

ORIGINAL

Decision No. 49811

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 1003)	
of the Public Utilities Code for)	Application No. 35086
an order to exercise franchise)	
rights in the City of Compton not)	
yet secured.)	

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 23, 1954 seeks an order of the Commission under Section 1003 of the Public Utilities Code to exercise franchise rights in the City of Compton not yet secured as of the date of the application. Said franchise rights were granted by the City of Compton by its Ordinance No. 962 dated February 16, 1954, and the application was amended at the hearing by a request that the Commission grant a certificate of public convenience and necessity under Section 1002 of the Public Utilities Code to exercise the rights of the franchise provided by Ordinance No. 962, which became effective March 19, 1954.

A public hearing in this matter was held before Examiner Warner on February 24, 1954 at Los Angeles.

The franchise referred to, a copy of which is attached to the application as Exhibit B, is of indeterminate duration. It supersedes Ordinance No. 293 dated August 10, 1931 granted to Southern Fuel Company, assigned to Pacific Lighting Corporation on December 7, 1940, and assigned by it to Southern California Gas Company and Southern Counties Gas Company of California on June 4,

1946. Said Ordinance No. 293 permitted the construction and operation by Southern Fuel Company of a 26-inch gas transmission pipeline through the City of Compton on Atlantic Avenue. The construction and operation of a 30-inch gas transmission pipeline on Central Avenue is proposed and since the proposed construction was not covered by Ordinance No. 293, applicant applied for and secured the franchise granted by Ordinance No. 962.

Payments to the City of Compton will be based on \$125 per year for each mile or fraction thereof of transmission pipeline owned wholly or in part by applicant within the City of Compton. The annual payment will amount to \$375 based on the 2.25 miles of franchise main in Compton.

The costs incurred by applicant in obtaining the franchise are stated to have been \$375.30, which amount includes the costs incident to this application. Said costs are detailed in the stipulation filed by applicant as Exhibit No. 2.

No objection to the granting of the requested certificate has been entered and the Commission is of the opinion that public convenience and necessity require the granting of the application 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

(1) Owned jointly, one-fourth by Southern Counties and three-fourths by Southern California Gas Company.

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. 962 of the City of Compton; therefore,

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and it is granted to Southern Counties Gas Company of California to exercise the rights and privileges granted by the City of Compton by Ordinance No. 962 adopted February 24, 1954.

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. F. Anderson
President

James J. Casper

Bennett Potter

W. E. ...

Gene Rogans
Commissioners