

Decision No. 31693

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Petition of the SACRAMENTO MUNICIPAL UTILITY DISTRICT to have fixed and determined the just compensation to be paid for an electric distribution system existing within and adjacent to the boundaries of said District.

Application No. 21960

Robert L. Shinn, Stephen W. Downey
and Marshall K. Taylor for
Sacramento Municipal Utility District.

Chaffee E. Hall, R. W. DuVal and
Robert H. Gerdes for Pacific Gas and
Electric Company, American Trust
Company, and City Bank Farmers Trust
Company.

BY THE COMMISSION:

THIRD ORDER AUTHORIZING AMENDMENT OF PETITION

On January 30, 1939 the Commission authorized the amendment of the petition in the above proceeding (Decision No. 31693), and on February 20, 1939 issued a second order authorizing amendment of the petition. (Decision No. 31765.)

On March 31, 1939 petitioner filed a third application for leave to amend the petition. The record shows that on the same date the third application to amend was personally served upon counsel for each of the owners and claimants named in the original petition and in the order to show cause issued on June 20, 1938.

At the hearing of April 5, 1939 counsel for petitioner moved that further amendment of the petition be authorized. Counsel for the owners and claimants stated that there was no objection to the proposed amendments as such, it having been stipulated that the

objections made in the return to the order to show cause and in the course of the argument thereon, would be deemed to have been made to the present application for leave to amend.

The Commission having considered the application and the motion, and good cause appearing,

IT IS ORDERED that Sacramento Municipal Utility District be and it is hereby authorized to amend Application No. 21960 (as heretofore amended by the authority granted in Decisions Nos. 31693 and 31765), and said petition is hereby further amended in the manner and to the extent specified and requested in said third application for leave to amend petition, filed herein on March 31, 1939, a certified copy of which is attached hereto and made a part hereof.

Dated, San Francisco, California, April 18, 1939.

Raymond
Frank R. Devlin
Ray P. Rice
T. Ball
Justus J. Craemer
Commissioners

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

FILED
RAILROAD COMMISSION
STATE OF CALIFORNIA

In the matter of the Petition of the
SACRAMENTO MUNICIPAL UTILITY DISTRICT
to have fixed and determined the just
compensation to be paid for an electric
distribution system existing within and
adjacent to the boundaries of said
District.

) MAR 31 1939
) Application
SAN FRANCISCO
OFFICE
) No. 21,960

THIRD APPLICATION FOR LEAVE TO AMEND PETITION

The petition of Sacramento Municipal Utility District,
a municipal utility district, respectfully shows that:

I.

On the 20th day of May, 1938, the Board of Directors
of said District did, at a meeting of said Board, by its
Resolution No. 806, which was duly passed by unanimous vote of
all of the members of said Board, determine that the public
interest and necessity demand the acquisition by said District
under eminent domain proceedings, of certain rights, lands and
other properties as therein described for public use by said
District in connection with the operation and maintenance of an
electric system and works for the distribution of electric
energy.

Said resolution did direct the bringing of appropriate
eminent domain proceedings and specifically directed the filing
of a petition before the Railroad Commission of the State of

1 California, pursuant to Section 47(b) of the Public Utilities
2 Act.

3 II.

4 On the 21st day of May, 1938, said District did, pur-
5 suant to said Resolution No. 806, file a petition with the
6 Railroad Commission of the State of California, praying said
7 Commission to fix and determine the just compensation to be paid
8 for an electric distribution system, existing within and adjacent
9 to the boundaries of said District. Said petition was assigned
10 application number 21,960 by said Commission.

11 III.

12 On the 15th day of December, 1938, the Board of
13 Directors of said District did, at a regular meeting of said
14 Board, by its Resolution No. 842, which was duly passed by unani-
15 mous vote of all members of said Board, amend said Resolution
16 No. 806, by amending in certain respects the form of petition to
17 be filed with the Railroad Commission, and directed the filing
18 of an application for leave to amend said petition so filed on
19 the 21st day of May, 1938.

