

ORIGINAL

Decision No. 47711

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 to
Applicant by Ordinance No. 297 of
the Board of Supervisors of the County
of Lassen, California.

Application No. 33635

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 County of Lassen, permitting the installation, maintenance and use of an electric transmission system upon the public streets within specified townships of said county. A public hearing was held before Examiner Watters on September 4, 1952 at San Francisco.

The franchise referred to, a copy of which is attached to the application was designated as Exhibit A, is limited to those portions of:

Township 39 North, Range 7 East, M.D.M.;
Township 38 North, Range 7 East, M.D.M.; and
Township 38 North, Range 6 East, M.D.M.:
Lassen County,

necessary for the transmission of electricity to applicant's facilities in Modoc County. This franchise 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, with the proviso that no percentage is payable for the first five years succeeding the date of grant of the franchise.

The costs incurred by applicant in obtaining the franchise are stated to have been \$50.89, which amount does not include costs incident to this application.

The subject franchise was obtained by applicant in connection with the proposed construction of a 66 kv transmission line extending from the Pit No. 1 hydroelectric plant of Pacific Gas and Electric Company in Shasta County to a point near Hackamore in Modoc County. The route selected for this line traverses the northwest corner of Lassen County for about 11 miles. Applicant does not now perform, nor does it intend to perform, any distribution of electricity to the public in Lassen County, according to its witness. The service agreement providing for the purchase by applicant from the Pacific Gas and Electric Company of the electric power to be transmitted over the subject line was submitted to this Commission for approval in Application No. 33487.

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 Modoc County and in Northeastern Siskiyou County, for which this transmission line provides an alternate source of power as well as supplying additional power to meet applicant's system peak, and reinforcing a rather extensive 66 kv transmission loop extending from Klamath Falls, Oregon, to Alturas, California.

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. 297 of the County of Lassen, subject to appropriate restrictions concerning the distribution of electricity in said county.

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 County of Lassen by Ordinance No. 297 passed July 21, 1952, subject, however, to the following condition:

That The California Oregon Power Company shall not exercise said franchise for the purpose of distributing electricity to the public in any part or portion of Lassen County.

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 F. [Signature]
Harold [Signature]
Peter E. [Signature]

Commissioners.