

**ORIGINAL**Decision No. 65772

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 SAN DIEGO GAS & ELECTRIC COMPANY,  
 a corporation, for certificates of  
 public convenience and necessity  
 authorizing it to exercise electric  
 and gas franchise rights in the  
 City of San Marcos.

Application No. 45555  
 (Filed June 25, 1963)

O P I N I O N

San Diego Gas & Electric Company, in this proceeding, requests certificates of public convenience and necessity to exercise the rights and privileges of two franchises granted by the City of San Marcos, California, permitting the installation, maintenance and use of electric and gas distribution and transmission systems upon the streets of said city.

The franchises referred to, copies of which are attached to the application and designated as Exhibits "A" and "B" were granted by the city in accordance with the Franchise Act of 1937 and are 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 each franchise, but not less than 1 percent of the gross annual receipts from sales of electricity and gas within the limits of the city under said franchises.

The total costs incurred by applicant in obtaining the franchises are stated to have been \$101.06, which amount does not include costs incident to this application.

Applicant has served electricity and gas in and about the City of San Marcos without competition for many years. As of January 31, 1963 it served 1,290 electric and 584 gas customers within the city from electric transmission and distribution facilities and gas distribution facilities, described in the application, within the corporate boundaries of the city. No objection to the granting of the requested certificates 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 rights, privileges and franchises granted to applicant by Ordinance No. 63-10 and by Ordinance No. 63-9 of the City of San Marcos, California.

The certificates of public convenience and necessity herein granted are subject to the following provisions of law:

1. The Commission shall have no power to authorize the capitalization of the franchises involved herein or these certificates of public convenience and necessity or the right to own, operate or enjoy such franchises or certificates of public convenience and necessity in excess of the amounts (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 franchises, certificates of public convenience and necessity or rights.
2. The franchises 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

IT IS ORDERED that certificates of public convenience and necessity are granted to San Diego Gas & Electric Company to exercise the rights and privileges granted by the City of San Marcos, California, by Ordinance No. 63-10 and by Ordinance No. 63-9, each adopted May 14, 1963.

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

Dated at San Francisco, California, this 30<sup>th</sup> day of JULY, 1963.

William A. Dumb  
President

Carol [Signature]

George L. Trover

Fredrick B. Holhoff  
Commissioners