Decision No. 20500

Appl. 24149

HCB

OT BIGINAL 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 No. 390 of the City of Porterville.

Application No. 24149

T. J. Reynolds and L. T. Rice, by L. T. Rice, for Applicant.

BY THE COMMISSION:

OPINION

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 Porterville, Tulare County, 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.

A public hearing on the application was held June 6, 1941, at which time applicant stated the cost of the franchise was \$57.21, exclusive of the \$50.00 fee for filing the present application and \$3.25 for the publication of Notice of Hearing.

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

ORDER

IT IS HEREBY FOUND AS A FACT that public convenience and necessity require, and will require, and Southern California

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Cas Company is hereby granted a certificate for the exercise of the rights and privileges granted it by the City of Porterville, Tulare County, California, under its Ordinance No. 390, adopted March 4, 1941.

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 and for the authority herein granted in excess of the actual cost thereof.

This Order shall be effective immediately. Dated at San Francisco, California, this <u>124</u> day of August, 1941.

Commissioners

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