

ORIGINAL

Decision No. 51676

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 of)
 public convenience and necessity to)
 exercise the right, privilege and)
 franchise granted to applicant by)
 Ordinance No. 4 of the City Council)
 of the City of Willits, County of)
 Mendocino, State of California.)
 (Water))

Application No. 36842

F. T. Searls, John C. Morrissey and M. A. MacKillop,
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 a franchise granted by Ordinance No. 4 of the City of Willits, permitting the installation, maintenance and use of a water distribution and transmission system upon the streets of said city.

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 and designated as Exhibit A, was granted by the city in accordance with the Broughton Act and is of indeterminate duration. A fee is payable annually to the city equivalent to 2 per cent of the gross receipts arising from the use, operation, or possession of the franchise. However, by letter agreement, dated August 9, 1954, applicant has agreed that the annual payment to the city shall never be less than \$1,570.

The costs incurred by applicant in obtaining the franchise are stated to have been \$243.40, 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 water in and about the City of Willits without competition. As of December 31, 1954, it served 995 water customers within the city.

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. 4 of the City of Willits.

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 City of Willits by Ordinance No. 4 adopted August 23, 1954.

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

Dated at San Francisco, California, this 19th day of July, 1955.

Justin J. Caswell
President
Ray B. [unclear]
Walter [unclear]
[unclear]

Commissioners

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