

Decision No. 32287

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.

ORIGINAL

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:

FIFTH ORDER AUTHORIZING AMENDMENT OF PETITION

On January 30, 1939 the Commission authorized amendment of the petition in the above proceeding (Decision No. 31693), on February 20, 1939 issued a second order authorizing amendment (Decision No. 31765), on April 18, 1939 issued a third order authorizing amendment (Decision No. 31933), and on July 11, 1939 issued a fourth order authorizing amendment (Decision No. 32153).

On July 31, 1939 petitioner filed a fifth application for leave to amend the petition. The record shows that on the same date said application 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 August 9, 1939 counsel for petitioner moved that further amendment of the petition be authorized. Counsel for the owners and claimants renewed the objections made on the return to the order to show cause. 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 Decisions Nos. 31693, 31765, 31933, and 32153), and said petition is hereby further amended in the manner and to the extent specified and requested in said fifth application for leave to amend petition, filed hercin on July 31, 1939, a certified copy of which is attached hereto and made a part hereof.

Dated, San Francisco, California, this 21st day of

August, 1939.

Raymond A. ...
Frank ...

Justus F. ...
Commissioners

FILED
RAILROAD COMMISSION
STATE OF CALIFORNIA

JUL 31 1939

APPLICATION
OFFICE

No. 21,960

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.

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

II.

On the 21st day of May, 1938, said District did, pur-
suant to said Resolution No. 806, file a petition with Railroad
Commission of the State of California, praying said Commission

1 to fix and determine the just compensation to be paid for an
2 electric distribution system, existing within and adjacent to
3 the boundaries of said District. Said petition was assigned
4 application number 21,960 by said Commission.

5 III.

6 On the 15th day of December, 1938, the Board of
7 Directors of said District did, at a regular meeting of said
8 Board, by its Resolution No. 842, which was duly passed by
9 unanimous vote of all members of said Board, amend said Reso-
10 lution No. 806, by amending in certain respects the form of
11 petition to be filed with the Railroad Commission, and directed
12 the filing of an application for leave to amend said petition
13 so filed on the 21st day of May, 1938.

14 IV.

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

21 V.

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

26 VI.

27 On the 2nd day of February, 1939, the Board of
28 Directors of said District did, at a meeting of said Board, by
29 its Resolution No. 850, which was duly passed by a unanimous
30 vote of all members of said Board, further amend said Resolution
31 No. 806, as amended by Resolution No. 842, by amending in certain
32 respects the form of petition to be filed with the Railroad

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

5 VII.

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

13 VIII.

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

18 IX.

19 On the 30th day of March, 1939, the Board of Directors
20 of said District did, at a meeting of said Board, by its Reso-
21 lution No. 856, which was duly passed by a unanimous vote of all
22 of the members of said Board, further amend said Resolution No.
23 806, as amended by Resolution No. 842, as amended by Resolution
24 No. 850, by amending in certain respects the form of petition to
25 be filed before the Railroad Commission and directed the filing
26 of a third application for leave to amend said petition so filed
27 on the 21st day of May, 1938, as the same had been amended by
28 Decision No. 31693 and Decision No. 31765 of said Railroad
29 Commission.

30 X.

31 On the 31st day of March, 1939, said District did pur-
32 suant to Resolution No. 856, file its third application for

1 leave to amend with the Railroad Commission of the State of
2 California, praying said Commission to authorize the amendment
3 of said petition filed on the 21st day of May, 1938, as amended
4 by Decision No. 31693 and Decision No. 31765 of said Railroad
5 Commission, in the respects provided for and set forth in said
6 Resolution No. 856.

7 XI.

8 On the 18th day of April, 1939, said Commission did,
9 by its Decision No. 31933, authorize said amendments and did
10 amend said petition in each and all of the respects prayed for
11 in said third application for leave to amend.

12 XII.

13 On the 25th day of May, 1939, the Board of Directors
14 of said District did, at a meeting of said Board, by its
15 Resolution No. 863, which was duly passed by a unanimous vote
16 of all of the members of said Board, further amend said Resolu-
17 tion No. 806, as amended by Resolution No. 842, as amended by
18 Resolution No. 850, as amended by Resolution No. 856, by amend-
19 ing in certain respects the form of petition to be filed before
20 the Railroad Commission and directed the filing of a fourth ap-
21 plication for leave to amend said petition so filed on the 21st
22 day of May, 1938, as the same had been amended by Decision No.
23 31693, Decision No. 31765, and Decision No. 31933 of said Rail-
24 road Commission.

