

Decision No. 59393**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. 2728 of the City of )  
 Santa Barbara, County of Santa )  
 Barbara, State of California, in )  
 accordance with Franchise Ordinance )  
 No. 2728 of said City. )

Application No. 41597

O P I N I O N

Southern California Edison Company seeks a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the City of Santa Barbara permitting the construction, operation, maintenance and use of an electric distribution and transmission system upon the streets of said City.

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 for a period of 25 years from the effective date of the granting of the franchise.

This franchise is complementary to a constitutional franchise, now owned by applicant, which was acquired by the acceptance by applicant, or its predecessors in estate, of the offer contained in the provisions of Section 19 of Article XI of the Constitution of the State of California as said section existed prior to its amendment on October 10, 1911.

Under the terms of the Santa Barbara franchise, applicant shall pay to the City an annual fee which shall be equivalent to two per cent of the gross annual receipts arising from the use, operation or possession of the franchise but which shall in no event be less than one half per cent of the gross annual receipts from the sale of electricity within the limits of the City under both franchises.

The franchise further provides that at the expiration of the period for which the franchise is granted, the City of Santa Barbara at its election and upon payment thereof to applicant, may purchase and take over to itself the franchise property operated by applicant under said franchise in its entirety. The price to be paid for such property shall be paid in lawful money of the United States and shall be an amount which is equal to full and just compensation in accordance with Article 1, Section 14, of the Constitution of the State of California, and in accordance with the Constitution of the United States of America, and also in accordance with the provisions as more fully described in Section 3 of the franchise.

Applicant states that the actual cost it incurred in obtaining the franchise from the City of Santa Barbara was \$61.53, exclusive of the \$50 fee paid to this Commission upon filing of the application.

No objection to the granting of the requested certificate has been received by the Commission. Furthermore, applicant or its predecessors have for many years served electricity in and about the City of Santa Barbara without competition.

The Commission has given consideration to this matter and is of the opinion that a public hearing is not necessary. The Commission finds that public convenience and necessity require the exercise of the rights, privileges and franchise granted to applicant by Ordinance No. 2728 of the City of Santa Barbara.

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.

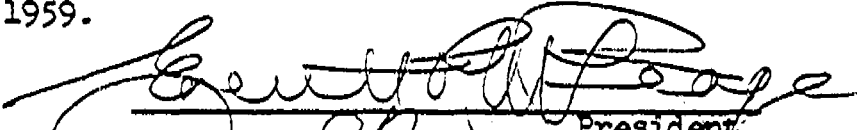
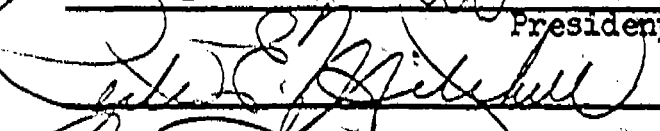


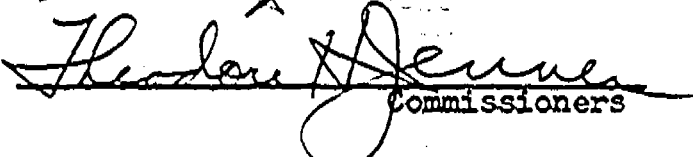
2. That the franchise involved herein shall never be given any value before any court or other public authority in any proceeding of any character in excess of the cost to the grantee of the necessary publication and any other sum paid by it to the municipality therefor at the time of the acquisition thereof.

O R D E R

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and it is hereby granted to Southern California Edison Company to exercise the rights, privileges and franchise granted by the City of Santa Barbara, Ordinance No. 2728, adopted August 25, 1959.

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

Dated at San Francisco, California, this 15th day of December, 1959.

  
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President  
  
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Commissioners