

ORIGINAL

Decision No. 77857

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PACIFIC LIGHTING SERVICE COMPANY, a)
corporation, under Sections 1002 and)
1005 of the Public Utilities Code,)
for a certificate that public con-)
venience and necessity require the)
exercise of the rights and privileges)
granted by Ordinance No. 768 of the)
City of La Habra, California.)

Application No. 52173
(Filed September 1, 1970)

O P I N I O N

The application of Pacific Lighting Service Company alleges that:

Applicant is a corporation, organized and existing under the laws of the State of California, and its legal name is Pacific Lighting Service Company.

Applicant is engaged in the purchase and sale of gas within the central and southern portions of the State of California.

Applicant has acquired a new franchise from the City of La Habra, California by Ordinance No. 768. The Ordinance was adopted on March 17, 1970. As originally published on March 23, 1970, the Ordinance contained clerical errors. The corrected Ordinance was again published on April 28, 1970. Written acceptance of the Ordinance was filed with the City Council on June 4, 1970. By Resolution No. 1860 adopted July 9, 1970, the La Habra City Council waived late filing of the Acceptance, and the Ordinance became effective on June 4, 1970. The franchise was obtained pursuant to the

provisions of Division 3, Chapter 2 of the Public Utilities Code of the State of California, known as the Franchise Act of 1937, and runs for an indeterminate term in the future. The franchise gives applicant the right to lay and use pipe and appurtenances for transmitting and distributing gas for any and all purposes under, along, across or upon the streets of the City of La Habra.

Applicant applied for the franchise described above because franchise Ordinance No. 165, under which applicant was operating in the County of Orange, was superseded by Ordinance No. 2315, effective June 26, 1969. Inasmuch as Ordinance No. 2315 does not cover areas of Orange County which were incorporated on the date said new Ordinance became effective, it was necessary for applicant to obtain a franchise directly from the City of La Habra in order to continue operation of its facilities lying within the boundaries of the City of La Habra. The new franchise will run for an indeterminate period, thus facilitating the sale of applicant's bonds to prospective customers.

The exercise by applicant of the rights granted by Ordinance No. 768 of the City of La Habra is necessary to enable applicant to lay, operate and maintain natural gas pipelines within the City of La Habra.

As of June, 1970, applicant operates 2.01 miles of transmission pipeline within the public streets of the City of La Habra. Such transmission pipeline delivers natural gas to its affiliate, Southern California Gas Company, for distribution and sale to customers. Applicant has no retail customers within the City of La Habra.

Applicant stipulates and declares that, in consideration of the granting to it of a certificate that public convenience and necessity require the exercise of the rights and privileges granted by Ordinance No. 768 of the City of La Habra, neither applicant nor its successors nor assigns will ever claim, before the Public Utilities Commission of the State of California or any other court or body, a value for that franchise and certificate in excess of the actual cost thereof.

Based on the above allegations the Commission finds and concludes that public hearing is not necessary. Public convenience and necessity require that the authority requested herein should be granted.

ORDER

IT IS ORDERED that applicant is granted a certificate of public convenience and necessity to exercise the rights and privileges granted by Ordinance No. 768 of the City of La Habra, California.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 27th day of OCTOBER, 1970.

[Signature]
Chairman

[Signature]

[Signature]
Commissioners

-3- Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.