

ORIGINAL

Decision No. 62653

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CALIFORNIA ELECTRIC )  
POWER COMPANY Under Section 1002 )  
of the Public Utilities Code for )  
Certificates of Public Convenience )  
and Necessity to Exercise Rights )  
Under Franchises in the Cities of )  
Hemet and San Jacinto, California. )

Application No. 43767

O P I N I O N

California Electric Power Company, in this proceeding, asks for certificates of public convenience and necessity to exercise the rights and privileges of franchises granted by the Cities of Hemet and San Jacinto, permitting the installation, maintenance and use of electric distribution and transmission systems upon the streets of said cities.

The franchises referred to, copies of which are attached to the application and designated as Exhibits A and B, were granted by the cities in accordance with the Franchise Act of 1937. The Hemet franchise is of indeterminate duration, and the San Jacinto franchise is for a term of forty years. Each franchise provides that a fee is payable annually to the city equivalent to 2 percent of the gross receipts arising from the use, operation, or possession of the franchise, but not less than  $\frac{1}{2}$  percent of the gross annual receipts from sales of electricity within the limits of the city under said franchise.

The costs incurred by applicant in obtaining the franchises are stated to have been \$85.50 for the Hemet franchise and \$103.50 for the San Jacinto franchise, which amounts do not include costs incident to this application.

Applicant has served electricity in and about the cities of Hemet and San Jacinto without competition for many years. As of December 31, 1960 it served 2,191 electric customers within the city of Hemet and 984 electric customers within the City of San Jacinto. No objection to the granting of the requested certificates 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 right, privilege and franchise granted to applicant by Ordinance No. 376, of the City of Hemet, and the right, privilege and franchise granted to applicant by Ordinance No. 373 of the City of San Jacinto.

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

1. 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 rights.
2. That the franchises 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.

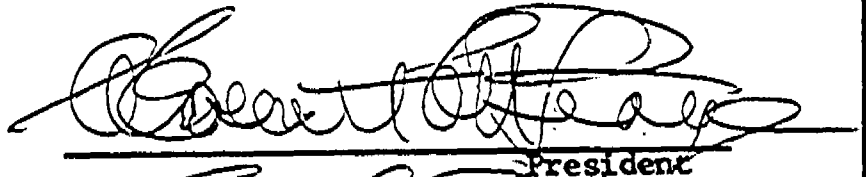
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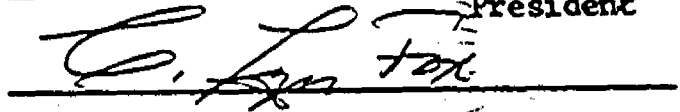
The above-entitled application having been filed, the matter having been submitted and now being ready for decision,

IT IS HEREBY ORDERED that certificates of public convenience and necessity are hereby granted to California Electric Power Company to exercise the rights and privileges granted by the City of Hemet, by Ordinance No. 376, adopted December 12, 1960 and the rights and privileges granted by the City of San Jacinto by Ordinance No. 373, adopted July 5, 1961.

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

Dated at San Francisco, California, this 10th day of October, 1961.

  
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President

  
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C. L. Fox

  
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Frederick B. Holbrook

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Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.