

Decision No. 80828

ORIGINAL

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. 72-234 of  
the City of Carson, California.

Application No. 53664

(Filed October 20, 1972)

O P I N I O N

Pacific Lighting Service Company seeks a certificate of public convenience and necessity to exercise the rights and privileges granted by Ordinance No. 72-234 of the city of Carson.

Applicant is engaged in the transmission of natural gas to Southern California Gas Company for distribution in the central and southern portions of California. Applicant has approximately .93 miles of gas mains within Carson.<sup>1/</sup> The verified application states that the city council of Carson enacted Ordinance No. 72-234 which grants applicant a franchise for an indeterminate term to lay and use pipes and appurtenances for transmitting and distributing gas for any and all purposes under, along, across or upon the public streets, ways, alleys and places within the city. Applicant has included in the application a stipulation that it will not claim

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<sup>1/</sup> Exhibit 1 in this proceeding is a letter from applicant dated November 13, 1972 informing the Commission that the transmission pipeline referred to in paragraph IV of the application was never owned by Southern California Gas Company and, therefore, there had never been a transfer of ownership.

before this Commission or any other court or body a value for that franchise and the certificate in excess of its actual costs which are stated to be \$190.27.

Ordinance No. 72-234 and the map showing the area covered by the ordinance on September 20, 1972, are attached to the application as Exhibits A and 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 from the use, operation or possession of the 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.

Findings of Fact

1. A public hearing is not necessary in this matter.
2. 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. 72-234 of Carson.

Conclusions of Law

1. The application should be granted.
2. 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. 72-234 of Carson.

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

Dated at San Francisco, California,  
this 12<sup>th</sup> day of DECEMBER, 1972.

James L. Styring  
President  
William J. Quinn  
Alvin M. ...  
...  
Commissioners

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