

Decision No. 50123

**ORIGINAL**

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 or )  
certificates of public convenience )  
and necessity to exercise the rights, )  
privileges and franchises granted to )  
applicant by Ordinance No. 8 of the )  
City Council of the City of Del Rey )  
Oaks, County of Monterey, State of )  
California. )

Application No. 35292

(Electric and Gas)

F. T. Searls and John C. Morrissey, for applicant:

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 franchises granted by the City of Del Rey Oaks, County of Monterey, permitting the installation, maintenance and use of electric and gas distribution and transmission systems upon and in the streets of said city. A public hearing was held before Examiner Daly on May 25, 1954 at San Francisco.

The franchises referred to, copies of which are attached to the application and designated as Exhibit A, were granted by the city in accordance with the Franchise Act of 1937, and are of indeterminate duration. A fee is payable annually to the city equivalent to two per cent of the gross receipts arising from the use, operation or possession of the franchises, but not less than one per cent of the gross annual receipts from sales of gas and electricity within the limits of the city under said franchises.

The costs incurred by applicant in obtaining the franchises are stated to have been \$83.40, which amount does not include costs incident to this application.

No objection to the granting of the requested certificate has been entered. Furthermore, this utility or its predecessors have for many years served about the City of Del Rey Oaks without competition. As of December 31, 1953, it served 397 electric customers and 388 gas customers within the city from approximately 8.41 miles of electric distribution lines and 4.27 miles of gas mains therein.

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 franchises involved herein or this certificate of public convenience and necessity or the right to own, operate or enjoy such franchises 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 franchises, certificate of public convenience and necessity or right.
2. That the franchises 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.

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 franchises granted to applicant by Ordinance No. 8 of the City of Del Rey Oaks.

IT IS HEREBY 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 City of Del Rey Oaks by Ordinance No. 8 adopted December 28, 1953.

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

Dated at San Francisco, California, this 7<sup>th</sup> day of June, 1954.

John E. Mitchell  
President  
Joseph J. Calver  
Kenneth P. Pott  
Deane Roggins

Commissioners