20 IV.

21 On the 20th day of December, 1938, said District did,
22 pursuant to said Resolution No. 842, file an application with the
23 Railroad Commission of the State of California, praying said
24 Commission to authorize the amendment of said petition filed on
25 the 21st day of May, 1938, in the respects provided for and set
26 forth in said Resolution No. 842.

27 V.

28 On the 30th day of January, 1939, said Commission did,
29 by its Decision No. 31693, authorize said amendments and did
30 amend said petition in each and all of the respects prayed for in
31 said application.

32

VI.

1
2 On the 2nd day of February, 1939, the Board of
3 Directors of said District did, at a meeting of said Board, by
4 its Resolution No. 850, which was duly passed by a unanimous
5 vote of all members of said Board, further amend said Resolution
6 No. 806, as amended by Resolution No. 842, by amending in certain
7 respects the form of petition to be filed with the Railroad
8 Commission, and directed the filing of a second application for
9 leave to amend said petition so filed on the 21st day of May,
10 1938, as the same had been amended by said Decision No. 31693 of
11 said Railroad Commission.

VII.

12
13 On the 4th day of February, 1939, said District did,
14 pursuant to said Resolution No. 850, file its second application
15 for leave to amend with the Railroad Commission of the State of
16 California, praying said Commission to authorize the amendment
17 of said petition filed on the 21st day of May, 1938, as amended
18 by said Decision No. 31693 of said Railroad Commission, in the
19 respects provided for and set forth in said Resolution No. 850.

VIII.

20
21 On the 20th day of February, 1939, said Commission did,
22 by its Decision No. 31765, authorize said amendments and did
23 amend said petition in each and all of the respects prayed for
24 in said second application for leave to amend.

IX.

25
26 On the 30th day of March, 1939, the Board of Directors
27 of said District did, at a meeting of said Board, by its
28 Resolution No. 856, which was duly passed by a unanimous vote
29 of all of the members of said Board, further amend said Resoluti
30 No. 806, as amended by Resolution No. 842, as amended by Res
31 tion No. 850, by amending in certain respects the form of
32 petition to be filed before the Railroad Commission and di

1 the filing of this third application for leave to amend said
2 petition so filed on the 21st day of May, 1938, as the same has
3 been amended by Decision No. 31693 and Decision No. 31765 of
4 said Railroad Commission.

5 X.

6 The amendments for which authorization is hereinbelow
7 prayed will, if authorized, further amend said petition in the
8 same respect and manner that said Resolution No. 856 did further
9 amend the form of petition set forth in and provided for by said
10 Resolution No. 806, as amended by said Resolution No. 842, as
11 amended by said Resolution No. 850.

12 WHEREFORE, Petitioner prays that the Honorable Rail-
13 road Commission of the State of California authorize the further
14 amendment of said petition as follows:

15 I.

16 Line 5, page 2, of said Petition, as amended pursuant
17 to the second application for leave to amend, be amended to read
18 as follows:

19 "Directors of said District and all of the acts of
20 said Board of"

21 II.

22 Line 10, page 9, of said Petition, be amended to read
23 as follows:

24 "ing electric energy at 30,000 volts rating or less
25 on the rights of way and/or"

26 III.

27 Line 44, page 10, of said Petition, be amended to read
28 as follows:

29 "to in Paragraph IX above. The properties referred to
30 in Part"

31 IV.

32 Following the last line on page (iii) of the Table of

1 Contents of Exhibit A to said Petition, insert the following:

2 "Sub-Item 5.8 Telephone Conductors Between
3 Engineering Office and Business
4 Office 56a

5 Sub-Item 5.9 Telephone Conductors Between
6 The Vicinity of the Intersection
7 Of 8th & S Streets in the City of
8 Sacramento and the Intersection
9 Of Front and T Streets in Said
10 City. 56a

