

ORIGINAL

Decision No. 34215

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. 23939  
Rights and Privileges Granted to it by )  
Ordinance No. 306 of the City of )  
Montebello. )

T. J. Reynolds and Neal G. Locke, by Neal  
G. Locke, for Applicant,

Oscar Sattinger, Attorney, by Joseph Sodoma,  
for Southern Counties Gas Company, interested  
party.

BY THE COMMISSION:

O P I N I O N

Southern California Gas Company has applied for authority to exercise rights and privileges pertaining to gas service expressed in a franchise granted it by the City of Montebello, County of Los Angeles, California.

This franchise is one authorized by the Franchise Act of 1937, and is in lieu of other asserted franchises under which applicant or its predecessors in interest have rendered gas service in that city for many years. It is indeterminate in duration and provides that the grantee shall during the term thereof pay to the City of Montebello an amount not less than one per cent (1%) of the gross annual receipts derived by the grantee from the sale of gas within the limits of that city.

A public hearing on the application was held at Los Angeles on April 14, 1941, at which time applicant stated that the cost of the franchise was \$16.52, exclusive of the \$50.00 filing fee for the present application, and the publication of notices of hearing in

the amount of \$7.20.

According to the testimony, Southern California Gas Company has for a number of years past been serving a portion of the City of Montebello with natural gas service, and the remainder of the city is supplied with natural gas by the Southern Counties Gas Company. This division of territory has been in effect for a number of years and therefore Southern California Gas Company requests that the certificate of public convenience and necessity be limited to that portion of the City of Montebello which they are now serving, defined as follows:

PARCEL NO. 1

That portion of the City of Montebello described as follows:

Beginning at the 1/4 Section corner on the north line of fractional Section 4, T.2 S., R. 12 W., as shown on Map of Repetto Rancho, recorded in Book 759, pages 21 and 22 of Deeds, Records of Los Angeles County; thence easterly along the north line of T. 2 S., R. 12 W., said line also being the north line of the City of Montebello, to the southwesterly line of Rancho La Merced as shown on a map recorded in Book 13, page 24 of Patents, Records of Los Angeles County; thence southeasterly along the southwesterly line of said Rancho La Merced to the intersection with a line which is parallel with and approximately 150 feet southerly measured at right angles from the north line of T. 2 S., R. 12 W.; thence westerly along said last mentioned parallel line to the intersection with the north and south centerline of Sec. 3, T. 2 S., R. 12 W.; thence southerly along the said last mentioned centerline to the northeast corner of Lot 2, Tract No. 10161 as shown in Book 144, pages 26 to 31 of Maps, Records of Los Angeles County; thence westerly along the north line of Lots 2, 3, 4, 5, 6 and 7 of said last mentioned tract, to the northwest corner of Lot 7, said last mentioned tract; thence southerly along the westerly line, of said last mentioned lot, and the prolongation thereof, to the intersection with the westerly line of the City of Montebello; thence northerly, northwesterly and northerly along the boundary of the City of Montebello to the point of beginning.

PARCEL NO. 2

That portion of the City of Montebello lying southerly of the northerly line of the Atchison, Topeka and Santa Fe Railway Company's right of way.

A map showing the location and boundaries of the above-mentioned Parcels Nos. 1 and 2 is attached to and made a part of the application and designated as Exhibit "A".

According to the testimony introduced on behalf of the applicant, it is evident that the requested authority should be given.

O R D E R

The application of Southern California Gas Company having been considered and,

IT BEING FOUND AS A FACT that public convenience and necessity so require,

IT IS ORDERED, that Southern California Gas Company be and is hereby granted a certificate limited to the territory specifically referred to in the opinion of this Order for the exercise of rights and privileges granted it by the City of Montebello, Los Angeles County, under its Ordinance No. 306 adopted November 13, 1940. This grant is subject to the condition, however, that Southern California Gas Company, its successors or assigns, will never claim before this Commission or any court or other public body, a value for the franchise or for the authority herein granted, in excess of the actual cost thereof.

This Order shall be effective immediately.

Dated at San Francisco, California, this 21<sup>st</sup> day of May, 1941.

[Signature]  
Ray & Rice  
Justin J. Cuevas  
Francis P. Havenner  
[Signature]

COMMISSIONERS