

Decision No. 40743

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of SOUTHERN CALIFORNIA GAS COMPANY, a corporation, and SOUTHERN COUNTIES GAS COMPANY OF CALIFORNIA, a corporation, under Section 50(b) of the Public Utilities Act of the State of California, as amended, for a certificate that public convenience and necessity require the exercise of the rights and privileges granted by Ordinance No. 317 of the City of Banning, California.

ORIGINAL

Application No. 28594

T. J. Reynolds and Milford Springer by Milford Springer for Southern California Gas Company; LeRoy M. Edwards and Milford Springer by Milford Springer for Southern Counties Gas Company of California.

O P I N I O N

Southern California Gas Company and Southern Counties Gas Company of California join in asking for a certificate of public convenience and necessity to exercise a franchise granted by the City of Banning 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, is for a term of 50 years and a fee is payable annually thereunder to the city equivalent to 2% of the gross annual receipts arising from the use, operation or possession thereof.

The franchise provides that Southern California Gas Company shall have an undivided three-quarters interest therein, and that Southern Counties Gas Company of California shall have an undivided one-quarter interest therein.

The territory covered by this franchise is of limited extent being restricted to those streets or portions of streets specifically described therein.

and constitutes a portion of the course to be followed by the 30-inch gas transmission main now being installed between Blythe and Santa Fe Springs under authority granted by Decision No. 38668 in Application No. 27056.

The costs incurred by Applicants in obtaining the franchise are stated to have been \$543.83.

A hearing on this application was held by Examiner Daly at which no opposition to the granting of the requested certificate was manifested.

As Applicants have procured from the City of Banning a franchise necessary to the installation of a portion of the aforementioned pipe line within said city and have made application for authority to exercise the same in accordance with the decision above mentioned, it is evident that the requested certificate should be granted.

The authority herein granted is subject to the following provisions of law:

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.

#### ORDER

Application as above entitled having been filed, a public hearing having been hold thereon, the matter having been submitted, the Commission being fully advised in the premises and hereby finding that public convenience and necessity so require,

IT IS HEREBY ORDERED that a certificate of public convenience and necessity is hereby granted to Southern California Gas Company and Southern

Counties Gas Company of California to exercise the rights and privileges granted by the City of Banning by Ordinance No. 317 adopted April 22, 1947.

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

Dated at San Francisco, California, this 23<sup>rd</sup>  
day of September, 1947.

Harold P. Huls

Justus J. Coe

James H. Russell

B. E. Dunning

Herbert W. Dutton

Commissioners.