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Decision No. _____

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. 74 of the Town Council)
 of the TOWN OF HERCULES, County of)
 Contra Costa, State of California.)

Application No. 44331

(Gas)

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 Town of Hercules, permitting the installation, maintenance, and use of a gas distribution and transmission system in the streets of said town.

The franchise referred to, a copy of which is attached to the application and designated as Exhibit A, was granted by the town in accordance with the Broughton Act and is of indeterminate duration. 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 no percentage is to be paid for the first five years of the franchise.

The costs incurred by applicant in obtaining the franchise are stated to have been \$428.18, which amount does not include costs incident to this application.

No objection to the granting of the requested certificate has been entered. Furthermore, this utility or its predecessors have, for many years, served gas in and about the Town of Hercules without competition. As of December 1961, it served 90 customers within the town from approximately 5.54 miles of gas mains therein.

After consideration it is hereby 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. 74 of the Town of Hercules.

The certificate of public convenience and necessity herein granted is subject to the following provisions of law:

1. 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.
2. That the franchise 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.

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 a certificate of public convenience and necessity be and it is hereby granted to Pacific Gas and

Electric Company to exercise the rights and privileges granted by the Town of Hercules, by Ordinance No. 74, adopted January 18, 1962.

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

Dated at San Francisco, California, this 18 day of MAY, 1962.

Herbert H. Rago
President
John E. Mitchell
E. Lyn Fox
George T. Hoover
Fredrick B. Holbrook
Commissioners