

Decision No. 78025

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SAN DIEGO GAS & ELECTRIC COMPANY, a)
 corporation, for an order authorizing)
 Certificates of Public Convenience)
 and Necessity Authorizing It to)
 Exercise Electric and Gas Franchise)
 Rights in the City of San Diego,)
 authority to increase rates by sur-)
 charging for additional franchise)
 fees and authority to deviate from)
 Applicant's Rule 31.)

Application No. 52250

ORDER
PRELIMINARY TO ISSUE
OF CERTIFICATE

San Diego Gas & Electric Company, on November 25, 1970, petitioned that Decision No. 77879, dated October 27, 1970, be made applicable to gas and electric franchise specifications authorized on November 24, 1970 by the City Council of the City of San Diego.

On October 16, 1970, San Diego Gas & Electric Company filed Application No. 52250 with the Commission seeking an ex parte order preliminary to the issue of certificates of public convenience and necessity declaring that the Commission will issue such certificates after applicant has obtained gas and electric franchises for the City of San Diego, subject, among other things, to the condition that applicant be directed by the Commission to add, as a separately stated surcharge to the bills of its customers within the City of San Diego, the difference between the percentage of gross revenues paid the City under applicant's expired franchise and the percentage of gross revenues it would be required to pay under the proposed new franchises.

Decision No. 77879 generally grants the relief requested but orders that the requested surcharge be imposed on an interim basis until such time as a hearing be held on that question.

Thereafter, the City Council of the City of San Diego determined the bids submitted by applicant for gas and electric franchises to be unresponsive because they had been made conditional upon the granting of the relief requested in the application.

On November 24, 1970, said City Council determined to reoffer for bids new gas and electric franchises upon the identical specifications as those attached as Exhibits "B" and "C" to the application on file herein. Such bids are to be opened on December 3, 1970. If there is a successful bidder it is contemplated that the franchise ordinances will be adopted on December 17, 1970 and that the increased franchise fees will apply from that date.

The City of San Diego filed its petition for a hearing concerning applicant's Petition for Modification. It objects to the imposition of a surcharge absent a hearing. The order herein is preliminary only, pursuant to Section 1003 of the Public Utilities Code. Its objections can be heard in the proceeding for a certificate contemplated under Section 1005. Its position and that of the residents of the City of San Diego will be preserved by providing for the same type of preliminary order as was issued in Decision No. 77879.

Based on the foregoing, we find and conclude that the gas and electric franchise specifications considered in Decision No. 77879 and those authorized on November 24, 1970, by the City Council of the City of San Diego are identical and that Decision No. 77879 should be applicable to the specifications authorized on November 24, 1970.

IT IS ORDERED that Decision No. 77879, dated October 27, 1970, is applicable to the gas and electric franchise specifications authorized on November 24, 1970 by the City Council of the City of San Diego.

Dated at Los Angeles, California, this 1st day of DECEMBER, 1970.

[Signature]
 Chairman

[Signature]
 Commissioner

[Signature]
 Commissioner

A. W. GATOV
 Commissioner _____

Present but not participating.

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