

Decision No. 48333**ORIGINAL**

## 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 ) Application No. 33993  
 and franchise granted by Ordinance No. )  
 451 of the City of Upland, County of )  
 San Bernardino, State of California, )  
 in accordance with Franchise Ordinance )  
 No. 451 of said City. )

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, by the above-entitled application filed January 2, 1953, seeks a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the City of Upland, San Bernardino County, 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 Commissioner Huls and Examiner Warner on March 3, 1953 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 of Upland by its Ordinance No. 451 dated July 17, 1952. Said franchise is in accordance with the Franchise Act of 1937 and is of indeterminate duration. A fee is payable annually to the city equivalent to 2 per cent of the gross receipts arising from the use, operation, or possession of the franchise but not less than 1/2 per cent of the gross annual receipts from sales 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 \$54.49, 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 for many years have served electricity in and about the City of Upland without competition. As of December 31, 1952 it served 3,900 electric customers within the city.

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.

#### ORDER

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. 451 of the City of Upland.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and hereby is granted to Southern California Edison Company to exercise the rights and privileges granted by the City of Upland, San Bernardino County, by Ordinance No. 451 adopted July 17, 1952.

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

Dated at San Francisco California, this 10<sup>th</sup> day of March, 1953.

R. J. [Signature]  
President

Harold Hulse

[Signature]  
[Signature]

Commissioners

Commissioner Justus F. Craomer, being necessarily absent, did not participate in the disposition of this proceeding.