

Decision No. 74433

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. 19 of the City of Carson,)
California.)

Application No. 50346
(Filed June 24, 1968)

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 City of Carson, giving said applicant the right to lay and use pipes and appurtenances for transmitting and distributing gas under, along, across or upon the streets of said city.

The franchise, a copy of which is attached to the application as Exhibit A, was granted by the city in accordance with the Franchise Act of 1937 and is of indeterminate duration. 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 \$133.85, which amount does not include costs incident to this application.

The franchise referred to herein supersedes the franchise granted by the County of Los Angeles by Ordinance No. 6765 to the

extent that the latter covered the area lying within the City of Carson. The new franchise was obtained, first because applicant desired a franchise which would run for an indeterminate period, thus facilitating the sale of applicant's bonds, and second in order that applicant could operate within the City of Carson under a municipal franchise, rather than under a Los Angeles County franchise.

Within the City of Carson applicant has 134.81 miles of gas main and serves approximately 15,435 customers. Applicant needs to exercise the rights and privileges granted by Ordinance No. 19 of the City of Carson in order to meet the demands upon it for gas service by its present and prospective gas customers. No objection to the granting of the requested certificate has been received and a public hearing is not necessary.

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. 19 of the City of Carson.

The certificate of public convenience and necessity issued herein 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 issuance 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.

O R D E R

IT IS ORDERED that a certificate of public convenience and necessity is granted to Southern California Gas Company to exercise the rights and privileges conferred by the franchise issued pursuant to Ordinance No. 19, adopted April 30, 1968 by the City Council of the City of Carson, County of Los Angeles, State of California.

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

Dated at San Francisco, California, this 23rd day of JULY, 1968.

William Symons Jr.
President
Ed. E. Hatchell
William B. Beard
Fred P. Morrissey
Commissioners

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.