

Decision No. 57059**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
 PACIFIC GAS AND ELECTRIC COMPANY for
 an order issuing to applicant a
 certificate of public convenience and
 necessity to exercise the right,
 privilege and franchise granted to
 applicant by Ordinance No. 230 of the
 Board of Supervisors of the COUNTY OF
 KINGS, State of California.
(Electric)

Application No. 40048

F. T. Searls, John C. Morrissey, Malcolm A. MacKillop
 and John S. Cooper, for applicant.
H. Clinton Tinkler for Southern California Edison
 Co., interested party.

O P I N I O N

Pacific Gas and Electric Company, by the above-entitled application filed April 30, 1958, asks for a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the County of Kings, permitting the installation, maintenance and use of an electric distribution and transmission system upon the public streets of said county. A public hearing was held before Examiner Thomas E. Daly on July 11, 1958 at San Francisco.

The franchise referred to, a copy of which is attached to the application and designated as Exhibit A, was granted by the county in accordance with the Broughton Act, and is of indeterminate duration. A fee is payable annually to the county equivalent to 2 per cent of the gross receipts arising from the use, operation or possession of the franchise.

The costs incurred by applicant in obtaining the franchise are stated to have been \$802.25, which amount does not include costs incident to this application.

No objection to the granting of the requested certificate has been entered. Southern California Edison Co. also serves within the County of Kings. As a result, applicant stipulated that if the certificate were granted, it would not exercise the franchise within the service area of Southern California Edison Co. As of May 31, 1958, applicant served approximately 8,903 electric customers within the unincorporated area of Kings County.

After consideration, the Commission is of the opinion and so finds that public convenience and necessity require the exercise by applicant of the right, privilege and franchise granted to applicant by Ordinance No. 230 of the County of Kings, subject to appropriate restrictions concerning the territory not now served.

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, certificate of public convenience and necessity or right.

O R D E R

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 is granted to Pacific Gas and Electric Company to exercise the rights and privileges granted by the County of Kings by Ordinance No. 230 adopted January 22, 1957.

IT IS HEREBY FURTHER ORDERED:

1. That Pacific Gas and Electric Company shall not exercise said franchise for the purpose of supplying electricity in those parts or portions of Kings County not now served by it except through extensions of its existing system made in the ordinary course of business as contemplated by Section 1001 of the Public Utilities Code; and
2. That the Commission may hereafter by appropriate proceeding and order limit the authority herein granted to applicant as to any territory within said county not then being served by it.

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

Dated at San Francisco, California, this 29th day of July, 1958.

E. Lynn Fox
President

Robert L. Mitchell

Robert L. Mitchell

Theodore J. Dooley

Commissioners

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