

Decision No. 49759**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of  
 PACIFIC LIGHTING GAS SUPPLY COMPANY,  
 a corporation, under Sections 1002  
 and 1005 of the Public Utilities  
 Code for a certificate that public  
 convenience and necessity require  
 the exercise of the rights and privi-  
 leges granted by Ordinance No. 272  
 of the City of Santa Paula.

Application No. 34977

Oscar Sattinger, for applicant.O P I N I O N

Pacific Lighting Gas Supply 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 Santa Paula, permitting applicant to lay and use pipes and appurtenances for transmitting gas under, along, across or upon certain public streets of said city. A public hearing was held before Commissioner Verne Scoggins and Examiner C. E. Crenshaw on February 17, 1954, in Los Angeles.

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 per cent of the gross receipts arising from the use, operation, or possession of the franchise, but not less than 1 per cent of the gross annual receipts from sales of gas within the limits of the city under said franchise.

The costs incurred by applicant in obtaining the franchise are stated to have been \$87.84, which amount does not include costs

incident to this application in the amount of \$56.60. The total cost of the franchise, including the incidental costs, is \$144.44.

Applicant is purchasing natural gas from Richfield Oil Corporation which is proposed to be delivered to a point at or near Ojai Road and Richmond Road in the City of Santa Paula. In order for applicant to take delivery of said gas at the above-mentioned location, and thereafter transport same through the City of Santa Paula and deliver the gas into the pipeline of the Southern Counties Gas Company of California in Santa Paula, it was necessary for applicant to obtain the new franchise involved in this proceeding.

The annual payment to the City of Santa Paula is estimated to be about \$360.00, based upon the 2 per cent provision as set forth in Ordinance No. 272 of said city as applicant does not distribute natural gas in Santa Paula.

No objection to the granting of the requested certificate has been entered. It is the Commission's opinion that the requested authority should be granted.

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

1. 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.
2. 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.

ORDER

The above-entitled application having been filed, a public hearing having been held, the matter having been submitted and now being ready for decision,

IT IS HEREBY FOUND AS A FACT that public convenience and necessity require the exercise by applicant of the right, privilege and franchise granted to applicant by Ordinance No. 272 of the City of Santa Paula.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and is granted to Pacific Lighting Gas Supply Company to exercise the rights and privileges granted by the City of Santa Paula by Ordinance No. 272 adopted October 26, 1953.

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

Dated at Los Angeles, California, this 9<sup>th</sup> day of March, 1954.

R. E. Anderson  
President

Matthew J. Coleman

Samuel Patten

John E. Hill

Donna Rogers  
Commissioners