

hjh \*

ORIGINAL

Decision No. 78100

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
SAN DIEGO GAS & ELECTRIC COMPANY, a  
corporation, and MOUNTAIN EMPIRE  
ELECTRIC COOPERATIVE, INC., a  
corporation, for an order authorizing  
the acquisition by San Diego Gas &  
Electric Company and the sale by  
Mountain Empire Electric Cooperative,  
Inc., of the Electric Distribution  
System and other properties of  
Mountain Empire Electric Cooperative,  
Inc., for a certificate of public  
convenience and necessity to  
exercise its Electric Franchise in  
the territory served by Mountain  
Empire Electric Cooperative, Inc.,  
and for an order pursuant to  
§1003 of the Public Utilities Code.

Application No. 52019  
(Filed July 7, 1970;  
Amended November 30, 1970)

O P I N I O N

By Decision No. 77618 dated August 18, 1970, San Diego Gas & Electric Company was authorized to acquire the service area of Mountain Empire Electric Cooperative, Inc. In order to eliminate the necessity and expense of prorating bills, it is requested that the tariff filing be made effective for meter readings taken on and after the effective date of said filing. Applicant also requests a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the County of Imperial, permitting the installation, maintenance and use of an electrical distribution and transmission system within the service area of Mountain Empire Electric Cooperative, Inc., which area is designated as follows:

Sections 19, 30 and 31, T 17 S, R 9 E,  
S.B.B.&M., and Sections 6 and 7, T 18 S,  
R 9 E, S.B.B.&M., S W 1/4 of Section 29,  
T 17 S, R 9 E, S.B.B.&M.

The franchise is of indeterminate duration and a fee is payable annually to the county equivalent to 2 percent of the gross receipts arising from the use, operation, or possession of the franchise. Although the franchise covers all of the unincorporated area of the County of Imperial, applicant requests that the certificate be limited to the service area of Mountain Empire Electric Cooperative, Inc.

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. 366 of the County of Imperial.

The certificate of public convenience and necessity herein granted 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 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:

1. Ordering paragraph 3 of Decision No. 77618 is hereby amended to read as follows:

"3. Purchaser shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the electrical operations herein to show that it has adopted or established, as its own, said rates and rules. The tariff filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the consummation of the transfer herein authorized. The tariff filing shall become effective for meter readings taken on and after the effective date of said filing. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 96-A. Failure to comply with and observe the provisions of General Order No. 96-A may result in a cancellation of the operating authority granted by this decision."

2. A certificate of public convenience and necessity is granted to San Diego Gas & Electric Company, a corporation, to exercise the rights and privileges granted by the County of Imperial, by Ordinance No. 366 adopted October 6, 1970 within the area heretofore referred.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 15<sup>th</sup> day of DECEMBER, 1970.

[Signature]  
Chairman

William Lyons, Jr.

[Signature]

Vernon L. Sturgeon  
Commissioners

Commissioner A. W. GATOV

Present but not participating.