

Decision No. 43007

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of SOUTHERN CALIFORNIA GAS COMPANY, a corporation, under Section 50(b) of the Public Utilities Act for a certificate that public convenience and necessity require the exercise of the rights and privileges granted by Ordinance No. 541 of the City of El Centro, California.

Application No. 30188

T. J. Reynolds, L. T. Rice and Milford Springer, by Milford Springer for applicant; Perry Perreault, Secretary-Manager, Brawley Chamber of Commerce, interested party.

## O P I N I O N

Southern California Gas Company in this proceeding asks for a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the City of El Centro, permitting the installation, maintenance and use of a gas distribution and transmission system upon the streets of said city.

The franchise referred to, a copy of which is attached to the application and designated as Exhibit "B", was granted by the city in accordance with the Franchise Act of 1937, and is of indeterminate duration. A fee is payable annually to the city equivalent to two per cent of the gross receipts arising from the use, operation, or possession of the franchise, but not less than one per cent of all the sales of gas within the limits of such city under said franchise.

The costs incurred by applicant in obtaining the franchise and certificate are stated to have been \$116.85.

A public hearing on this application was held by Examiner Crenshaw at which no objection to the granting of the certificate was manifested.

As this utility has for many years served gas in and about the City of El Centro without competition, it is evident that the certificate applied for should be granted.

The certificate of public convenience and necessity herein granted 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

Application as above entitled having been filed, a public hearing having been held 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 to exercise the rights and privileges granted by the City of El Centro by Ordinance No. 541, adopted January 19, 1949.

The effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 2<sup>nd</sup> day of June, 1949.

R. F. [unclear]  
Justus F. Green  
Joseph [unclear]  
Harold [unclear]  
Henrietta [unclear]

Commissioners