

Decision No. 25942

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
SAN DIEGO CONSOLIDATED GAS & ELECTRIC)
COMPANY, a corporation, for a cer-)
tificate of public convenience and)
necessity authorizing it to exercise)
franchise rights.)

18726

Application
No. 18726.

Stearns, Luce & Forward by F. W. Stearns,
for Applicant.

J. A. Isaacson, City Attorney, for City of
La Mesa, Interested Party.

BY THE COMMISSION:

O P I N I O N

San Diego Consolidated Gas and Electric Company, a corporation, has petitioned the Railroad Commission for an order declaring that public convenience and necessity require the exercise of franchise rights in the City of La Mesa, San Diego County, as heretofore granted by Ordinance 167 of the City Council of the City of La Mesa as passed and adopted on December 13, 1932.

A public hearing on this application was conducted by Examiner Handford at San Diego, the matter was duly submitted and it is now ready for decision.

A copy of the ordinance has been filed in this proceeding. In general it grants to the San Diego Consolidated Gas and Electric Company, its successors and assigns, for a term of fifty (50) years the right to lay

and maintain gas pipes, mains and conduits and erect poles, wires and other appurtenances in the highways, streets and alleys of the City of La Mesa, and to use the same for the purpose of conveying, supplying and distributing gas and electricity to the public and particularly to the inhabitants of the City of La Mesa for light, heat, power and lawful purposes, all rights being subject to the terms and conditions set forth in the ordinance..

Among other things, the ordinance requires that applicant, its successors and assigns, pay during the life of the franchise to the said City of La Mesa an amount equal to two (2) percent of the gross annual receipts accruing from the use, operation or possession thereof, provided that no payments need be made during the first five (5) years succeeding the date on which the franchise was granted.

Evidence shows that no other utility is at present serving said City of La Mesa with gas or electricity, that applicant has adequate facilities for so doing, and moreover that applicant desires or intends, if authorized by this Commission, to install the necessary transmission and distribution system and to adequately render the gas and electric service.

Applicant reports the cost of securing this franchise at Ten Hundred and Sixty (\$1060.00) Dollars and stipulates that an order may be entered that neither applicant, its successors nor assigns will ever claim a value for this franchise before the Railroad Commission of the State of California in excess of Ten Hundred and Sixty (\$1060.00) Dollars.

There was no protest against the granting of the application.

O R D E R

A public hearing having been held in the above entitled application, the matter having been duly submitted and the Commission being now fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require and will require the exercise by San Diego Consolidated Gas & Electric Company, its successors and assigns of the rights and privileges conferred upon it by Ordinance No. 167, passed on December 13, 1932, by the City Council of the City of La Mesa, County of San Diego, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and the same hereby is granted to San Diego Consolidated Gas & Electric Company, its successors and assigns for the exercise of the rights and privileges conferred by Ordinance No. 167, as passed on December 13, 1932, by the City Council of the City of La Mesa, San Diego County, subject to the following condition:-

Applicant, San Diego Consolidated Gas & Electric Company, a corporation, shall within thirty (30) days from the date hereof file with the Railroad Commission of the State of California a written statement that neither it, its successors, nor assigns will ever claim before the Railroad Commission of the State of California, or any court or public body having jurisdiction, an amount in excess of the sum of Ten Hundred Sixty (\$1060.00)

Dollars as the value of the franchise covered by Ordinance
No. 167 as passed on December 15, 1932, by the City Council
of the City of La Mesa, San Diego County,

Dated at San Francisco, California, this 15th day
of May, 1933.

Chas. E. ...
Leon ...
W. J. ...
W. B. ...
W. H. ...
Commissioners.