

Decision No. 36431

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 SOUTHERN COUNTIES GAS COMPANY OF
 CALIFORNIA, a corporation, for a
 Certificate of Public Convenience
 and Necessity under Section 50 of
 the Public Utilities Act, for Authority
 to Exercise the Franchise acquired from
 the City of El Monte by Ordinance No.297

ORIGINAL

Application No. 25578

LeRoy M. Edwards, Attorney for Applicant

BY THE COMMISSION:

O P I N I O N

Southern Counties Gas Company of California seeks authority to exercise a franchise granted by the City of El Monte, 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% of the gross receipts arising from the use of the franchise, but not less than 1% for all sales of gas by applicant within the City. The direct costs to applicant in obtaining the franchise are stated to have been \$94.55.

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

O R D E R

A public hearing having been held upon the application of Southern Counties Gas Company of California, 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 Counties Gas Company of California be and hereby is granted a certificate to exercise the rights and privileges granted by the City of El Monte by Ordinance No. 297, adopted April 5, 1943, 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 15th day of June, 1943.

Francis A. Horne
H. B. Baker
Richard H. Baker
Walter D. Dwyer

(Commissioners)