11 Sub-Item 5.10 Certain Telephone Conductors
12 In the Town of Galt. 56a"

13 V.

14 Lines 16 to 32, inclusive, of page 3 of Exhibit A to
15 said Petition, as amended by line 30, page 6, to line 5, of
16 page 7, inclusive, of the second application for leave to amend,
17 be amended to read as follows:

18 "Guying Devices - means (a) each and every guy which
19 is attached to a pole or other structure within eighteen inches
20 (18") of the level at which any conductors which the District
21 seeks to acquire are physically connected to the same pole or
22 structure, including (b) any and all anchoring devices, anchor
23 rods, guy stubs, guy wires, guy cables, guy insulators, guy
24 clamps, guy guards, guy truss rods, guy pipe fittings and guy
25 hardware, which are physically connected to such guys; provided,
26 however, that if one or more of the items listed under (b) in
27 this sentence are attached to a guy or guys which the District
28 seeks to acquire and to a guy or guys which the District does
29 not seek to acquire, there is included only an interest in such
30 items in the proportion which one (1) bears to the number of
31 the following listed types of equipment which are within
32 eighteen inches (18") of any guy (which is attached to any of

1 said items) as measured along any pole to which such type of
2 equipment and such guy are both attached. Said types of equip-
3 ment are:

4 Type 1 - Electric conductors the
5 District seeks to acquire.

6 Type 2 - Electric conductors the
7 District does not seek to acquire.

8 Type 3 - Telephone conductors
9 other than the telephone conductors described
10 and/or referred to hereinafter in Paragraphs
11 4.50.2, 4.50.3, and 4.50.4 of Sub-item 4.50
12 and in each of the sub-items of Item 5.

13 Type 4 - Telegraph conductors.

14 Type 5 - Devices which support in
15 whole or in part electric railway trolley wires
16 and/or direct current electric conductors which
17 are connected to electric railway trolley wires
18 and/or electric railway signal wires."

19 VI.

20 Between lines 33 and 34, of page 3, to said Exhibit
21 A, the following be inserted:

22 "Guy Stub - means any pole to which only guys (and
23 no other equipment) are attached."

24 VII.

25 Lines 6 and 7, of page 29, of said Exhibit A, be
26 amended to read as follows:

27 "having low voltage ratings of 30,000 volts or less,
28 or to rotary converters or direct current motor generators and
29 which transformers, rotary converters or motor generators are
30 located on the particular parcels of real property de--"

31 VIII.

32 Lines 12 to 15, inclusive, of page 36, to said

1 Exhibit A, be amended to read as follows:

2 "All electric railway trolley wires and all direct
3 current electric conductors which are attached either to
4 electric railway trolley wires or to the rails of electric
5 railway tracks and which extend from the points of attachment
6 to said trolley wires or rails to the terminals on the outgoing
7 side of the first watt-hour meter which is electrically con-
8 nected to such conductors when going along said conductors from
9 the rotary converter or motor generator (which is the source of
10 power for said conductors) towards said trolley wires or rails,
11 or if there is no such watt-hour meter electrically connected
12 to any such conductor or conductors, then there shall be in-
13 cluded within the meaning of this Sub-item such conductor or
14 conductors which extend between their points of attachment to
15 such trolley wires or rails and the terminals of the rotary con-
16 verter or motor generator which is the source of power for said
17 conductor or conductors.

18 IX.

19 Line 30, page 14, of the second application for leave
20 to amend, be amended to read as follows:

21 "access only in placing, maintaining and/or replacing
22 each and"

23 X.

24 Following line 14, of page 41, of said Exhibit A, as
25 amended by line 23, page 13, to line 24, page 15, inclusive,
26 of the said second application for leave to amend, the follow-
27 ing be inserted:

28 "PROVIDED, HOWEVER, that this sub-item does not in
29 any way apply to any pole or poles referred to in Paragraph
30 4.52.3 of Sub-item 4.52."

31 XI.

32 Between lines 26 and 27, of page 41, of Exhibit A,

1 the following be inserted: .

