

*Decision no. 28353*

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application )  
of SOUTHERN COUNTIES GAS COMPANY )  
OF CALIFORNIA, a corporation, for )  
a certificate of public con- )  
venience and necessity under Sec- )  
tion 50 of the Public Utilities )  
Act for authority to exercise )  
franchise acquired from the City )  
of La Verne. )

**ORIGINAL**

APPLICATION NO. 19021.

LeRoy M. Edwards, for Applicant.

BY THE COMMISSION:

O F I N I O N

In this application Southern Counties Gas Company of California asks 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 by the City of La Verne, Los Angeles County.

A public hearing before Examiner Kennedy was held on September 13, 1933, in the city of Los Angeles, at which time testimony was introduced and the matter submitted for decision.

The record in this proceeding shows that applicant is now, and since February 1, 1916, has been, serving gas in the city of La Verne by Constitutional franchise, the gas distributing system in said city of La Verne, together with a Constitutional franchise to sell and distribute gas to the inhabitants of said city, having been purchased by applicant on said date from the predecessor company, Southern California Edison Company.

It also appears that certain of the cities in which applicant is still operating under its so-called Constitutional franchises have recently requested it to take out Broughton Act franchises. In deference to this request, applicant has determined to place all of the cities supplied with gas by it upon the same basis with respect to franchises; and pursuant to said policy, has applied for Broughton Act franchises in all of said cities, including the city of La Verne. It further appears that applicant has secured a franchise from said city of La Verne under Ordinance No. 131, as fully described in Exhibit "A" and delineated by map in Exhibit "B", both of which exhibits are attached to and made a part of the application herein.

Applicant filed a stipulation, duly executed by authority of applicant's Board of Directors, agreeing that applicant, its successors or assigns, will never claim before the Railroad Commission of California, or in any court or other public body, a value for the aforesaid franchise in excess of the actual cost thereof, which actual cost is \$235.50.

No one appeared in opposition to the application and no other public utility is serving gas to the inhabitants of the city of La Verne.

The testimony makes apparent that public convenience and necessity require, and will require, the exercise by applicant of the rights granted to it under the aforesaid franchise of the city of La Verne. We are therefore of the opinion that this application should be granted.

O R D E R

Southern Counties Gas Company of California, a corporation, having applied to the Railroad Commission for a certificate of public convenience and necessity for the exercise of certain rights and privileges granted by the City of La Verne under Ordinance No. 131, a public hearing having been held and the matter being submitted and now ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY CERTIFIES AND DECLARES that public convenience and necessity require, and will require, the exercise by Southern Counties Gas Company of California of the rights and privileges granted to it, under Ordinance No. 131, by the City Council of the City of La Verne, Los Angeles County; provided, however, that the Railroad Commission of the State of California may hereafter, by appropriate proceedings and orders, revoke or limit as to territory not then served by Southern Counties Gas Company of California, the authority herein granted.

IT IS HEREBY ORDERED that this order shall become effective upon the date hereof.

Dated at San Francisco, California, this 25<sup>th</sup> day of September 1933.

C. J. Leary  
Leon C. ...  
M. A. ...  
M. B. ...  
...  
COMMISSIONERS