

**ORIGINAL**

Decision No. 48177

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

(Amended Title) )  
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, ) Application No. 33783  
Privilege and Franchise Granted to ) (Amended)  
Applicant by Ordinance No. 253 of the )  
Board of Supervisors of the County )  
of Siskiyou, California. )

Appearance for Applicant: Brobeck, Phleger and  
Harrison by George D. Rives.  
Interested Party: California Farm Bureau  
Federation by Eldon Dye.  
Other Appearances: L. R. Knerr for the  
Commission's staff.

O P I N I O N

The California Oregon Power Company, operating a public utility electric system in the northern portion of the State of California and the southern portion of the State of Oregon, first filed the above-numbered application on October 6, 1952 requesting an order of the Commission declaring that it will issue to applicant a certificate that the public convenience and necessity require the exercise by applicant of the right, privilege and franchise for which applicant has made application to the Board of Supervisors of Siskiyou County. Prior to the public hearing on this matter, the applicant was granted the franchise and amended its application at the hearing.

Amendment to Application

The amendment to application in this proceeding seeks a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the County of

Siskiyou, permitting the installation, maintenance and use of an electric distribution and transmission system in so many and in such parts of the county highways and county property as the County of Siskiyou is the fee owner. The new franchise replaces the 50-year franchise that expired on November 11, 1952. The public hearing on this application as amended was held before Examiner M. W. Edwards on December 11, 1952 at Yreka, California.

Franchise, Term and Fee

The franchise referred to, a copy of which is attached to the amendment to the application and designated as Exhibit B, was granted by the county in accordance with the Broughton Act, and is of 50-year 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.

Competition

This utility or its predecessors for many years have served electricity within the County of Siskiyou, although its existing distribution facilities do not extend to all portions of the county. Applicant's witness testified that the company was aware of only one other electric utility serving within the unincorporated area of Siskiyou County, the Pacific Gas and Electric Company, which serves a small area near the southeastern corner of the county in the vicinity of Pondosa. The closest point of service by The California Oregon Power Company to Pondosa is the Hearst Ranch, about 20 miles distant.

Applicant states that there is no evidence that it was ever notified of the intention of the Pacific Gas and Electric Company to serve within Siskiyou County and it learned of such service only in recent years. Applicant's position is that the area in the vicinity of Pondosa logically can be served by the

Pacific Gas and Electric Company and it does not protest this entry into Siskiyou County.

As of the 1950 census, the population within the unincorporated portions of the county was 19,668.

Conclusion

No objection to the granting of the requested certificate has been entered. After reviewing the evidence of record, it is the Commission's conclusion that a certificate of public convenience and necessity should be granted authorizing exercise of the new franchise.

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. 253 of the County of Siskiyou, subject to appropriate restrictions concerning the territory not now being served.

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 Siskiyou by Ordinance No. 253 adopted November 6, 1952, subject, however, to the following conditions:

1. That The California Oregon Power Company shall not exercise said franchise for the purpose of supplying electricity in those parts or portions of Siskiyou 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 hereafter by appropriate proceeding and order may 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 19<sup>th</sup> day of January, 1953.

R. F. Johnson  
President

Justin J. Creever

Harold P. Kula

Samuel H. Pittman

Edna L. Mitchell  
Commissioners.