2 "Paragraph 4.52.3 - The entire interest and the entire
3 right of use in each and every pole to which no electric con-
4 ductors which the District seeks to acquire are physically con-
5 nected by any means other than a guying device."

6 XII.

7 Lines 7 and 8, inclusive, of page 51, of Exhibit A,
8 be amended to read as follows:

9 "entire routes described as follows, to-wit:

10 1. Beginning at a latticed steel pole located
11 on the easterly por-"

12 XIII.

13 Following line 30, of page 51, of said Exhibit A, the
14 following be inserted:

15 "2. Beginning at the point of termination of the
16 above described route; thence from said point of beginning north-
17 westerly between thirty and thirty-five feet to a pole located
18 on or near the southerly line of the road last above described;
19 thence northwesterly between ninety-five and one hundred feet
20 to a pole located on or near the northerly line of said road;
21 thence westerly along and near the northerly line of said road
22 between four hundred and eighty-five feet and four hundred and
23 ninety feet to a pole located at or near the intersection of
24 said northerly line with the easterly line of 2nd Avenue in the
25 town of Elk Grove; thence northerly along or near the easterly
26 line of said 2nd Avenue between three hundred and forty feet
27 and three hundred and forty-five feet to a pole; thence wester-
28 ly between one hundred and thirty-five feet and one hundred and
29 forty feet to a pole located on or near the southerly line of
30 Sierra Avenue in the town of Elk Grove; thence southeasterly
31 between fifty feet and fifty-five feet to the wall of a one
32 story building."

XIV.

1
2 Following line 12, of page 56a, of Exhibit A to said
3 Petition, insert the following:

4 "Sub-Item 5.8 Telephone Conductors Between
5 Engineering Office and Business
6 Office

7
8 The telephone conductors which are located along the
9 entire routes described as follows, to-wit:

10 (1) Beginning at a point on brick building on the
11 northerly side of the alley which is located between
12 and parallel to M and N Streets in the City of
13 Sacramento, which point is between twenty and twenty-
14 five feet westerly along the northerly line of said
15 alley from its intersection with the westerly line of
16 29th Street in said City of Sacramento; thence from
17 said point of beginning southwesterly across said alley
18 to a pole located on or near the southerly line of said
19 alley at a point between forty-five and fifty feet
20 westerly along the southerly line of said alley from
21 the westerly line of said 29th Street; thence westerly
22 along the southerly line of said alley to its inter-
23 section with the easterly curb line of 17th Street in
24 the City of Sacramento; thence northwesterly to a pole
25 at or near the intersection of the northerly line of
26 said alley with the westerly curb line of said 17th
27 Street; thence westerly along the northerly line of
28 said alley to and terminating at a pole upon which
29 there is a riser and which pole is located at or near
30 the intersection of the northerly line of said alley
31 with the easterly curb line of 15th Street of said
32 City.

1 (2) Beginning at the conduit on a riser which
2 is attached to a pole located at or near the inter-
3 section of the southerly line of the alley which is
4 located between and parallel to K and L Streets in
5 said City with the easterly curb line of 15th Street
6 in said City; thence from said point of beginning
7 westerly to, and terminating at the conduit on a
8 riser which is attached to a pole which is located
9 on or near the southerly line of said alley at a
10 point between seventy-five feet and eighty feet
11 easterly along said line from its intersection of
12 the easterly line of 13th Street in said City.

13 PROVIDED, HOWEVER, that it is intended to include in
14 this Sub-Item only the telephone conductors which extend con-
15 tinuously between the termini of the respective routes
16 described hereinbefore in this Sub-item.

17
18 Sub-Item 5.9 Telephone Conductors Between the
19 Vicinity of the Intersection of
20 8th and S Streets in the City of
21 Sacramento and the Intersection of
22 Front and T Streets in said City.

