

**ORIGINAL**Decision No. 50282

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	
SOUTHERN CALIFORNIA GAS COMPANY, a )	
corporation, under Sections 1002 )	
and 1005 of the Public Utilities )	
Code, for a certificate that public )	Application No. 36206
convenience and necessity require )	
the exercise of the rights and )	
privileges granted by Ordinance )	
No. 249 of the City of Fillmore, )	
California. )	

T. J. Reynolds and Harry P. Letton, Jr.,  
for applicant.

O P I N I O N

Southern California Gas Company by the above-entitled application, filed November 13, 1954, asks for a limited certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the City of Fillmore, permitting the installation, maintenance, and use of a gas transmission system in the streets of said city. A public hearing was held before Commissioner Ray E. Untereiner and Examiner C. E. Crenshaw on December 16, 1954, at 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 the sale 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 \$93.80, which amount does not include costs incident to this application.

Southern Counties Gas Company of California is the only distributor of natural gas in the City of Fillmore. In this proceeding applicant requests a certificate of public convenience and necessity permitting it to exercise the franchise rights here sought to be certificated, but limited to the installation, maintenance, and operation of transmission lines within the City of Fillmore. No objection to the granting of the requested certificate has been entered. Furthermore, this utility or its predecessors have for many years operated gas transmission lines within the city limits of Fillmore. As of December 31, 1953, applicant had approximately 2.1 miles of transmission lines in highways in the City of Fillmore.

According to the testimony received, it appears that the only person, firm, or public or private corporation other than applicant now engaged in the business of furnishing, distributing and selling natural gas in Fillmore is the Southern Counties Gas Company of California. Further, it is not the intention of applicant to enter into competition with the Southern Counties Gas Company of California within the City of Fillmore.

From the evidence of record, the Commission finds that public convenience and necessity require the exercise by applicant of the right, privilege, and franchise granted to it by Ordinance No. 249 of the City of Fillmore for the maintenance, operation, and installation of gas transmission lines within the City of Fillmore.

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 for any amount of money 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. 249 of the City of Fillmore.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and it is granted to Southern California Gas Company to exercise the rights and privileges granted by the City of Fillmore by Ordinance No. 249 adopted September 29, 1954; and limited to the installation, maintenance, and operation of transmission lines within the City of Fillmore; subject, however, to the condition that, except upon further certificate of this Commission first obtained, Southern California Gas Company shall not exercise said franchise for the purpose of rendering gas service within the City of Fillmore.

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

Dated at San Francisco, California, this 18th day of January, 1955.

[Signature]  
President  
[Signature]  
[Signature]  
[Signature]  
Commissioners