ORIGINAL

Decision No. 60500

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. 212 of the Board of Supervisors of the COUNTY OF SAN BENITO, State of California.

(Electric)

Application No. 42391

<u>opinion</u>

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 an electric 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 per cent 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 \$3,852.90, which amount does not include costs incident to this application.

Applicant has served electricity in and about the county of San Benito without competition for many years. In 1959 it served 3,393 electric customers within the unincorporated area of the county.

No objection to the granting of the requested certificate has been received and a public hearing is not necessary.

After consideration it is found as a fact that public convenience and necessity require the exercise by applicant of the privilege and franchise granted to applicant by Ordinance No. 212, 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.

ORDER

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 granted to Pacific Gas and Electric Company to exercise the rights and privileges granted by the County of San Benito, by Ordinance No. 212, adopted October 5, 1959.

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

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