23
24 The telephone conductors which are located along the
25 entire route described as follows, to-wit:

26 Beginning at a point on a building on the
27 southerly side of the alley which is located between
28 and parallel to R and S Streets in the City of Sacramento,
29 which point is between eighty-five and ninety feet
30 westerly along the southerly line of said alley from its
31 intersection with the westerly line of 8th Street in said
32 City; thence from said point of beginning to the pole

1 located on or near the southerly line of said alley at
2 a point between eighty and eighty-five feet westerly
3 along said line from its intersection with the westerly
4 line of said 8th Street; thence westerly along the south-
5 erly line of said alley to its intersection with the
6 westerly curb line of 2nd Street; thence southerly along
7 the westerly curb line of 2nd Street to its intersection
8 with the southerly curb line of S Street; thence wester-
9 ly along the southerly curb line of S Street to its inter-
10 section with the easterly curb line of Front Street;
11 thence southerly along the easterly curb line of Front
12 Street to its intersection with the northerly curb line
13 of T Street; thence westerly across Front Street to a
14 pole located on or near the westerly curb line of Front
15 Street at or near its intersection with the westerly
16 projection of the northerly curb line of T Street; thence
17 southwesterly between forty and fifty feet to and termi-
18 nating at the northerly wall of a brick building which
19 faces Front Street and the north wall of which is on or
20 near the westerly projection of the southerly line of T
21 Street.

22 PROVIDED, HOWEVER, that it is intended to include in
23 this sub-item only the telephone conductors which extend con-
24 tinuously between the termini of the respective routes described
25 hereinbefore in this Sub-Item.

26 Sub-Item 5.10 Certain Telephone Conductors

27 In the Town of Galt

28
29 The telephone conductors which are located along the
30 entire route described as follows, to-wit:

31 Beginning at the point where telephone conductors are
32 attached to the northerly wall of the building which is

1 situate on that parcel of real property described in Sub-
2 Item 2.15 and designated therein as Galt Substation; thence
3 from said point of beginning between twenty and twenty-five
4 feet northwesterly to a pole located on or near the souther-
5 ly line of A Street in the Town of Galt; thence westerly
6 along and near the southerly line of said A Street to a
7 pole located on or near said line at a point between fifty
8 and fifty-five feet easterly along said line from its inter-
9 section with the easterly line of 5th Street in said town;
10 thence southwesterly between one hundred and thirty feet
11 and one hundred and thirty-five feet to a pole located on
12 or near the easterly line of said 5th Street; thence south-
13 easterly between one hundred and ninety-five feet and two
14 hundred and five feet to and terminating at the northerly
15 wall of a building situate on the lot at the northwesterly
16 corner of B Street in the town of Galt and the alley which
17 is located between and parallel to 5th and 6th Streets in
18 said town.

19 PROVIDED, HOWEVER, that it is intended to include in
20 this Sub-Item only the telephone conductors which extend con-
21 tinuously between the termini of the respective routes described
22 hereinbefore in this Sub-Item."

23
24 SACRAMENTO MUNICIPAL UTILITY DISTRICT

25 By (Signed) JOSEPH E. SPINK
26 JOSEPH E. SPINK, Secretary

27
28 ROBERT L. SHINN

29 STEPHEN W. DOWNEY

30 MARSHALL K. TAYLOR

31 Attorneys for Petitioner
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State of California)
) SS.
County of Sacramento)

JOSEPH E. SPINK, being first duly sworn, deposes and says: That he is an officer of the petitioner, to-wit, its Secretary, and that he verifies the foregoing third application for leave to amend petition on behalf of the petitioner; that he has read said third application for leave to amend petition and knows the contents thereof; that the same is true of his own knowledge except as to the matters which are therein stated upon his information and as to those matters he believes it to be true.

(Signed) JOSEPH E. SPINK
JOSEPH E. SPINK, Secretary

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Subscribed and sworn to before me this
30th day of March, 1939.

(Signed) DOROTHY FLINT
Notary Public in and for the County
(SEAL) of Sacramento, State of California.

My Commission expires September 24, 1942.

Certified as a True Copy
[Signature]
SECRETARY, RAILROAD COMMISSION
STATE OF CALIFORNIA