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ORIGINAL

Decision No. 68789

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. 447, as amended by
Ordinance No. 735, of the City
Council of the CITY OF LOMPOC,
County of Santa Barbara, State of
California.
(Electric)

Application No. 47333
(Filed February 16, 1965)

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 right and privilege of a franchise granted to it by Ordinance No. 447, amended by Ordinance No. 735, of the City of Lompoc, permitting the installation, maintenance and use of poles, wires, conduits, and appurtenances upon the streets of said city for the purpose of transmitting electricity at voltages of 12 kv. or higher to the public.

The franchise referred to, a copy of which is attached to the application, is of indeterminate duration. A fee is payable annually to the city equivalent to two percent of the gross receipts arising from the use, operation or possession of the franchise. The acceptance of this franchise operates as an abandonment by applicant of the franchise (Ordinance No. 346, passed October 5, 1943) heretofore granted by the City of Lompoc to it to use electrical facilities in certain streets to transmit electricity to the public.

The costs incurred by applicant in obtaining the franchise are stated to have been \$532.39, which amount does not include costs incident to this application.

The City of Lompoc owns and operates an electric distribution system by means of which it furnishes and supplies electric service to residents and inhabitants within its corporate limits. All of said electricity is, and for many years has been, purchased from applicant. In order to furnish electric energy to the City of Lompoc for resale, to sell electricity to applicant's seven customers located in an area formerly outside of but now within the city limits, and to transmit electric energy through the city for the purpose of supplying electric service to its customers located outside of the city, applicant owns, maintains and operates certain electric transmission and distribution facilities on and along the streets of the city. As of December 31, 1964, it had approximately three miles of transmission line and seven miles of distribution line within the City of Lompoc. No protest to the granting of the application has been received and a public hearing is not necessary.

After consideration it is found as a fact that public convenience and necessity require the exercise by applicant of the right, privilege and franchise granted to applicant by Ordinance No. 447, amended by Ordinance No. 735, of the City of Lompoc.

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 a certificate of public convenience and necessity is granted to Pacific Gas and Electric Company to exercise the right and privilege granted by the City of Lompoc, by Ordinance No. 447, adopted November 15, 1955; amended by Ordinance No. 735, adopted September 15, 1964.

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

Dated at San Francisco, California, this 30th day of March, 1965.

Frederic B. Helms
President
Arthur E. [unclear]
Augustin

William W. [unclear]
Commissioners

I dissent.
George L. Glover