

ORIGINAL

Decision No. 61882

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. 257 of the Board of
 Supervisors of the COUNTY OF
 TRINITY, State of California.
 (Electric)

Application No. 43227

O P I N I O N

Pacific Gas and Electric Company, in this proceeding, requests a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the County of Trinity, California, permitting the installation, maintenance and use of an electric distribution and transmission system in the public roads 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 under and pursuant to the provisions of the laws of the State of California which relate to the granting of franchises by counties 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 \$317.14, which amount does not include costs incident to this application.

Applicant has served electricity in certain parts and portions of the County of Trinity for many years. As of December, 1960 it served 2,113 electric customers within the county.

Aside from applicant, the only persons, firms or corporations alleged to be now engaged as public utilities in the business of furnishing, distributing and selling electricity for light, heat or other lawful purposes in the County of Trinity are:

(a) California Oregon Power Company, which is and has been so engaged in parts and portions of the northeastern section of the county, including the communities of Carville and Trinity Center, at some distance from the service supplied by applicant;

(b) California Pacific Utilities Company, which purchases all electric energy distributed and sold from its Weaverville System from applicant and supplies electric service to inhabitants in and within territory immediately adjacent to that unincorporated community.

Applicant states that in its utility business of supplying electric service in Trinity County it is not competing with California Oregon Power Company or California Pacific Utilities Company and that the certificate here sought is not for the purpose of authorizing it either to supply service to the public or to compete with those utilities in portions of Trinity County now served by either of them.

Applicant requests that the certificate sought herein be issued subject to the condition that it shall not exercise the franchise granted by Ordinance No. 257 for the purpose of supplying electricity in those parts or portions of Trinity County now being served by California Oregon Power Company or California Pacific Utilities Company.

No objection to the granting of the requested certificate has been received. 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 right, privilege and franchise granted to applicant by Ordinance No. 257, of the County of Trinity, California; subject, however, to the conditions set forth in the following order.

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:

1. 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 Trinity, California, by Ordinance No. 257, adopted December 6, 1960.

2. Pacific Gas and Electric Company shall not exercise said franchise for the purpose of supplying electric service in those parts or portions of said county now being served by California Oregon Power Company or California Pacific Utilities Company.

3. Pacific Gas and Electric Company shall not exercise said franchise for the purpose of supplying electric service in those parts or portions of Trinity County not now being served by it, except through extensions of its existing system made in the ordinary course of business as contemplated by Section 1001 of the Public Utilities Code.

4. 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 25th day of April, 1961.

[Signature]

 President

[Signature]

[Signature]

 Commissioners