

ORIGINAL

Decision No. 6513

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA

In the matter of the application of	:	
SOUTHERN COUNTIES GAS COMPANY OF	:	
CALIFORNIA for an order preliminary	:	
to the issuance of a certificate that	:	
public convenience and necessity re-	:	Application
quire the exercise of rights and	:	<u>No. 4493</u>
privileges under franchises to be	:	
secured for the distribution of gas	:	
in the County of Ventura and in the	:	
City of Fillmore.	:	

Hunsaker, Britt & Edwards, by Leroy M. Edwards
and Robert M. Clarke, for applicant.
Harry J. Bauer and William C. Griffith, for
Santa Barbara Gas and Electric Company and
Southern California Edison Company.
W. P. Butcher, for City of Santa Barbara.
H. F. Orr and Adolph Zwirn, for City of Ven-
tura.
J. A. Galvin, for City of Fillmore.

LOVELAND, BRUNDIGE, Commissioners:

O P I N I O N

This is an application by the Southern Counties
Gas Company for an order preliminary to the issuance of
certificates of public convenience and necessity relative

to the exercise of the rights of franchises for laying of mains and the distribution of gas in the County of Ventura and in the City of Fillmore. A public hearing was held at Santa Barbara on April 28th, 1919 and the matter thereupon submitted.

At the time of the hearing Southern Counties Gas Company had pending before this Commission its application to purchase the gas properties of the Santa Barbara Gas and Electric Company and the gas properties of the Southern California Edison Company in and about Ventura, which purchase has been approved and authorized by this Commission in its Decision No. 6362 in Application No. 4440, dated May 29, 1919.

In connection with the transfer of the Ventura properties, it was found that no franchise had ever been granted by the County of Ventura to the predecessor companies, which had operated only under a permit granted by the Board of Supervisors. Southern Counties Gas Company thereupon applied to the Board of Supervisors of Ventura County for the necessary franchise, copy of said application and a map of the County of Ventura, showing the territory which is to be covered by the proposed franchise, being filed with the application herein. A copy of the notice of the proposed sale and grant of said franchise by the Board of Supervisors of the County of Ventura was also filed at the hearing in this proceeding.

Up to the time of the hearing said franchise had not been granted, but subsequently on the 7th day of May, 1919, the Board of Supervisors of Ventura County, in com-

pliance with the statutes of the State of California duly passed its Ordinance No. 208, wherein and whereby Southern Counties Gas Company was granted a franchise for a period of thirty years to lay and maintain gas pipes and appurtenances in all public highways within the limits of the County of Ventura, and to distribute gas therein, a copy of which ordinance has been duly filed with the Railroad Commission. Thereafter on the 13th day of June, 1919, the Board of Directors of the Southern Counties 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. 208 of the County of Ventura in excess of the actual cost to the said Southern Counties Gas Company of acquiring said franchise, which cost is stated in said stipulation to be the sum of \$250.00. This stipulation has been duly filed with the Railroad Commission and is in form satisfactory to this Commission.

Southern Counties Gas Company further discloses its intention to supply gas in the City of Fillmore, Ventura County, which locality has not in the past been supplied with gas, and in furtherance of this intention Southern Counties Gas Company applied to the Board of Trustees of the City of Fillmore for the necessary franchise. . The notice of the **proposed sale and grant of franchise by the Board of Trustees** of the City of Fillmore was filed at the hearing herein.

Southern Counties Gas Company shows that there is a demand for gas service in the City of Fillmore, that the city is of sufficient size and the demand for gas service therein warrants the installation of a gas distribution system.

Up to the time of the hearing, however, said franchise had not been granted by the Board of Trustees of the City of Fillmore, but subsequently on the 13th day of May, 1919, the Board of Trustees of the City of Fillmore in compliance with the statutes of the State of California duly passed its Ordinance No. 47 wherein and whereby Southern Counties Gas Company was granted a franchise for a period of thirty years to lay and maintain gas pipe and appurtenances in the public streets within the limits of the City of Fillmore and to distribute gas therein, a copy of which ordinance has been duly filed with the Railroad Commission. Thereafter on the 13th day of June, 1919, the Board of Directors of the Southern Counties Gas Company by resolution duly stipulated that it, its successors and assigns would 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. 47 of the City of Fillmore in excess of the actual cost to said Southern Counties Gas Company of acquiring said franchise, which cost is stated in said stipulation to be the sum of \$240.00. This stipulation has been duly filed with the Railroad Commission and is in form satisfactory to the Commission.

Although the application herein asks only for an order preliminary to the issuance of certificates of public convenience and necessity, the franchises have now been duly granted and the required stipulations as to its claims for the values thereof have been duly filed by Southern Counties Gas Company. We shall therefore make the final order herein.

We find as a fact that public convenience and necessity require the exercise by Southern Counties Gas Company of the rights and privileges of the franchises granted to it by Ordinance No. 208 of the County of Ventura and by Ordinance No. 47 of the City of Fillmore, and submit the following form of order:

O R D E R

Southern Counties 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 certain franchises of the County of Ventura and the City of Fillmore; a hearing having been held; copies of said franchises and stipulations as to its claims for the values thereof having been duly filed by the Southern Counties 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 Counties Gas Company of the rights and privileges of the franchises granted to it by Ordinance No. 208 of the County of Ventura as passed and approved on May 7, 1919 by the Board of Supervisors of said County of Ventura, and by Ordinance No. 47 of the City of Fillmore as passed and approved on May 13, 1919 by the Board of Trustees of said City of Fillmore.

The foregoing Opinion and Order is 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

18th day of July, 1919.

A. S. Ireland

H. B. Boudige

I. W. Martin
Commissioners.