

SW/ek

Decision No. 80955

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of SAN DIEGO GAS & ELECTRIC  
COMPANY, a Corporation, for a  
Certificate of Public Convenience  
and Necessity Authorizing It to  
Exercise Gas Franchise Rights in  
the City of Chula Vista

Application No. 53738

(Filed December 4, 1972)

O P I N I O N

San Diego Gas & Electric Company requests a certificate of public convenience and necessity to exercise the rights and privileges granted by Ordinance No. 1426 of the city of Chula Vista permitting the installation, maintenance and use of a gas distribution and transmission system therein.

A copy of the franchise is attached to the application as Exhibit A. It is for 25 years. The applicant will pay to the city 2 percent of the gross annual receipts arising from the use, operation or possession of the franchise.

The costs incurred by the applicant in obtaining the franchise are stated to have been \$504.00, exclusive of the fee paid to the Commission.

Applicant has served gas in the city for many years. As of June 30, 1972, it served 19,338 gas customers therein. No objection to the granting of the requested certificate has been received.

Findings

1. A public hearing is not necessary.
2. Public convenience and necessity require the exercise by San Diego Gas & Electric Company of the rights and privileges granted in Ordinance No. 1426 of the city of Chula Vista.

Conclusions

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 San Diego Gas & Electric Company to exercise the rights and privileges granted by the franchise issued pursuant to Ordinance No. 1426 of the city of Chula Vista, adopted on October 31, 1972.

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

Dated at San Francisco, California,  
this 16<sup>th</sup> day of JANUARY, 1973.

Vernon L. Sturgeon  
President

J. Williams

John V. ...

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Commissioners

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