vallejo Electric Light and Power Company and any other territory not now served by applicant.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and is granted to Pacific Gas and Electric Company to exercise the rights and privileges granted by the County of Solano by Ordinance No. 344 adopted December 3, 1951, subject, however, to the following conditions:

1. The Pacific Gas and Electric Company shall not exercise said franchise for the purpose of supplying electricity in those parts or portions of Solano County not now served by it except through extensions of its existing system made in the ordinary course of business as contemplated by Section 1001 of the Public Utilities Code;

- 2. That Pacific Gas and Electric Company shall not exercise said franchise for the purpose of supplying electricity in those parts or portions of Solano County now served by Vallejo Electric Light and Power Company, except upon further certification of this Commission first obtained; and
- 3. 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 24th day of June, 1952.

A. Z. [Signature]
 President
James J. [Signature]
Harold A. [Signature]
Frederick [Signature]
John E. [Signature]
 Commissioners.