

ORIGINALDecision No. 50563

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)	Application No. 35618
and necessity require the exercise)	
of the rights and privileges granted)	
by Ordinance No. 489 of the City of)	
Oxnard, California.)	

Milford Springer and Frederick G. Dutton,
by Frederick G. Dutton, for applicant.

O P I N I O N

Southern Counties Gas Company of California, by the above-entitled application filed July 29, 1954, asks for a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the City of Oxnard, permitting the installation, maintenance and use of a gas distribution and transmission system in the streets of said city. A public hearing was held before Examiner C. E. Crenshaw on August 24, 1954 at Oxnard.

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 for a term of 50 years. 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 \$304, which does not include costs incident to this application.

No objection to the granting of the requested certificate has been entered. Furthermore, this utility or its predecessors have for many years served gas in and about the City of Oxnard without competition. As of June 30, 1954 applicant served customers within the city from approximately 47.97 miles of gas mains therein.

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 right, privilege and franchise granted to applicant by Ordinance No. 489 of the City of Oxnard.

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 Oxnard by Ordinance No. 489 adopted July 6, 1954.

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

Dated at San Francisco, California, this 21st day of September, 1954.

John E. Mitchell
President
Justin J. Cialini
Kenneth Pottel
Verne Joggins
Commissioners

Commissioner Ray E. Wintermiller being necessarily absent, did not participate in the disposition of this proceeding.