

**ORIGINAL**Decision No. 71063

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 SOUTHERN COUNTIES GAS COMPANY OF  
 CALIFORNIA under Section 1003 of the  
 Public Utilities Code for a certificate  
 that public convenience and necessity  
 require the exercise of the rights and  
 privileges granted by a franchise  
 ordinance to be acquired from the  
 County of Orange, California.

Application No. 48347

SUPPLEMENTAL OPINION

Pursuant to Section 1003 of the Public Utilities Code, by Decision No. 70702, dated May 17, 1966, the Commission issued its order declaring that upon supplemental application herein a certificate of public convenience and necessity would be issued to Southern Counties Gas Company of California, upon such terms and conditions as the Commission may designate, to exercise the rights and privileges that may be granted by the County of Orange by a franchise applicant proposed to secure.

Supplemental application was filed May 27, 1966, disclosing that on May 11, 1966, the County of Orange, in accordance with the Broughton Act, granted a franchise to applicant permitting the construction, maintenance and use of a gas distribution and transmission system in the street, highways and public places within said County. A copy of the franchise referred to is attached to the supplemental application and designated as Exhibit A. It is of indeterminate duration and provides for a fee payable to the County equivalent to 2 percent of the gross annual receipts arising from the use of the franchise.

The costs incurred by applicant in obtaining the franchise are stated to have been \$5,814.91, which amount does not include costs incident to this application.

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

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.

SUPPLEMENTAL ORDER

IT IS ORDERED that a certificate of public convenience and necessity is granted to Southern Counties Gas Company of California to exercise the rights and privileges granted by the County of Orange by Ordinance No. 2061, adopted May 11, 1966.

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

Dated at San Francisco, California, this 2<sup>nd</sup> day of AUGUST, 1966.

[Signature]  
President

George T. Grover

Friedrich B. Halblöff

[Signature]

William G. Bernard  
Commissioners