

Decision No. 35042

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
Southern California Gas Company under  
Section 50(b) of the Public Utilities  
Act for a Certificate that Public  
Convenience and Necessity Require the  
Exercise of Rights and Privileges  
Granted to it by Ordinance No. 679 of  
the City of Burbank.

Application No. 24586

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

BY THE COMMISSION:

O P I N I O N

Southern California Gas Company seeks authority to exercise a franchise granted by the City of Burbank permitting the maintenance of gas facilities upon the streets of said City.

As the franchise referred to is one granted by the City in accordance with the Franchise Act of 1937, it is provided therein that it shall be of indeterminate duration. A fee is payable annually to the City equivalent to 2 per cent of the gross receipts arising from the use of the franchise, but not less than 1 per cent of all sales of gas by applicant within the City. The direct costs to applicant in obtaining the franchise are stated to have been \$106.42.

As this utility has for many years served gas within and about the City of Burbank without competition, it is evident that its request for a certificate to exercise said franchise should be granted.

O R D E R

A public hearing having been held upon the application of Southern California Gas Company, the matter considered, and it appear-

ing to the Commission and it being found as a fact that public convenience and necessity so require, therefore,

IT IS HEREBY ORDERED that Southern California Gas Company be and hereby is granted a certificate to exercise the rights and privileges granted by the City of Burbank by Ordinance No. 679, adopted September 2, 1941, subject to the condition, however, 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 17<sup>th</sup> day of February, 1942.

Justus F. Craven  
Ray A. Riley  
H. B. ...  
Frank D. Havens  
Richard ...  
Commissioners.