

Decision No. 1166

ORIGINAL

Decision No. 1166

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of)	
Los Angeles Gas and Electric Corpora-)	
tion for a certificate that Public)	
Convenience and Necessity require the)	Application No. 893
exercise of the rights and privileges)	
granted by Ordinance No. 387 of the)	
City of South Pasadena.)	

Paul Overton for applicant.

TESLEN, Commissioner.

O P I N I O N

This is an application by Los Angeles Gas and Electric Corporation for a certificate that public convenience and necessity require the exercise of the rights and privileges granted by Ordinance No. 387 of the City of South Pasadena.

Los Angeles Gas and Electric Corporation is a public utility supplying gas and electricity to large portions of Los Angeles county. On October 10, 1911, the company was supplying the inhabitants of South Pasadena, throughout almost the entire extent of the city, with artificial gas, under the constitutional franchise granted to gas companies by Section 19 of Article XI of the constitution of this state. On said day, said section was amended so as to provide, among other things, in effect, that gas and other utilities would be obliged to secure franchises from incorporated cities and towns before they could extend their wires and mains into new territory within such incorporated cities and towns (See Ex parte Russell, 163 Cal. 668). Applicant accordingly, on November 11, 1912, made application to the City of South Pasadena for an ordinance granting a franchise to lay, construct and maintain a system of gas pipes

to distribute natural gas or artificial gas under and along all the public streets, avenues, alleys and thoroughfares and other public places in the city of South Pasadena. On July 28, 1913, the Board of Trustees passed Ordinance No. 387, granting such franchise, to be effective thirty days after its publication. The ordinance is now effective and applicant asks that this Commission make its certificate under the provisions of Section 50-b of the Public Utilities Act that public convenience and necessity require the exercise of rights and privileges granted by this ordinance.

The public hearing in this matter was held in South Pasadena on December 22, 1913, and a number of the city trustees and the city attorney were present.

Ordinance No. 387 grants to Los Angeles Gas and Electric Corporation, its successors and assigns, the right to construct and maintain a system of gas pipes for carrying natural gas or artificial gas for light, heat or power under and along the public streets, avenues, alleys, thoroughfares and other public places in South Pasadena. The term of the franchise is thirty years. Provision is made for the method of constructing the pipes and for excavations under the authority of the city. The ordinance contains the usual provisions of the Broughton Act with reference to the payment to the city after five years of two per cent of the gross profits arising from the operation of the business in South Pasadena. Provisions is made for the filing with the city of annual reports of the company's business under the franchise and for assignment of the franchise only after receipt of the consent of the city, expressed by ordinance. The ordinance contains other provisions which it is not necessary to examine here.

No person appeared in opposition to the grant of the certificate requested. The ordinance was necessary to authorize the company to make further extensions in the city and sufficiently

safeguard the rights of the people of South Pasadena.

I recommend that the application be granted and submit herewith the following form of order:

ORDER

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 by Ordinance No. 387 of the City of South Pasadena and a public hearing having been held upon said application and the Commission finding that the certificate should be granted,

IT IS HEREBY DECLARED that public convenience and necessity require the exercise of the rights and privileges granted to Los Angeles Gas and Electric Corporation, its successors and assigns, by Ordinance No. 387 of the City of South Pasadena.

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 27th day of December, 1913.

John W. Eckelman
H. J. Loveland
W. J. Gordon
Max Thelmer

Commissioners.