

ORIGINAL

Decision No. 47705

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
The California Oregon Power Company)
for an Order Issuing to Applicant)
a Certificate of Public Convenience)
and Necessity to Exercise the Right,)
Privilege and Franchise granted by)
Ordinance No. 47 of the Board of)
Trustees of the Town of Montague,)
Siskiyou County, California.)

Application No. 33575

George D. Rives and Joseph J. Pileckas of
Brobeck, Phleger & Harrison, attorneys for
applicant.

O P I N I O N

The California Oregon Power 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 Town of Montague, permitting the installation, maintenance and use of an electric distribution and transmission system upon the streets of said city. A public hearing was held before Examiner Watters on September 4, 1952, at San Francisco.

The franchise which applicant seeks authority to exercise was granted in 1926 but which seemingly was not then presented to the Commission for such formal action thereon as may have been required by the provisions of Section 1002 of the Public Utilities Code. In a recent review by applicant of the status of its franchises and certificates, some question was raised as to whether it required a certificate in connection with the subject franchise. To resolve any question in respect to such certificate, this application was filed.

The franchise referred to, a copy of which is attached to the application and designated as Exhibit A, was granted by the city

in accordance with the Broughton Act, and is for a term of 50 years. Applicant has been paying annually to the city, and its witness stated that it intended to continue to pay, a fee equivalent to 2% of the gross receipts arising from the sale of electricity within the limits of the city under said franchise.

The costs incurred by applicant in obtaining the franchise are stated to have been \$150.44, 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 in and about the city of Montague without competition. As of July 31, 1952, it served 250 electric customers within the city.

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. 47 of the Town of Montague.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and is granted to The California Oregon Power Company to exercise the rights and privileges granted by the Town of Montague by Ordinance No. 47 adopted December 6, 1926.

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

Dated at San Francisco, California, this 16th day of September, 1952.

R. J. [Signature]
 President.

Justin J. [Signature]

Harold P. [Signature]

Peter E. [Signature]

Commissioners: