

Decision No. 35079

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. 369
of the City of San Fernando.

ORIGINAL

Application No. 24679

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

GRAEMER, COMMISSIONER:

O P I N I O N

Southern California Gas Company seeks authority to exercise a franchise granted by the City of San Fernando 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 \$99.88.

As this utility has for many years served gas within and about the City of San Fernando 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 appearing 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 San Fernando by Ordinance No. 369, adopted October 27, 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 foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

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

Dated, San Francisco, California, this 27th day of

February, 1942.

Justus H. Calver
Ray H. Riley
W. B. A.
Francis S. Hasbun
Richard L. Locke
Commissioners