

ek

ORIGINAL

Decision No. 79787

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
PACIFIC GAS AND ELECTRIC COMPANY for
an order issuing a certificate of
public convenience and necessity to
exercise the right, privilege and
franchise granted to applicant by
Ordinance No. 30 of the City Council
of Foster City, San Mateo County,
California.

(Electric)

Application No. 53117
(Filed January 31, 1972)

O P I N I O N

This is an application by Pacific Gas and Electric Company seeking to exercise the rights and privileges granted it by a franchise from Foster City.

Applicant is engaged in the business of generating, transmitting and distributing electricity in various places in California. It presently serves electricity to approximately 4,402 customers in Foster City. As of December 31, 1971, applicant had 42.10 miles of overhead transmission lines, 51.83 miles of underground distribution lines and 5.67 miles of overhead distribution lines in Foster City.

The verified application avers that applicant has been rendering service in Foster City pursuant to franchises granted it or its predecessors; that on October 26, 1971 the City Council of Foster City adopted Ordinance No. 30 which grants applicant a franchise to indefinitely conduct its electric business in the city; and that the new franchise will more definitely establish its rights in Foster City and will be of value to applicant in the qualification and sale of its bonds. Pacific Gas and Electric 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 \$191.64.

Ordinance No. 30 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, 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 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 Pacific Gas and Electric Company of the rights and privileges granted in the franchise conferred by Ordinance No. 30 of the City Council of Foster City.

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.

A. 53117 ek

O R D E R

IT IS ORDERED that a certificate of public convenience and necessity is granted to Pacific Gas and Electric Company to exercise the rights and privileges conferred by the franchise issued pursuant to Ordinance No. 30 of the City Council of Foster City.

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

Dated at San Francisco, California, this 7th
day of MARCH, 1972.

[Signature]
Chairman
[Signature]
[Signature]
[Signature]
Commissioners