

# ORIGINAL

Decision No. 4185

Decision No. \_\_\_\_\_

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application )  
of MARIN MUNICIPAL WATER DISTRICT )  
for an order of the Railroad Com- )  
mission fixing and determining the )  
just compensation to be paid to )  
MARIN WATER AND POWER COMPANY for )  
its lands, property and rights. )

Application No. 1141.

BY THE COMMISSION.

OPINION ON PETITION OF MARIN WATER AND  
POWER COMPANY FOR REHEARING ON  
SUPPLEMENTAL PETITIONS.

Marin Water and Power Company, hereinafter referred to as the Water Company, has filed herein a petition for rehearing on Decision No. 4109, made and filed herein on February 15, 1917, on four supplemental petitions.

The Water Company's first point is that in fixing the just compensation to be paid by Marin Municipal Water District, hereinafter referred to as the Water District, for miscellaneous equipment of the Water Company, the Railroad Commission omitted the following items:

- 1 Cash Register
- 1 Evinrude Motor
- 1 Silencer for Evinrude Motor
- 1 Protectograph
- 1 Hand Graphotype
- 1 Addressograph
- 4700 Dies for Addressograph
- 400 blank Dies
- 300 Frames
- 1 Revolver for Patrolman
- 1 Atwood Clinometer
- 1 Studebaker Automobile

The matter of the additional compensation to be paid by the Water District for the miscellaneous equipment of the Water Company was presented to the Railroad Commission by the Water Company in its second supplemental petition herein. The property

items hereinbefore set forth were not included in any exhibit filed by the Water Company in connection with its second supplemental petition herein. These items were included, however, in Exhibit No. 7 of the Water Company, filed in connection with the Water Company's first supplemental petition herein. These items are a part of the Water Company's miscellaneous equipment and the Water Company is entitled to have the Railroad Commission determine the just compensation to be paid by the Water District for the same.

Bearing in mind the age and service condition of these items, we find that to the sum of \$6,654.47, which sum we found in the decision of February 15, 1917, herein to be a just and reasonable sum to be added under the head of Miscellaneous Equipment to the total just compensation found in our decision No. 2279, made and filed on April 9, 1915, in the above entitled proceeding, there should be added the further compensation of \$2,124.06, making a total compensation for miscellaneous equipment amounting to \$8,778.53.

We have given careful consideration to the other points urged by the Water Company in its petition for rehearing herein and find that there is no merit therein.

The findings and order in Decision No. 4109, made and filed on February 15, 1917, in this proceeding should be modified in accordance with this opinion and the Water Company's petition for rehearing should thereupon be denied. To avoid confusion, the findings and order, as thus modified, will be set forth herein in full.

#### F I N D I N G S.

MARIN WATER AND POWER COMPANY having filed three supplemental petitions herein and MARIN MUNICIPAL WATER DISTRICT having filed one supplemental petition herein, all as set forth in the

foregoing opinion, public hearings having been held on said petitions, briefs having been filed and said petitions being now ready for decision,

THE RAILROAD COMMISSION HEREBY FINDS AS A FACT that the just compensation heretofore fixed and determined by the Railroad Commission to be paid by Marin Municipal Water District to Marin Water and Power Company for all of said company's lands, property and rights, other than the right to be a corporation, as appears in Decision No. 2279, made and filed on April 9, 1915, in the above entitled proceeding, should be increased in the sum of \$11,775.76, as stipulated between Marin Municipal Water District and Marin Water and Power Company, and in the further sum of \$8,778.53, being additional compensation to be paid for miscellaneous equipment.

O R D E R.

IT IS HEREBY ORDERED that in all respects other than as set forth in the findings which precede this order, each of the four supplemental petitions herein shall be and they are hereby dismissed.

IT IS FURTHER ORDERED that the Secretary of the Railroad Commission be and he is hereby directed to transmit to the Superior Court of the State of California, in and for the County of Marin, a copy of the opinion, findings and order in this decision, certified under the seal of the Railroad Commission, together with advice that to the just compensation of \$1,200,150.00, heretofore fixed and determined by the Railroad Commission to be paid by Marin Municipal Water District for the lands, property and rights of Marin Water and Power Company, as described in the original petition herein and in Exhibit A, attached to and made a part of the findings of the Railroad Commission of April 9, 1915, there

should be added, in such modified judgment as said court may hereafter enter in Case No. 4495, Marin Municipal Water District, a public corporation, Plaintiff, vs. Marin Water and Power Company, a corporation, Mercantile Trust Company of San Francisco, a corporation, et al., Defendants, the additional sum of \$20,534.29, consisting of \$11,755.76, as provided by stipulation between Marin Municipal Water District and Marin Water and Power Company, and the sum of \$8,778.53, being additional compensation for miscellaneous equipment.

IT IS FURTHER ORDERED that the petition of Marin Water and Power Company for rehearing herein be and the same is hereby denied.

Dated at San Francisco, California, this 16th day of March, 1917.

Manuel J. Helen

H. J. ...

...

Edwin O. Edgeston

Frank R. ...

Commissioners.