

ORIGINALDecision No. 49812

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)
 and franchise granted by Ordinance No.)
 55 of the City of Buena Park, County)
 of Orange, State of California, in)
 accordance with Franchise Ordinance)
 No. 55 of said City.)

Application No. 35101

Bruce Renwick, Rollin E. Woodbury and
Harry W. Sturges, Jr., for applicant.

O P I N I O N

Southern California Edison Company, by the above-entitled application filed January 28, 1954, seeks a certificate under Section 1002 of the Public Utilities Code that public convenience and necessity require and will require the exercise by it of the rights, privileges and franchise granted by Ordinance No. 55 of the City of Buena Park, Orange County, permitting the installation, maintenance and use of an electric distribution and transmission system upon the public streets of said city.

A public hearing in this matter was held before Examiner Warner on March 11, 1954 at Los Angeles.

The franchise referred to, a copy of which is attached to the application as Exhibit A, was granted by the city in accordance with the Franchise Act of 1937, and is of indeterminate duration. A fee is payable annually to the city equivalent to 2% of the gross receipts arising from the use, operation, or possession of the franchise, but not less than 1% 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 \$106.25, which amount includes the costs incident to this application.

No objection to the granting of the requested certificate has been entered. Applicant is the only public utility serving electricity in the City of Buena Park and it has been furnishing such service for several years past under Ordinance No. 543 of Orange County dated November 16, 1948. Due to the incorporation in January, 1953 of the City of Buena Park, applicant applied for and secured the franchise granted by Ordinance No. 55 of said city. As of December 31, 1953, applicant served approximately 2,750 electric customers within the City of Buena Park.

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.

C 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 rights, privileges, and franchise granted to applicant by Ordinance No. 55 of the City of Buena Park, Orange County, therefore,

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and is granted to Southern California Edison Company to exercise the rights and privileges granted by the City of Buena Park, Orange County, by Ordinance No. 55 adopted November 3, 1953.

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

Dated at San Francisco, California, this 23rd day of March, 1954.

R. F. Johnson
President
James J. Calver
Bennett Pott
W. E. McCall
Gene Higgins
Commissioners