

Decision No. 24178.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
 SAN DIEGO CONSOLIDATED GAS AND
 ELECTRIC COMPANY,

a corporation, for certificates of
 public convenience and necessity
 authorizing it to exercise fran-
 chise rights.

ORIGINAL

Application No. 17516.

Chickering and Gregory, by W. C. Fox, for San
 Diego Consolidated Gas and Electric Company.
 Johnson W. Puterbaugh, for City of Coronado and
 National City.

WHITSELL, COMMISSIONER:

O P I N I O N

In this proceeding the San Diego Consolidated Gas and Electric Company asks the Railroad Commission to make its decision and order declaring that public convenience and necessity require and will require the exercise by applicant of the rights and privileges granted to it by ordinances from the respective cities of San Diego, Coronado, El Cajon, Chula Vista and National City in San Diego County and by an ordinance from the Board of Supervisors of the County of Orange.

A public hearing was held at San Diego October 1, 1931, at which time testimony was introduced and the matter submitted for decision.

The record in this proceeding shows that applicant has obtained franchise rights, for a period of 50 years, to transmit and distribute both gas and electricity in each of the above mentioned municipalities by the following ordinances:

Ordinance No. 8183, passed by the Common Council of the City of San Diego, on November 22, 1920.
Ordinance No. 527, passed by the Board of Trustees of the City of Coronado, on March 18, 1929.
Ordinance No. 126, passed by the Board of Trustees of the City of El Cajon, on June 24, 1929.
Ordinance No. 86, passed by the Board of Trustees of the City of Chula Vista, on April 3, 1921.
Ordinance No. 607, passed by the City Council of the City of National City, on April 7, 1931.

The record further shows that this Commission, in its Decision No. 4635, dated September 11, 1917 (14 C.R.C. 50), issued a certificate to applicant to exercise the rights and privileges granted to it by Ordinance No. 144 of the Board of Supervisors of the County of Orange and that applicant subsequently learned that it had erroneously omitted from its application a portion of territory within which it was transmitting and distributing electricity. The Board of Supervisors of the County of Orange, on March 26, 1929, passed Ordinance No. 279, granting to applicant a 50-year franchise to cover such area. A copy of this and of each of the franchises hereinabove mentioned is set forth in Exhibit "A," attached to and made a part of the application.

It appears from the testimony that applicant is now, and for some time past has been, supplying both gas and electric service in the municipalities above referred to, as well as electricity in a portion of Orange County and that no other gas or electric utility is operating in the territory described in the aforesaid franchises. No one appeared to protest the granting of the application.

Applicant has stipulated to the effect that applicant, its successors and assigns, will never claim before the Railroad Commission or any court or public body, any value for the aforesaid franchises in excess of the actual costs thereof.

I recommend the following form of order:

O R D E R

San Diego Consolidated Gas and Electric Company having applied to the Railroad Commission of the State of California for an order declaring that public convenience and necessity require and will require the exercise by applicant of franchise rights granted to it by certain ordinances, a public hearing having been held, the matter having been submitted and now ready for decision,

IT IS HEREBY ORDERED that San Diego Consolidated Gas and Electric Company be and it is hereby authorized to exercise the rights and privileges granted to it by each of the ordinances set forth and fully described in Exhibit "A," attached to and made a part of the application herein, provided that the Railroad Commission of the State of California may hereafter, by appropriate proceedings and orders, revoke or limit, as to territory not then served by applicant, the authority herein granted.

The effective date of this order shall be from and after the date hereof.

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 2nd day of

November, 1931.

Leon Whiteley

M. J. Con

W. B. Harris

Fred G. Stewart
Commissioners.