

Decision No. 85982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PACIFIC POWER & LIGHT COMPANY for an
order issuing to Applicant a certificate
of public convenience and necessity
to exercise the franchise granted to
Applicant by Ordinance No. 129-74 by
the City Council of the CITY OF WEED,
CALIFORNIA.

ORIGINAL

Application No. 56427
(Filed April 23, 1976)

O P I N I O N

Pacific Power & Light Company seeks a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the City of Weed, permitting the installation, maintenance, and use of an electric distribution and transmission system upon the public streets of the City.

The franchise referred to, a copy of which is attached to the application as Exhibit A, was granted by the City and is of ten (10) years' initial duration. A fee is payable annually to the City equivalent to 2 percent of the gross receipts arising from the use, operation, or possession of the franchise, but not less than 1 percent of the gross annual receipts from sales of electricity within the limits of the City under said franchise.

No objection to the granting of the requested certificate has been entered. Furthermore, this utility or its predecessors have for many years served electricity within the territory now comprising the City without competition.

The Commission finds that public convenience and necessity require the exercise by applicant of the rights, privileges, and franchise granted to applicant by Ordinance No. 129-74 of the City.

The certificate herein granted is subject to the following provision 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 Pacific Power & Light Company to exercise the rights and privileges granted by the City of Weed by Ordinance No. 129-74 adopted July 17, 1974.

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

Dated at San Francisco, California, this 22nd day of JUNE, 1976.

William J. Sproule President
James L. Stanger
Robert Bateman Commissioners