

DECISION NO. 31976

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
Southern California Gas Company for  
a Certificate that Public Convenience  
and Necessity Require the Exercise of  
Rights and Privileges Granted to it  
by Ordinance 224 of the City of  
Dinuba.

Application No. 22632

L. T. Rice, for Applicant.

BY THE COMMISSION:

O P I N I O N

Southern California Gas Company 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. 224 of the City Council of the City of Dinuba, adopted July 14, 1938, a copy of which is attached as Exhibit "B" to the application. Said franchise is for an indeterminate period, adopted pursuant to the Franchise Act of 1937.

A public hearing was held April 5, 1939, before Examiner Crenshaw, at Dinuba, California, 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 Dinuba for many years prior hereto. Recently in checking over the franchises under which the Company has been rendering service in various localities throughout its entire system, it was found that the franchise under which service was being rendered in the City of Dinuba apparently was not complete in that no number was given the franchise and from a review of the City records, it appears that no notice of sale was given at the time the franchise was granted. In order to avoid any legal question being raised as to the validity of the existing franchise, the applicant deemed it advisable to obtain a new franchise.

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

It is clear from the evidence that present and future convenience and necessity require that applicant exercise the franchise granted to it by said Ordinance No. 224 in order that it may continue to furnish gas to the inhabitants of the City of Dinuba.

At the hearing applicant stipulated, and has subsequently filed a resolution passed by its Board of Directors, dated April 11, 1939, that it, its successors or assigns will never claim before the Railroad Commission of the State of California, or any court or public body, any value for the afore-said franchise and certificate of public convenience and necessity prayed for greater than the actual cost of the franchise,

which is \$155.13, 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 California Gas Company is hereby granted a certificate to exercise the rights and privileges granted to it by Ordinance No. 224 of the City of Dinuba.

This Order shall be effective immediately.

Dated, Los Angeles, California, May 21, 1939.

Lawrence A. ...  
Frank ...  
... & ...  
...  
James J. Cooney  
Commissioners.