

ORIGINAL

Decision No. 69572

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of PACIFIC GAS AND ELECTRIC COMPANY)
for a certificate or certificates)
of public convenience and necessity)
(a) to construct, operate, maintain)
and use the natural gas project)
herein described, and (b) to exer-)
cise the rights under franchises)
obtained and to be obtained, for)
the supply of gas service in the)
Town of Clements, in the City of)
Ione, and in the unincorporated)
areas in the counties of San Joaquin)
and Amador along or adjacent to the)
route of the project, at filed and)
effective rules, rates and charges.)
(Gas))

Application No. 47639

SUPPLEMENTAL OPINION

Applicant's Request

By the above-entitled supplemental application filed July 16, 1965, Pacific Gas and Electric Company, a California corporation, requests an order or orders of the Commission granting and issuing to Pacific Gas and Electric Company a certificate or certificates of public convenience and necessity to exercise franchises granted by Ordinance No. 371 of the Board of Supervisors of the County of Amador and by Ordinance No. 119 of the City Council of the City of Ione, County of Amador, all as provided for in Section 1002 of the Public Utilities Code of the State of California and as contemplated by the Commission in Ordering Paragraph 4 of Decision No. 69347, dated July 7, 1965.

Copies of the two franchises as granted by the County of Amador and by the City of Ione are attached as Exhibits G and H, respectively, of the supplemental application.

Amendment to Previous Decision

Following the issuance of Decision No. 69347 in this application, an error was found in Ordering Paragraph 9 of said decision. Paragraph 9 will be amended herein.

Findings and Conclusions

The Commission has given consideration to this matter and finds and concludes that: (1) a public hearing is not necessary; (2) public convenience and necessity require the exercise of gas franchises, rights and privileges granted by the County of Amador and the City of Ione for the areas sought in connection with this application; and (3) Ordering Paragraph 9 of Decision No. 69347 should be amended.

The certificates herein granted are 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 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 granting of such franchise, 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.

The Commission may hereafter by appropriate proceeding and order limit the authority herein granted to the applicant as to any territory within the County of Amador not then being served by it.

SUPPLEMENTAL ORDER

IT IS ORDERED that:

1. Pacific Gas and Electric Company, a corporation, is hereby granted a certificate of public convenience and necessity to exercise the rights and privileges of the gas franchise granted by the County of Amador by Ordinance No. 371, adopted June 29, 1965, within the area described in Decision No. 69347, dated July 7, 1965, and in areas of Amador County hereafter to be served through extensions of its system made in the ordinary course of business as contemplated by Section 1001 of the Public Utilities Code.

2. Pacific Gas and Electric Company, a corporation, is hereby granted a certificate of public convenience and necessity to exercise the rights and privileges of the gas franchise granted by the City of Ione, Amador County, by Ordinance No. 119, adopted June 7, 1965.

3. Ordering Paragraph 9 of Decision No. 69347 is amended to read:

The applicant shall not exercise the franchises for the purpose of supplying gas in those parts or portions of the Counties of Amador, Calaveras, and San Joaquin not now served by it except through extensions of its existing system made in the ordinary course of business contemplated by Section 1001 of the Public Utilities Code or as herein or hereafter authorized by Commission order.

In all other respects said Decision No. 69347 shall remain in full force and effect.

The authority herein granted will expire if not exercised within two years after the effective date hereof.

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

Dated at San Francisco, California, this 24th day of AUGUST, 1965.

Frederick B. Holdriff
President
John L. [unclear]
George T. Hoover
[unclear]
Stallman [unclear]
Commissioners