58527

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
Pacific Gas and Electric Company for an
order issuing to applicant a certificate
of public convenience and necessity to
exercise the right, privilege and franchise
granted to applicant by Ordinance No. 287
of the City Council of the CITY OF NEVADA
CITY, County of Nevada, State of California.

(Gas)

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Application No. 40872

F. T. Searls, John C. Morrissey and John S. Cooper
for applicant.

O P I N I O N

Pacific Gas and Electric Company, in this proceeding, asks
for a certificate of public convenience and necessity to exercise the
rights and privileges of a franchise granted by the City of Nevada
City, permitting the installation, maintenance, and use of a gas
distribution and transmission system in the streets of said city.
A public hearing was held before Examiner Thomas E. Daly, on May 12,
1959, at San Francisco.

The franchise referred to, a copy of which is attached to
the application and designated as Exhibit A, was granted by the City
in accordance with the Franchise Act of 1937 and is of indeterminate
duration. A fee is payable annually to the city equivalent to 2
per cent of the gross receipts arising from the use, operation, or
possession of the franchise, but not less than 1 per cent of the gross
annual receipts from sales of gas within the limits of the City under
said franchise.

The costs incurred by applicant in obtaining the franchise are stated to have been $55, which amount does not include costs incident to this application.

No objection to the granting of the requested certificate has been entered. Furthermore, this utility or its predecessors have, for many years, served gas in and about the City of Nevada City without competition. As of December 31, 1958, it served 449 customers within the city from approximately 10.175 miles of gas mains therein.

After consideration it is hereby found as a fact that public convenience and necessity require the exercise by applicant of the right, privilege and franchise granted to applicant by Ordinance No. 287 of the City of Nevada City.

The certificate of public convenience and necessity herein granted is subject to the following provisions of law:

1. That 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.

2. That 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.
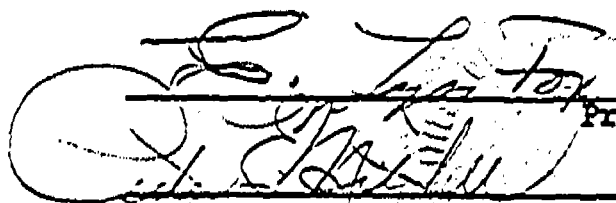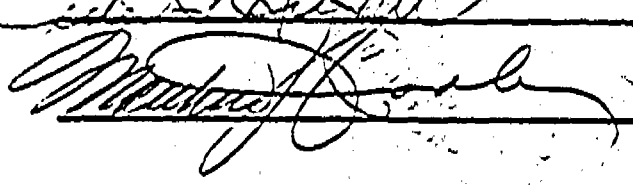
O R D E R

The above-entitled application having been filed, a public hearing having been held, the matter having been submitted and now being ready for decision,

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IT IS HEREBY ORDERED that a certificate of public conven-
ience and necessity be and it is hereby granted to Pacific Gas and
Electric Company to exercise the rights and privileges granted by the
City of Nevada City, Ordinance No. 287, adopted December 8, 1958.

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

Dated at _____San Francisco_____, California, this ___2nd___
day of _____June_____, 1959.

_____
President

_____

_____
Commissioners

Theodore H. Jonner
Commissioner Everett C. McKeage, being
necessarily absent, did not participate
in the disposition of this proceeding.