

Decision No. 18476.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of MIDWAY GAS COMPANY, a Calif-
ornia corporation, for a certifi-
cate of public convenience and
necessity to exercise certain
franchise rights in the Town of
Tehachapi under franchise applied
for by applicant.

ORIGINAL

Application No. 13625.

A. I. Cleveland, for applicant.

BY THE COMMISSION:

O P I N I O N

This is an application by Midway Gas Company for an order declaring that public convenience and necessity require the exercise by it of the rights and privileges of franchise granted by the Town of Tehachapi. Public hearing before Examiner Williams was held in Los Angeles May 28, 1927, at which time testimony was introduced and the matter submitted for decision.

It appears that applicant has constructed a gas distribution system to serve the Town of Tehachapi, this system being supplied from applicant's so-called Monolith gas line. It is in connection with this extension of facilities that a franchise has been secured.

Ordinance No. 75, passed December 21, 1926, by the Board of Trustees of the Town of Tehachapi, grants applicant a franchise to install, operate and maintain gas facilities within the Town of Tehachapi. This franchise, a copy of which is attached to the application, is for a term of twenty-five (25) years and carries the usual provision for a tax of two (2) per cent of the gross revenue effective five (5) years from the

dated of grant.

Witness for applicant testified that no other company is serving gas in the Town of Tehachapi, that service can be rendered without detriment to present consumers on applicant's system, and that this service is in the public interest.

Applicant has filed with the Commission a stipulation duly and legally approved by resolution of its Board of Directors to the effect that applicant, its successors or assigns, will never claim before the Railroad Commission, or any court or public body, any value for the aforesaid franchise in excess of the original cost thereof, which is stated to be \$257.76.

O R D E R

Midway Gas Company having applied to the Railroad Commission of the State of California for a certificate of public convenience and necessity for the exercise of certain rights and privileges granted by the Town of Tehachapi, Ordinance No. 75, a public hearing having been held, the matter being submitted and now ready for decision,

The Railroad Commission of the State of California hereby certifies and declares that public convenience and necessity require and will require the exercise by Midway Gas Company of those rights and privileges granted by Ordinance No. 75 adopted by the Board of Trustees of the Town of Tehachapi on December 21, 1926.

The authority herein granted shall be effective from and after the date of this order.

The foregoing Opinion and Order is 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 9th day
of June, 1927.

H. H. Bondage

C. H. H. H.

Leon A. H. H.

Commissioners.