

ORIGINAL

Decision No. 78627

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of)

PACIFIC POWER & LIGHT COMPANY)

for an order exempting it from)
regulation under Article 5,)
Chapter 4, Part 1, Division 1,)
and under certain provisions of)
Section 851 of the Public)
Utilities Code, pursuant to)
Sections 829 and 853 of the)
Public Utilities Code.)

Application No. 52518
Filed March 25, 1971

O P I N I O N

Pacific Power & Light Company requests an order of the Commission exempting it from provisions of the California Public Utilities Code pertaining to security issue transactions and the encumbrance of utility property.

Applicant is a corporation organized under the laws of the State of Maine on or about June 16, 1910. It is engaged in business principally as an electric utility in the States of California, Idaho, Montana, Oregon, Washington and Wyoming. In addition, the utility supplies water, steam heat and telephone services in various communities outside of California.

For the year 1970 the corporation reports that its electric business produced operating revenues of \$152,841,970, which amount to approximately 96% of the \$158,893,017 gross operating revenues. According to the application, 1970 operations

in the States of Idaho, Montana, Oregon, Washington and Wyoming produced 94.9% of the company's gross revenues, leaving 5.1% attributable to operations in California. As of December 31, 1970, the utility reports the number of its California utility customers as being 23,267, or approximately 4.6% of the total utility customers served by applicant.

The application alleges that the issuance and sale by applicant of its securities are subject to regulation by the Federal Power Commission.

After consideration the Commission finds that:

1. The volume of business conducted in California places applicant in the category of a Class A public utility with a substantial amount of revenues, number of customers and investment in plant, all pertaining to California.
2. Although applicant's security issues are subject to regulation by the Federal Power Commission, the company has invoked the jurisdiction of this Commission in the instant application for exemption pursuant to Sections 829 and 853 of the Public Utilities Code, and in previous applications for authorization of issues of securities, which authorization was obtained.
3. The factual situation relating to out-of-state transactions pertaining to securities, and the relatively small percentage of California revenues, plant and customers has not changed materially since the time the company commenced operating in California.
4. By Sections 816, et seq. and 851 of the Public Utilities Code, the Legislature has given the Commission jurisdiction over issuance and sale of securities by a public utility and the mortgaging or encumbering of the whole or any part of a utility's plant in connection with the issuance of securities to finance its utility operations.
5. No good cause appears for the Commission to exempt applicant from said provisions of the Public Utilities Code.

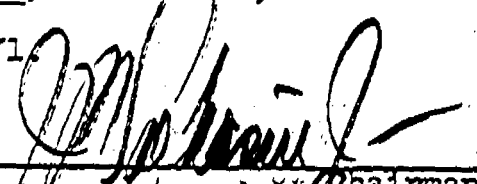
On the basis of the foregoing findings, we conclude that the application should be denied. A public hearing is not necessary.

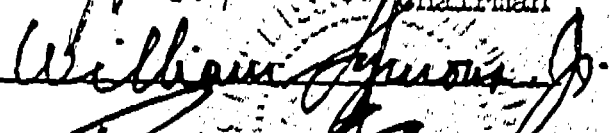
ORDER


IT IS ORDERED that Application No. 52518 is hereby denied.

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

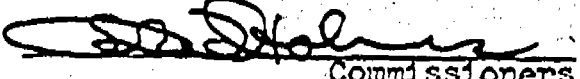
Dated at San Francisco, California, this 4th day of MAY, 1971.



Chairman




Vernon L. Sturgeon



Commissioners