

Decision No. 80833

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SAN DIEGO GAS & ELECTRIC COMPANY, a
Corporation, for an order authorizing
Certificates of Public Convenience
and Necessity Authorizing It to Exercise
Electric and Gas Franchise Rights in
the City of San Diego, authority to
increase rates by surcharging for
additional franchise fees and authority
to deviate from Applicant's Rule 31.

Application No. 52250
(Motion Filed
November 14, 1972)

SUPPLEMENTAL ORDER GRANTING CERTIFICATES
OF PUBLIC CONVENIENCE AND NECESSITY

On October 27, 1970 in Decision No. 77879, the Commission
ordered as follows:

"1. The Commission, pursuant to the Public Utilities
Code Section 1003, will, upon application, pursuant to
such rules as it may prescribe, issue the certificate of
public convenience and necessity to applicant to exercise
rights and privileges under the gas and electric franchises
which it contemplates securing from the City of San Diego,
upon such terms and conditions as the Commission designates,
after applicant has obtained the contemplated franchises."

Decision No. 77879 was subsequently affirmed on December 1,
1970 in Decision No. 78025. On December 17, 1970, gas and electric
franchise rights were granted to the applicant by the City Council
of the City of San Diego pursuant to Ordinance No. 10465 (gas)
and Ordinance No. 10466 (electric). Applicant filed on November 14,
1972 a motion requesting issuance of certificates of public conven-
ience and necessity authorizing the exercise of these gas and electric
franchises.

After consideration, the Commission finds that public
convenience and necessity require the exercise by applicant of the

rights, privileges, and franchises granted to applicant by Ordinance Nos. 10465 and 10466 of the City of San Diego.

The certificates of public convenience and necessity herein granted are subject to the following provisions of law:

1. The Commission shall have no power to authorize the capitalization of the franchises involved herein or these certificates of public convenience and necessity or the right to own, operate, or enjoy such franchises or certificates 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 franchises, certificates of public convenience and necessity, or rights.
2. The franchises involved herein shall never be given any value before any court or other public authority in any proceedings 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 certificates of public convenience and necessity are granted to San Diego Gas & Electric Company to exercise the rights and privileges granted by the City of San Diego by Ordinance Nos. 10465 and 10466, adopted December 17, 1970.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 12th day of DECEMBER, 1972.

Vernon L. Sturgeon
President
William J. Brown
Albert J. Brown
Commissioners