

Decision No. 25753

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of CHARLES E. MCCARTNEY for a certificate of public convenience and necessity, authorizing him to exercise rights and privileges under a franchise which he contemplates securing from the City of Indio, and also authorizing him to construct and operate a plant and distributing system in said City of Indio for the purpose of supplying gas to the public, for heating and for domestic and other uses and purposes for which gas is now or may hereafter be used.

APPLICATION NO. 18375

ORIGINAL

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

In its Decision No. 25207, dated September 26, 1932, this Commission granted Charles E. McCartney certain certification and authorization subject to the following conditions:

- "(1) The authority herein granted to exercise rights and privileges obtained under a franchise from the City of Indio will become effective when said Charles E. McCartney has filed with this Commission a certified copy of said franchise, and a stipulation, executed by himself, wherein he agrees for himself, his successors and assigns, that he will never claim before the Railroad Commission, or any other public authority, a value for such franchise in excess of the actual cost thereof, which cost shall be set forth in the stipulation.
- "(2) That Charles E. McCartney shall file with this Commission, as soon as possible, copies of all contract agreements under which applicant will receive or purchase the liquid gas that he proposes to use in this service.

"(5) That Charles E. McCartney shall file with this Commission, as soon as possible, a certified copy of the agreement between himself and the City of Indio, as referred to in the application herein, duly executed by himself and authorized officials of the City of Indio, indicating the cancellation of all previous contracts between the City of Indio and himself and his predecessors in interest, pertaining to the control and ownership of the said gas plant and distributing system in the City of Indio, and indicating that Charles E. McCartney is in full control and ownership of said gas plant and distribution system.

* * * * *

"(7) That upon filing of the franchise, stipulation and contract agreements referred to in Conditions (1), (2) and (3) above, in satisfactory form, the Commission will issue its supplemental order authorizing the exercise by applicant of the rights and privileges granted to him under his franchise."

Charles E. McCartney now having complied with conditions (1), (2) and (3) above,

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and it is hereby granted to Charles E. McCartney authorizing him to exercise the rights and privileges of franchise granted to him by the City of Indio, Riverside County, in its Ordinance No. 22, dated October 3, 1932.

IT IS HEREBY FURTHER ORDERED that Charles E. McCartney be and he is hereby authorized to construct and operate a gas plant and gas distribution system within the limits of the City of Indio for the purpose of supplying liquid petroleum gas to the inhabitants thereof; and

IT IS HEREBY FURTHER ORDERED that Charles E. McCartney be and he is hereby authorized to sell and transfer said plant, distribution system and franchise to Southeastern Service Corporation which corporation may acquire, maintain and operate said properties.

In all other respects Decision No. 25207 shall remain in

full force and effect.

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

Dated at San Francisco, California, this 20th day of March, 1933.

C. Lewis
Leon Johnson
W. J. C.
M. B. Lewis
Walter W. W.
Commissioners.