

Decision No. 60478**ORIGINAL**

## 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 a certificate of  
 public convenience and necessity to  
 exercise the right, privilege and  
 franchise granted to applicant by  
 Ordinance No. 213 of the Board of  
 Supervisors of the COUNTY OF SAN  
 BENITO, State of California.  
 (Gas)

Application No. 42390

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 County of San Benito, permitting the installation, maintenance, and use of a gas distribution and transmission system in the unincorporated area of said County.

The franchise referred to, a copy of which is attached to the application and designated as Exhibit A, was granted by the County in accordance with the Broughton Act and is of indeterminate duration. 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.

The costs incurred by applicant in obtaining the franchise are stated to have been \$384.64, which amount does not include costs incident to this application.

Applicant has served gas in and about the County of San Benito without competition for many years. As of December 31, 1959 it served 938 customers within the unincorporated area of the County from approximately 230 miles of gas mains therein. No objection to the granting of the requested certificate has been received and a public hearing is not necessary.

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. 213 of the County of San Benito.

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

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.

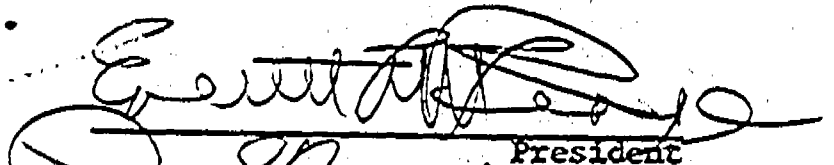
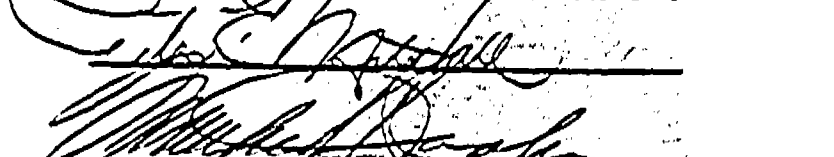
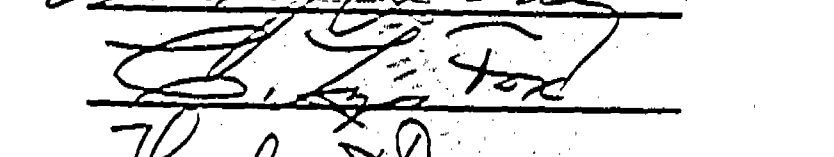

O R D E R

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

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and it is hereby granted to Pacific Gas and Electric Company to exercise the rights and privileges of the franchise granted by the County of San Benito by Ordinance No. 213, adopted October 5, 1959.

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

Dated at San Francisco, California, this 2nd day of August, 1960.

  
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President  
  
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Commissioners