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Decision No. 26310

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application	)	
of the LOS ANGELES GAS AND ELEC-	)	
TRIC CORPORATION for a certificate	)	
that public convenience and neces-	)	APPLICATION NO. 14918.
sity require the exercise of rights	)	
and privileges granted to it by	)	
Ordinance No. 160 of the City of	)	
Montebello.	)	

Paul Overton, for Applicant.

Paul G. McIver, City Attorney, for  
City of Montebello.

Joseph Sodoma, for Southern Counties  
Gas Company.

BY THE COMMISSION:

O P I N I O N

In this application Los Angeles Gas and Electric Corporation asks the Railroad Commission to make its order granting applicant a certificate of public convenience and necessity to exercise the rights, privileges and franchise granted by Ordinance No. 160 of the City Council of the City of Montebello.

A public hearing before Examiner Williams was held at Los Angeles on September 11, 1928, at which time testimony was introduced and the matter submitted.

The territory, which is described in the applicant's exhibits and in which it now seeks to furnish gas service, adjoins the city of Monterey Park on the north and the county of Los Angeles on the west and south, these areas being exclusively sup-

plied with gas service by the applicant.

Frank Weiss, new business manager of applicant corporation, testified that applicant can more economically, and more advantageously to the public interest, supply gas service in the territory involved in this proceeding than can the Southern Counties Gas Company, which now holds the legal rights to furnish service within said territory. The Southern Counties Gas Company, through its representative, Joseph Sodoma, consented to issuance of the order sought herein. This action is tantamount to the Southern Counties Gas Company relinquishing its rights to serve in this territory.

The testimony shows that no other gas utility is operating in that portion of the city of Montebello in which applicant is requesting a certificate. No one appeared at the hearing to protest the granting of this application.

The applicant has filed with the Commission a stipulation, duly and legally passed by its Board of Directors, providing that it will never claim before the Railroad Commission, or before any court or other public body, any value for the aforesaid franchise in excess of the amount actually paid by it to the City of Montebello, which cost is reported at \$150.00.

A copy of the ordinance is filed in this proceeding as applicant's Exhibit "A". The franchise, adopted April 7, 1928, is for a term of fifty years and contains the usual provision for a tax of two per cent (2%) upon gross revenue, effective five years from date of grant.

O R D E R

Los Angeles Gas and Electric Corporation having applied to the Railroad Commission for an order declaring that public convenience and necessity require the exercise of the rights, privileges and franchise granted by Ordinance No. 160 of the City Council of the City of Montebello, a public hearing having been held, and the Commission being of the opinion that the application should be granted; therefore,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require and will require the exercise by Los Angeles Gas and Electric Corporation of the rights, privileges and franchise granted by Ordinance No. 160 of the City Council of the City of Montebello, adopted April 7, 1928.

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

Dated at San Francisco, California, this 10th day of October 1928.

Leon C. White  
Chas. J. ...  
Francis ...  
Paul ...  
M. J. ...  
COMMISSIONERS.