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Decision No. 73024

ORIGINAL

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 certifi-)
cate 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 San)
Bernardino, California.)

Application No. 49410

O P I N I O N

By Decision No. 72701, dated July 6, 1967, this Commission stated it would, upon application, issue a certificate of public convenience and necessity to Southern Counties Gas Company of California to exercise the rights and privileges of a franchise to be granted by the County of San Bernardino.

On August 9, 1967, applicant filed a supplement to its application alleging that the County of San Bernardino had granted a new franchise and requesting that this Commission now issue such a certificate.

The franchise referred to, a copy of which is attached to the supplemental application and designated as Exhibit A, is for a duration of 50 years. A fee is payable to the County equivalent to 2 percent of the gross annual receipts to Southern Counties Gas Company of California arising from the use of the franchise. The costs incurred by applicant in obtaining the franchise are stated to have been \$1,967.53.

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. 1364 of the County of San Bernardino. A public hearing is not necessary.

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 Counties Gas Company of California

to exercise the rights and privileges granted by the County of San Bernardino, by Ordinance No. 1364 adopted June 26, 1967.

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

Dated at San Francisco, California, this 6th day of SEPTEMBER, 1967.

[Signature]
President

[Signature]

Avogado

William [Signature]

[Signature]
Commissioners