

Decision No. 11781

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
LOS ANGELES GAS AND ELECTRIC CORPO-)
RATION, for a Certificate that Public)
Convenience and Necessity Require the)
Exercise of Rights and Privileges)
Granted to it by Ordinance No. 771)
(New Series) of the County of Los)
Angeles.)

APPLICATION NO. 8317

Paul Overton for Applicant.
Roy V. Reppy, for Southern California
Edison Company.

BY THE COMMISSION.

O P I N I O N

This is an application by Los Angeles Gas and Electric Corporation for a certificate declaring that that public convenience and necessity require the exercise by it of the rights and privileges to transmit and distribute electric energy for light, heat and power as set forth in the franchise granted to it by the Board of Supervisors of Los Angeles County under Ordinance No. 771 (New Series) dated August 21, 1922. A public hearing was held in this matter before Examiner Williams in Los Angeles on November 10, 1922, at which time evidence was submitted, stipulations made and the matter taken under submission.

Applicant is now supplying electric energy to a few consumers in the territory covered by this franchise. There are also certain portions of the area covered by the franchise which are being served by Southern California Edison Company under the

provisions of a franchise granted it prior to the issuance of Ordinance No. 771 (New Series) for which applicant herein requests a certificate. However, a joint stipulation by Southern California Edison Company and Los Angeles Gas and Electric Corporation has been filed with the Commission setting forth that Los Angeles Gas and Electric Corporation requests, and that Southern California Edison Company does not object to, the issuance by the Railroad Commission of a certificate declaring that public convenience and necessity require the exercise by Los Angeles Gas & Electric Corporation of the rights and privileges granted by Ordinance No. 771 (New Series) of the County of Los Angeles, provided, however, that the certificate be limited to a certain portion of the franchise area as hereinafter described in the stipulation, and that applicant be not permitted to parallel the lines of Southern California Edison Company within that area. The stipulation provides as follows:

1. Applicant hereby stipulates that its application in this matter may be amended so as to exclude all that portion of the territory embraced in the franchise granted to it by Ordinance No. 771 (New Series) of the County of Los Angeles, lying northerly of the following described line, to-wit:

Commencing at the intersection of Santa Monica Boulevard and Doheny Drive; thence northeasterly and easterly along Santa Monica Boulevard to Crescent Boulevard to the boundary line of the City of Los Angeles; thence easterly following the said boundary line to La Brea Avenue.

2. Southern California Edison Company hereby consents to the issuance by the Railroad Commission of the State of California of its order declaring that public convenience and necessity require, and will require, the exercise by applicant of the franchise granted to it under said ordinance in the territory embraced within said franchise lying southerly from the above described line.
3. Applicant, Los Angeles Gas and Electric Corporation, hereby stipulates that it will not, under the franchise granted by said Ordinance No. 771, within the territory described in the preceding paragraph,

erect, construct or maintain, any electrical distribution lines upon or along any street, avenue, or other public thoroughfare or right of way, parallel with any such electrical distribution lines erected and maintained by Southern California Edison Company upon the same street, avenue, or other public thoroughfare or right of way; provided, however, that should any portion of said territory described in the preceding paragraph, be annexed to the City of Los Angeles, and the City of Los Angeles thereupon or thereafter succeed to the ownership and/or operation of said lines, then and in that event this stipulation, on the part of said applicant, not to parallel such lines, shall terminate and be of no farther force and effect with respect to any such territory so annexed to said City of Los Angeles.

The foregoing stipulation upon the part of the two utilities satisfactorily provides for the division of the service involved in the territory here considered, and also sufficiently assures the prevention of possible future controversy relative to franchise rights of the parties.

Subsequent to the hearing of this matter, Los Angeles Gas and Electric Corporation duly filed with the Commission, a stipulation under date of January 3, 1923, that neither it nor its successors nor assigns would ever claim (except in eminent domain proceedings) before the Railroad Commission or any court or other public authority, any value for the rights and privileges granted in said franchise under Ordinance No. 771 (New Series) of the County of Los Angeles adopted August 21, 1922, in excess of the actual amount paid therefor by Los Angeles Gas and Electric Corporation in acquiring said franchise, which cost is stated in said stipulation to be the sum of \$246.40.

It is hereby found that public convenience and necessity require the exercise by Los Angeles Gas and Electric Corporation of the rights and privileges of the franchise granted it by Ordinance No. 771 (New Series) of the County of Los Angeles as

restricted by the terms of the preceding stipulation filed jointly by Los Angeles Gas and Electric Corporation and Southern California Edison Company.

O R D E R

Los Angeles Gas and Electric Corporation having applied to the Railroad Commission for a certificate declaring that public convenience and necessity require the exercise of the rights and privileges granted under a certain franchise by Ordinance No. 771 (New Series) of the County of Los Angeles; a hearing having been held, copies of said franchise and a stipulation as to its claim for value thereof, and further stipulation relative to the division of service with Southern California Edison Company in the territory involved, having been duly filed in forms satisfactory to the Commission;

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 and privileges granted under Ordinance No. 771 (New Series) of the County of Los Angeles subject to the following limitations:

Los Angeles Gas and Electric Corporation shall not distribute electric energy for light, heat or power purposes in that portion of the territory embraced by the franchise granted by Ordinance No. 771 (New Series) of the County of Los Angeles lying northerly of the following line:

Commencing at the intersection of Santa Monica Boulevard and Doheny Drive; thence northeasterly and easterly along Santa Monica Boulevard to Crescent Boulevard; thence south along Crescent Boulevard to the boundary line of the City of Los Angeles; thence easterly following the said boundary line to La Brea Avenue.

FURTHER, that Los Angeles Gas and Electric Corporation shall not erect, construct or maintain any electrical distribution lines upon or along any street, avenue, or other public thoroughfare or right of way parallel with any such electrical distribution lines erected and maintained by Southern California Edison Company upon the same street, avenue or other public thoroughfare or right of way; and subject to such further provisions as are contained in the stipulation previously set forth.

Dated at San Francisco, California, this 9th day of January, 1923.

H. B. ...

Dwight ...

C. ...

J. T. ...
Commissioners.