

ORIGINALDecision No. 57047

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)
 convenience and necessity require)
 the exercise of the rights and)
 privileges granted by Ordinance No.)
 652 of the County of Tulare, State)
 of California.)

Application No. 40000

L. T. Rice, for Southern California Gas
 Company, applicant.

F. T. Searls, John C. Morrissey,
Malcolm A. MacKillop and John S. Cooper,
 for Pacific Gas and Electric Company,
 interested party.

O P I N I O N

Southern California Gas Company requests a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the County of Tulare permitting the installation, maintenance and use of a gas distribution and transmission system upon the public streets of said county. A public hearing was held before Examiner Thomas E. Daly on July 11, 1958, at San Francisco.

The franchise referred to, a copy of which is attached to the application and designated as Exhibit A, was granted by the county in accordance with the Broughton Act, and is of 50 years' duration. A fee is payable annually to the county equivalent to 2 percent of the gross receipts arising from the use, operation or possession of the franchise.

The costs incurred by applicant in obtaining the franchise are stated to have been \$893.56, which amount does not include costs incident to this application.

No objection to the granting of the requested certificate has been entered.

After consideration, the Commission is of the opinion and so finds that public convenience and necessity require the exercise by applicant of the rights, privileges and franchise granted to applicant by Ordinance No. 652 of the County of Tulare, subject to appropriate restrictions concerning the territory not now served.

The certificate of public convenience and necessity 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 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, the matter having been submitted and now being ready for decision,

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 County of Tulare by Ordinance No. 652 adopted February 18, 1958.

IT IS HEREBY FURTHER ORDERED that:

1. Southern California Gas Company shall not exercise said franchise for the purpose of supplying gas in those parts or portions

of Tulare County not now served by it except through extensions of its existing system made in the ordinary course of business as contemplated by Section 1001 of the Public Utilities Code.

2. 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 29th day of July, 1958.

E. Lynn Fox
President
John E. Mitchell
Raymond W. Winters
Theodore J. ...
Commissioners

Commissioner Matthew J. Dooley, being necessarily absent, did not participate in the disposition of this proceeding.