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Decision No. 79538

**ORIGINAL**

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 Exercise  
 by Applicant of the Rights, Privileges  
 and Franchise Granted by Ordinance  
 No. 410 of the County of Mono, State  
 of California.

Application No. 52931  
(Filed October 18, 1971)

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 County of Mono.

Applicant is engaged in the business of generating, transmitting and distributing electricity in the central and southern portions of the State of California. Applicant presently serves electricity to most of Mono County, except for small portions in the northerly and southeasterly parts of the County, which are served by Sierra Pacific Power Company and Valley Electric Association, respectively.

The verified application avers that applicant has been rendering service in the County of Mono pursuant to a franchise previously granted; that on June 15, 1971, the Board of Supervisors of the County of Mono adopted Ordinance No. 410 which grants applicant a franchise to indefinitely conduct its electric business in the County and that the new franchise will more definitely establish applicant's rights within the County and will be of value to it in connection with the qualification of its bonds. The application disclaims any intention of utilizing the franchise to compete for customers with Sierra Pacific Power Company or Valley Electric Association. 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 \$595.95.

Ordinance No. 410 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 counties. It provides for a payment of 2 percent of applicant's annual gross receipts arising from the use, operation or possession of the franchise. The record indicates that copies of the application were served upon the County of Mono, Sierra Pacific Power Company and Valley Electric Association. The Commission has received no protests to the application.

The Commission makes the following findings and conclusions in this matter.

Findings of Fact

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. 410 of the Board of Supervisors of the County of Mono.

Conclusions of Law

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 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.

(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. 410 of the Board of Supervisors of the County of Mono.

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

Dated at San Francisco, California, this 14  
day of JANUARY, 1922

[Signature]  
Chairman  
William H. Brown  
[Signature]  
Sam P. Stinger  
[Signature]  
Commissioners