

**ORIGINAL**

Decision No. 71232

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Plumas-Sierra Rural  
 Electric Cooperative to amend  
 Certificate of Convenience and  
 Necessity, and to create exclusive  
 territories out of territory now  
 competitive with California-Pacific  
 Utilities Company.

Application No. 48164  
 (Amended June 8, 1966)

OPINION AND ORDER

Plumas-Sierra Rural Electric Cooperative by this applica-  
 tion filed January 4, 1966 and amendment filed June 8, 1966 requests  
 an order amending certificates of public convenience and necessity  
 issued pursuant to Decision No. 47989 in Application No. 33396.

Plumas-Sierra had previously requested, in Application No.  
 33396 filed May 9, 1952, a certificate of public convenience and  
 necessity authorizing it, among other things, to exercise franchise  
 rights granted by the County of Lassen. At the time said application  
 was filed both applicant and California-Pacific Utilities Company  
 were serving customers in Lassen County south of Johnstonville and  
 north of the Plumas County line in the Janesville-Buntingville area.  
 During the hearings in that proceeding conflicts arose between the  
 two utilities as to their respective abilities to render adequate  
 service in this area. This general area of conflict was divided  
 into three sub-areas for discussion and consideration as follows:

- Sub-area 1 - That area north and west of the Janesville-  
 Buntingville area.
- Sub-area 2 - The Janesville-Buntingville area.
- Sub-area 3 - That area east of the Janesville-Buntingville  
 area and north of Honey Lake.

Decision No. 47989 granted applicant a certificate to serve the territory designated as Sub-area 3 and a non-exclusive certificate to serve the territory designated as Sub-areas 1 and 2, declaring these two areas as competitive areas in which both applicant and California-Pacific could serve.

California-Pacific, by letter to the Commission dated January 24, 1966, stated that Plumas-Sierra had not contacted California-Pacific concerning the proposed division of the territory prior to filing the original application on January 4, 1966 and that the proposal must be studied before it could state its position on the application. The Commission was requested to take no action on the matter until a study could be completed.

Subsequently, the utilities, jointly, began negotiations and studies, considering the location of present customers in relation to proposed service area boundaries. As a result of the negotiations an amendment to the application was filed June 8, 1966 by applicant. Said amendment states that "Applicant and California-Pacific Utilities Company representatives agreed upon the division of such competitive territory into five areas and further that Area 5 should be the exclusive territory of California-Pacific Utilities Company and Areas 1, 2, 3 and 4 should be the exclusive territory of applicant." Legal descriptions of said areas and a map indicating the boundaries of each are attached to the amendment to the application as Exhibits A and B, respectively.

Information received from California-Pacific Utilities Company by letter of June 9, 1966 states the two utilities have agreed upon this division of the competitive territory and the California-Pacific has no objections to the issuance of the order sought by the first amendment to the application. Said letter is received herein as Exhibit 1.

The application, as amended, states the agreement between the representatives of applicant and California-Pacific contemplates that either might continue to serve its existing customers within the exclusive territory of the other, with the same class of service.

The Commission finds that the division of the competitive territory, as agreed upon by the parties, will prevent duplication of electric facilities and is in the public interest and that public convenience and necessity require issuance of the certificates sought in the application, as amended. A public hearing is not necessary.

IT IS ORDERED that:

1. The certificate of public convenience and necessity granted by Decision No. 47989 in Application No. 33396 is amended to provide for the division of the former competitive territory served by applicant and California-Pacific Utilities Company into exclusive service areas in accordance with the descriptions set forth in Exhibits A and B attached to the amended application.
2. Ordering paragraph 1(b) of Decision No. 47989 is deleted in its entirety.
3. Decision No. 47989 dated December 2, 1952 in Application No. 33396, except as modified by this order, shall remain in full force and effect.
4. Applicant and California-Pacific Utilities Company as an interested party hereto shall each, within thirty days after the effective date of this order, file four copies of a tariff service area map, in accordance with General Order No. 96-A, which shall reflect the boundary line authorized by this order.

The Secretary of the Commission is directed to cause service of this order to be made upon these two utilities.

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

Dated at San Francisco, California, this 6<sup>th</sup> day of SEPTEMBER, 1966.

*Edward E. Mitchell*  
President

*George L. Hoover*

*Augustus*

*William L. Bennett*

Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.