

Decision No. 83312**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
 of SOUTHERN CALIFORNIA GAS COMPANY,  
 a corporation, under Sections 1002  
 and 1005 of the Public Utilities  
 Code, for a certificate that public  
 convenience and necessity require  
 the exercise of the rights and  
 privileges granted by Ordinance  
 No. 4296 (N.S.) of the County of  
 San Diego, California.

Application No. 54972  
 (Filed June 17, 1974)

O P I N I O N

Southern California Gas Company, in this proceeding, requests a certificate of public convenience and necessity to exercise the rights and privileges of a franchise granted by the county of San Diego permitting the installation, maintenance, and use of a gas distribution and transmission system in the streets of the unincorporated territory of said county.

The franchise referred to, a copy of which is attached to the application and designated as Exhibit A, was granted by the county in accordance with the Franchise Act of 1937 and is for a term of 20 years. A fee is payable annually to the county equivalent to two percent of the gross receipts arising from the use, operation, or possession of the franchise, but not less than one percent of the gross annual receipts from sales of gas within the limits of the county under said franchise.

The costs incurred by applicant in obtaining the franchise are stated to have been \$411.65, which amount does not include costs incident to this application.

Applicant has served gas in and about the county of San Diego without competition for many years. As of June 1, 1974, it served within the county from approximately 3.73 miles of gas mains therein. No objection to the granting of the requested certificate has been received and a public hearing is not necessary.

After consideration the Commission finds that public convenience and necessity require the exercise by applicant of the right, privilege, and franchise granted to applicant by Ordinance No. 4296 (N.S.) of the county of San Diego.

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 county 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 Southern California Gas Company to exercise the rights and privileges granted by the county of San Diego by Ordinance No. 4296 (N.S.) adopted April 17, 1974.

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

Dated at San Francisco, California, this 20<sup>th</sup>  
day of AUGUST, 1974.

  
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President  
  
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Commissioners