

Decision No. 27878

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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THE CITY OF SAN DIEGO, a municipal  
corporation,

Complainant,

vs.

SAN DIEGO CONSOLIDATED GAS AND  
ELECTRIC COMPANY,

Defendant.

**ORIGINAL**

) Case No. 3152

In the Matter of the Investigation on  
the Commission's own motion into  
the rates, rules, regulations, charges,  
classifications, contracts, practices,  
operations and service, or any of  
them, etc., of San Diego Consolidated  
Gas and Electric Company, engaged in  
furnishing gas, electric and steam  
heating service in the City of San  
Diego and/or other points within the  
State of California.

) Case No. 3153

BY THE COMMISSION:

SUPPLEMENT TO OPINION ON ORDER  
DENYING REHEARING

By order of March 11, 1935 (Dec. 27807) the Commission denied the defendant's petition for a rehearing of Decision 27730 entered in these rate proceedings, and since the grounds of error alleged in the petition related only to the findings made in respect to property values, the Commission in denying rehearing stated that such findings were made only for the purposes of these cases.

However, in a letter since received from counsel for the company the fear is still expressed that by virtue of the provisions contained in Section 70 of the Public Utilities Act, when read in connection with Section 47(a), such findings may conclusively bind

the company in other suits or proceedings unrelated to the Commission's regulatory functions.

In view of this expressed apprehension it is appropriate that it here be made clear that the findings of fact relating to property values made in said Decision 27730 were made only in response to the issues tendered in those proceedings, and were not intended to have the force and effect of a finding or ascertainment of value under Section 47(a) of the Act. As already indicated in the said opinion denying rehearing, such findings were solely for the purposes of the proceedings in which made.

Dated at San Francisco, California, this 8th day of April 1935.

Leon C. Whelan  
W. J. Cunn  
W. B. ...  
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...  
Commissioners