

Decision No. 51675

**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 )  
 granting to applicant a certificate )  
 of public convenience and necessity )  
 to exercise the right, privilege and )  
 franchise granted to applicant by )  
 Ordinance No. 347 of the Board of )  
 Supervisors of the County of Mendocino, )  
 State of California. )  
 (Water) )

Application No. 36841

F. T. Searls, John C. Morrissey and M. A. MacKillop  
 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. 347 of the Board of Supervisors of the County of Mendocino, permitting the installation, maintenance and use of a water distribution and transmission system in the streets, public highways, roads and places of said county. Applicant now has such a system in and adjacent to the City of Willits in said county.

A public hearing in the matter was held before Examiner F. Everett Emerson on June 14, 1955 at San Francisco.

The franchise referred to, a copy of which is attached to the application 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 2 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 \$539.50 exclusive of the costs incident to this application. Applicant stipulated that it would never claim before this Commission or any court any value in excess of the actual costs thereof.

No objection to the granting of the requested certificate has been made. In view of the evidence the Commission is of the opinion and so finds that the authority sought should be granted.

The certificate 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. 347 of the County of Mendocino, subject to appropriate restrictions concerning the territory not now served.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and is granted to Pacific Gas and Electric Company to exercise the rights and privileges granted by the County

of Mendocino by Ordinance No. 347 adopted July 1, 1954, 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 Mendocino 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 12th day of July, 1955.

Justin J. Calver  
 President  
Ralph W. ...  
...  
B. L. ...

Commissioners

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