

ORIGINAL

Decision No. 57636

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PACIFIC GAS AND ELECTRIC COMPANY and)
the CITY OF SANTA CLARA for an order)
authorizing the former to sell to)
the latter certain electric distri-)
bution facilities in accordance with)
the terms of an agreement dated)
May 14, 1958.)
(Electric))

Application No. 40478

OPINION AND ORDER

Pacific Gas and Electric Company and the City of Santa Clara in this application filed October 2, 1958, request an order of this Commission to: (1) confer upon Pacific all necessary permission and authority to sell and convey to City certain electric facilities located in the City of Santa Clara and to consummate said transaction in accordance with the terms of an agreement dated May 14, 1958, and (2) to relieve Pacific, concurrently with the sale, grant and conveyance of the properties involved, of the duties and responsibilities of an electric corporation within the area involved. A copy of the agreement is attached to the application as Exhibit A.

Under the terms of this agreement Pacific is to sell and convey to the City certain electric distribution facilities located adjacent to El Camino Real between Lawrence Road and Los Olivos Drive located in said City of Santa Clara. The electric facilities which are to be conveyed are delineated on the map attached to Exhibit A.

The agreement provides that City shall pay to Pacific, as the purchase price for said facilities, upon delivery by Pacific to City of a proper instrument conveying to City title to said facilities, the sum of \$9,873, plus sales tax of \$394.92, or a total of \$10,267.92.

The agreement provides that it shall not become effective until the Commission shall, by its order, authorize Pacific to carry out the terms and conditions contained in the agreement.

Pacific alleges that the furnishing of electric service by City to the customers presently taking service from Pacific at City's presently effective rates and charges will not result in the charging or collecting from said customers of rates or charges in excess of those now paid by said customers for electric service furnished by Pacific.

It appears that City, upon acquisition of the properties which would be transferred under the agreement, is ready and willing to supply electric service to 96 customers now served through said properties and that the request of Pacific and City is not adverse to the public interest.

The action taken herein shall not be construed to be a finding of the value of the property herein authorized to be transferred.

The Commission having considered the request of the applicants, and being of the opinion that the application should be granted, and that a public hearing is not necessary; therefore,

IT IS HEREBY ORDERED that Pacific Gas and Electric Company may, on or after the effective date hereof, sell and transfer to the City of Santa Clara, in accordance with the terms of the agreement dated May 14, 1958, a copy of which is attached to the application, the electric distribution facilities described therein and as shown by the map entitled "Pacific Gas and Electric Company Electric Facilities to be sold in place to the City of Santa Clara", attached to the application, subject to the following condition:

Pacific Gas and Electric Company shall, within thirty days thereafter, notify this Commission in writing of the date of such completion of the property transfer herein authorized.

IT IS FURTHER ORDERED that Pacific Gas and Electric Company concurrently with the consummation of the sale and transfer to the City of Santa Clara of the property described above, may cease furnishing and supplying electric service to the customers presently served by it by means of said properties and is relieved of the duties and responsibilities of an electric corporation within the area lying adjacent to El Camino Real between Lawrence Road and Los Olivos Drive in the City of Santa Clara.

In the event the City of Santa Clara does not consummate the purchase of the properties under the terms of the agreement of May 14, 1958 within two years after said date, the authority granted herein shall expire.

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

Dated at San Francisco, California, this 25th day of November, 1958.

[Signature]
President

[Signature]

[Signature]

[Signature]
Commissioners