

ORIGINAL

Decision No. 8622

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    | ) | Application No. 6089. |
| relative to the exercise of the rights | ) |                       |
| under a certain franchise in the City  | ) |                       |
| of Los Angeles.                        | ) |                       |

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 Los Angeles.

At the time of the hearing Midway Gas Company had made application to the City Council of the City of Los Angeles 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 twenty-one years within the said City of Los Angeles, and a copy of the notice of sale of this franchise is attached to the application.

Thereafter the City of Los Angeles, by its Ordinance No. 40834 New Series, duly enacted on the 23rd day of September 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 also 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. 40834 New Series of the City of Los Angeles in excess of the actual cost to Midway Gas Company of acquiring said franchise, which cost is stated as \$100.00. This stipulation is in form satisfactory to the Railroad Commission.

It appears that the exercise of the franchise rights granted Midway Gas Company by Ordinance No. 40384 New Series of the City of Los Angeles 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 granted under Ordinance No. 40384 New Series of the City of Los Angeles, 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. 40384 New Series of the City of  
Los Angeles, dated September 23, 1920.

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

H. D. Loveland  
Charles H. Russell  
H. B. ...

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Commissioners.