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ORIGINAL

Decision No. 74282

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of TAHOE-SIERRA WATER
CO. to exercise franchise rights
granted by the City of South Lake
Tahoe, El Dorado County, California.

Application No. 50183
(Filed April 22, 1968)

O P I N I O N

Tahoe-Sierra Water Company requests a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the City of South Lake Tahoe for the purpose of transmitting and distributing water for any and all purposes within the territory 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 for a 50-year period. A fee is payable annually to the city equivalent to 2 percent of the gross annual 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 water within the limits of the city under said franchise.

The costs incurred by applicant in obtaining the franchise are stated to be all the publication expenses incident to the granting of the franchise.

Applicant states that the City of South Lake Tahoe was recently incorporated and that it is necessary for applicant to receive this certificate or it would be unable to carry on its activities in its service area and that it would be subject to penalties and forfeitures to said city. 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. 45 of the City of South Lake Tahoe.

The certificate of public convenience and necessity herein granted is subject to the following provision 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 (exclusively 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.

O R D E R

IT IS ORDERED that:

A certificate of public convenience and necessity is granted to Tahoe-Sierra Water Company to exercise the rights and privileges conferred by the franchise issued pursuant to Ordinance

A. 50183 hjh

No. 45, adopted April 12, 1966, by the City of South Lake Tahoe of the County of El Dorado.

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

Dated at San Francisco, California, this 25th day of JUNE, 1968.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
COMMISSIONERS