

**ORIGINAL**Decision No. 55621

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. 15 of the City of Downey, County  
 of Los Angeles, State of California,  
 in accordance with Franchise  
 Ordinance No. 15 of said City.

Application No. 39259

Bruce Renwick and Harry W. Sturges, Jr., by  
H. Clinton Tinker, for applicant.

O P I N I O N

Southern California Edison Company, a corporation, by the above-entitled application filed on July 23, 1957, requests a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the City of Downey, County of Los Angeles, California, by Ordinance No. 15, to use and to construct and use, for transmitting and distributing electricity 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 public streets, ways, alleys and places within said city.

A public hearing on the application was held before Examiner Kent C. Rogers on September 6, 1957, in Los Angeles. 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 its adoption on April 8, 1957, and is of indeterminate duration. A fee will be payable annually equivalent to two percent of the gross annual receipts of the applicant arising from the use, operation or possession of the franchise, but not less than one percent 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 \$44.26, exclusive of the costs incident to this application which amount to \$55.95 and include \$50.00 for filing the application with the Commission and \$5.95 for publication of the notice of hearing thereon. Prior to the incorporation of the City of Downey on December 17, 1956, he said, the applicant had been serving the area, which was Los Angeles County territory, for many years pursuant to county franchises, and public convenience and necessity require the continuation of an electrical service therein by applicant which is the only electrical corporation serving the area. In addition, he said, the franchise granted by Ordinance No. 15 of the City of Downey 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 of Downey, and in connection with continuing to qualify the outstanding bonds of the

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 19,900 customers in the City of Downey, and had a gross revenue from all services in the city area during the year 1956 of \$2,750,000. It will pay annually to the city approximately \$27,500 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 the City of Downey Ordinance No. 15. The certificate of public convenience and necessity herein granted is subject to the following provisions of law:

1. 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. 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 said findings,

IT IS HEREBY ORDERED that the 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. 15 of the City of Downey, State of California, which ordinance was adopted on the 8th day of April 1957, 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 1st day of October, 1957.

[Signature]  
President

[Signature]

[Signature]

[Signature]

[Signature]  
Commissioners