

Decision No. 28381

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of Thos. E. Cooper for permission
to serve the Town and Old Town of
Waterford with natural gas.

Application No. 20125

BY THE COMMISSION:

SUPPLEMENTAL OPINION AND ORDER

In its Decision No. 28381, dated November 25, 1935, this Commission granted Thomas E. Cooper a certificate of public convenience and necessity authorizing him to exercise the rights and privileges granted in a franchise he expected to obtain from the Board of Supervisors of Stanislaus County covering the distribution of gas in a limited territory within and adjacent to the Town of Waterford.

The certification granted therein was subject to the conditions that on or before January 1, 1936, applicant should file with this Commission:

- (a) A certified copy of the franchise he expected to obtain.
- (b) A stipulation to the effect that he would never claim for said franchise a value in excess of the cost thereof.

Through failure to properly understand the preliminary nature of this Order, applicant did not make these filings, although service was in due time established and a limited number of customers served continuously thereafter. Upon having this oversight brought to his attention he immediately filed a certified copy of the franchise granted him under Ordinance No. 178 of the Board of Supervisors of Stanislaus County dated January 27, 1936,

and a certified copy of a letter dated May 7, 1938, in which he states that he, his successors or assigns will never claim before this Commission, or any court or public body a value for the rights and privileges secured under Ordinance No. 178 in excess of the actual cost thereof, which was \$119.40.

IT IS ORDERED that a certificate of public convenience and necessity be hereby granted to Thomas E. Cooper authorizing the exercise of the rights and privileges granted by said franchise, provided that on or before June 30, 1938 applicant file with the Commission the rates now being charged.

This Order shall be effective immediately.

Dated at San Francisco, California, this 23rd day of May, 1938.

William H. Hall
Leon A. Hall
Frederic R. Hall
Raymond A. Hall
Ray A. Riley
Commissioners