

ORIGINAL

Decision No. 47317

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. 182 of the Board of)
 Supervisors of the COUNTY OF SUTTER,)
 State of California.)
 (Gas))

Application No. 33155

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 Sutter, permitting the installation, maintenance, and use of a gas distribution and transmission system upon the public streets of said county. A public hearing was held before Examiner Matters 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 \$330.63, 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 gas within the County of Sutter without competition, although its existing distribution facilities do not extend to all portions of this county. As of the 1950 general census, the population within the unincorporated portions of this county was 16,624. There are approximately 112 miles of gas mains in the unincorporated territory of said county.

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

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. 182 of the County of Sutter, subject to appropriate restrictions concerning the territory not now served.

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 Sutter by Ordinance No. 182, adopted December 19, 1951, subject, however, to the following conditions:

1. That Pacific Gas and Electric Company shall not exercise said franchise for the purpose of supplying gas in those parts or portions of Sutter 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; and
2. 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.

R. E. [Signature]
President

James D. Cooney

Harold P. Hill

James H. Potter

John E. [Signature]
Commissioners.