

**ORIGINAL**

Decision No. 72153

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
SOUTHERN CALIFORNIA EDISON COMPANY, )  
a corporation, for certificate that )  
public convenience and necessity )  
require and will require the exer- )  
cise by applicant of the rights, )  
privileges and franchise granted by )  
Ordinance No. 276 of the County of )  
Kings, State of California. )  
(Electric) )

Application No. 49108  
(Filed January 26, 1967)

O P I N I O N

This is an application by Southern California Edison Company seeking authority to exercise the rights and privileges under a franchise granted it by Kings County.

The verified application avers that applicant has been serving electricity for many years in the northeasterly portion of Kings County; that it serves approximately 5,114 customers in this area and that its gross revenue derived from the area in 1966 was \$1,209,089. The application also avers that the only other entity furnishing and selling electricity in Kings County is Pacific Gas and Electric Company; that this Commission previously delineated non-overlapping service areas for the two utilities; that the purpose of the franchise is to more definitely establish applicant's rights within Kings County and not to compete for business with PG&E. Applicant has included in the application a stipulation that it will not claim before this Commission or any court or any other public body any value for the franchise in excess of its original cost, which is stated to be \$720.50.

The franchise here under consideration is contained in Ordinance No. 276 of the County of Kings, which is attached to the application as Exhibit A. Examination of the ordinance indicates that the franchise granted therein is of the standard type between electric utilities and counties. The Commission is of the opinion that the application should be granted. No other points require discussion. The Commission makes the following findings and conclusions in this matter.

Findings of Fact

The Commission finds that:

1. A public hearing is not necessary in this matter.
2. Public convenience and necessity require the exercise by Southern California Edison Company of the rights and privileges granted in the franchise conferred by Ordinance No. 276 of the Board of Supervisors of the County of Kings.

Conclusions of Law

The Commission concludes that:

1. The application should be granted.
2. The certificate of public convenience and necessity issued herein should be subject to the following provisions of law:
  - a. 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 issuance of such franchise, certificate of public convenience and necessity or right.

- b. 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:

1. A certificate of public convenience and necessity is granted to Southern California Edison Company to exercise the rights and privileges conferred by the franchise issued pursuant to Ordinance No. 276 of the Board of Supervisors of the County of Kings.

2. Southern California Edison Company shall not, unless it is authorized by this Commission, exercise said franchise for the purpose of supplying electricity in those parts or portions of the County of Kings which are to be served by Pacific Gas and Electric Company as shown in Exhibit B attached to the application.

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

Dated at San Francisco, California, this 15th day of 1 MARCH, 1967.

Paul E. Bittell  
President

William M. Bennett

Augusta

William Synnott, Jr.

Shel P. Morrissey  
Commissioners