

55509

**ORIGINAL**

Decision No. \_\_\_\_\_

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 a  
 certificate of public convenience  
 and necessity to exercise rights  
 granted by Ordinance No. F-71 of  
 the Board of Supervisors of the  
 County of Kern, State of California.

Application No. 45316  
 (Filed April 4, 1963)

O P I N I O N

California Electric Power Company, in this proceeding, requests a certificate of public convenience and necessity to exercise the rights and privileges of a nonexclusive franchise granted by the County of Kern, California, permitting the installation, maintenance and use of an electric distribution and transmission system in the public roads of said county.

The franchise referred to, a copy of which is attached to the application and designated as Exhibit B, was granted by the county pursuant to the provisions of the laws of the State of California relating to the granting of franchises by counties and is for a term of 50 years. A fee is payable annually to the county equivalent to 2 percent of the gross receipts arising from the use, operation or possession of the franchise.

The costs incurred by applicant in obtaining the franchise are stated to have been \$540.10, which amount does not include costs incident to this application.

Applicant alleges that for many years it has been furnishing and providing electric energy and power service to the

public in the eastern portion of Kern County; that the only entities other than applicant now engaged in the business of furnishing, distributing or selling electricity to the public in said county are Pacific Gas and Electric Company, the service area of which is located generally in the western portion of the county and is noncontiguous to and remote from that of applicant, and Southern California Edison Company, the service area of which is located generally in the central portion of the county west of that of applicant and of the boundary line between Edison's and applicant's service areas established by Decision No. 50034, issued May 11, 1954 in Application No. 35244 (Application, Exhibit C, which also shows generally the service area boundary between P.G.& E. and Edison in Kern County).

Applicant alleges that in its public utility business of supplying electric service to the public in Kern County it is not competing with P.G.& E. or Edison in their respective service areas and that the certificate sought herein is not for the purpose of authorizing applicant to supply service to the public within the areas now supplied by P.G.& E. and Edison or to compete with those companies in the business of furnishing electric service to the public in the territory of either P.G.& E. or Edison in Kern County.

No objection to the granting of the requested certificate has been received. A public hearing is not necessary.

After consideration the Commission finds that public convenience and necessity require the exercise by applicant of the right, privilege and franchise granted to applicant by Ordinance No. F-71, of the County of Kern, California.

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

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.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to California Electric Power Company to exercise the rights and privileges granted by the County of Kern, California, by Ordinance No. F-71, adopted October 30, 1962.
2. Applicant shall not exercise said franchise for the purpose of supplying electric service in those portions of the County of Kern now served by either Southern California Edison Company or Pacific Gas and Electric Company.
3. Applicant shall not exercise said franchise for the purpose of supplying electric service in those portions of the County of Kern not now being served by it, except by extensions of its existing system made in the ordinary course of business as contemplated by Section 1001 of the Public Utilities Code of the State of California.
4. The Commission may hereafter, by appropriate proceedings and orders, limit the territory herein authorized to be served by

applicant, pursuant to the certificate herein granted, as to any territory within the County of Kern not then being served by it.

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

Dated at San Francisco, California, this 4th day of JUNE, 1963.

[Signature] President  
[Signature] Acting President  
Fredrick B. Halaloff  
[Signature]  
[Signature]  
[Signature] Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.