

ORIGINAL

Decision No. 62738

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SOUTHERN CALIFORNIA EDISON COMPANY
for an Order of Exemption Pursuant
to Section 829 of the Public
Utilities Code

Application No. 43844
Filed October 18, 1961

O P I N I O N

This is an application for an order of the Commission exempting Southern California Edison Company, a corporation, applicant herein, from the provisions of Article 5, Chapter 4, Part 1, Division 1 of the California Public Utilities Code with respect to the issuance of a royalty interest.

Said Article 5 defines the jurisdiction of the Commission over the issuance of securities by public utilities. The second sentence of Section 829 of the article reads as follows:

"The commission may from time to time by order or rule, and subject to such terms and conditions as may be prescribed therein, exempt any public utility or class of public utility from the provisions of this article if it finds that the application thereof to such public utility or class of public utility is not necessary in the public interest."

Applicant proposes to enter into an agreement with Los Angeles & Salt Lake Railroad Company, a corporation, and Union Pacific Railroad Company, a corporation, entitled

"Agreement Conforming Operating Agreement to Unitization Agreements" containing provisions for the payment of a 2-1/4 per cent royalty arising from the production of oil, gas and other hydrocarbon substances, details of which are set forth in Exhibit A attached to the application.

For the purpose of avoiding the possibility of a judicial ruling that the Commission does or might have jurisdiction over the issuance of such royalty interest, applicant seeks an order of exemption, if and to the extent that the Commission may have jurisdiction, pursuant to said Section 829 of the Public Utilities Code.

After consideration, the Commission finds and concludes that the application of said Article 5 to applicant with respect to said Agreement Conforming Operating Agreement to Unitization Agreements is not necessary in the public interest. On the basis of this finding we will enter an appropriate order.

O R D E R

The Commission having considered the above-entitled matter and being of the opinion that a public hearing is not necessary and that the application should be granted, therefore,

IT IS ORDERED that -

1. If and to the extent this Commission has or may have jurisdiction, Southern California Edison Company, a corporation, be, and it hereby is, exempted from the provisions of

Article 5, Chapter 4, Part 1, Division 1 of the California Public Utilities Code with respect to the proposed agreement entitled "Agreement Conforming Operating Agreement to Unitization Agreements," a copy of which is filed in this proceeding as Exhibit A.

2. This order shall become effective on the date hereof.

Dated at San Francisco, California,
this 21st day of OCTOBER, 1961.

Robert D. Page
President

W. D. [unclear]

[unclear]

George G. [unclear]

Frederic B. Haloboff
Commissioners