

Decision No. 34728

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. 497 of the County of San Bernardino.

ORIGINAL

Application No. 24319

Mr. L. T. Rice, for Applicant.

BY THE COMMISSION:

O P I N I O N

Southern California Gas Company presents its application for a certificate to exercise a franchise granted by the County of San Bernardino permitting the maintenance of gas facilities upon the highways throughout said County.

This newly acquired franchise is for a term of fifty years. The costs incurred by the applicant in obtaining the franchise totalled \$445.13. The annual fee payable by the utility is fixed at two per cent of the gross receipts arising from the use of the franchise.

Applicant now renders gas service in the southwesterly part of San Bernardino County, both within and without the cities of Colton, San Bernardino, and Redlands. The Southern Counties Gas Company serves contiguous cities and areas, and there are also other utility gas services within the County. However, applicant does not propose, and should not be permitted, to exercise the franchise so as to invade the fields reserved to other utilities.

With appropriate limitations imposed, we believe the requested authority should be granted.

ORDER

A public hearing having been held upon the application of Southern California Gas 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 Southern California Gas Company be and hereby is granted a certificate to exercise the rights and privileges granted by the County of San Bernardino, by Ordinance No. 497, adopted May 12, 1941, within such parts or portions of said County as are now served by it or as hereafter may be served by it through extensions of its existing system made in the ordinary course of business as contemplated by Section 50(a) of the Public Utilities Act; provided, however, that this certificate shall be subject to the following conditions:

1. That extensions of applicant's distribution lines in said County of San Bernardino 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 with gas by any other public utility, nor in violation of the special agreement existing between applicant and Southern Counties Gas Company referred to in the Commission's Decisions Nos. 11508 and 19147 in Application No. 8309.

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, and

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, San Francisco, California, this 4th day of November, 1941.

[Signature]
Way L. Wiley
Justice D. Calver

Commissioners.

Application No. 24319 - Southern California Gas Company,
San Bernardino 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. Haven

Richard S. ...
COMMISSIONERS