

Decision No. 8619

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
MIDWAY GAS COMPANY for a certificate  
of public convenience and necessity  
relative to the exercise of the rights  
under a certain franchise in the City  
of Burbank.

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)  
) Application No. 6086.  
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)  
)

A. D. Peat, D. E. Sweeney and  
A. C. Johnston, for applicant.

By the Commission:

O P I N I O N

Midway Gas Company applies to the Railroad Commission for a certificate declaring that public convenience and necessity require and will require the exercise of the rights and privileges under a certain franchise of the City of Burbank.

At a hearing duly held in the City of Los Angeles it was shown that Midway Gas Company had heretofore been operating in the City of Burbank under a franchise designated as Ordinance No. 28. This franchise contained a provision requiring Midway Gas Company to complete the construction of its facilities for the distribution of gas thereunder within a period of three years from date of said franchise, which three year period has elapsed.

Thereupon applicant applied for and was granted by the City of Burbank a franchise designated as Ordinance No. 141, dated July 13, 1920, for a term of forty years, which by its terms repeals the previous franchise and grants to Midway

Gas Company the right not only to maintain and operate but likewise to lay and construct additions to its distributing system during its entire life. A certified copy of Ordinance No. 141 of the City of Burbank is filed with the application and also a stipulation duly executed by the Board of Directors of Midway Gas Company that it will never claim before the Railroad Commission or before any court or other public body a value for the rights and privileges secured under franchise granted by Ordinance No. 141 of the City of Burbank in excess of the actual cost to Midway Gas Company of acquiring said franchise, which cost is stated as the sum of \$249.40. This stipulation is in form satisfactory to the Railroad Commission.

*It appears that the exercise of the franchise* rights granted to Midway Gas Company by Ordinance No. 141 of the City of Burbank is essential for the proper conduct of the business of Midway Gas Company and that public convenience and necessity require the immediate exercise thereof.

#### O R D E R

Midway Gas Company having applied to the Railroad Commission for an order declaring that public convenience and necessity require the exercise by it of the rights and privileges of a franchise granted under Ordinance No. 141 of the City of Burbank, a hearing having been duly held and the Railroad Commission finding that public convenience and necessity

require the exercise of said rights,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA  
HEREBY DECLARES that public convenience and necessity require  
and will require the exercise by Midway Gas Company of the  
rights and privileges acquired by it under the franchise  
designated as Ordinance No. 141 of the City of Burbank, dated  
July 13, 1920.

Dated at San Francisco, California, this 14<sup>th</sup>  
day of February, 1921.

H. D. Loveland  
Charles H. Rouse  
H. T. Rouse  
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Commissioners.