

Decision No. 9414

ORIGINAL

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA

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In the Matter of the Application of
the SOUTHERN CALIFORNIA GAS COMPANY,
for an Order Preliminary to the Issu-
ance of a Certificate of Public Con-
venience and Necessity Relative to the
Exercise of Rights of Franchise not
yet Secured, in San Bernardino, California.

Application No. 6976

O'Melveny, Millikin and Tuller)
by Paul Fussell) for Applicants.

LOVELAND, Commissioner:-

O P I N I O N

Southern California Gas Company applies herein for an order preliminary to the issuance of a certificate, declaring that public convenience and necessity require the exercise by it of the rights and privileges of a franchise proposed to be secured by it from the City of San Bernardino to lay, maintain and operate a system of pipes in the public streets, alleys and highways of the City of San Bernardino for the purpose of supplying gas for lighting, heating and all other purposes for which gas may be used.

Applicant shows that it has been engaged in the business of distributing gas for domestic, commercial and industrial purposes in the City of San Bernardino for a number of years in competition with Citrus Belt Gas Company. At the present time

negotiations are being completed for the purchase of the Citrus Belt properties by Southern California Gas Company, this purchase having already been approved by the Railroad Commission. It is the request that an order granted at this time should cover Applicant's operations of the combined systems. Previous operations have been under constitutional franchise rights.

A hearing was held in Los Angeles on July 22, 1921 at which time evidence was taken and the matter thereupon submitted. Since the submission of this proceeding the aforementioned franchise has been granted by the City of San Bernardino and Southern California Gas Company has filed a stipulation, duly executed by authority of its Board of Directors, in which it agrees that it, its successors or assigns, will never claim before the Railroad Commission or any Court or other public body a value for the right, privilege and franchise granted under the ordinance in question in excess of the actual cost to Applicant of acquiring said franchise, stated in the stipulation to be the sum of \$442.00.

The application herein asks only for an order preliminary to the issuance of a certificate of public convenience and necessity. Inasmuch as the franchise has now been duly granted and the required stipulation as to its claim for the value thereof has been filed by Southern California Gas Company, I shall, therefore, make the final order herein.

I find as a fact that public convenience and necessity require the exercise by Southern California Gas Company of the rights and privileges of the franchise granted to it by Ordinance No. 820, of the City of San Bernardino, and submit the following form of order:

O R D E R

Southern California Gas Company having applied to the Railroad Commission for an order, preliminary to the issuance of a certificate of public convenience and necessity, relative to the exercise of rights under a franchise from the City of San Bernardino, a public hearing having been held, a copy of said franchise having been filed, Southern California Gas Company having stipulated in form satisfactory to this Commission as to the claim for value of said franchise and the matter having been submitted:

The Railroad Commission of the State of California does hereby certify and declare that public convenience and necessity require the exercise by Southern California Gas Company of the rights and privileges provided under the terms of the franchise granted it by Ordinance No. 820, of the City of San Bernardino on August 8, 1921.

The foregoing Opinion and Order are 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 25^d day of August, 1921.

W. G. Anderson
A. D. Lovelock
Ernest Martin
Charles L. Lawrence
J. J. Anderson