

Decision No. 37781

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of SOUTHERN)
 COUNTIES GAS COMPANY OF CALIFORNIA, a corpo-)
 ration, for a Certificate of Public Conveni-)
 ence and Necessity under Section 50 of the)
 Public Utilities Act, for Authority to Exer-)
 cise the Franchise acquired from the City of)
 Arcadia by Ordinance No. 537.)

Application No. 26553

LeRoy M. Edwards, for Applicant.

BY THE COMMISSION:

O P I N I O N

In this application Southern Counties Gas Company of California seeks authority to exercise a franchise granted by the City of Arcadia permitting the installation and maintenance of gas facilities upon the streets of said city.

The franchise referred to, a copy of which is attached to the application and marked Exhibit "B", was granted by the city in accordance with the Franchise Act of 1937, and contains a provision that it shall be of indeterminate duration. It is also provided therein that a fee is payable annually to the city equivalent to two per cent of the gross receipts arising from the use of the franchise, but not less than one per cent of all sales of gas by Applicant within the city. The direct costs to the Applicant in obtaining this franchise are stated to have been \$93.31, composed of the following items;

Publication of Notice of Intention to Grant Franchise	\$ 6.56
Publication of Franchise Ordinance No. 537	36.75
Filing Fee with the Railroad Commission	<u>50.00</u>
	<u>\$93.31</u>

A public hearing on this application was held by Examiner Crenshaw, at which no one appeared to oppose or protest the granting of the requested authority.

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

The certificate of public convenience and necessity granted herein is subject to the following provisions of law:

- (a) That the Commission shall have no power to authorize the capitalization of the franchise involved herein or this certificate of public convenience and necessity or the right to own, operate or enjoy such franchise or certificate of public convenience and necessity in excess of the amount (exclusive of any tax or annual charge) actually paid to the State or to a political subdivision thereof as the consideration for the grant of such franchise, certificate of public convenience and necessity or right.
- (b) That the franchise involved herein shall never be given any value before any court or other public authority in any proceeding of any character in excess of the cost to the grantee of the necessary publication and any other sum paid by it to the municipality therefor at the time of the acquisition thereof.

O R D E R

A public hearing having been held upon the application of Southern Counties Gas Company of California, the matter considered, 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 right and privilege granted by the City of Arcadia, by Ordinance No. 537 adopted January 2, 1945.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 10th day
of April, 1945.

Harold Anderson
Justin F. Cooper
Richard K. Baker
Francis W. Brown
Scott A. Powell
Commissioners.