

Decision No. 3899

ORIGINAL

Decision No. 3899BEFORE THE RAILROAD COMMISSION  
OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of  
the CITY OF LOS ANGELES, a municipal  
corporation, and the BOARD OF PUBLIC  
SERVICE COMMISSIONERS OF THE CITY OF  
LOS ANGELES that the Railroad Com-  
mission fix and determine the compen-  
sation to be paid the SOUTHERN CALI-  
FORNIA EDISON COMPANY, a corporation,  
for its electric distributing system. )

Application No. 1424.

H. E. Trowbridge for Southern California  
Edison Company.

Albert Leo Stephens, City Attorney, for  
City of Los Angeles.

LOVELAND, Commissioner.

SUPPLEMENTAL OPINION.

On the petition of the City of Los Angeles and the Board of Public Service Commissioners of the City of Los Angeles, under Section 47 of the Public Utilities Act, the Railroad Commission made and filed herein on September 6, 1916, its findings of the just compensation to be paid by petitioners for certain property of Southern California Edison Company.

The Public Utilities Act in Section 47 provides that after the Railroad Commission shall have made its findings in a proceeding of this character, the petitioners shall have 60 days within which to initiate such proceedings as are necessary legally to acquire the property valued. The section further provides that if the petitioners do not so proceed

"then upon written petition from the owner of such existing public utility setting forth said fact, the commission shall cause a notice of not less than ten days to be given to said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation to appear before said commission and show cause why an order should not be made by said commission, finding that the said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation has failed to diligently pursue its rights hereby conferred, and determining that the findings of the said commission theretofore made as to the just compensation that should be paid for the existing public utility and the lands, property and rights thereof, or any such part or portion thereof, shall no longer be of any force or effect. And said notice shall include a copy of said written petition so filed by said owner of such existing public utility. If the commission shall determine that said county, city and county, incorporated city or town, municipal water district, county water district, irrigation district, public utility district or other public corporation or the legislative or other governing body thereof has so failed to either file such suit or to proceed diligently to enforce the rights herein conferred and in the manner herein set forth, the commission shall make and enter such an order as so petitioned for by the owner of such existing public utility."

On November 8, 1916, Southern California Edison Company filed a petition in accordance with the above quoted portion of Section 47 setting forth that the City of Los Angeles and the Board of Public Service Commissioners of the City of Los Angeles had failed diligently to pursue their rights since the findings of the Commission had been made on September 6, 1916, and asking for an order of the Commission declaring that said findings are no longer of any force or effect. An Order to Show Cause returnable on November 28, 1916, together with the proper notice required by the statute was issued by the Railroad Commission. At the hearing on the Order to Show Cause the City of Los Angeles and the Board of Public Service Commissioners of the City of Los Angeles appeared

and stated that they had knowingly declined to act within the time prescribed under the statute and that they had no objection to the issuance of the order prayed for.

I accordingly recommend the following supplemental order:

SUPPLEMENTAL ORDER.

In accordance with the facts stated in the preceding opinion,~~xx~~ the Railroad Commission of California hereby finds that petitioners herein have failed, since the findings of the Railroad Commission entered herein on September 6, 1916, diligently to enforce the rights conferred in Section 47 of the Public Utilities Act.

And basing its order upon this finding of fact,

IT IS HEREBY ORDERED that the findings of the Railroad Commission entered herein on September 6, 1916, of the just compensation that should be paid by petitioners for certain described property of Southern California Edison Company be and the same shall no longer be of any force or effect.

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

Dated at San Francisco, California, this 1st day of December, 1916.

W. J. Leland  
Chas. G. Gordon

Frank R. DeLeon  
Commissioners.