

**ORIGINAL**Decision No. 52351

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 )  
 privileges granted by Ordinance )  
 No. 6767 of the County of Los )  
 Angeles. )

Application No. 37432

J. R. Elliott, for applicant.  
Robert O. Randall, for the  
 Commission staff.

O P I N I O N

Pacific Lighting Gas Supply Company, by the above-entitled application filed on October 25, 1955, asks for a certificate of public convenience and necessity authorizing it to exercise the rights and privileges of a franchise granted by Los Angeles County Ordinance No. 6767, which supersedes the franchises granted by Ordinances Nos. 583, 1279, 1360 and 2035, in so far as such franchises pertain to territory which was unincorporated as of October 2, 1955.

A public hearing on the application was held in Los Angeles before Examiner Kent C. Rogers on November 16, 1955. Prior thereto notice of the hearing was published as required by this Commission. There were no protesting parties.

Applicant's right of way representative testified to the following facts which are undisputed.

The franchise referred to, a copy of which is attached to the application as Exhibit A, supersedes the four franchises above-referred to and applies to all of Los Angeles County which was

unincorporated on the effective date of the franchise. Any portion of Los Angeles County which is in incorporated cities and is covered by any of the four superseded franchises will continue to be covered by that franchise until superseded by new city franchises. The franchise was granted by the County in accordance with the Broughton Act (Public Utilities Code, Division 3, Chapter 1), became effective on October 21, 1955, and is for a term of 50 years. A fee is payable to the County equivalent to 2 per cent of the gross annual receipts arising from the use, operation or possession of the franchise. All conditions and requirements of the franchise, including the filing of a faithful performance bond in the amount of \$1,000, have been complied with:

The costs incurred by the applicant in obtaining the franchise totaled \$1,972.71, exclusive of the costs incident to this application (Exhibit No. 2).

The reason the franchise was secured is that each of the four franchises which are being superseded would have expired at a time in the future varying respectively from December 4, 1959, to January 17, 1972, and the applicant desires one franchise covering the same total area covered by the superseded franchises exclusive of any territory in incorporated cities, and all expiring at the same time.

The annual cost of the new franchise will be comparable to the costs of superseded franchises, and the provisions are practically identical. During the year 1954 applicant paid a total of \$7,026.23 under the superseded franchises, and estimates it will pay the County \$8,000 during the year 1956, under the new franchise. This estimated increase will be largely due to increased pipeline mileage.

Applicant sells gas at wholesale to two affiliates, Southern California Gas Company and Southern Counties Gas Company of

California. It sells gas to no other utilities. It is noncompetitive with any other company.

Upon the record herein the Commission finds that public convenience and necessity require the exercise by applicant of the right, privilege and franchise granted to applicant by Ordinance No. 6767 of the County of Los Angeles, subject to appropriate restrictions.

The certificate herein granted is subject to the following provision of law:

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.

O R D E R

The above-entitled application having been filed, a public hearing having been held thereon, the matter having been submitted and the Commission having found that public convenience and necessity so require,

IT IS ORDERED:

1. That a certificate of public convenience and necessity be, and it is hereby, granted to Pacific Lighting Gas Supply Company, a corporation, authorizing it to exercise the rights and privileges granted by the County of Los Angeles by Ordinance No. 6767, adopted September 20, 1955.

2. That Pacific Lighting Gas Supply Company shall not exercise said franchise for the purpose of distribution or retail sale of gas.

3. That the Commission may hereafter, by appropriate proceeding and order, limit the authority herein granted to applicant as to any territory within said county not then being served by it.

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

Dated at San Francisco, California, this 12<sup>th</sup> day of December, 1955

E. W. Middle  
President

Justin J. Greener

Paul J. Greener

Mark J. Kelly

R. Hartz  
Commissioners