

Decision No. 6271

ORIGINAL

BEFORE THE RAILROAD COMMISSION  
OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of )  
 SOUTHERN CALIFORNIA GAS COMPANY for :  
 an order preliminary to the issue of )  
 a certificate of Public Convenience ) Application No. 4400.  
 and Necessity relative to the exercise :  
 of rights of franchise to be secured :  
 for the distribution of gas in SAN )  
 BERNARDINO COUNTY. )

A. E. Peat for Applicant  
Z. T. Bell, for Citrus Belt Gas Co.

BRUNDIGE, Commissioner

O P I N I O N

This is an application by Southern California Gas Company for an order preliminary to the issuance of a certificate of public convenience and necessity relative to the exercise of the rights of a franchise for the laying of mains and the distribution of gas in San Bernardino County.

A public hearing was held in Los Angeles on March 5, 1919, and the matter thereupon submitted.

Southern California Gas Company has heretofore laid mains and distributed gas under the rights of franchises granted by the Board of Supervisors of San Bernardino County, by Ordinance No. 118, dated September 20, 1906 for a term of 49 years, and by Ordinance No. 145, dated August 3rd, 1911, for a term of 50 years. Said franchises contain provisions requiring the Gas Company to complete the construction of its system thereunder within a period of three years from the effective dates thereof, and that after the expiration of said three years any further construction and extension could be made only after obtaining authority from the Board of Supervisors of San Bernardino County. These three year terms have elapsed and Southern California Gas Company has made application to the Board of Supervisors of San Bernardino County for a franchise which by its terms would give it the right not only to maintain and operate but likewise to lay and construct additions to its distributing system during the entire life of the proposed franchise. Copy of said application to the Board of Supervisors of San Bernardino County and a map of the County of San Bernardino showing the territory which is to be covered by the proposed franchise was filed with the application.

At the time of the hearing said franchise had not been granted, but subsequently on the 17th day of March, 1919, the Board of Supervisors of San Bernardino County in compliance with the Statutes of the State of

California duly passed its Ordinance No. 185 wherein and whereby Southern California Gas Company was granted a franchise for a period of fifty years to lay and maintain gas pipes in all public highways within the limits of the County of San Bernardino, a copy of which Ordinance has been duly filed with the Railroad Commission. Thereafter, on the 18th day of March 1919, the Board of Directors of the said Southern California Gas Company by resolution duly stipulated that it, its successors and assigns will never claim before the Railroad Commission or any Court or other public body a value for the rights and privileges of the franchise granted under said Ordinance No. 185 of the County of San Bernardino in excess of the actual cost to said Southern California Gas Company of acquiring said franchise which cost is stated in said stipulation to be the sum of \$275.00. This stipulation has been duly filed with the Railroad Commission and is in form satisfactory to this Commission. Southern California Gas Company states that in the exercise of this franchise it will not invade any territory now served by any other gas utility.

Although the application herein asks only for an order preliminary to the issuance of a certificate of public convenience and necessity, the franchise has now been duly granted and the required stipulation as to its claim for the value thereof has been filed by Southern California Gas Company I shall therefore, make the final order herein.

I find as a fact that public convenience and necessity require the exercise by Southern California Gas Company of the rights and privileges of the franchise granted to it by Ordinance No. 185 of the County of San Bernardino and submit the following form of order.

O R D E R

SOUTHERN CALIFORNIA GAS COMPANY having applied to the Railroad Commission for a certificate of public convenience and necessity for the exercise of the rights and privileges under a franchise of the County of San Bernardino, a hearing having been held, a copy of said franchise and a stipulation as to its claim for the value thereof having been duly filed by Southern California Gas Company in form satisfactory to this Commission,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require and will require the exercise by Southern California Gas Company of the rights and privileges of the franchise granted it by Ordinance No. 185 of the County of San Bernardino as passed and approved on March 17th, 1919, by the Board of Supervisors of said County of San Bernardino.

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 16th day of April, 1919.

Edwin P. Edgerton  
H. S. Loveland  
H. V. Brinkley  
Dwight Martin  
Commissioners