

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of George W. Kitchen for permission to construct a gas plant at Madera, State of California, and for a certificate that the present and future public convenience and necessity require the same.

Application No. 454.

Henry E. Carter for applicant.

Raleigh E. Rhodes for the City of Madera.

EDGERTON, COMMISSIONER.

O P I N I O N

Applicant asks for a certificate that public convenience and necessity require the construction of a gas plant and distributing system in the City of Madera, and for a certificate that public convenience and necessity require the exercise of rights and privileges under a franchise from said city granted on the 21st day of October, 1912.

Madera is a community supplied with electric light and power, but not supplied with gas service, and there is no doubt that the citizens are in real need of this latter service.

There are no protests against the building of this plant and the furnishing of the citizens with gas, but on the contrary, the representatives of the city urge that the Commission grant authority to the applicant to proceed.

Applicant has practically completed his plant and while he commenced the construction thereof without the consent of this Commission, it is clear from the testimony that this was done with no intention to violate the law, but through a misapprehension. Therefore, I recommend that no proceedings

be taken against applicant because of this violation of the Public Utilities Act.

The testimony showed that applicant expects about 300 consumers upon the completion of his plant, and that this plant is capable of providing for 1000 consumers, so that a reasonable expansion is provided for.

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

ORDER

Application having been made to the Railroad Commission of the State of California by George W. Zitchen for a certificate that public convenience and necessity require the construction of a gas plant and distributing system in the City of Madera, California, and for a certificate that public convenience and necessity require the exercise of rights and privileges under a franchise from said City of Madera heretofore granted the predecessor in interest of applicant and of which said franchise applicant is now the owner, said franchise being dated the 21st day of October, 1912, a copy of which is attached to the application herein,

And a hearing having been duly held and it appearing to the Commission and it is hereby found as a fact that public convenience and necessity require the construction of a gas plant and distributing system in the City of Madera, California, and that public convenience and necessity require the exercise of rights and privileges under a franchise heretofore granted by the City of Madera for the construction and operation of said gas plant and distributing system in said city.

IT IS HEREBY ORDERED by the Railroad Commission of the State of California,

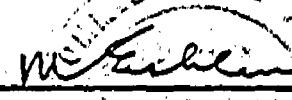
1. That public convenience and necessity require the

construction of a gas plant and distributing system by George W. Kitchen in the City of Madera, California.

2. That public convenience and necessity require the exercise of rights and privileges by George W. Kitchen under a franchise heretofore granted by the City of Madera to Harry I. Maxim, and by him assigned to applicant, said franchise being dated the 21st day of October, 1912.

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 5th day of April, 1913.


John McArthur
W. D. ...
Edwin O. Edgerton

Commissioners.