

Decision No. 29043

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
A. E. GRIFFIN and S. N. GRIFFIN, for
certificate of public convenience
and necessity to furnish gas for
heating, cooking and illuminating
purposes in Township 1 N., Range 9
east, S.B.E.M. County of San
Bernardino, State of California,
generally known as Twenty-nine Palms.)

Application No. 19891

ORIGINAL

Albert E. Sherman, for Applicants.

BY THE COMMISSION.

OPINION AND ORDER AFTER REHEARING

By Decision No. 28185, dated August 26, 1935, this Commission dismissed, without prejudice, the above numbered application of A. E. Griffin and S. N. Griffin for certificate of public convenience and necessity to furnish and distribute gas in a certain portion of the community generally known as Twenty-nine Palms, San Bernardino County.

At the time of hearing on this matter, which was held before Examiner McCaffrey on May 17, 1935, in the City of Los Angeles, it was suggested that applicants make a written request to the Board of Supervisors of San Bernardino County for the franchise necessary for the construction and operation of the proposed gas plant and distributing system in the above mentioned area, and file a copy of such request with the Commission. No such request or copy of franchise having been filed with the Commission within a period in excess of ninety days from the

date of the aforesaid hearing, the application was dismissed without prejudice. Applicants subsequently procured a franchise from the said County of San Bernardino for the aforesaid operation and thereafter petitioned the Commission, by an amended application, to reopen the matter.

Further hearing was had before Examiner McCaffrey on February 7, 1936, in the City of Los Angeles, at which time, additional testimony was introduced and the matter submitted for decision, with the understanding that certain other data requested during the hearing would be forwarded at an early date. Such data have now been filed.

The record in this proceeding shows that the Board of Supervisors of the County of San Bernardino, on November 18, 1935, passed and adopted Ordinance No. 425, attached to and made a part of the amended application, granting applicants a franchise to maintain and operate a gas plant and distributing system for the purpose of supplying gas for light, heat and power to the inhabitants of a certain portion of that territory commonly known as Twenty-nine Palms and more particularly described as follows:

Township One, North, Range Nine, East, S.B.B. & M.,
County of San Bernardino, State of California.

During the original hearing on this matter, it was clear from the testimony that the territory to be served was sparsely settled. It now appears from the testimony that some additional prospects for service are available. The town site has likewise been subdivided and additional activity in the community as a whole has taken place, as evidenced by other applications to the Commission for authority to render therein telephone, electric and motor freight services, some of which have already been granted. Applicants are willing to pioneer the territory, feeling that the general community of Twenty-nine Palms will lend itself to a health resort business.

No other public utility is serving gas in the community, and there was no opposition to the application.

Applicants have filed a stipulation, executed by themselves, wherein they agree, for themselves, their successors and assigns, that they will never claim before the Railroad Commission, or any other public authority, a value for the franchise above referred to in excess of the actual cost thereof, which cost is two hundred forty-seven and 40/100 dollars (\$247.40).

The order herein will provide for the granting of the application, subject to certain restrictions and limitations.

O R D E R

A. E. Griffin and S. N. Griffin having made application to this Commission for an order granting applicants a certificate of public convenience and necessity to supply gas service in a certain portion of the territory (more particularly described in the application) generally known as Twenty-nine Palms, San Bernardino County, hearings having been held on the original and amended applications, and the matter being submitted and now ready for decision,

IT IS HEREBY ORDERED that a certificate of public convenience and necessity to exercise the rights and privileges authorized by the Board of Supervisors of San Bernardino County under Ordinance No. 425 dated November 18, 1935, be, and the same is, hereby granted to applicants, subject to the following conditions:

- (1) Applicants shall file a written acceptance of the certificate herein granted, within a period of not to exceed thirty (30) days from the date hereof.
- (2) Applicants shall file, in quadruplicate, within a period of not to exceed thirty (30) days from the date hereof, a tariff or tariffs constructed in

accordance with the requirements of the Commission's General Orders and containing rates and rules which, in volume and effect, shall be identical with the rates and rules shown in the application, or rates and rules satisfactory to the Railroad Commission.

- (3) The authority herein granted shall only apply within that particular area specified as Township One, North, Range Nine, East, S.B.E. and M., County of San Bernardino, in the community generally known as Twenty-nine Palms; provided, however, that the Railroad Commission may hereafter, by appropriate proceedings and orders, revoke or limit, as to territory not then served by A. E. Griffin and S. N. Griffin, their successors or assigns, the authority herein granted.
- (4) The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned, unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been obtained.
- (5) The authorization herein granted shall lapse and become void if not exercised within one year from the date hereof, unless further time is granted by subsequent order.

For all other purposes, the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 17th day of August, 1936.

W. B. Lewis
Leon Whidell
W. P. Curry
William H. Mason
Frank H. Klein
Commissioners.