

Decision No. 67001**ORIGINAL**

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 Certificate of)
 Public Convenience and Necessity)
 Authorizing It to Exercise Electric)
 Franchise Rights in the County of)
 Orange.)

Application No. 46114
 (Filed January 17, 1964)

O P I N I O N

San Diego Gas & Electric Company requests a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the County of Orange, permitting the installation, maintenance and use of an electric distribution and transmission system in the public roads of said county.

The franchise, a copy of which is attached to the application as Exhibit A, was granted by the county under the laws of the State which relate to the granting of franchises by counties, and is of indeterminate duration. An annual fee is payable to the county equivalent to 2 per cent 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 \$924.73, which amount does not include costs incident to this application.

Applicant alleges that it has provided public utility electric service in portions of Orange County for many years; that Southern California Edison Company (Edison) also provides electric service in portions of the county in territories adjacent to the territory served by applicant. Concurrently with the filing of this application, Edison and applicant filed a joint petition to modify

Decision No. 44086, dated April 25, 1950, in Application No. 30208. The joint petition requests an order fixing a realigned boundary between the adjacent electric service territories of Edison and applicant. Attached to this application as Exhibit B is a map showing the territory in which it is proposed to exercise the electric franchise and showing the proposed boundary between the electric service territories of Edison and applicant.

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. 1713, of the County of Orange, 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 San Diego Gas & Electric Company to exercise the rights and privileges granted by the County of Orange, California, by Ordinance No. 1713, adopted November 26, 1963.



2. San Diego Gas & Electric Company shall not exercise said franchise for the purpose of supplying electric service in those parts or portions of the County of Orange 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.


3. San Diego Gas & Electric Company shall not exercise said franchise for the purpose of supplying electricity in those parts or portions of the County of Orange which are to be served by Southern California Edison Company as shown in Exhibit B attached to the application herein, except upon further authorization by this Commission.


4. The Commission may hereafter, by appropriate proceedings and order, limit the authority herein granted to San Diego Gas & Electric Company as to any territory within the County of Orange not then being served by it.

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

Dated at San Francisco, California, this 31st day of MARCH, 1964.


 _____ President





 _____ Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.