

Decision No. 8810

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
the City of Auburn to fix compensa-)
tion to be paid for the municipal)
water system of Pacific Gas and Elec-)
tric Company.)

ORIGINAL

Application No. 3745.

BY THE COMMISSION.

OPINION ON APPLICATION FOR REHEARING

On September 27, 1920, this Commission, by Decision No. 8162, made its finding of just compensation to be paid by the City of Auburn for the water system, owned by Pacific Gas and Electric Company, supplying consumers in said City.

Thereafter Pacific Gas and Electric Company filed application for rehearing alleging, among other things, that the Commission's finding was made as of April 30, 1920, instead of May 10, 1918, the date of filing of the original application, and that the Commission's finding is, therefore, contrary to the provisions of the Public Utilities Act.

At the hearing of this matter, it was stipulated that the Commission may have authority to add to the value which it may find, as of the date of the filing of the application, compensation to the owner of the system for any additions, betterments and improvements of the property which may be made between the date of submission of

the case and the date of the Commission's decision. Subsequently Pacific Gas and Electric Company filed a statement of additions and betterments and abandonments of capital from May 10, 1918, to April 30, 1920, and presented evidence showing accrued depreciation on the additions and betterments. The Commission was of the opinion that the intent of this stipulation was to carry forward all elements of value and depreciation from the date of filing of the application to the approximate date of the decision, and therefore make its finding as of April 30, 1920.

Inasmuch as technical objection has been made to this course of procedure, it appears that a finding of just compensation should be made as of May 10, 1918, the date of filing of the original application, and after a careful consideration of all of the elements pertinent to a final conclusion herein, and all of the items going to make up the value of the properties sought to be acquired by the City of Auburn in this proceeding, including all matters presented in the application for rehearing, it appears that the just compensation to be paid by City of Auburn to Pacific Gas and Electric Company for said properties is the sum of \$52,000, and that the application for rehearing should be denied.

FINDINGS AND ORDER

City of Auburn, a municipal corporation, having filed with the Railroad Commission an application as entitled above, the Railroad Commission having proceeded under the provisions of Section 47, of the Public Utilities Act, to fix and determine the just compensation to be paid by said City of Auburn to Pacific Gas and Electric Company for the public utility water system owned by it and serving consumers in the City of Auburn, and the Commission having, by Decision No. 8162, made

its finding of just compensation as of April 30, 1920, and Pacific Gas and Electric Company having filed application for rehearing, and good cause appearing why the finding of just compensation should be made as of May 10, 1918, the date of filing of the original application, and there being no good reason why a rehearing should be granted, and the Commission being fully advised in the matter;

IT IS HEREBY FOUND AS A FACT, that the just compensation to be paid by the City of Auburn to Pacific Gas and Electric Company for its public utility water system supplying water to consumers in said City, and more particularly described in the following paragraph and made a part of the finding herein, is the sum of \$52,000.

"That certain tract, parcel or piece of land lying and being in the northeast quarter of Section 10, Township 12 North, Range 8 East, Mount Diablo Base and Meridian, containing 1.12 acres, and upon which is located the storage reservoir used in supplying water to consumers in the City of Auburn. Also all water mains, pipes, services, valves, fittings, valve boxes, chlorine control apparatus, rights-of-way for pipe lines, etc., the same being the public utility water system of Pacific Gas and Electric Company supplying the inhabitants of the City of Auburn on May 10, 1918."

AND IT IS HEREBY ORDERED, that except as herein otherwise provided the application for rehearing in the above entitled proceeding be, and it is, hereby denied.

Dated at San Francisco, California, this 31st day of March, 1921.

Frank D. Dyer
H. D. Loveland
H. P. ...

Commissioners.