

ORIGINAL

Decision No. 63141

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 authorizing applicant
to carry out an agreement to con-
tinue for an additional fixed term,
an existing contract for the sale
of electricity to the CITY OF LOMPOC.
(Electric)

Application No. 43950

O P I N I O N

Pacific Gas and Electric Company requests authority to carry out for an additional five years an earlier agreement to sell electricity to the City of Lompoc.

By Decision No. 52632 dated February 14, 1956, in Application No. 37588, the Commission authorized applicant to carry out an agreement, dated November 8, 1955, and effective August 31, 1955, whereby applicant agreed to sell to the City of Lompoc all of the electricity which Lompoc will require for its own use and for resale to its customers. Under Section 10 of the agreement, the contract was to continue in force until the expiration of seven years and thereafter from year to year, with either party having the right to terminate the agreement at the expiration of either the initial term or any subsequent contractual year upon twelve months' written notice. By an agreement dated October 13, 1961, applicant and the City of Lompoc amended Section 10 of the 1955 contract to provide that it shall continue in force for an initial term of seven years from and after August 31, 1955, followed by a second term of five years from and after August 31, 1962, and thereafter from year to year, with either party having

the right to terminate the agreement upon at least twelve months' written notice prior to the initial term, second term, or any subsequent contractual year.

It is noted that the existing contract omits from the applicable rate schedule the last sentence of a special condition pertaining to demand, which provides that maximum demands in the preceding eleven months be taken into consideration in determining demands for billing purposes. The authorization of the amendatory agreement extending the term of this contract is not to be construed as passing upon the appropriateness of such a clause.

After consideration the Commission finds and concludes that the amended agreement would not be adverse to the public interest and that applicant may carry out the terms and conditions thereof. A public hearing is not necessary.

O R D E R

Application having been filed and the Commission being informed in the premises,

IT IS ORDERED that Pacific Gas and Electric Company may carry out the terms and conditions of the amendment to the agreement, dated November 8, 1955, with the City of Lompoc as evidenced by Exhibit B attached to the application.

IT IS FURTHER ORDERED that:

1. The applicant shall file three copies of the amendatory agreement as executed within thirty days after the effective date of this order.

2. The applicant shall notify this Commission in writing of the date of termination of the existing contract between applicant and the City of Lompoc, dated November 8, 1955,

as extended by the amendatory agreement authorized herein, within thirty days after said date of termination.

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

Dated at San Francisco, California, this 23rd day of JANUARY, 1962.

Robert H. Bae
President
Edw. L. H. H. H. H.
E. L. Fox
George L. Hoover
Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.