

Decision No. 25509

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)
of SOUTHERN COUNTIES GAS COMPANY)
OF CALIFORNIA, a corporation, for)
a certificate of public convenience)
and necessity under Section 50 of)
the Public Utilities Act, for)
authority to exercise franchise)
acquired from the City of Whittier.)

APPLICATION NO. 18463.

LeRoy M. Edwards, by O. C. Sattinger,
for Applicant.

BY THE COMMISSION:

ORIGINAL

O P I N I O N

In this application, Southern Counties Gas Company of California asks the Railroad Commission for an order declaring that public convenience and necessity require the exercise by it of the rights and privileges of a franchise granted by the City of Whittier, Los Angeles County.

A public hearing before Examiner Kennedy was held on November 18, 1932, in the city of Los Angeles, at which time testimony was introduced and the matter submitted for decision.

The record in this proceeding shows that applicant is now, and since March 10, 1911, has been, serving gas in the city of Whittier by Constitutional Franchise, the gas distributing system in said city of Whittier, together with a Constitutional Franchise to sell and distribute gas to the inhabitants of said city, having been purchased by applicant on said date from the

predecessor company, Southern California Edison Company. It also appears that certain of the cities in which applicant is still operating under its so-called Constitutional Franchises have recently requested it to take out Broughton Act franchises. In deference to this request, applicant has determined to place all of the cities supplied with gas by it upon the same basis with respect to franchises and pursuant to said policy has applied for Broughton Act franchises in all of said cities, including the city of Whittier. It further appears that applicant has secured a franchise from said City of Whittier under Ordinance No. 760, as fully described in Exhibit "A" and delineated by map in Exhibit "B", both of which exhibits are attached to and made a part of the application.

No one appeared in opposition to the application and no other public utility is serving gas to the inhabitants of the city of Whittier.

The testimony makes apparent that public convenience and necessity require, and will require, the exercise by applicant of the rights granted to it under the aforesaid franchise of the City of Whittier. We are therefore of the opinion that this application should be granted.

O R D E R

Southern Counties Gas Company of California having applied to the Railroad Commission for a certificate of public convenience and necessity for the exercise of certain rights and privileges granted by the City of Whittier under Ordinance No. 760, a public hearing having been held and 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 said Southern Counties Gas Company of California of the rights and privileges granted under Ordinance No. 760 by the City Council of the City of Whittier, Los Angeles County, subject, however, to the condition that applicant shall first have filed with the Railroad Commission of the State of California a stipulation, duly authorized by its Board of Directors, agreeing that Southern Counties Gas Company, its successors or assigns, will never claim before the Railroad Commission, or any other public authority, any value for the franchise granted by said Ordinance No. 760 of the City Council of the City of Whittier, Los Angeles County, in excess of the actual cost, which cost shall be stated in the stipulation, and shall have secured from the Railroad Commission a supplemental order herein, declaring that such stipulation, satisfactory to the Railroad Commission, has been filed.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 31st day of December 1932.

C. S. ...
L. M. ...
M. J. ...
W. B. ...
Fred G. ...
COMMISSIONERS.