Decision No. 58694

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CALIFORNIA ELECTRIC POWER COMPANY under Section 1002 of The Public Utilities Code for a Certificate of Public Convenience and Necessity to Exercise Rights Under Franchise in the City of Corona, California.

Application No. 39107

Donald J. Carmen, for applicant.

Harry W. Sturges, Jr., for Southern California

Edison Company, interested party.

OPINION

California Electric Power Company, in this proceeding, asks for a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the City of Corona, permitting the installation, maintenance and use of an electric distribution and transmission system upon the streets of said city. A public hearing was held before Examiner Kent Rogers, on July 3, 1957, at Corona. By Decision No. 55659 signed October 8, 1957, the matter was reopened for the purpose of receiving additional evidence from Southern California Edison Company. Further hearing was held before Examiner Thomas E. Daly on April 22, 1958, at Los Angeles.

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 Franchise Act of 1937 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, but not less than ½ per cent of the gross annual receipts from sales of electricity within the limits of the city under said franchise.

A-39107 The costs incurred by applicant in obtaining the franchise are stated to have been \$53.59, which amount does not include costs incident to this application. Possible conflict between applicant and the Southern California Edison Company was resolved by the following stipulation: "Irrespective of any future change in the boundaries of the City of Corona, California Electric Power Company will not, without prior approval of the Commission, provide electric service to any inhabitants of Southern California Edison Company's service area as shown on Exhibit 3 except one customer located approximately 1550 feet southwest from River Street on Corydon Street now being served by said California Electric Power Company, and Southern California Edison Company will not without prior approval of the Commission provide electric service to any inhabitants of California Electric Power Company's service area as shown on Exhibit 3, except to those inhabitants of the City of Corona now being served by said Southern California Edison Company." After consideration it is 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. 689, of the City of Corona. The certificate of public convenience and necessity herein granted is subject to the following provisions 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 considera-tion 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. -2-

ORDER

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 ORDERED that a certificate of public convenience and necessity be and it is granted to California Electric Power Company to exercise the rights and privileges granted by the City of Corona, by Ordinance No. 689, adopted March 18, 1957, subject to the stipulation set forth in the opinion herein.

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

Dated at Missoles , California, this

V 8f 1958

Commissioners

Commissioner <u>C. Lyn Fox</u>, being necessarily absent, did not participate in the disposition of this proceeding.