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**ORIGINAL**

Decision No. 69438

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. 1229 of the Board }  
 of Supervisors of the COUNTY OF SAN }  
 JOAQUIN, State of California. }  
 (Electric) }

Application No. 47659  
(Filed June 11, 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 rights and privileges of a franchise granted by the County of San Joaquin, permitting the installation, maintenance, and use of an electric distribution and transmission system in the public roads within 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 in accordance with the Broughton Act and is of indeterminate duration. A fee is payable annually to the county equivalent to two percent of the gross receipts arising from the use, operation, or possession of the franchise. Applicant presently is supplying electric service in the County of San Joaquin. It provides this service under franchises granted by said county, including that granted in Ordinance No. 498, adopted on April 28, 1947 and pursuant to the certificate of public convenience and necessity granted to applicant by the Commission in Decision No. 40980, dated December 1, 1947, in Application No. 28821. It applied

for and obtained the new franchise which it herein seeks authority to exercise in order to extend more definitely its franchise rights in the County of San Joaquin which, in turn, will effect qualification of future issues of bonds as legal investments for savings banks and trust funds.

The costs incurred by applicant in obtaining the franchise are stated to have been \$495.45, which amount does not include costs incident to this application.

Applicant has provided electric service in the County of San Joaquin without competition for many years. As of December 31, 1964, it served 45,576 customers within the county. No objection to the granting of the requested certificate has been received and a public hearing is not necessary.

After consideration the Commission finds that public convenience and necessity require the exercise by applicant of the rights, privilege and franchise granted to applicant by Ordinance No. 1229 of the County of San Joaquin.

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 San Joaquin by Ordinance No. 1229, adopted March 30, 1965.

2. Pacific Gas and Electric Company shall not exercise said franchise for the purpose of supplying public utility electric service in those parts or portions of San Joaquin County 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. The Commission may hereafter by appropriate proceeding and order limit the authority herein granted to applicant as to any territory within said county 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 27<sup>th</sup> day of July, 1965.

Frederick B. Holdcraft  
President  
George H. Trover  
Augusta

Commissioners

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

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