

ORIGINAL

Decision No. 57872

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 )  
require and will require the exercise )  
by applicant of the rights, privileges )  
and franchise granted by Ordinance )  
No. 243 of the County of Madera, State )  
of California. )

Application No. 40526

Rollin E. Woodbury, Harry W. Sturges, Jr., and  
H. Clinton Tinker, by H. Clinton Tinker and  
Harry W. Sturges, Jr., for applicant.  
Leonard Patterson for the Commission staff.

O P I N I O N

Southern California Edison Company, a corporation, by the above-entitled application filed on October 22, 1958, requests a certificate of public convenience and necessity to exercise the rights and privileges of Ordinance No. 243 granted by the County of Madera, California, to construct and use for transmitting and distributing electricity 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 highways, roads, streets, ways, alleys and places within said county.

A public hearing on the application was held before Examiner Kent C. Rogers on December 16, 1958, in Los Angeles. Prior to the hearing notice thereof was published as required by the 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 county in accordance with the Broughton Act (Division 3, Chapter 1, California Public Utilities Code), was effective 30 days after its adoption on September 2, 1958, and is of indeterminate duration. A fee will be payable annually during the life of the franchise equivalent to 2% of the gross annual receipts of the grantee, and its successors or assigns, arising from the use, operation or possession of the franchise within the County of Madera. No percentage shall be paid for the first five years succeeding the date of the franchise, but thereafter such percentage shall be paid annually.

The applicant's witness stated that the costs incurred in obtaining the franchise are \$651.80 exclusive of the costs incident to this application which amount to \$57.20, and include \$50 for filing the application with the Commission and \$7.20 for publication of the notice of the hearing thereon. The witness said the applicant has been rendering service in the County of Madera for about seven years, but that all services have heretofore been on private rights of way and applicant has needed no franchise. Applicant has recently commenced using public highways to a slight extent, there being at the time of the hearing hereon a total of 21 miles of applicant's transmission and distribution lines in the county, of which only 0.1 of a mile are on public highways. In addition, the witness said, the franchise granted by Ordinance No. 243 of the County of Madera definitely establishes applicant's rights in said county, and the possession, ownership, and exercise

of said franchise by applicant will be of value to it, among other things, in rendering service to the public in said county, and in connection with continuing to qualify the outstanding bonds of the applicant 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.

Two other companies furnish, distribute, or sell electricity in Madera County, Pacific Gas and Electric Company and Bessie L. Cunningham. The locations of the facilities of each of said parties and of applicant are shown on Exhibit No. 1 herein. The franchise in question is a county-wide franchise, but applicant's witness stated that applicant has no intention of competing with the other said electric companies in the county, and Pacific Gas and Electric Company has agreed that there is no need at present to describe the boundaries of the various service areas.

As of December 31, 1957, applicant served five customers in the County of Madera and had a gross revenue from all services in the county of \$819 during said year. As of December 1, 1958, applicant had nine customers in the county. It will pay no franchise fees for five years from the date the ordinance was adopted.

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 applicant by the County of Madera, Ordinance No. 243, subject to appropriate restrictions concerning the territory not now served.

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 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. 243 of the County of Madera, State of California, which ordinance was adopted on September 2, 1958, by the Board of Supervisors of said county, subject, however, to the following conditions:

1. That applicant shall not exercise said franchise for the purpose of supplying electricity in those parts or portions of the County of Madera not now served by it, except through extensions of its existing system made in the ordinary course of business as contemplated by Section 1001 of the Public Utilities Code, and
2. That the Commission may hereafter, by appropriate proceeding and order, limit the authority herein granted to applicant as to any territory within said county not then being served by it.

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

Dated at San Francisco, California, this 20th day of January, 1959.

[Signature]  
President  
[Signature]  
[Signature]  
[Signature]  
Commissioners