

Decision No. 31892

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 Author-  
ity to Exercise the Franchise  
acquired from the City of Fullerton  
by Ordinance No. 463.

APPLICATION NO. 22560

LeRoy M. Edwards, for Applicant

Raymond Thompson, City Attorney, for  
City of Fullerton

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. 463 of the City Council of the City of Fullerton, 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.

Public hearing was held at Fullerton, California, on March 10, 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 and its predecessors have been rendering service to the inhabitants of the City of Fullerton for many years prior hereto, pursuant to a franchise granted by Ordinance No. 63, dated May 6, 1907, which ordinance was for a term of fifty years. This franchise contained a clause providing that the work of laying pipes thereunder should be completed within three years from the effective date of the franchise ordinance. Such provision raised a legal question as to whether the applicant is entitled to continue to lay pipelines under said franchise after the expiration of said initial three-year period. In view of this condition, applicant deemed it advisable to obtain a new franchise.

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

It is clear from the evidence that present and future convenience and necessity require and will require that applicant exercise the franchise granted to it by said Ordinance No. 463 in order that it may continue to furnish gas to the inhabitants of the City of Fullerton.

At the hearing, applicant filed a stipulation 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 \$38.93, 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 Franchise Ordinance No. 463 of the City of Fullerton.

This order shall be effective immediately.

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

Robert W. ...  
Frank P. ...

H. H. ...

Justin D. ...  
Commissioners.