

ORIGINAL

Decision No. 8620

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) Application No. 6087.
under a certain franchise in the City)
of Glendale.)

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 Glendale.

At the time of the hearing Midway Gas Company had made application to the Board of Trustees of the City of Glendale for a franchise which would grant to Midway Gas Company the right to lay, construct, maintain and operate a pipe line system for a period of forty years within the said City of Glendale, and a copy of the notice of sale of this franchise is attached to the application.

Thereafter the City of Glendale, by its Ordinance duly enacted on the 14th day of October 1920, granted to Midway

Gas Company a franchise substantially as applied for, which franchise supersedes the one under which applicant had theretofore operated. A certified copy of this franchise has been filed with the Railroad Commission.

Midway Gas Company has filed with the Railroad Commission a stipulation duly executed by its Board of Directors declaring that Midway Gas Company, 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 secured under Ordinance No. 404 of the City of Glendale in excess of the actual cost to Midway Gas Company of acquiring said franchise, which cost is stated as \$498.20. 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. 404 of the City of Glendale 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. 404 of the City of Glendale, 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. 404 of the City of Glendale, dated
October 14, 1920.

Dated at San Francisco, California, this 14th
day of February, 1921.

W. L. Loveland
Charles H. Rowell
H. B. Sundigo

Commissioners.