

ORIGINAL

Decision No. 49810

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 1002 of)
the Public Utilities Code for a)
certificate that public convenience)
and necessity require the exercise)
of the rights and privileges granted)
by Ordinance No. 56, of the City of)
Buena Park, California.)

Application No. 35087

Frederick G. Dutton, for applicant.

O P I N I O N

Southern Counties Gas Company of California, by the above-entitled application filed January 25, 1954, seeks a certificate under Section 1002 of the Public Utilities Code that public convenience and necessity require the exercise of the rights, privileges and franchise granted by Ordinance No. 56 of the City of Buena Park, Orange County, permitting the installation, maintenance and use of a gas distribution and transmission system in the streets of said city.

A public hearing in this matter was held before Examiner Warner on March 11, 1954 at Los Angeles.

The franchise referred to, a copy of which is attached to the application 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 the gross annual receipts from sales of gas within the limits of the city under said franchise.

Based on the year 1953 as shown in Exhibit 1, the 2% computation would control the fee paid to Buena Park for that year.

The costs incurred by applicant in obtaining the franchise are stated to have been \$245.74, which amount includes costs incident to this application.

No objection to the granting of the requested certificate has been entered. For many years this utility or its predecessors have served gas in and about the area in which the City of Buena Park is now located without competition under franchises granted by Orange County Ordinances Nos. 123 and 136 dated December 22, 1914 and May 14, 1916, respectively. As of December 31, 1953 there were 2,371 active meters within the city and 25.78 miles of main therein of which 24.89 miles of main were on public right of way. Due to the incorporation in January, 1953 of the City of Buena Park, applicant applied for and secured the franchise granted by Ordinance No. 56 of said city.

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.

O R D E R

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 rights, privileges and franchise granted to applicant by Ordinance No. 56 of the City of Buena Park, Orange County, therefore,

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and is granted to Southern Counties Gas Company of California to exercise the rights and privileges granted by the City of Buena Park, Orange County, by Ordinance No. 56 adopted November 3, 1953.

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

Dated at San Francisco, California, this 23rd day of March, 1954.

A. E. [Signature]
President
James F. [Signature]
Robert [Signature]
[Signature]
[Signature]
Commissioners