

Decision No. 36696

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 Au-
thority to Exercise the Franchise
acquired from the City of Newport
Beach by Ordinance No. 524.

Application No. 25774

ORIGINAL

Le Roy 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 Newport Beach, 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 for all sales of gas by applicant within the City. The direct costs to applicant in obtaining the franchise are stated to have been \$65.78.

According to the record, Mr. Le Roy M. Edwards, witness for the Applicant, stated that the present certificate, granted by this Commission to exercise the rights and privileges of the old franchise, would be surrendered by the Company upon granting of the certificate herein requested.

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

ORDER

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 Newport Beach by Ordinance No. 524, adopted August 2, 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 date hereof.

Dated, San Francisco, California, this 9th day of November 1943.

Francis A. Havens
J. G. KAMM
Justin J. Coe
Richard H. ...
Frank M. ...
Commissioners