

Decision No. 57535

ORIGINAL

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. 109,375 of the City of Los Angeles,
 County of Los Angeles, State of
 California, in accordance with
 Franchise Ordinance No. 109,375 of
 said City.

Application No. 40338

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

O P I N I O N

Southern California Edison Company, a corporation, by the application herein, filed on August 11, 1958, seeks an order granting to applicant a certificate declaring that the present and future public convenience and necessity require and will require the exercise by the applicant of the rights, privileges, and the franchise granted by Ordinance No. 109,375, of the City of Los Angeles, California, to construct, install and maintain overhead electric power and telephone lines along certain designated routes set forth in the ordinance.

A public hearing on the application was held in Los Angeles on September 30, 1958, before Examiner Kent C. Rogers. Prior to the hearing, notice thereof was published as required by this Commission.

The franchise referred to, a copy of which is attached to the application and designated as Exhibit "A", was granted by the city, effective 31 days after its publication on May 20, 1957. A \$5,000 bond was filed and approved by the City Council. The applicant filed acceptance of the franchise on May 29, 1957. Applicant's witness stated that applicant has performed all acts required by it under the franchise. The term of the franchise expires August 22, 1960, unless sooner terminated by ordinance. A fee is payable annually to the city at the rates and times and in the manner as provided in Ordinance No. 81509 of the City of Los Angeles.

The annual payments to the city, provided in Ordinance No. 81509, are as follows:

Grantee shall pay, in lawful money of the United States, on or before March 1, 1940, and at each and every year thereafter, for the previous calendar year, the following payments for telephone line routes and for power line routes:

1. TELEPHONE LINES: On telephone line routes the payment shall be \$30 per route mile for telephone circuits on poles or other structures not owned by grantee but occupied jointly with the owner thereof and \$60 per route mile for telephone circuits on poles or other structures owned or solely occupied by grantee.
2. POWER LINES: On power line routes (which include any telephone circuits on same poles or other structures) the payment shall be on one of the following bases, whichever produces the greater amount:
 - a. \$100 per route mile.
 - b. \$50 per route mile plus 2 percent of the annual gross receipts of grantee from the use, operation or possession of this franchise, provided, however, that such payment of 2 percent of said receipts shall be not less than 1 percent of the annual gross receipts of grantee from the sale of electricity to consumers within the City, all as measured at the point of delivery.

All payments shall be computed on the basis of 365 days to the year. Payments on lines abandoned must be continued up to the date when properties have been removed and streets restored to their normal condition.

Ordinance No. 109,375 covers approximately 3.5 miles of electric lines.

The costs incurred by applicant in obtaining the franchise are stated to be \$300, not including costs incident to this application which amounted to \$57.50 additional.

The franchise involved in this proceeding runs concurrently with franchises granted to applicant by the City of Los Angeles by Ordinances Nos. 81509, 82129, 89782, and 98577. This Commission has heretofore granted to applicant certificates of public convenience and necessity to exercise the rights, privileges and franchise granted by each of said ordinances. Each of said ordinances grants applicant authority to construct, install and maintain overhead electric power and telephone lines in various portions of the City of Los Angeles.

Upon the record herein the Commission finds that public convenience and necessity require the exercise by applicant of the rights, privileges and franchise granted to applicant by Ordinance No. 109,375 of the City of Los Angeles. The certificate of public convenience and necessity herein granted is subject to the following provision of law:

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.

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 finding and based upon said finding,

IT IS HEREBY ORDERED that Southern California Edison Company, a corporation, be and it hereby is 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. 109,375 of the City of Los Angeles, State of California, which ordinance was adopted on the 13th day of May, 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 29th day of October, 1958.

[Signature]
President

[Signature]

[Signature]

[Signature]
Commissioners