Decision No. __77426__

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)   Application No. 51889
Require and will Require the Exercise)   (Filed May 11, 1970)
by Applicant of the Rights, Privileges)
and Franchise Granted by the City of)
Simi Valley, County of Ventura, State)
of California, in Accordance with)
Franchise Ordinance No. 24 of said)
City.)

O P I N I O N

This is an application by Southern California Edison Company (hereinafter referred to as Edison), seeking authority to exercise the rights and privileges specified in a franchise granted it by the City of Simi Valley.

Edison presently furnishes electric service in the City of Simi Valley. It conducts operations under a franchise granted it by the County of Ventura. The verified application avers that the City Council of the City of Simi Valley enacted Ordinance No. 24 which grants Edison a franchise to indefinitely conduct its electric business in the city. The franchise would supersede the previously mentioned county franchise with respect to the area lying within the city limits. Edison 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 $105.

As indicated, the franchise here under consideration is contained in Ordinance No. 24 of the City Council of the City of Simi Valley, 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 cities. It provides for a payment of two percent of Edison's annual gross receipts, arising out of the use, operation or possession of the franchise, provided however, that such payment shall in no event be less than one percent of the gross annual receipts of Edison derived from the sale of electricity within the city limits.

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 Edison of the rights and privileges granted it in the franchise conferred by Ordinance No. 24 of the City Council of the City of Simi Valley.

Conclusions of Law

The Commission concludes that:

1. The application should be granted.

2. The certificate of public convenience and necessity issued herein is subject to the following provisions of law:

a. The Commission shall have no power to authorize the capitalization of the franchise involved herein or these certificates of public convenience and necessity, or the right to own, operate or enjoy such franchise or certificates 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, certificates 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 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. 24 of the City Council of the City of Simi Valley.

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

Dated at _____San Francisco_____, California, this ___30th___ day of _____JUNE_____, 1970.

_____
President

_____

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Commissioners