

ORIGINAL

Decision No. 70320

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SAN DIEGO GAS & ELECTRIC COMPANY,
a Corporation, for a Certificate
of Public Convenience and Necessity
Authorizing It To Exercise Its
Electric Franchise Rights in the
City of San Clemente, California.

Application No. 48031
(Filed November 4, 1965)

O P I N I O N

San Diego Gas & 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 City of San Clemente, 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 percent of the gross annual receipts arising from the use, operation, or possession of the franchise, but not less than 1 percent of the gross annual receipts from sales of electricity within the limits of the city under the franchise.

The costs incurred by applicant in obtaining the franchise are stated to have been \$258.19, which amount does not include costs incident to this application.

Applicant has served electricity in the City of San Clemente for many years. As of August 31, 1965, it furnished electric service

to 6,515 customers within the city. 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, privileges and franchise granted to applicant by Ordinance No. 458, of the City of San Clemente.

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 San Diego Gas & Electric Company to exercise the rights and privileges conferred by the franchise issued pursuant

to Ordinance No. 458, adopted August 18, 1965, by the City Council of the City of San Clemente.

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

Dated at San Francisco, California, this 8th day of FEBRUARY, 1966.

Fredrick B. Helms
 President

John E. Mitchell
 Mayor

William L. Bernard
 Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.