

Decision No. 70811

**ORIGINAL**

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. 134 of the City Council  
 of the CITY OF SUTTER CREEK, County of  
 Amador, State of California.  
(Water)

Application No. 48454  
(Filed May 5, 1966)

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 City of Sutter Creek, permitting the installation, maintenance, and use of a water system in 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 per cent of the gross receipts arising from the use, operation, or possession of the franchise, but not less than 1 per cent of the gross annual receipts from sales of water within the limits of the city under said franchise.

The costs incurred by applicant in obtaining the franchise are stated not to be known at this time.

Applicant has served water in and about the City of Sutter Creek without competition for many years. As of December 31, 1965, it served 587 customers within the city from approximately 6.78 miles of water mains therein. 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 right, privilege and franchise granted to applicant by Ordinance No. 134 of the City of Sutter Creek.

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.

ORDER

IT IS ORDERED that a certificate of public convenience and necessity is granted to Pacific Gas and Electric Company to exercise the rights and privileges granted by the City of Sutter Creek by Ordinance No. 134, adopted February 7, 1966.

IT IS FURTHER ORDERED that when the actual costs incurred by applicant in obtaining the franchise are known, it shall submit to the Commission a statement in writing setting forth said actual costs.

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

8<sup>th</sup> Dated at San Francisco, California, this  
       day of JUNE, 1966.

Fredrick B. Holbrook  
President

[Signature]

George T. Hoover

[Signature]

Commissioners

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