

ORIGINALDecision No. 68555

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SOUTHERN CALIFORNIA EDISON COMPANY,)
 a corporation, for Certificate that)
 Public Convenience and Necessity)
 require and will require the exercise)
 by Applicant of the rights, privileges)
 and franchise granted by Ordinance)
 No. 80 of the City of McFarland,)
 County of Kern, State of California,)
 in accordance with Franchise Ordinance)
 No. 80 of said City.)
 (Electric)

Application No. 47088
 (Filed November 4, 1964)

O P I N I O N

Southern California Edison Company, in this proceeding, requests a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the City of McFarland, California, permitting the installation, maintenance and use of an electric distribution and transmission system upon 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 electricity within the limits of the city under said franchise.

The costs incurred by applicant in obtaining the franchise are stated to have been \$57.73, which amount does not include costs incident to this application.

Applicant has served electricity within the eastern portion of the City of McFarland, for many years, east of an agreed boundary line with Pacific Gas and Electric Company (Decision No. 39907, January 28, 1947, Application No. 27836). As of December 31, 1963 it served 495 electric customers within the city. 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. 80 of the City of McFarland, California.

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

1. 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. 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.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Southern California Edison Company to exercise the rights and privileges granted by the City of McFarland, California, by Ordinance No. 80, adopted May 20, 1964.

2. Except on further certificate of the Commission first obtained, applicant shall not exercise said franchise for the purpose of supplying electricity in those parts or portions of the City of McFarland now being served by the Pacific Gas and Electric Company.

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

Dated at San Francisco, California, this 9th day of FEBRUARY, 1965.

Frederic B. Hallock
President

George L. Weaver

William M. ...

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

Commissioners