

ORIGINALDecision No. 64208

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. 501 of the City Council)
 of the CITY OF AUBURN, County of)
 Placer, State of California.)
 (Gas)

Application No. 44671

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 Ordinance No. 501 of the City of Auburn, California, permitting the installation, maintenance, and use of a gas distribution and transmission system in the streets of said city.

The franchise referred to, a copy of which is attached to the application and designated as Exhibit A, was granted by the city in accordance with the Franchise Act of 1937 and is of indeterminate duration. A fee is payable annually to the city equivalent to 2 per cent of the gross receipts arising from the use, operation, or possession of the franchise, but not less than 1 per cent of the gross annual receipts from sales of gas within the limits of the city under said franchise.

The costs incurred by applicant in obtaining the franchise are stated to have been \$80.63, which amount does not include costs incident to this application.

Applicant alleges that, in response to increasing public demand and after surveying the feasibility of the project, it proposes to serve natural gas to the public in territory contiguous to that presently being served in Placer County, by further extensions, in the ordinary course of business, from present extremities of its gas system northeast of Loomis to make service available in Penryn, Newcastle, Auburn and intervening adjacent territory. The portions of the required additional main extension that are to be located in unincorporated territory of Placer County, including the communities of Penryn and Newcastle, will be constructed pursuant to a general Placer County gas franchise (Ordinance No. 196, adopted March 5, 1948), the exercise of which has been authorized by the Commission (Decision No. 43004, June 21, 1949, Application No. 29988). The portions of the additional extension that will be located within the City of Auburn will represent a total of about 126,000 feet of main and will be constructed, pursuant to the rights granted by Ordinance No. 501, upon the granting of the certificate herein requested, as to which no objection has been received.

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. 501 of the City of Auburn, California. A public hearing is not necessary.

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.

ORDER

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 City of Auburn, California, by Ordinance No. 501, adopted May 1, 1962.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 4th day of SEPTEMBER, 1962.

George J. Brewer
President

[Signature]

[Signature]

Fredrick B. Hallock

Commissioners

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