

Decision No. 43039**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
SOUTHERN COUNTIES GAS COMPANY OF  
CALIFORNIA 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. 429 of the County  
of Ventura, California.

Application No. 30289

LeRoy M. Edwards and Milford Springer,  
by Milford Springer for applicant.

O P I N I O N

Southern Counties Gas Company of California by the above-entitled application requests a certificate of public convenience and necessity authorizing it to exercise the rights and privileges conferred by Ordinance No. 429, adopted April 5, 1949, by the Board of Supervisors of the County of Ventura, granting a franchise permitting the installation, maintenance and use of a gas distribution and transmission system in the public streets of said county.

The franchise referred to, a copy of which is attached to the application and designated as Exhibit "A", is of the Broughton Act type and is for a period of 40 years. A fee is payable annually to the county equivalent to two per cent of the gross annual receipts arising from the use, operation or possession of the franchise, but not less than a sum equivalent to \$5 per mile for each two inches of internal diameter of all pipe lines installed under said franchise.

The costs incurred by applicant in obtaining the franchise and certificate are stated to have been \$471.48.

Applicant has stipulated that it, its successors or assigns, will never claim before the Commission, or before any court or public

body, any value for the aforesaid franchise and certificate in excess of the actual cost thereof.

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

According to testimony presented at the hearing, applicant has been rendering gas service in Ventura County under a franchise granted by Ordinance No. 208 by the County of Ventura, which expired on May 7, 1949; therefore, it was necessary for applicant to obtain a new franchise from the County of Ventura.

As this utility has for many years served gas in both the incorporated and unincorporated areas of the County of Ventura without competition, it is evident that the certificate applied for should be granted.

The certificate of public convenience and necessity granted herein 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.

#### 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 Southern Counties Gas Company of California be and it is hereby granted a certificate that public convenience and necessity require the exercise by it of the right, privilege and franchise granted to it by Ordinance No. 429, adopted April 5, 1949, by the Board of Supervisors of Ventura County, subject, however, to the following conditions:

1. That the Southern Counties Gas Company of California shall not exercise said franchise for the purpose of supplying gas service in those parts or portions of Ventura County not now served by it, except through extensions of its existing system made in the ordinary course of business, as contemplated by Section 50(a) of the Public Utilities Act;
2. That the Commission may hereafter, by appropriate proceeding and order, limit the authority herein granted to applicant as to any territory within said county not then being served by it.

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

Date at San Francisco, California, this 28<sup>th</sup> day of

June, 1949.

R. E. [Signature]  
Justice J. [Signature]  
[Signature]  
[Signature]  
[Signature]  
Commissioners.