

ORIGINAL

Decision No. 48762

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 )  
granting to applicant a certificate )  
of public convenience and necessity )  
to exercise the right, privilege and )  
franchise granted to applicant by )  
Ordinance No. 703 of the Board of )  
Supervisors of the COUNTY OF MONTEREY, )  
State of California. )  
(Water) )

Application No. 34347

R. W. DuVal, for applicant.

O P I N I O N

Pacific Gas and Electric Company seeks a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by Ordinance No. 703 of the Board of Supervisors of the County of Monterey, permitting the installation, maintenance, and use of a water distribution and transmission system in the streets, public highways, roads, and places of said county.

A public hearing was held before Examiner Daly on June 18, 1953, at San Francisco and the matter was submitted.

The franchise referred to, a copy of which is attached to the application and designated as Exhibit A, 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 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 \$401.79, which amount does not include costs

incident to this application. Applicant stipulated that it would never claim before the Commission or any court any value in excess of the actual costs thereof.

No objection to the granting of the requested certificate was made. Applicant further stipulated that it will not, without an order of this Commission, exercise any right under the above-referred-to franchise for the purpose of competing with Acacia Park Water and Improvement Association, Alisal Heights Water Company and Alco Water Service.

As of December 31, 1952, applicant served 1,106 customers in the unincorporated areas of Monterey County.

After full consideration of the evidence the Commission is of the opinion and so finds that the authority sought should be granted.

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

An application having been filed, a public hearing having been held thereon and based upon the evidence adduced therein,

IT IS ORDERED that a certificate of public convenience and necessity be and it is hereby granted to Pacific Gas and Electric Company to exercise the rights and privileges granted by the County of Monterey by Ordinance No. 703 adopted January 9, 1950, subject, however, to the following conditions:

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

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

Dated at SAN FRANCISCO, California, this 30th day of JUNE, 1953.

R. J. [Signature]  
President

[Signature]

[Signature]  
[Signature]

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Commissioners

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