

Decision No. 23546.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the CITY OF PALO ALTO for an order of the Railroad Commission of the State of California fixing and determining the just compensation to be paid Pacific Gas and Electric Company for its gas distributing system in the former town of Mayfield, now City of Palo Alto.

Application No. 14392.

Supplemental Petition of PACIFIC GAS AND ELECTRIC COMPANY, under Section 47(b) of the Public Utilities Act of the State of California for a finding and order increasing the total just compensation fixed and established by Decision No. 21977, dated January 2, 1930.

ORIGINAL

SEAVEY, COMMISSIONER:

SUPPLEMENTAL OPINION

The above entitled application, filed February 1, 1928, asked that, in accordance with the provisions of Section 47 of the Public Utilities Act, the Railroad Commission determine the compensation to be paid to Pacific Gas and Electric Company by the City of Palo Alto for certain gas distribution properties.

Hearings were held, the matter was taken under submission on June 25, 1929, and on January 2, 1930, the Commission issued its Decision No. 21977 fixing the total just compensation for property, rights and severance damage at \$86,936. as of February 1, 1928, the date of the application.

The condemnation suit was filed by the City in the Superior Court in Santa Clara County and on December 31, 1930, the Court

entered its judgment (City of Palo Alto, Plaintiff, vs. Pacific Gas and Electric Co., et al., Defendants - Case No. 38977). The matter now comes before the Railroad Commission for decision upon a supplemental application of Pacific Gas and Electric Company asking that, in accordance with the provisions of Section 47 of the Public Utilities Act, the Commission determine the extent to which the just compensation heretofore fixed shall be increased by reason of expenditures made upon the property after the date of the original finding of just compensation. The record shows that after informal negotiations the Company offered to stipulate that the just compensation heretofore fixed should be increased by the sum of \$6,852. At the hearing before the Commission this offer was accepted by the Attorney representing the City of Palo Alto and the proposed stipulation duly entered into. The figure of \$73,788., obtained by adding this sum to the original finding of just compensation, represents compensation for the property existing upon January 22, 1931. Possession of the property was actually assumed by the City about February 1, 1931, necessary expenditures by the Company in the meantime being billed direct to the City and not being involved in the proceeding now before the Railroad Commission.

I recommend the following Findings:

F I N D I N G S

Pacific Gas and Electric Company having filed with the Railroad Commission on January 30, 1931, a supplemental petition for a finding and order increasing the total just compensation fixed and established by Decision No. 21977 of the Railroad Commission, dated January 2, 1930, public hearings having been held

and the matter duly submitted, and based upon the facts set forth in the foregoing opinion and in the record in this proceeding,

It is Hereby Found as a Fact that the total just compensation to be paid by the City of Palo Alto to Pacific Gas and Electric Company for the taking of the property and rights described in the petition of the City of Palo Alto, fixed by this Commission in its Decision No. 21977, dated January 2, 1930, at Sixty-six Thousand Nine Hundred Thirty-six (66,936) Dollars as of February 1, 1928, should be increased by reason of expenditures made by the owner subsequent to February 1, 1928, for additions and betterments to said property by the sum of Six Thousand Eight Hundred Fifty-two (6,852) Dollars.

IT IS HEREBY ORDERED that the Secretary of the Railroad Commission transmit to the Superior Court of the State of California in and for the County of Santa Clara a copy of this finding duly certified under the seal of the Commission.

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

Dated at San Francisco, California, this 23d day of March, 1931.

C. H. Sawyer
Leon A. Whiteley
M. J. Lee
M. B. Lane
Frederic G. Stewart
 Commissioners.