

ORIGINAL

Decision No. 54786

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SOUTHERN CALIFORNIA EDISON COMPANY,)
 a corporation, for certificate that)
 public convenience and necessity)
 require and will require the exer-)
 cise by applicant of the rights,)
 privileges and franchise granted by)
 Ordinance No. 36 of the City of)
 Monte Vista, County of San Bernardino,)
 State of California, in accordance)
 with Franchise Ordinance No. 36 of)
 said city.)

Application No. 38789

Bruce Renwick, Rollin E. Woodbury, Harry W. Sturges, Jr.,
 and Austin C. Smith, Jr., by Austin C. Smith, Jr., for
 applicant.

O P I N I O N

Southern California Edison Company, a corporation, by
 the above-entitled application filed on February 4, 1957, requests a
 certificate of public convenience and necessity to exercise the rights
 and privileges of a franchise, granted by the City of Monte Vista,
 County of San Bernardino, California, to use and to construct and use
 for transmitting electricity to the public for any and all purposes,
 poles, wires, conduits and appurtenances, including communication
 circuits necessary or proper therefor, in, along, across, upon, over
 and under the streets of said city.

A public hearing on the application was held before
 Examiner Kent C. Rogers on March 8, 1957, in San Bernardino,
 California. Prior to the hearing notice thereof was published as
 required by this Commission. There were no protests.

The franchise referred to, a copy of which is attached to the application and designated Exhibit "A", was granted by the city in accordance with the Franchise Act of 1937 (Division 3, Chapter 2, California Public Utilities Code), was effective thirty days after November 5, 1956, and is of indeterminate duration. A fee will be payable annually equivalent to 2 per cent of the gross receipts arising from the use, operation or possession of said franchise, but not less than 1 per cent of the gross annual receipts from the sale of electricity within the limits of the city pursuant to the franchise.

The applicant's witness stated that the costs incurred in obtaining the franchise are \$60.75, exclusive of the costs incident to this application which amount to \$54.72, and include \$50.00 for filing the application with the Commission and \$4.72 for publication of notice of hearing thereon. Prior to the incorporation of the City of Monte Vista, he said, the applicant had served the area, which was County of San Bernardino territory, for many years pursuant to county franchises, and public convenience and necessity require the continuation of electric service by the applicant which is the only electrical corporation serving the area. In addition, he said, the franchise granted by Ordinance No. 36 by the City of Monte Vista more definitely establishes and extends applicant's franchise rights in said city, and the possession, ownership and exercise of said franchise by applicant will be of value to the applicant in rendering service to the public within the city, and in connection with continuing to qualify the outstanding bonds of applicant and effecting qualification of future issues of bonds as legal investments in states having laws relating to the qualification

of bonds of public utility companies. As of December 31, 1956, applicant served approximately 2,400 customers in the City of Monte Vista and had a gross revenue from all services in the city during the year 1956 of \$205,520.00. It will annually pay the city approximately \$2,055.00 under the terms of the franchise, based on its 1956 revenues.

Upon the record herein the Commission finds that public convenience and necessity require the exercise by the applicant of the rights, privileges and franchise granted to the applicant by Monte Vista City Ordinance No. 36. 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 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 for any amount of money 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.
2. That the franchise 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 thereon, the matter having been submitted, and the Commission having made the foregoing findings and based upon such findings,

IT IS HEREBY ORDERED that Southern California Edison Company, a corporation, be and it is hereby granted a certificate that public convenience and necessity require the exercise by it of the rights, privileges and franchise granted to it by Ordinance No. 36 of the City of Monte Vista, State of California, which ordinance was adopted on the 5th day of November, 1956, by the City Council of said city.

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

Dated at San Francisco, California, this 2nd day of APRIL, 1957.

[Signature]
 President

[Signature]

[Signature]

[Signature]

[Signature]
 Commissioners