

Decision No. 31891

ORIGINAL

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 Convenience
and Necessity under Section 50 of
the Public Utilities Act, for
Authority to Exercise the Franchise
acquired from the City of Azusa
by Ordinance No. 341.

APPLICATION NO. 22525

Neal G. Lock and Joe Sodoma, for Applicant.

Albert H. Miller, for Tscharner and Miller,
City Attorneys, Azusa.

BY THE COMMISSION:

O P I N I O N

Southern Counties Gas Company of California requests a certificate of public convenience and necessity under Section 50 (b) of the Public Utilities Act, authorizing the exercise of rights and privileges under the gas franchise granted to it by Ordinance No. 341 of the City Council of the City of Azusa, adopted January 3, 1939, a copy of which is attached as Exhibit "A" to the application. Said franchise is for an indeterminate period, adopted pursuant to the Franchise Act of 1937.

A public hearing was held at Azusa, California, on February 24, 1939, before Examiner Crenshaw, at which time the matter was submitted. No one appeared to protest the granting of the application.

According to the testimony introduced on behalf of the applicant, applicant is now and has been for many years prior

hereto, supplying gas to the City of Azusa and the inhabitants thereof pursuant to a franchise granted to its predecessor, Covina Gas Company, by Ordinance No. 112, dated June 14, 1909, which Ordinance was granted for a term of fifty years. In addition to the above franchise, the Company also claims it has a Constitutional Franchise in the City of Azusa and by accepting the present franchise it does not waive any rights which it has acquired under its Constitutional Franchise. Although the franchise granted by Ordinance No. 112 has not as yet expired, the Company deemed it advisable to obtain a new franchise due to the fact that the previous franchise contained a clause providing that the work of laying pipes under said franchise should be completed within three years after the effective date of the Franchise Ordinance. This provision raised a legal question as to whether the applicant is entitled to continue to lay pipe lines under said franchise after the expiration of said initial three-year period.

Applicant now renders gas service in substantially all parts of the City of Azusa and no other utility renders like service therein.

It is clear from the evidence that present and future public convenience and necessity require and will require that applicant exercise the franchise granted to it by said Ordinance No. 341 in order that it may continue to furnish gas to said city and to its inhabitants.

Applicant has stipulated that it, its successors or assigns will never claim before the Railroad Commission of the State of California, or any court or other public body, any value for the aforesaid franchise and the certificate of public convenience and necessity prayed for greater than the actual cost of the franchise which is \$47.80, exclusive of the \$50.00 fee for filing the present application.

O R D E R

IT IS FOUND AS A FACT that public convenience and necessity require, and Southern Counties Gas Company of California is hereby granted a certificate to exercise the rights and privileges granted to it by Ordinance No. 341 of the City of Azusa.

This Order shall be effective immediately.

Dated, San Francisco, California, April 4, 1939.

Ray B. Wagoner
Frank D. Miller
W. H. Kelly
Justus J. Cooney