

ORIGINAL

Decision No. 52866

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 THE PACIFIC TELEPHONE AND TELEGRAPH )  
 COMPANY, a corporation, for an order )  
 granting it a certificate that public )  
 convenience and necessity require the )  
 exercise by it of the rights and )  
 privileges conferred upon it under )  
 the franchise granted by the City of )  
 Fresno by Ordinance No. 4771 on the )  
 13th day of October, 1955. )

Application No. 37598

Arthur T. George and Pillsbury,  
 Madison and Sutro, by Dudley A. Zinke,  
 for applicant.  
William W. Dunlop for the Commission's  
 staff.

O P I N I O N

The Pacific Telephone and Telegraph Company in this proceeding requests a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted under its Charter by the City of Fresno by Ordinance No. 4771, on the 13th day of October, 1955, covering the corporate limits of said city as of May 19, 1905.

A public hearing was held before Examiner Daly on March 21, 1956, at San Francisco and the matter was submitted. No appearance was made in protest to the authority sought.

The franchise referred to, a copy of which was received in evidence as Exhibit No. 1, covers a period of 25 years and provides for annual payments computed at two per cent of the

gross annual receipts of applicant arising from the use, operation or possession of said franchise in accordance with the so-called Tulare or Dinuba principle.

The costs incurred by applicant in obtaining the franchise are stated to have been \$125.02, which amount does not include costs incident to this application. Applicant stipulated that it will never claim any value for said franchise greater than \$125.02.

After consideration the Commission is of the opinion and so finds that public convenience and necessity require the exercise by applicant of the franchise granted by the City of Fresno by Ordinance No. 4771.

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 or certificate of public convenience and necessity or right.

O R D E R

A public hearing having been held and based upon the evidence adduced therein,

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to The Pacific Telephone and

Telegraph Company to exercise the rights and privileges granted by the City of Fresno by Ordinance No. 4771 adopted on the 13th day of October, 1955.

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

Dated at San Francisco, California, this 10th day of April, 1956.

*John E. Mitchell* President  
*Justin F. Crane*  
*Ray L. Metzger*  
*R. Hardy*

Commissioners

Commissioner Matthew J. Dooley, being necessarily absent, did not participate in the disposition of this proceeding.