

Decision No. 65972**ORIGINAL**

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. 427 of the City of Hemet,
California.

Application No. 45614
(Filed July 23, 1963)

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 Hemet, 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 on May 13, 1963 in accordance with the Franchise Act of 1937, is of indeterminate duration and was accepted by applicant on May 27, 1963. 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 \$82.00, which amount does not include costs incident to this application.

Applicant has served gas in and about the City of Hemet without competition for many years. As of May 31, 1963, it served 2,580 customers within the city from approximately 35.13 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 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. 427 of the City of Hemet, California.

The certificate of public convenience and necessity herein granted is subject to the following provisions of law:

1. 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. 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.

ORDER

IT IS ORDERED that a certificate of public convenience and necessity is granted to Southern California Gas Company to exercise the rights and privileges granted by the City of Hemet, California by Ordinance No. 427, adopted May 13, 1963.

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

Dated at San Francisco, California, this 10th day of SEPTEMBER, 1963.

William W. Brunell
President

[Signature]

[Signature]

Frederic B. Holst

Commissioners

Commissioner George G. Grover
present but not voting.