

Decision NO. 27807

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-0010-

THE CITY OF SAN DIEGO, a municipal)
corporation,)

Complainant,)

vs.)

Case No. 3152

SAN DIEGO CONSOLIDATED GAS AND)
ELECTRIC COMPANY,)

Defendant.)

_____)
In the Matter of the Investigation on)
the Commission's own motion into)
the rates, rules, regulations, charges,)
classifications, contracts, practices,)
operations and service, or any of them,)
etc., of San Diego Consolidated Gas)
and Electric Company, engaged in furnish-)
ing gas, electric and steam heating ser-)
vice in the City of San Diego and/or)
other points within the State of)
California.)

Case No. 3153

ORIGINAL

BY THE COMMISSION:

OPINION AND ORDER ON PETITION
FOR REHEARING

The petition of the San Diego Consolidated Gas and Electric Company requests a rehearing of the Commission's order issued February 4, 1935 reducing rates to be charged after March 1st under certain of its gas and electric schedules.

No error is alleged in this petition in respect to the Commission's findings as to the reasonableness of the rates thus fixed. The rates fixed have since been placed in effect. But it is alleged that the findings in respect to the value of the properties used in utility service deprive petitioner of its property without just compensation and without due process of law. Complaint is also made of the disallowance in large part of certain management company fees.

Petitioner's principal contention, as we understand it, is that the Commission's findings of value made in these rate proceedings

have some force and effect beyond the purpose for which clearly made. Reference is made to Section 70 of the Public Utilities Act which provides that the Commission's findings in valuation matters shall be accepted as conclusive by the courts and by other administrative bodies, whether the proceeding arises under the Public Utilities Act or otherwise. The meaning and purpose of Section 70 need not here be discussed. It will suffice if it be made clear that these proceedings before the Commission were for the sole purpose of fixing reasonable rates for utility services rendered. No valuation has been made as an end in itself. In so far as it was necessary to consider and find property values in determining reasonable rates, such findings were only for the purpose of and an incident to the order made.

Therefore, good cause appearing, IT IS ORDERED that the petition of the San Diego Consolidated Gas and Electric Company for a rehearing of Decision No. 27730 of February 4, 1935 be and it is hereby denied.

Dated at San Francisco, California, this 11th day of March 1935.

Leon A. Dwyer
M. A. Linn
W. B. Harris
John W. ...
Frank ...
Commissioners