

ORIGINAL

Decision No. 72169

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 exercise by Applicant
of the rights, privileges and
franchise granted by Ordinance
No. 1047 of the County of Tulare,
State of California.

Application No. 49145
(Filed February 14, 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 Tulare County.

The verified application avers that applicant has been serving electricity for many years in the County of Tulare except for those portions of the county located generally in the northerly, southwesterly and central parts thereof; that it serves approximately 44,550 customers in this area and that its gross revenue derived from the area in 1966 was \$13,818,500. The application also avers that the only other entity furnishing and selling electricity in Tulare 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 Tulare County and not to compete for business with Pacific Gas and Electric Company. Applicant has included in the application a stipulation that it will not claim before this Commission or any court or other public body any value for the franchise in excess of its original cost which is stated to be \$666.12.

The franchise here under consideration is contained in Ordinance No. 1047 of the County of Tulare 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. It provides for a payment of two percent of the gross annual receipts of applicant arising from the use, operation or possession of the franchise within Tulare County. 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. 1047 of the Board of Supervisors of the County of Tulare.

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. 1047 of the Board of Supervisors of the County of Tulare.

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 in the County of Tulare 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 21st day of MARCH, 1967.

[Signature] President
[Signature]
[Signature]
[Signature] Commissioners