

ORIGINAL

54788

Decision No. \_\_\_\_\_

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 re- )  
 quire and will require the exercise )  
 by Applicant of the rights, privileges )  
 and franchise granted by Ordinance )  
 No. 25 of the City of Dairyland, County )  
 of Orange, State of California, in )  
 accordance with Franchise Ordinance )  
 No. 25 of said City. )

Application No. 38746

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 January 21, 1957, requests a certificate of public convenience and necessity to exercise the rights and privileges of a franchise, granted by the City of Dairyland, County of Orange, State of California, to use and 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.

Public hearings on the application were held before Examiner Kent C. Rogers on February 25, 1957, in Los Angeles, and March 8, 1957, in San Bernardino, and the matter was submitted. Prior to the first hearing notice thereof was published as required by this Commission.

The franchise referred to, a copy of which is attached to the application as 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 30 days after October 15, 1956, and is of indeterminate duration. A fee will be payable annually equivalent to 2 percent of the gross receipts arising from the use, operation or possession of said franchise but not less than 1 percent of the gross annual receipts from the sale of electricity within the limits of the city pursuant to the franchise.

No objection to the granting of the requested certificate has been entered.

The applicant's witness stated that the costs incurred in obtaining the franchise are \$40.55, which amount does not include costs incident to this application amounting to \$58.43, which includes the fees of \$50.00 for filing this application and \$8.43 for publishing the notice of the hearing thereon. Prior to the incorporation of the city, he said, the applicant served the area pursuant to Orange County Franchise No. 543 (Decision No. 44086, dated April 25, 1950, in Application No. 30208) and public convenience and necessity require that said service be continued. He further stated that the franchise granted by Ordinance No. 25 of the City of Dairyland 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 it in rendering service to the public within the city and in connection with continuing to qualify its

outstanding bonds and effecting qualification of future issues of its bonds. As of December 31, 1956, applicant served approximately 200 customers in the City of Dairyland and had a gross revenue from all services in the city of \$38,503. It will pay annually to the city approximately \$385.00 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 City of Dairyland Ordinance No. 25. 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, public hearings 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 be and it hereby is 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. 25 of the City of Dairyland, State of California, which ordinance was adopted on the 15th day of October, 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