

60303

**ORIGINAL**

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of CALIFORNIA-PACIFIC UTILITIES COMPANY, a corporation, for a Certificate of Public Convenience and Necessity authorizing Applicant to serve a portion of San Bernardino County, California, and to exercise rights and privileges under franchises which Applicant has secured from the County of San Bernardino, State of California.

Application No. 42278

O P I N I O N

California-Pacific Utilities Company, in this proceeding, asks for certificates of public convenience and necessity to exercise the rights and privileges of franchises granted by the County of San Bernardino, permitting the installation, maintenance, and use of a gas distribution and transmission system and an electrical distribution and transmission system in the unincorporated area of said county.

The franchises referred to, copies of which are attached to the application and designated as Exhibits B and C were granted by the county in accordance with the Broughton Act and each is of 50 years duration. Each franchise provides that a fee is payable annually to the county equivalent to 2 percent of the gross receipts arising from the use, operation, or possession of the franchise.

No objection to the granting of the requested certificates has been entered. Furthermore, this utility or its predecessors have, for many years, served gas and electricity in and about the

County of San Bernardino without competition.

After consideration, it is hereby found as a fact that public convenience and necessity require the exercise by applicant of the rights, privileges and franchises granted to applicant by Ordinances Nos. 894 and 895 of the County of San Bernardino. A public hearing does not appear to be necessary.

The certificates of public convenience and necessity herein granted are subject to the following provision of law:

That the Commission shall have no power to authorize the capitalization of the franchises involved herein or these certificates of public convenience and necessity or the right to own, operate or enjoy such franchises or certificates 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 franchises, certificates of public convenience and necessity or right.

O R D E R

The above-entitled application having been filed, and the Commission being informed in the premises,

IT IS HEREBY ORDERED:

(1) That certificates of public convenience and necessity are hereby granted to California-Pacific Utilities Company to exercise the rights and privileges of the franchises granted by the County of San Bernardino by Ordinances Nos. 894 and 895 adopted June 29, 1959 and July 6, 1959, respectively.



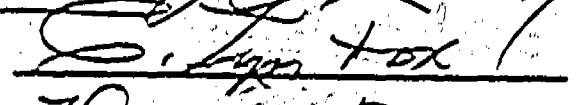
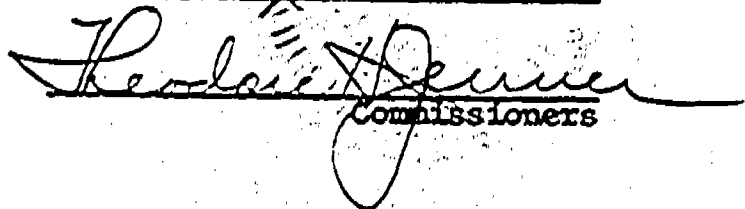
(2) That California-Pacific Utilities Company shall not exercise said franchises for the purpose of supplying gas or electricity in those parts or portions of San Bernardino County not now

served by it except through extensions of its operating system made in the ordinary course of business as contemplated by Section No. 1001 of the Public Utilities Code.

(3) 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 28<sup>th</sup> day of June, 1960.

  
President  
  
  
  
Commissioners