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**ORIGINAL**

Decision No. 74252

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. 68-1 of the City Council  
of the CITY OF SAN JOAQUIN, County of  
Fresno, State of California.  
(Gas)

Application No. 50131  
(Filed April 1, 1968)

O P I N I O N

Pacific Gas and Electric Company requests a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the City of San Joaquin, permitting the installation, maintenance, and use of a gas distribution and transmission system in the streets of said city.

The franchise, a copy of which is attached to the application 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 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 gas within the limits of the city under said franchise.

The costs incurred by applicant in obtaining the franchise are stated to have been \$24.32, which amount does not include costs incident to this application.

Applicant upon obtaining a certificate of public convenience and necessity from the Commission will thereafter in the conduct of its gas business in the City of San Joaquin exercise

the rights and privileges under the franchise granted by the ordinance. No person, firm or public or private corporation, other than applicant, is now engaged in the public utility business of furnishing, distributing or selling gas for light, heat, or other lawful purposes in or to the City of San Joaquin, or to the residents or inhabitants thereof or business enterprises situate therein. No objection to the granting of the requested certificate has been received and a public hearing is not necessary.

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. 68-1 of the City of San Joaquin.

The certificate of public convenience and necessity issued herein are 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 issuance 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 Pacific Gas and Electric Company to exercise the rights and privileges conferred by the franchise issued pursuant to Ordinance No. 68-1, adopted February 12, 1968

A. 50131 lm

by the City Council of the City of San Joaquin, County of Fresno,  
State of California.

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

Dated at San Francisco, California, this 18th  
day of JUNE 1968.

*[Signature]*  
President

*[Signature]*  
*[Signature]*  
*[Signature]*  
Commissioners

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