

ORIGINALDecision No. 50117

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 The California Oregon Power Company)
 for an order issuing to applicant a)
 certificate of public convenience)
 and necessity to exercise the right,) Application No, 35291
 privilege and franchise granted to)
 applicant by Ordinance No. 267 of)
 the Board of Supervisors of the)
 County of Siskiyou, California.)

Brobeck, Phleger & Harrison by Joseph
J. Fileckas, for applicant.

O P I N I O N

The California Oregon Power 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 Siskiyou, permitting the installation, maintenance and use of an electric distribution and transmission system in the public highways, streets, roads and places of said county. A public hearing was held before Examiner Daly on May 26, 1954, 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. 267 in accordance with the Broughton Act and is of 50 years' 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; however, no percentage shall be paid for the first five years.

By Decision No. 48177, dated January 19, 1953, in Application No. 33783 applicant was granted a certificate of public convenience and necessity to exercise a 50-year franchise granted by the County of Siskiyou by Ordinance No. 253. Said franchise was

restricted to county highways and county property owned by the County of Siskiyou in fee. The franchise for which a certificate of public convenience and necessity is herein sought is not so restricted.

The costs incurred by applicant in obtaining the franchise are stated to have been \$100, which amount does not include costs incident to this application.

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

As of February 28, 1954, applicant was serving 5,422 customers in the unincorporated area of Siskiyou County.

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. 267 of the County of Siskiyou, 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 The California Oregon Power Company to exercise the rights and privileges granted by the County of Siskiyou by Ordinance No. 267 adopted March 2, 1954, subject, however, to the following conditions:

1. That The California Oregon Power Company shall not exercise said franchise for the purpose of supplying electricity in those parts or portions of Siskiyou 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.

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

Dated at San Francisco, California, this 7th day of June, 1954.

John E. Mitchell
President

James J. Cooney

Samuel P. Patten

Gene Higgins

Commissioners