

ORIGINAL

Decision No. 8623

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
SOUTHERN CALIFORNIA GAS COMPANY for )  
a certificate of public convenience ) Application No. 6233.  
and necessity relative to the exer- )  
cise of the rights under a certain )  
franchise in the City of Eagle Rock. )

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

By the Commission:

O P I N I O N

Southern California 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 Eagle Rock.

At the time of the hearing Southern California Gas Company had made application to the Board of Trustees of the City of Eagle Rock for a franchise which will grant to Southern California 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 Eagle Rock, and a copy of the notice of sale of this franchise is attached to the application.

Subsequent to the hearing herein, the City of Eagle Rock, by its Ordinance No. 171, duly enacted on the 6th day of December 1920, granted to Southern California 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 duly filed with the Railroad Commission.

Southern California Gas Company has also filed with the Railroad Commission a stipulation duly executed by its Board of Directors declaring that Southern California 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. 171 of the City of Eagle Rock in excess of the actual cost to Southern California Gas Company of acquiring said franchise, which cost is stated as \$239.60. This stipulation is in form satisfactory to the Railroad Commission.

It appears that the exercise of the franchise rights granted to Southern California Gas Company by Ordinance No. 171 of the City of Eagle Rock is essential for the proper conduct of the business of Southern California Gas Company and that public convenience and necessity require the immediate exercise thereof.

#### O R D E R

Southern California 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. 171 of the City of Eagle Rock, 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 Southern California Gas Com-  
pany of the rights and privileges acquired by it under the  
franchise designated as Ordinance No. 171 of the City of Eagle  
Rock, dated December 6, 1920.

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

H. D. [Signature]  
Charles H. [Signature]  
[Signature]  
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Commissioners.