

ORIGINAL

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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. 1451 of the Board of)
 Supervisors of the COUNTY OF SANTA)
 BARBARA, State of California.)
 (Electric)

Application No. 45992
 (Filed December 3, 1963)

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 County of Santa Barbara, 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 A, was granted by the county under and pursuant to the provisions of the laws of the State of California which relate to the granting of franchises by counties and is of indeterminate duration. 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 \$799.88, which amount does not include costs incident to this application.

Applicant alleges that it and its predecessors have provided public utility electric service in portions of Santa Barbara County for many years; that Southern California Edison Company also provides electric service in portions of the county; that the agreed boundary between their respective service areas was authorized by the Commission in 1952 (Decision No. 47581, Application No. 33370); that the City of Lompoc owns and operates a municipal electric system, energy for which is purchased from Pacific; that applicant is not competing with Edison or Lompoc in their respective service areas and the certificate herein sought is not for the purpose of authorizing applicant to supply service to the public within the areas now supplied by Edison or Lompoc.

Edison has advised the Commission, in writing, that it has no objection to the granting of the sought certificate, provided that a condition be incorporated in the Commission's order prohibiting, in the absence of a further certificate, the exercise of applicant's franchise for the purpose of supplying electricity in those parts or portions of Santa Barbara County which are to be served by Edison, as shown in Exhibit B attached to the application. Such a condition is normally found in Commission orders issued under similar circumstances and will be included here.

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. 1451, of the County of Santa Barbara, California. A public hearing is not necessary.

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 Pacific Gas and Electric Company to exercise the rights and privileges granted by the County of Santa Barbara, California, by Ordinance No. 1451, adopted August 5, 1963.
2. Pacific Gas and Electric Company shall not exercise said franchise for the purpose of supplying electric service in those parts or portions of the County of Santa Barbara not now served by it, except through extensions of its existing system made in the ordinary course of business as contemplated by Section 1001 of the Public Utilities Code of California.
3. Except upon further certificate of this Commission first obtained, Pacific Gas and Electric Company shall not exercise said franchise for the purpose of supplying electricity in those parts or portions of the County of Santa Barbara which are to be served by Southern California Edison Company as shown in Exhibit B attached to the application herein.

4. The Commission may hereafter, by appropriate proceeding and order, limit the authority herein granted to Pacific Gas and Electric Company as to any territory within the County of Santa Barbara 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 14th day of January, 1964.

William B. Bennett
 President

Robert E. Mitchell

Robert W. [unclear]

Frederick B. Holtschoff

Commissioners

Commissioner George G. Groves
 present but not voting.