

to pursue its rights under Section 47(b) of the Public Utilities Act, (2) determining that the findings as to just compensation shall no longer be of any force or effect, and (3) determining the reasonable expenditures necessarily incurred by the Pacific Gas and Electric Company in said proceeding, which, in the opinion of this Commission, should be assessed against the City of Stockton. The Commission directed the City of Stockton to appear and show cause why an order should not be issued in conformity with this request. Subsequently, the City of Stockton filed an Answer to said application and to the said Order to Show Cause alleging substantially that the City had proceeded with said matter diligently, and requesting that the said Order to Show Cause and the application be dismissed.

A public hearing was held before me, and after the filing of briefs the matter was duly submitted, and is now ready for decision.

It appears from the record that the City of Stockton has never initiated proceedings for the purpose of submitting to its voters the proposition whether or not the lands, property and rights of the Pacific Gas and Electric Company should be acquired. In the face of this I cannot hold other than that the City has failed to diligently pursue its rights conferred upon it under and by the statute.

During the course of the proceedings the Attorney for the City urged that because the Company had transferred its properties to the California Water Service Corporation prior to the hearing of this Supplemental Application that it had thereby lost its right to recover costs. The record shows that this transfer was made subsequent to the filing of this application for recovery.

It seems clear that while the Pacific Gas and Electric Company was the owner of the properties here involved it necessarily incurred certain expenses in connection with these proceedings which appear to be reasonable. What the statute contemplates is the finding by the Commission as to the reasonable expenditures necessarily incurred by the owner which should be assessed against the political subdivision. I conceive it to be the duty of the Commission to determine the expenditures incurred by the corporation owning the properties at the time such expenditures were incurred.

I recommend the following order:

O R D E R

An application having been filed in the above-entitled proceeding by the Pacific Gas and Electric Company requesting an order (1) finding that the City of Stockton has failed diligently to pursue its rights under Section 47(b) of the Public Utilities Act, (2) determining that the findings as to just compensation shall no longer be of any force and effect, and (3) determining the reasonable expenditures necessarily incurred by the Pacific Gas and Electric Company in said proceeding, which, in the opinion of this Commission, should be assessed against the City of Stockton;

A public hearing having been held thereon, the matter having been duly submitted, and being now ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY FINDS AS A FACT that the City of Stockton has failed

diligently to pursue its rights under Section 47(b) of the Public Utilities Act by its neglect to exercise the rights granted to it under and by Decision No. 11,256 of this Commission dated November 21, 1922; and

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
 HEREBY FURTHER FINDS AS A FACT that the following expenditures were necessarily incurred by the Pacific Gas and Electric Company in the above-entitled proceeding, which expenditures are hereby declared to be reasonable and which should be assessed against the City of Stockton:

Month Expense Incurred	Employee	Department	Salary	Expenses	Total
1921					
AUGUST	A.V.Olsen	San Joaquin	48 23	-	48 23
	J. T. Ryan	Ex. Engineer	185 18	-	185 18
SEPTEMBER	J. T. Ryan	"	217 38	64 20	281 58
	P. S. Booth	Auditing	133 34	95 63	228 97
	W. Evans	Ex. Engineer	162 96	84 33	247 29
	J. L. Rivers	"	61 11	93 15	154 26
	R. D. Shea	"	88 89	103 45	192 34
	E. J. Collins	"	61 11	91 85	152 96
	A. D. McVay	"	55 56	17 06	72 62
	Myrtle Allard	"	3 69	-	3 69
	M. J. Ganstard	"	5 55	-	5 55
	R. V. Wilson	"	6 48	-	6 48
	W. Debrunner	"	-	65	65
OCTOBER	R. W. DuVal	Rate Dept	5 00	-	5 00
	E. J. Collins	Ex. Engineer	59 58	6 00	65 58
	J. L. Rivers	"	59 58	5 95	65 53
	J. T. Ryan	"	-	17 00	17 00
	R. D. Shea	"	86 67	8 75	95 42
	P. S. Booth	Auditing	39 12	-	39 12
	F. F. Elliott	Ex. Engineer	69 56	-	69 56
	W. Evans	"	26 09	-	26 09
	A. K. McNamara	"	60 96	-	60 96
	R. V. Wilson	"	7 28	-	7 28
NOVEMBER	Lena Kessler	Ex. Engineer	4 00	-	4 00
	Ellen Donohoe	"	4 00	-	4 00
	F. F. Elliott	"	99 80	-	99 80
	J. Otis	"	9 38	-	9 38
DECEMBER	R. W. DuVal	Rate Dept	10 00	-	10 00
	R. L. Bertolacci	Ex. Engineer	20 19	-	20 19
	W. Evans	"	15 39	-	15 39
	R. D. Shea	"	18 46	-	18 46
	J. T. Ryan	"	96 15	24 96	121 11

(Cont'd)