25 XIII.

26 On the 29th day of May, 1939, said District, did pur-
27 suant to Resolution No. 863, file its fourth application for
28 leave to amend with the Railroad Commission of the State of
29 California, praying said Commission to authorize the amendment
30 of said petition filed on the 21st day of May, 1938, as amended
31 by Decision No. 31693, Decision No. 31765, and Decision No.
32 31933, of said Railroad Commission, in the respects provided for

1 and set forth in said Resolution No. 863.

2 XIV.

3 On the 11th day of July, 1939, said Commission did,
4 by its Decision No. 32153, authorize said amendments and did
5 amend said petition in each and all of the respects prayed for
6 in said fourth application for leave to amend.

7 XV.

8 On the 27th day of July, 1939, the Board of Directors
9 of said District did, at a meeting of said Board, by its
10 Resolution No. 869, which was duly passed by a unanimous vote of
11 all of the members of said Board, further amend said Resolution
12 No. 806, as amended by Resolution No. 842, as amended by Reso-
13 lution No. 850, as amended by Resolution No. 856, as amended by
14 Resolution No. 863, by amending in certain respects the form of
15 petition to be filed before said Railroad Commission and directed
16 the filing of this fifth application for leave to amend said
17 petition so filed on the 21st day of May, 1938, as the same has
18 been amended by Decision No. 31693, Decision No. 31765, Decision
19 No. 31933, and Decision No. 32153 of said Railroad Commission.

20 XVI.

21 The amendments for which authorization is hereinbelow
22 prayed will, if authorized, further amend said petition in the
23 same respects and manner that said Resolution No. 869 did further
24 amend the form of petition set forth in and provided for by said
25 Resolution No. 806, as amended by said Resolution No. 842, as
26 amended by said Resolution No. 850, as amended by said Resolution
27 No. 856, as amended by said Resolution No. 863.

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29 WHEREFORE, Petitioner prays that the Honorable
30 Railroad Commission of the State of California authorize the
31 further amendment of said petition as follows:
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I.

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2 Lines 24 and 25, page 8 of the Petition, as amended
3 pursuant to lines 4 to 8, inclusive, of page 5 of said fourth
4 application for leave to amend, be amended to read as follows:

5 "4.13, 4.14, 4.15, 4.20, 4.21, 4.50, 4.51, 4.52,
6 4.53, 4.54, 4.55, 4.60, 4.61, 4.62, 4.63, 4.64, 4.65, 4.66,
7 4.67, 4.68, 4.69, 4.70 and 4.71 of Item 4 and Item 5, said
8 properties"

9 II.

10 Lines 41 and 42 of page 8 of said Petition and line
11 43 of said page 8, as amended pursuant to lines 9 to 14, in-
12 clusive, of page 4 of said second application for leave to
13 amend, be amended to read as follows:

14 "parts of any electric line of 60,000 volts or more
15 rating, (b) maintain the specific electric lines described in
16 Sub-Item 4.60, Sub-Item 4.61 and Sub-Item 4.71 of Item 4 of
17 said Exhibit A; (c) maintain the poles described and/or referred
18 to in Sub-Item 4.51 of Item 4 of said Exhibit A."

19 III.

20 Lines 4 to 11, inclusive, page 10 of said Petition,
21 be amended to read as follows:

22 "EXCEPTING, FURTHER, the right to use and occupy the
23 following listed rights of way and easements only for the pur-
24 pose of maintaining and replacing the electric conductors
25 described in Sub-Items 4.64 and 4.71 of said Exhibit A; said
26 rights of way and easements being those which were conveyed by
27 the following instruments:

28 "Deed from Jos. E. Green to Great Western Power
29 Company, dated November 7, 1914, and recorded in Book 417 of
30 Deeds at page 65 and which appears in part at page 1003 of said
31 Exhibit H.

32 "Deed from Joe E. Green to Great Western Power Company,

1 dated April 5, 1912, and recorded in Book 367 of Deeds at page
2 351 and which appears at page 1003 of said Exhibit E.

3 "Deed from T. W. Dean to Great Western Power Company,
4 dated February 27, 1912, and recorded in Book 358 of Deeds at
5 page 367 and which appears at page 999 of said Exhibit E.

6 "Deed from Martha R. Elliott to Great Western Power
7 Company, dated December 31, 1912, and recorded in Book 371 of
8 Deeds at page 104 and which appears at page 1000 of said Exhibit
9 E.

10 "Deed from Charlotte C. Deming to Great Western Power
11 Company, dated July 28, 1913, and recorded in Book 384 of Deeds
12 at page 413 and which appears at page 1004 of said Exhibit E.

13 "Deed from F. B. Bates to Great Western Power Company,
14 dated February 29, 1912, and recorded in Book 358 of Deeds at
15 page 377 and which appears at page 1005 of said Exhibit E.

