

Decision No. \_\_\_\_\_

ORIGINAL

Decision No. 2751

BEFORE THE RAILROAD COMMISSION OF THE  
STATE OF CALIFORNIA

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In the matter of the Application of )  
SANTA MARIA GAS AND POWER COMPANY, )  
a corporation, for permission to )  
commence construction work under a )  
franchise granted to it by the City )  
of San Luis Obispo, pending the )  
decision of its application numbered )  
1485 which is amalgamated with Case )  
Number 747. )

Application  
No. 1485.

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Chickering & Gregory, by Geo. H. Whipple, for applicant;  
Short and Sutherland, by W.A. Sutherland, for Midland  
Counties Public Service Corporation, protestant.

DEVLIN, Commission.

OPINION.

There is now pending before this Commission an appli-  
cation wherein Santa Maria Gas and Power Company asks for a  
certificate of public convenience and necessity permitting it  
to exercise rights and privileges under a franchise obtained  
from the City of San Luis Obispo. The granting of said ap-  
plication is opposed by Midland Counties Public Service Cor-  
poration.

In a supplemental application filed September 2,  
1915, Santa Maria Gas and Power Company asks that it be per-  
mitted, pending a final decision in the above entitled matter,  
to do sufficient construction work to retain its rights and  
privileges under the franchise granted to it by said City of  
San Luis Obispo.

During the hearing of this supplemental application, the amount of work to be done was discussed. Counsel for applicant suggested that the company may possibly lay pipes covering not more than two blocks. In my opinion, it is not necessary to limit the actual amount of construction work to be done. It is understood that applicant shall do only such construction work as may be required by its franchise and with the distinct understanding that such work will be done for the purpose of retaining its franchise and no other. Moreover, I suggest that this Commission reserve the right to revoke the authority herein granted should it appear that applicant is undertaking more construction work than may be necessary to retain its franchise rights.

I submit the following form of order.

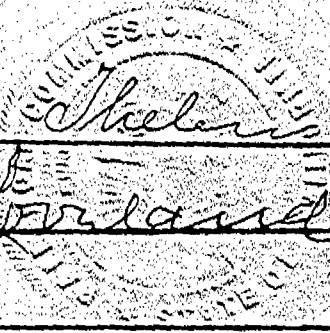
PRELIMINARY ORDER.

IT IS HEREBY ORDERED that Santa Maria Gas and Power Company be granted permission to do construction work within the City of San Luis Obispo under its franchise heretofore granted, to the extent to which such construction work may be necessary to preserve its rights and privileges under such franchise; this order, however, to be on the following condition:

It is specifically decided and ordered that such construction work shall be done to the extent and for the purpose set out herein and not otherwise, and that Santa Maria Gas and Power Company shall not claim that by virtue of such construction work it has received any right to exercise any rights and privileges under said franchise if this Commission shall finally deny the application of Santa Maria Gas and Power Company now pending before this Commission and to which reference has been made in the foregoing opinion. If at any time this Commission shall be of the opinion that said Santa Maria Gas and Power Company is using this order for the purpose of doing construction work within said City of San Luis Obispo in excess of the minimum necessary to comply with the terms of said franchise, this permission shall be immediately revoked.

The foregoing Opinion and Preliminary Order are hereby approved and ordered filed as the Opinion and Preliminary Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 10th day of September, 1915.

  
Max Wheeler  
J. S. Fordland

Frank R. Nelson

Commissioners.