

ORIGINALDecision No. 63467

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. 493 of the City of Banning,
California.

Application No. 44190

O P I N I O N

Southern California Gas Company, in this proceeding, requests a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the City of Banning, California, permitting the installation, maintenance, and use of a gas distribution and transmission system in the streets of said city.

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. The franchise was granted by Ordinance No. 493, adopted on November 28, 1961. It became effective on December 28, 1961, after written acceptance thereof by applicant on December 11, 1961. A fee is payable annually to the city equivalent to 2 percent of the gross receipts arising from the use, operation or possession of the franchise, but not less than 1 percent 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 \$113.60, which amount does not include costs incident to this application.

Applicant has served gas in and about the City of Banning without competition for many years. As of November 30, 1961, it served 3,791 customers within the city from approximately 66.09 miles of gas mains therein. No objection to the granting of the requested certificate has been received. A public hearing is not necessary.

After consideration 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. 493 of the City of Banning, California.

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.



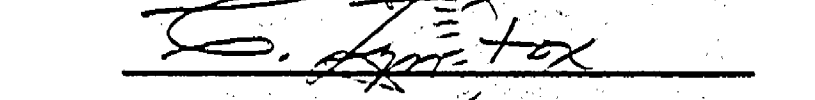
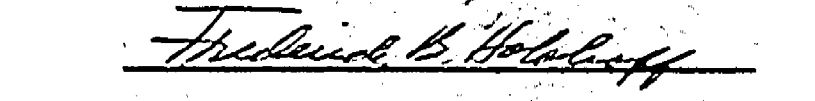
O R D E R

The above-entitled application having been filed, and the Commission being informed in the premises,

IT IS HEREBY ORDERED that a certificate of public convenience and necessity be and it is hereby granted to Southern California Gas Company to exercise the rights and privileges granted by the City of Banning, California by Ordinance No. 493, adopted November 28, 1961.

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

Dated at San Francisco, California, this 27th day of MARCH, 1962.


President



Commissioners