

ORIGINAL

Decision No. 57204

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. 1036 of the City of Westminster, County of Orange, State of California, in accordance with Franchise Ordinance No. 1036 of said city.

Application No. 39923

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 Westminster, County of Orange, State of California, in Ordinance No. 1036 of said city, which ordinance was adopted on October 21, 1957, 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.

The said franchise was granted under and in accordance with the provisions of the Franchise Act of 1937 (Division 3, Chapter 2, of the California Public Utilities Code) and is for an indeterminate period. It provides, among other things, that grantee shall pay the city two per cent of the gross annual receipts of grantee arising from the use, operation or possession of said franchise provided that such payment shall in no event be less than one per cent of the gross annual receipts derived from the sale of electricity within the limits of said city. Applicant has also filed a franchise bond with the city in the sum of \$1,000 as required by the ordinance.

Applicant has been furnishing electricity in the Westminster area pursuant to a county ordinance (Decision No. 55239). The evidence shows that for the year ending December 31, 1957, approximately 14,433,000 kilowatt-hours of electricity were consumed in the City of Westminster area, returning a revenue of approximately \$421,000. As of December 31, 1957, there were approximately 4,700 customers within the said area. Payments to the city, computed on 1957 revenues, would have been approximately \$4,210 under present franchise.

Total expenses incurred in connection with this application are \$86.62.

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 Westminster in Ordinance No. 1036. 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. 1036 of the City of Westminster

which ordinance was adopted by the City Council of said city on the 21st day of October, 1957.

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]

[Signature]
 Commissioners

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