

PE

Decision No. 11625

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of MODESTO GAS COMPANY, a corpo-)
ration, for a certificate of) Application No. 8491
public convenience and necessity.)

Frank A. Cressey, Jr. for Applicant

MARTIN, Commissioner.

O P I N I O N

This is an application by Modesto Gas Company for a certificate declaring that public convenience and necessity require the exercise by it of the rights and privileges granted by a certain franchise under Ordinance No. 123 of the County of Stanislaus, California. A hearing was held in San Francisco, on December 27th 1922 before Commissioner Martin, and the matter taken under submission.

Applicant was granted by the Board of Supervisors of Stanislaus County, a franchise under ordinance No. 123, dated November 16th 1922, providing for the construction, maintenance and operation of a system of pipe lines for the distribution of gas for lighting, cooking, heating, power and other useful purposes along public streets, thoroughfares, highways and alleys leading from the City of Modesto to all parts of Stanislaus County.

Prior to the present time applicant has been engaged in rendering gas service only to inhabitants within the City of Modesto. There has, however, been a recent building development in a tract of land lying to the north of the city and a number of new houses have been constructed in that district. Gas service has been requested by the occupants of these houses, and applicant has informed the Commission that it can properly render such service and desires to do so. Evidence before the Commission shows that no other utility is engaged in the rendering of gas service in the territory for which applicant herein requests a certificate to exercise its franchise rights.

Subsequent to the hearing of this matter, the President and Secretary of Modesto Gas Company duly filed with this Commission a stipulation under the corporate seal of the company, dated January 15th 1923, certifying that neither Modesto Gas Company nor its successors nor assigns would ever claim before the Railroad Commission or any court or any other public authority, a value for the rights and privileges granted by Ordinance No. 123 of the County of Stanislaus in excess of the actual cost to Modesto Gas Company of acquiring said franchise, which cost is stated in said stipulation to be the sum of \$327.40.

I find as a fact that public convenience and necessity require the exercise by Modesto Gas Company of the rights and privileges of the franchise granted by Ordinance No. 123 of the County of Stanislaus.

I submit the following form of order:

O R D E R

Modesto Gas Company having applied to the Railroad Commission for a certificate declaring that public convenience and necessity require the exercise by it of the rights and privileges

under a certain franchise granted by Ordinance No. 123 of the County of Stanislaus, California, a hearing having been held, copies of said franchise and a stipulation as to its claim for value thereof having been duly filed in form satisfactory to the Commission;

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES, that public convenience and necessity require, and will require, the exercise by Modesto Gas Company of the rights and privileges granted under Ordinance No. 123 of the County of Stanislaus, California.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California; this 6th day of February 1923.

C. C. Harvey

Dwight Martin

J. H. Whittier
Commissioners.