

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

Decision No. 1547

ORIGINAL

Application No. 1037.

In the matter of the application of S. WALDO COLEMAN for a certificate declaring that the public convenience and necessity require the exercise of rights and privileges under franchises granted by the cities of Antioch, Martinez, Pittsburg and Concord.

A. F. Bray for applicant.

THELEN, Commissioner.

O P I N I O N.

This is an application under the provisions of Section 50 of the Public Utilities Act for a certificate declaring that the present or future public convenience and necessity require and will require the exercise by S. Waldo Coleman, his successors and assigns, of the rights and privileges granted by Ordinance of January 12, 1914, of the town of Concord, Ordinance No. 139, of April 6, 1914, of the town of Martinez, Ordinance No. 29-A of April 22, 1914, of the city of Pittsburg, and Ordinance No. 32-A of May 18, 1914 of the town of Antioch.

These ordinances are all similar in form and grant to S. Waldo Coleman, his successors and assigns, for the term of fifty years, the right to construct, maintain and operate systems for the manufacture and distribution of gas under, along and across the roads, highways and public places of the respective grantors. The ordinances contain the usual provisions of the Broughton Act calling for the payment of 2% of the gross annual receipts after the first five years, and provide that work shall be commenced within not more than four months from the granting of the franchise.

Reference is hereby made to this Commission's opinion and order, ~~the~~ Decision No. 1200, rendered on January 15, 1914, in Application No. 905, being the application of Mr. Coleman for a certificate

declaring that the present and future public convenience and necessity require the exercise of rights and privileges granted to Coleman by Ordinance No.130 of the County of Contra Costa. As appears from the opinion therein, Mr. Coleman intends to construct a plant for the manufacture of gas in some convenient location in Contra Costa County, and thereafter to distribute gas from Martinez on the west, thence running southeasterly through Pacheco and Concord, and thence running northeasterly and easterly through Pittsburg, through and including Antioch on the east. This large and growing territory is at present without any gas. Mr. Coleman proposes to form an independent corporation for the supply of gas to all of this territory and has now secured all the necessary franchises from the local authorities.

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

(O R D E R .

S. WALDO COLEMAN having filed his application for a certificate declaring that the present and future public convenience and necessity require the exercise of the rights and privileges conferred by Ordinance of January 12, 1914, of the town of Concord, a copy whereof is attached to the petition herein, and marked "Exhibit A," Ordinance No. 139, of April 6, 1914, of the town of Martinez, a copy whereof was introduced at the hearing and marked "Applicant's Exhibit No.1," Ordinance No. 29-A, of April 22, 1914, of the city of Pittsburg, a copy whereof was introduced at the hearing and marked "Applicant's Exhibit No.2," and Ordinance No.32-A, of May 18, 1914, of the town of Antioch, a copy whereof was introduced in this proceeding and marked "Applicant's Exhibit No.3," and that public convenience and necessity require the construction of systems for the production, maintenance and distribution of gas thereunder,

IT IS HEREBY DECLARED that public convenience and necessity require the exercise by S. Waldo Coleman of the rights and privileges conferred by each of said ordinances and the construction of systems

for the manufacture and distribution of gas thereunder.

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 28th day of May, 1914.

H. B. Loveland

Max Thelen

Edwin O. Edgerston

Commissioners.