

Decision No. 34725**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 COAST COUNTIES GAS AND ELECTRIC COMPANY,  
 a corporation, for a certificate that  
 public convenience and necessity require  
 the exercise of a right, privilege and  
 franchise to sell and distribute gas for  
 light, heat, power, and other purposes  
 in the County of Kern.

Application No. 23896

Mr. Bert B. Snyder, for Applicant.  
 Mr. A. B. Newby for Southern California  
 Gas Company.  
 Mr. Lloyd Henley for Pacific Gas and  
 Electric Company.

BY THE COMMISSION:

O P I N I O N

Coast Counties Gas and Electric Company applies for authority to exercise a franchise granted by the County of Kern covering the maintenance of gas facilities upon the highways of said County.

Applicant now supplies gas service within several unincorporated communities of the County. Although the Southern California Gas Company also is engaged in supplying gas in portions of the County, an agreement was filed in this proceeding respecting the rights of each within those areas where competition might occur. The Commission believes that applicant should be granted a certificate to exercise this franchise if appropriate restrictions are imposed to give effect to such territorial agreement.

Said franchise is for a term of fifty years and calls for a payment to the County of 2 per cent of the annual receipts arising from its use. The declared cost is \$202.52.

O R D E R

A public hearing having been held upon the application of Coast Counties Gas and Electric Company, the matter considered, and it appearing to the Commission and it being found as a fact that public convenience and necessity so require, therefore,

IT IS ORDERED that Coast Counties Gas and Electric Company be and hereby is granted a certificate to exercise the franchise granted by the County of Kern by Ordinance No. 372, adopted September 23, 1940, provided, however, that this certificate shall be subject to the following conditions:

1. That extensions of applicant's distribution lines in said County of Kern may be made only in accordance with such applicable rule or rules as may be prescribed or approved by the Commission and in effect at the time covering such extensions, or in accordance with any general or special authority granted by the Commission.
2. That, except upon further certificate of this Commission first obtained, applicant shall not exercise such franchise for the purpose of supplying gas within those parts or portions of said County now being served by Southern California Gas Company, except as permitted by the agreement between applicant and said Southern California Gas Company filed as Exhibit 1 in this proceeding.
3. That the Commission may hereafter, by appropriate proceeding and order, limit the authority herein granted to applicant as to any territory within said County not then being served by it.
4. That no claim of value for such franchise or the authority herein granted in excess of the actual cost thereof shall ever be made by grantee, its successors, or assigns, before this Commission or before any court or other public body.

The effective date of this Order shall be the twentieth day  
from and after the date hereof.

Dated at San Francisco, California, this 4<sup>th</sup> day of  
November, 1941.

H. B. Baker  
Ray L. Wiley  
Justus J. Cavanaugh

\_\_\_\_\_  
\_\_\_\_\_  
Commissioners.

Application No. 23896 - Coast Counties Gas and Electric Company,  
Kern County - Gas Service.

DISSENT

We dissent on the grounds specified in today's Decision No. 34723,  
in Application No. 23634 (Southern California Edison Company Ltd.), for a  
certificate of public convenience and necessity for electric service in  
Riverside County, California.

Francis R. Havens

Richard Lachar  
Commissioners