

ORIGINAL

Decision No. 57536

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. 42 of the City of
 Duarte, County of Los Angeles,
 State of California, in accordance
 with Franchise Ordinance No. 42 of
 said City.

Application No. 40340

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
 above-entitled application filed August 11, 1958, requests a
 certificate of public convenience and necessity to exercise the
 rights and privileges of a franchise granted by the City of
 Duarte, County of Los Angeles, California, to use and to construct
 and use, for transmitting and distributing electricity to the
 public for any and all purposes, poles, wires, conduits and
 appurtenances, including communication circuits necessary or proper
 therefor, in, along, across, upon, over, and under the public
 streets, ways, alleys and places within said City.

A public hearing on the application was held before
 Examiner Kent C. Rogers on September 30, 1958, in Los Angeles.

Prior to the hearing notice thereof was published as required by this Commission. There were no protests.

The franchise referred to, a copy of which is attached to the application and designated Exhibit "A", was granted by the city in accordance with the Franchise Act of 1937 (Division 3, Chapter 2, California Public Utilities Code), was effective 30 days after its adoption on March 10, 1958, and is of indeterminate duration. A fee will be payable annually equivalent to 2 percent of the gross annual receipts of the applicant arising from the use, operation or possession of the franchise, but not less than 1 percent of the gross annual receipts arising from the sale of electricity within the limits of the city pursuant to the franchise.

The applicant's witness stated that the costs incurred in obtaining the franchise are \$15.50, exclusive of the costs incident to this application which amount to \$55.50 and include \$50 for filing the application with the Commission and \$5.50 for publication. Prior to the incorporation of the City of Duarte on August 22, 1957, he said, the applicant had been serving the area, which was Los Angeles County territory, for many years pursuant to county franchises, and public convenience and necessity require the continuation of an electric service therein by applicant which is the only electrical corporation serving the area. In addition, he said, the franchise granted by Ordinance No. 42 of the City of Duarte more definitely establishes and extends applicant's franchise rights in said city, and the possession, ownership and exercise of said franchise by applicant will be of value to the applicant in rendering service to the public within the City of Duarte, and in

connection with continuing to qualify the outstanding bonds of the company and effecting qualification of future issues of bonds as legal investments in states having laws, relating to the qualification of bonds of public utility companies.

As of December 31, 1957, applicant served approximately 3,685 customers in the City of Duarte and had a gross revenue from all services in the city area during the year 1957 of approximately \$460,500. It will pay annually to the city approximately \$4,605 based on its 1957 revenue. It paid the County of Los Angeles under its County Franchise, for the area now comprising the City of Duarte, approximately \$1,850 in 1957.

Upon the record herein the Commission finds that public convenience and necessity require the exercise by the applicant of the rights, privileges and franchise granted to the applicant by the City of Duarte Ordinance No. 42. The certificate of public convenience and necessity herein granted is subject to the following provisions 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

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. 42 of the City of Duarte, State of California, which ordinance was adopted on the 10th day of March, 1958.

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

Dated at San Francisco, California,
this 28th day of October, 1958.

E. Lynn Fox
President
Robert E. ...
Raul ...
...
Theodore ...
Commissioners