

**ORIGINAL**Decision No. 49494

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 GENERAL TELEPHONE COMPANY OF CALIFORNIA,  
 a corporation, for an order granting it  
 a certificate declaring that public con-  
 venience and necessity require the  
 exercise by it of the rights and  
 privileges conferred upon it under the  
 franchise granted it by the City of  
 Pomona by Ordinance No. 1291.

Application No. 34845

O'Melveny & Myers, by Frederick N. Edwards,  
 and Marshall K. Taylor and A. M. Hart, attorneys,  
 for applicant; Arlo Rickett, Jr., city attorney,  
 for the City of Pomona.

O P I N I O N

General Telephone Company of California, a corporation, by the above-entitled application filed November 4, 1953, seeks a certificate that public convenience and necessity require the exercise by it of the rights and privileges under a franchise granted by Ordinance No. 1291 of the City of Pomona. The area covered by the franchise and the boundaries of the City of Pomona, corrected to August 28, 1953, are shown on the map Exhibit B attached to the application.

A public hearing in this matter was held before Examiner Warner on December 16, 1953, at Los Angeles.

A copy of Ordinance No. 1291 of the City of Pomona granting applicant a franchise which became effective October 29, 1953, and will extend for 50 years, was attached to the

application as Exhibit A. Proof of publication of the notice of hearing was submitted at the hearing, and affidavit of service by mail on the mayor and city attorney of the City of Pomona was filed with the application.

No protests to the granting of the application were entered at the hearing.

Applicant furnishes telephone service to approximately 16,000 subscribers in the franchise area and its investment in plant is about \$4,400,000 in said area. A franchise granted to a predecessor of applicant by Ordinance No. 225 of the City of Pomona on or about October 14, 1902, expired on or about October 31, 1952.

Applicant paid the City of Pomona \$200 for the franchise granted by Ordinance No. 1291. The cost of publishing said franchise amounted to \$387.89, which applicant paid.

The franchise granted by Ordinance No. 1291 is a Broughton Act franchise. Payments to the City of Pomona for the year 1952 under Ordinance No. 225 hereinbefore referred to amounted to \$18,878.50, which is two per cent of gross revenues arising from the use, operation or possession of the rights granted by that ordinance. No change in methods of computing annual payments is contained in Ordinance No. 1291.

The record shows that telephone service is rendered by no other public utility within the City of Pomona and it appears that public interest requires that applicant continue to render telephone service within said city.

The Commission has considered the application of General Telephone Company of California for a certificate of public convenience and necessity and is of the opinion that it

should be granted 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 as the consideration for the grant of such franchise, certificate of public convenience and necessity or right.

O R D E R

Application as above entitled having been filed, a public hearing having been held, the matter having been submitted and the Commission being fully advised and finding that public convenience and necessity so require,

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be, and it is, granted to General Telephone Company of California, a corporation, authorizing the exercise by it of the rights and privileges granted it by the City of Pomona by Ordinance No. 1291.

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

Dated at San Francisco, California, this 5<sup>th</sup> day of January, 1954.

R. E. [Signature]  
President  
Justus D. [Signature]  
[Signature]  
[Signature]  
[Signature]  
Commissioners