

DECISION NO. 22667

ORIGINAL

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 ) Application No. 22666  
Rights and Privileges Granted to it )  
by Ordinance 261 of the City of )  
Porterville. )

L. T. Rice, for Applicant.

BY THE COMMISSION:

O P I N I O N

Southern California Gas Company requests in this proceeding a certificate of public convenience and necessity under Section 50(b) of the Public Utilities Act, authorizing the exercise of rights and privileges under a gas franchise granted to it by Ordinance No. 261 of the City Council of the City of Porterville, adopted August 21, 1928, a copy of which is attached as Exhibit "B" to the application. Said franchise is for a period of twenty-five years.

A public hearing was held May 16, 1939, before Examiner Crenshaw at Porterville, 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 Porterville for many years prior hereto, pursuant to a franchise granted by Ordinance No. 134. Apparently this franchise became invalid on account of one of the previous companies having failed to meet the payment of a

percentage of the gross revenue as required in the franchise. This raised a legal question and 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 Porterville and, according to testimony, 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. 261 in order that it may continue to furnish gas to the inhabitants of the City of Porterville.

At the hearing it was stipulated by the applicant, as a matter of record herein, pursuant to a certain Resolution duly adopted by the Board of Directors of the applicant company and submitted at the hearing, dated the 11th day of April, 1939, that neither the applicant, nor its successors or assigns, will ever claim before the Railroad Commission of the State of California, or before any Court or public body, any value for the aforesaid Franchise and Certificate of Public Convenience and Necessity prayed for, greater than the actual cost of the Franchise, which is \$285.83, 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. 261 of the City of Porterville.

This Order shall be effective immediately.

Dated San Francisco, California, June 12<sup>th</sup>, 1939.

Raymond J. ...  
James D. ...  
Carl L. Riley  
W. D. Hill  
Justus J. ...  
Commissioners