

**ORIGINAL**Decision No. 57203

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 should require and will require the exercise by applicant of the rights, privileges and franchise granted by Ordinance No. 996 of the City of San Buenaventura, County of Ventura, State of California, in accordance with Franchise Ordinance No. 996 of said City.

Application No. 40009

Rollin E. Woodbury, Harry W. Sturges, Jr., and  
H. Clinton Tinker, attorneys for applicant.

O P I N I O N

Southern California Edison Company, a corporation, requests a certificate of public convenience and necessity to exercise the rights, privileges and franchise granted by the City of San Buenaventura, County of Ventura, State of California, in Ordinance No. 996 of said city, which ordinance was adopted on January 27, 1958, and became effective thirty days thereafter. Said franchise authorizes applicant to use and to construct and use, for transmitting and distributing electricity for any and all purposes, poles, wires, conduits, circuits and appurtenances in the streets within the city limits of the said city as more specifically set forth in the ordinance.

A public hearing was held in Los Angeles before Examiner Mark V. Chiesa. Oral and documentary evidence having been adduced,

the matter was submitted for decision. Notice of the hearing was published in a local newspaper. The application was not opposed.

This franchise grants applicant the right to operate an electrical distribution and transmission system in said city for a period of 50 years. San Buenaventura was incorporated March 10, 1866, and applicant has been serving the area under a Constitutional franchise (Section 19 of Article XI of the Constitution of the State of California). This is the first franchise granted to applicant under the city charter and procedural ordinances. The franchise calls for a payment to the city of three fourths of one per cent of the gross annual receipts derived from the sale of electricity within the limits of the city. The terms and conditions of this franchise were negotiated pursuant to the provisions of the city charter and therefore vary from the usual indeterminate period and payment on the basis of two per cent of the gross receipts arising from the use, operation or possession of the franchise with a minimum of one per cent of gross annual receipts.

Applicant has been furnishing electricity in the San Buenaventura area pursuant to a county ordinance (Decision No. 55239). The evidence shows that for the year ending December 31, 1957, approximately 48,956,000 kilowatt-hours of electricity were consumed in the City of San Buenaventura area, returning a revenue of approximately \$1,238,000. As of December 31, 1957, there were approximately 10,300 customers within the said area. Payments to the city, computed on 1957 revenues, would have been approximately \$9,284.08 under the present franchise.

Total expenses incurred in connection with this application are \$166.72.

It was testified that the franchise will more definitely establish and extend applicant's rights in said city, will enable applicant to render its service to the public, and will be of value to applicant in qualifying outstanding and future bonds as legal investments where such qualification is necessary.

Having considered the record we find that public convenience and necessity require the exercise by applicant of the rights, privileges and franchise granted by the City of San Buenaventura in Ordinance No. 996. The certificate herein granted is subject to the following provision 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

A public hearing having been held, the Commission being fully advised in the premises, and having found facts as hereinabove set forth, makes its order as follows:

Southern California Edison Company, a corporation, 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. 996 of the City of San Buenaventura, which ordinance was adopted by the City Council of said city on the 27th day of January, 1958.

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

Dated at San Francisco, California, this 19th day of August, 1958.

[Signature]  
 President

[Signature]

[Signature]

[Signature]  
 Commissioners

Commissioner Ray E. Untereiner, being necessarily absent, did not participate in the disposition of this proceeding.