

ORIGINAL

Decision No. 79805

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 the City of  
 Loma Linda, County of San Bernardino,  
 State of California, in Accordance  
 with Franchise Ordinance No. 36 of  
 said City.

Application No. 53134  
 (Filed February 9, 1972)

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 City of Loma Linda.

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 Loma Linda. As of December 31, 1971, it was serving approximately 2,758 customers in the city.

The verified application avers that applicant has been rendering service in Loma Linda pursuant to a franchise granted it by the County of San Bernardino; that on August 24, 1971 the City Council of Loma Linda adopted Ordinance No. 36 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 Loma Linda and will be of value to applicant in the qualification and sale of its bonds. 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 \$140.67.

Ordinance No. 36 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 cities. 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 Southern California Edison Company of the rights and privileges granted in the franchise conferred by Ordinance No. 36 of the City Council of Loma Linda.

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.

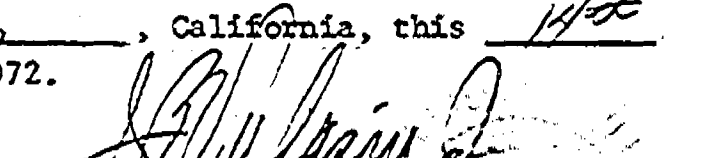
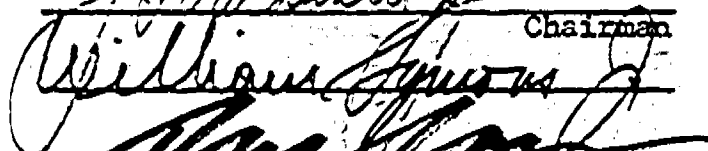

- (b) The franchise involved herein shall never be given any value before any court or other public authority in any proceeding of any character in excess of the cost to the grantee of the necessary publication and any other sum paid by it to the municipality therefor at the time of the acquisition thereof.

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. 36 of the City Council of Loma Linda.

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

Dated at San Francisco, California, this 14<sup>th</sup> day of 7 MARCH, 1972.

  
Chairman  
  
  
Commissioners