

ORIGINAL

Decision No. 77961

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. 1595 of the )  
City of Huntington Beach, California. )

Application No. 52209  
(Filed September 22, 1970)

O P I N I O N

Pacific Lighting Service Company, a corporation, requests a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the City of Huntington Beach, permitting the installation, maintenance, and use of a gas distribution and transmission system in the streets within the incorporated area of said City.

Applicant is engaged in the sale and purchase of gas in the central and southern portions of the State of California. The verified application avers that it has been delivering gas in the area here under consideration to its affiliate, Southern California Gas Company, under a 50-year franchise issued by the County of Orange. The county franchise expired in 1969 and was replaced by one which does not apply to incorporated areas. On August 17, 1970, the City Council of the City of Huntington Beach enacted Ordinance No. 1595 which grants applicant a franchise to conduct its gas business in the city for a period of 40 years. Applicant has

included in the application a stipulation that it will not claim before this Commission or any court or other public body any value for the franchise in excess of its original cost which is stated to be the sum of \$88.00.

A true copy of Ordinance No. 1595 is attached to the application as Exhibit A, and a map showing the area covered by the Ordinance is attached as Exhibit B. Examination of the ordinance indicates that the franchise granted therein is of the standard type between gas utilities and cities. It provides for a payment of 2 percent of applicant's annual gross receipts, arising out of the use, operation or possession of the particular franchise, provided however, that such payment shall in no event be less than 1 percent of the gross annual receipts of the applicant derived from the sale of gas within the city limits. Written acceptance of the franchise was filed with the City Council on August 25, 1970.

Applicant has operated in the County of Orange for many years. As of September, 1970, it had approximately 3.35 miles of transmission pipelines within the public streets of the City of Huntington Beach.

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 Pacific Lighting Service Company of the rights and privileges granted in the franchise conferred by Ordinance No. 1595 of the City Council of the City of Huntington Beach.

The application will be granted.

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

- a. 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.
- b. 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 Pacific Lighting Service Company to

exercise the rights and privileges conferred by the franchise issued pursuant to Ordinance No. 1595 of the City Council of the City of Huntington Beach, adopted August 17, 1970.

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

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

[Signature]  
Chairman

[Signature]

[Signature]

[Signature]

[Signature]  
Commissioners