

Decision No. 43498

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 cer-  
tificate that public convenience and  
necessity require the exercise of the  
rights and privileges granted by Ordinance No. 398 of the City of Upland, California.

Application No. 30575

Leroy M. Edwards and Milford Springer, by  
Joseph Sodoma, Attorney in Fact, for appli-  
cant; Henry A. Busch, City Attorney, for  
City of Upland.

O P I N I O N

Southern Counties Gas Company of California 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 Upland, 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 "A", 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 2% of the gross receipts arising from the use, operation, or possession of the franchise, but not less than 1% of all the sales of gas within the limits of such city under said franchise.

The costs incurred by applicant in obtaining the franchise are stated to have been \$104.12, exclusive of the cost of publication of notice of this hearing.

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 Uplands 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 granted to Southern Counties Gas Company of California to exercise the rights and privileges granted by the City of Uplands by Ordinance No. 398, adopted July 7, 1949..

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

Dated at San Francisco, California, this 7th day of November, 1949.

R. Z. Zimmerman  
Justin F. Calves  
Isaac L. Lavelle  
Harold P. Kula  
Frederick W. Potter  
Commissioners.