

ORIGINAL

Decision No. 78932

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Joint Application of SOUTHERN CALIFORNIA GAS COMPANY and PACIFIC LIGHTING SERVICE COMPANY for an order authorizing the assignment of certain franchise rights.

) Application No. 52670
(Filed June 7, 1971)

O P I N I O N

Southern California Gas Company requests authority to assign a portion of a franchise granted by the City of Banning to Pacific Lighting Service Company.

The franchise was granted by Ordinance No. 493 and authorizes the laying and use of pipes and appurtenances for the transmitting and distribution of gas for all purposes, under, along or upon the public streets of the City of Banning. By Decision No. 63467 the Commission issued to Southern California Gas Company a certificate of public convenience and necessity to exercise said franchise.

Pacific Lighting Service Company presently owns a 36-inch transmission pipeline No. 5000 between Whitewater and Banning. Southern California Gas Company proposes to assign to Pacific that portion of franchise rights granted by Ordinance No. 493 required by Pacific in connection with the operation of its 36-inch transmission line within the City of Banning. The City of Banning has indicated by letter that it has no objection to the assignment.

After consideration the Commission finds that public convenience and necessity require the granting of the application.

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.

O R D E R

IT IS ORDERED that:

1. Southern California Gas Company is authorized to assign to Pacific Lighting Service Company that portion of the franchise granted by Ordinance No. 493 of the City of Banning necessary for Pacific Lighting Service Company to operate and maintain 36-inch transmission pipeline No. 5000 within the city limits of Banning.
2. Within thirty days after the execution of the assignment herein authorized applicants shall file a true copy of the document executed to effect said assignment.
3. A certificate of public convenience and necessity is granted to Pacific Lighting Service Company to exercise the rights and privileges granted by the City of Banning by Ordinance No. 493, adopted November 28, 1961 to the extent that it is

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necessary for Pacific Lighting Service Company to maintain and operate its 36-inch transmission pipeline No. 5000 within the city limits of Banning.

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

Dated at San Francisco, California, this 27th day of JULY, 1971.

Chairman

William L. ...
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Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

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