Month Expense

Incurred	:Employee	:Department :	Salary	: Expenses :	Total
1922					
JANUARY	R.L.Bertolacci	Ex.Engineer	21 00	13 98	34 98
	W. Evans	"	96 00	19 02	115 02
	M.J. Gaustad	"	54 00	-	54 00
	A.K.McNamara	"	43 20	-	43 20
	A.D.McVay	"	20 00	-	20 00
	D.Tripp	"	21 00	-	21 00
	R.V.Wilson	"	7 00	-	7 00
	J.T.Ryan	"	216 66	-	216 66
	R.D.Shea	"	-	23 15	23 15
	R.W.DuVal	Rate Dept.	-	13 45	13 45
FEBRUARY					
	C.Bailey	Ex.Engineer	2 00	-	2 00
	E.Donohue	"	2 00	-	2 00
	W.Evans	"	126 09	-	126 09
	M.J.Gaustad	"	84 78	-	84 78
	T.A.Hopkins	"	59 78	-	59 78
	A.K.Mc Namara	"	78 26	-	78 26
	A.D.McVay	"	65 22	-	65 22
	D.Tripp	"	114 12	-	114 12
	J.T.Ryan	"	217 38	-	217 38
MARCH					
	J.Strauss	"	8 00	-	8 00
	R.L.Bertolacci	"	19 44	-	19 44
	E.C.Bredin	"	9 26	-	9 26
	N.Connor	"	29 17	-	29 17
	E.Donohue	"	10 00	-	10 00
	W. Evans	"	163 00	-	163 00
	M.J.Gaustad	"	111 11	-	111 11
	T.A.Hopkins	"	40 74	-	40 74
	A. Lilley	"	16 00	-	16 00
	A.K.McNamara	"	53 34	-	53 34
	A.D.McVay	"	185 19	-	185 19
	D. Tripp	"	26 70	-	26 70
	Irena White	"	17 04	-	17 04
	J.T. Ryan	"	231 47	15 07	246 54
	Railroad Commission for Transcript of testimony		-	43 20	43 20
APRIL					
	R.W.DuVal	Rate Dept.	12 00	-	12 00
	E.Donohoe	Ex.Engineer	18 00	-	18 00
	A. Jensen	"	28 00	-	28 00
	A. Lilley	"	18 00	-	18 00
	J. Strauss	"	16 00	-	16 00
	C. Bailey	"	32 00	-	32 00
	E. C.Bredin	"	15 00	-	15 00
	N. Connor	"	8 40	-	8 40
	W. Evans	"	104 00	-	104 00
	T.A. Hopkins	"	11 00	-	11 00
	A.K.McNamara	"	14 40	-	14 40
	J.T. Ryan	"	249 99	24 92	274 91

(Cont'd)

Month Expense

Incurred	Employee	Department	Salary	Expense	Total
1922					
MAY	R.W.Du Val	Rate Dept.	108 00	-	108 00
	C.P.Cutten	"	225 00	-	225 00
	A.Lilley	Ex.Engineer	12 00	-	12 00
	C.Bailey	"	12 00	-	12 00
	E.C.Bredin	"	9 62	-	9 62
	N.Connor	"	4 04	-	4 04
	E. Donohoe	"	2 00	-	2 00
	W. Evans	"	165 38	10 10	175 48
	T.A. Hopkins	"	42 30	-	42 30
	A.K. McNamara	"	48 46	-	48 46
	J. Strauss	"	18 00	-	18 00
	Irene White	"	19 90	-	19 90
	J.T.Ryan	"	256 40	-	256 40
	Railroad Commission for				
	Transcript of testimony		-	24 30	24 30
	F.W.Le Ballistier-services and expenses as appraiser		-	96 85	96 85
JUNE	R.W.DuVal	Rate Dept	24 00	-	24 00
	C.P.Cutten	"	100 00	-	100 00
	E. Donohoe	Ex.Engineer	4 00	-	4 00
	J. Strauss	"	4 00	-	4 00
	W. Evans	"	184 61	17 11	201 72
	A.K.McNamara	"	13 85	-	13 85
	J. T. Ryan	"	256 40	17 46	273 86
	J. W. Hall	San Joaquin	-	7 84	7 84
	Railroad Commission for				
	Transcript of Proceedings		-	64 65	64 65
JULY	R.W.DuVal	Rate Dept.	42 00	-	42 00
	C.P.Cutten	"	75 00	-	75 00
	W.Evans	Ex.Engineer	46 16	-	46 16
	J.T.Ryan	"	112 18	9 25	121 43
	Geo. H. Bragg	Elec.Construction & Oper'n	16 50	10 00	26 50
AUGUST	J.T.Ryan	Ex.Engineer	154 31	-	154 31
SEPTEMBER	R.W.DuVal	Rate Dept.	48 00	-	48 00
	C.P.Cutten	"	25 00	-	25 00
	W.Evans	Ex.Engineer	91 66	12 63	104 29
	Irene White	"	26 35	-	26 35
	J.T.Ryan	"	208 33	-	208 33
	Drafting Job #2552.				
	Map of Stockton				
	Pumping Property Engineering		-	22 39	22 39
OCTOBER	R.W.DuVal	Rate Dept.	96 00	-	96 00
	C.P.Cutten	"	50 00	-	50 00
	N.Connor	Ex. Engineer	2 02	-	2 02
	W.Evans	"	15 39	-	15 39
	Irene White	"	6 63	-	6 63
	J.T.Ryan	"	112 18	15 70	127 88
	F.C.Hermann for services and expenses in preparation and presentation of report		-	768 60	768 60
	Geo.H.Bragg	Electrical Construction & Operation	16 50	10 00	26 50

(Cont'd)

Month Expense	Incurring	Employee	Department	Salary	Expenses	Total
1922						
DECEMBER		R.W.DuVal	Rate Dept.	24 00	-	24 00
		C.P.Cutten	"	25 00	-	25 00
		TOTAL		7 099 60	1 852 65	8 952 25

and the

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that the findings as to just compensation as contained in the said Decision No. 11,256 shall no longer be considered of any force or effect.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 22nd day of March, 1929.

Al Seaver
Frank B. ...
Leon ...
M. J. ...
Commissioners