

ORIGINALDecision No. 48469

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
 PACIFIC GAS AND ELECTRIC COMPANY for)
 an order of the Public Utilities)
 Commission of the State of California)
 issuing to applicant a certificate to)
 exercise the right, privilege and)
 franchise granted to applicant by)
 Ordinance No. 638 of the Board of)
 Supervisors of the COUNTY OF SANTA)
 CLARA, State of California.)
 (Electric))

Application No. 34076

R. W. DuVal, for applicant.
W. E. Johns, for Coast Counties Gas and
 Electric Company, interested party.
L. R. Knerr, for the Commission's staff.

O P I N I O N

Pacific Gas and Electric 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 Santa Clara, permitting the installation, maintenance and use of an electric distribution and transmission system upon the public streets of said county. A public hearing was held before Examiner Daly on April 1, 1953 at San Francisco.

The franchise referred to, a copy of which is attached to the application and designated as Exhibit A, was granted by the county by Ordinance No. 638 in accordance with the Broughton Act and is of indeterminate duration. A fee is payable annually to the county equivalent to two per cent of the gross receipts arising from the use, operation, or possession of the franchise.

The costs incurred by applicant in obtaining the franchise are stated to have been \$168.30, which amount does not include costs incident to this application.

No objection to the granting of the requested certificate has been entered.

As of the 1950 census, the population within the unincorporated portions of this county was 129,561.

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. 638 of the County of Santa Clara, subject to appropriate restrictions concerning the territory not now served.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and it is granted to Pacific Gas and Electric Company to exercise the rights and privileges granted by the County of Santa Clara by Ordinance No. 638 adopted September 29, 1952, subject, however, to the following conditions:

1. That Pacific Gas and Electric Company shall not exercise said franchise for the purpose of supplying electricity in those parts or portions of Santa Clara 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.

- 2. That the Commission may hereafter by appropriate proceeding and order limit the authority herein granted to applicant as to any territory within said county not then being served by it.
- 3. That except upon further certificate of this Commission first obtained, applicant shall not exercise said franchise for the purpose of competing with the cities of Palo Alto and Santa Clara or with Coast Counties Gas and Electric Company in the business of furnishing and supplying electricity in those parts or portions of said county now being served by said cities and by said company.

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

Dated at San Francisco, California, this 14th day of April, 1953.

A. J. [Signature]
President.

Justice F. [Signature]

Harold P. [Signature]

Kenneth [Signature]

John E. [Signature]
Commissioners