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Decision No. 68670

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of SIERRA PACIFIC POWER 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. 516 of the Board
of Supervisors of the County of
Plumas, State of California, and
by Ordinance No. 91 of the City
Council of the City of Portola,
State of California.
(Electric)

Application No. 47153
(Filed December 1, 1964)

O P I N I O N

Sierra Pacific Power Company, in this proceeding, requests a certificate of public convenience and necessity to exercise the rights and privileges of franchises granted by the County of Plumas and the City of Portola, California, permitting the installation, maintenance and use of an electric distribution and transmission system in the public roads of said county and city.

The franchises referred to, copies of which are attached to the application and designated as Exhibits B and C, were granted by the county and city in accordance with applicable laws of the State of California and are of 50 years' duration. Fees are payable annually to the county and the city equivalent to 2 percent of the gross receipts arising from the use, operation, or possession of the respective franchises.

The costs incurred by applicant in obtaining the county franchise are stated to have been \$100. A certified copy of a

corrected portion of the minutes of a meeting of the City Council of the City of Portola held on December 3, 1964, hereby included in this record as Exhibit 1, shows that applicant incurred costs of \$500 in obtaining the city franchise. Neither of such amounts includes costs incident to this application.

Applicant has served electricity in certain parts and portions of the County of Plumas and the City of Portola for many years, as shown generally on a map and a description of Parcel 2 of applicant's service area attached to the application as Exhibits D and E respectively.

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 rights, privileges and franchises granted to applicant by Ordinance No. 516 of the County of Plumas and by Ordinance No. 91 of the City of Portola, 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 franchises involved herein or this certificate of public convenience and necessity or the right to own, operate or enjoy such franchises 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 franchises, certificate of public convenience and necessity or right.
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:

1. A certificate of public convenience and necessity is granted to Sierra Pacific Power Company to exercise the rights and privileges granted by the County of Plumas, California, by Ordinance No. 516, adopted April 24, 1964, and by the City of Portola, California, by Ordinance No. 91, adopted June 8, 1964.

2. Sierra Pacific Power Company shall not exercise said county franchise for the purpose of supplying electric service in those parts or portions of the County of Plumas 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. The Commission may hereafter, by appropriate proceedings and order, limit the authority herein granted to Sierra Pacific Power Company as to any territory within the County of Plumas not then being served by it.

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

Dated at Los Angeles, California, this 2nd day of MARCH, 1965.

Frederick B. Hollenoff
President

William W. Bennett
Commissioners

-3- Commissioner George G. Grover
present but not voting.