

**ORIGINAL**

Decision No. 47556

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. 98,577 of the City of Los Angeles, )  
County of Los Angeles, State of )  
California, in accordance with )  
Franchise Ordinance No. 98,577 of )  
said City. )

Application No. 33394

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, privileges and franchise granted by the City of Los Angeles, to construct, install, operate and maintain certain overhead electrical power and telephone lines together with necessary appurtenances on certain streets and public places in said city. A public hearing was held before Commissioner Harold P. Huls and Examiner Carl E. Crenshaw on June 26, 1952, at Los Angeles.

The franchise referred to, a copy of which is attached to the application and designated as Exhibit "A", was granted by the city effective the day after the expiration of 30 days after the date of publication thereof. The date of publication was September 12, 1951. A \$1,000 bond was filed and approved by the City Council. Applicant filed acceptance of the franchise on September 21, 1951, and stated that it had performed all acts

required of it under the franchise. The term of the franchise expires August 22, 1960. A fee is payable annually to the city at the rates and times and in the manner as provided in Ordinance No. 81,509, submitted in Application No. 23247, for which a certificate to exercise the rights and privileges of said franchise was authorized by Decision No. 33202, dated June 11, 1940.

The annual payments to the city provided under Section 6 of Ordinance No. 81,509 are as follows:

"Grantee shall pay, in lawful money of the United States, on or before March 1, 1940, and at each and every year thereafter, for the previous calendar year, the following payments for telephone line routes and for power line routes:

"TELEPHONE LINES: On telephone line routes the payment shall be thirty dollars (\$30.00) per route mile for telephone circuits on poles or other structures not owned by grantee but occupied jointly with the owner thereof and sixty dollars (\$60.00) per route mile for telephone circuits on poles or other structures owned or solely occupied by grantee.

"POWER LINES: On power line routes (which includes any telephone circuits on same poles or other structures) the payment shall be on one of the following bases, whichever produces the greater amount:

"A. One hundred dollars (\$100.00) per route mile.

"B. Fifty dollars (\$50.00) per route mile plus two percent (2%) of the annual gross receipts of grantee from the use, operation or possession of this franchise, provided, however, that such payment of two percent of said receipts shall be not less than one percent (1%) of the

annual gross receipts of grantee from the sale of electricity to consumers within the City, all as measured at the point of delivery.

"All payments shall be computed on the basis of three hundred sixty-five (365) days to the year. Payments on lines abandoned must be continued up to the date when properties have been removed and streets restored to their normal condition."

The costs incurred by applicant in obtaining the franchise are stated to have been \$323.34, not including costs incident to this application, which amounted to \$82.80 additional.

Franchise Ordinance No. 98,577, passed by the City Council of Los Angeles at a meeting on August 30, 1951, granted to applicant a franchise to construct, install and maintain on all routes described in Section 16 of said ordinance, overhead electric power and telephone lines, together with necessary appurtenances or any overhead or underground relocations thereof required or authorized by the City of Los Angeles in conformity with the terms of said franchise or of the City of Los Angeles Ordinance No. 9633 and to operate said facilities only for the purposes of intercompany communication and transmitting electricity to: (a) consumers outside of the City, (b) any department of the City (wholesale), and (c) railway substations. No objection to the granting of the requested certificate has been entered.

The franchise involved in this proceeding runs concurrently with three other franchises granted to applicant by the City of Los Angeles by Ordinance Nos. 81,509, 82,129, and 89,782 for other specific locations in the City of Los Angeles.

Applicant was authorized by this Commission to exercise the rights and privileges granted under Ordinance Nos. 81,509

and 82,129 by Decision No. 33202 dated June 11, 1940, in Application No. 23247, and under Ordinance No. 89,782 by Decision No. 38692 dated February 19, 1946, in Application No. 27084.

Each of the above franchises covers certain routes within the City of Los Angeles and are not overlapping; likewise, the new application covers certain routes in addition to those covered by previous franchises. Therefore, all four franchises are now in effect.

The certificate of public convenience and necessity herein granted is subject to the following provisions of law:

1. 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.
2. 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

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 rights, privileges and franchise granted to applicant by Ordinance No. 98,577 of the City of Los Angeles.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and is granted to Southern California Edison Company to exercise the rights, privileges and franchise granted by the City of Los Angeles by Ordinance No. 98,577 adopted August 30, 1951.

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

Dated at South Pasadena, California, this 11th day of August, 1952.

R. Z. Anderson  
 President.

Justus J. Brewer

Harold H. Hule

Samuel J. Patten

John E. Mitchell  
 Commissioners.