

ORIGINAL

Decision No. 77785

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)
 the City of Bishop, County of Inyo,)
 State of California, in Accordance)
 with Franchise Ordinance No. 294 of)
 said City.)

Application No. 52033
(Filed July 13, 1970)

O P I N I O N

This is an application by Southern California Edison Company seeking authority to exercise the rights and privileges granted it by a franchise from the City of Bishop.

Applicant is engaged in the business of generating, transmitting and distributing electricity in the central and southern portions of the State of California. It presently furnishes electricity to approximately 162 customers in the City of Bishop and holds itself out to supply electricity for all lawful purposes in any and all parts of the city not now served or entitled to be served by the Department of Water and Power of the City of Los Angeles.

The verified application avers that applicant has been rendering service in the City of Bishop pursuant to a franchise previously granted, and that on January 12, 1970, the City Council of the City of Bishop enacted Ordinance No. 294 which grants applicant a franchise to indefinitely conduct its electric business in the City. The application disclaims any intention of utilizing the franchise to compete with the Los Angeles Department of Water and Power for customers within the

City. Southern California Edison Company 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 the sum of \$152.80.

Ordinance No. 294 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 2 percent of applicant's annual gross receipts, arising out of the use, operation or possession of the particular franchise, provided, however, that such payment shall in no event be less than 1 percent of the gross annual receipts of the applicant derived from the sale of electricity within the city limits. The record indicates that a copy of the application was served upon the Los Angeles Department of Water and Power. The Commission has received no protests to the application.

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. 294 of the City Council of the City of Bishop.

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:

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 Southern California Edison Company to exercise the rights and privileges conferred by the franchise issued pursuant to Ordinance No. 294 of the City Council of the City of Bishop.

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

Dated at San Francisco, California, this 6th day of OCTOBER, 1970.

[Signature]
Chairman

[Signature]

[Signature]

[Signature]
Commissioners