16 "Deed from George W. Condon and Anna S. Condon to
17 Great Western Power Company, dated February 28, 1912, and re-
18 corded in Book 367 of Deeds at page 361 and which appears at
19 page 1005 of said Exhibit E.

20 "Deed from Margaret H. Smith to Great Western Power
21 Company, dated April 10, 1912, and recorded in Book 367 of Deeds
22 at page 364 and which appears at page 1006 of said Exhibit E.

23 "Deed from M. C. C. Van Loben Sels to Great Western
24 Power Company, dated January 6, 1913, and recorded in Book 372
25 of Deeds at page 77 and which appears at page 1006 of said
26 Exhibit E.

27 "Deed from Alice M. Bryan to Great Western Power
28 Company, dated February 29, 1912, and recorded in Book 367 of
29 Deeds at page 356 and which appears at page 1007 of said Exhibit
30 E.

31 "Deed from Laura R. Dorsey and Elizabeth D. Runyon to
32 Great Western Power Company, dated September 19, 1915, and

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recorded in Book 435 of Deeds at page 23 and which appears at page 1008 of said Exhibit H.

"Deed from Elizabeth Runyon Stephenson and Gertrude A. Runyon and S. Mercer Runyon to Great Western Power Company, dated May 7, 1912, and recorded in Book 358 of Deeds at page 366 and which appears at page 1011 of said Exhibit H.

"Deed from Runyan & Stephenson to Great Western Power Company of California, dated June 12, 1929, and recorded in Book 240 of Official Records at page 488 and which appears at page 1036 of said Exhibit H.

"Deed from M. C. C. Van Loben Sels to Great Western Power Company, dated January 6, 1913, and recorded in Book 372 of Deeds at page 76 and which appears at page 1008 of said Exhibit H.

"Deed from Margaret J. Barry to Great Western Power Company, dated March 29, 1912, and recorded in Book 367 of Deeds at page 359 and which appears at page 1009 of said Exhibit H.

"Deed from P. J. Van Loben Sels to Great Western Power Company, dated October 5, 1915, and recorded in Book 442 of Deeds at page 98 and which appears at page 1011 of said Exhibit H.

"Deed from P. J. Van Loben Sels to Great Western Power Company, dated February 25, 1913, and recorded in Book 371 of Deeds at page 273 and which appears at page 1010 of said Exhibit H."

IV.

Following the 18th line of page (1) of the Table of Contents to Exhibit A to said Petition, the following be inserted:

"Sub-Item 1.8 Electric Line on 14th Avenue
and Stockton Road 11"

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V.

Following the 10th line of page (iii) of the Table of Contents to Exhibit A to said Petition, the following be inserted:

"Sub-Item 4.55 Exception of Certain Manholes. . . 41"

VI.

Following the language inserted after the 28th line of page (iii) of the Table of Contents to Exhibit A to said Petition, pursuant to lines 17 to 29 inclusive, of page 5 of the Fourth Application for Leave to Amend, insert the following:

"Sub-Item 4.71 Exception of Electric Conductors Extending Between Randall and Vorden River Crossings 50"

VII.

The 41st line of page (iii) of the Table of Contents to Exhibit A to said Petition, reading as follows:

"Sub-Item 5.5 Telephone Conductors to Florin Substation 55"

be stricken therefrom.

VIII.

Line 35, page 6, to line 1, page 7, inclusive, of Exhibit A to said Petition, be amended to read as follows:

"Beginning at a pole which bears the figures $\frac{1}{21}$ which pole is located on or near the southerly line of the road located along the southerly line of Sections 33, 34 and 35, T. 8 N., R. 5 E., at a point between two hundred"

IX.

Lines 18 to 27, inclusive, page 7 of said Exhibit A, be amended to read as follows:

"EXCEPTING, HOWEVER, a one-half interest in the pole which bears the figures $\frac{1}{21}$ (the location of which pole is the point of beginning in the above described route), as provided

1 herein in Paragraph 4.50.6 of Sub-Item 4.50, said pole being
2 one of the poles described in said paragraph;

3 "IT BEING INTENDED that the conductors of said line
4 are to begin at the point of their electric connection to the
5 conductors supported by the top crossarm of said pole which
6 bears the figures ¹21 and which is the point of beginning in the
7 above described route."

8 X.

9 Following line 38, page 11 of Exhibit A to said
10 Petition, the following be inserted:

11 "Sub-Item 1.8 Electric Line on 14th Avenue and
12 Stockton Road.

13 "That electric line (which includes three conductors)
14 located along the route described as follows, to-wit:

15 "Beginning at a pole which bears the figures
16 ⁴⁴~~18~~ and which is located on or near the southerly line
17 of a road designated herein as 14th Avenue, which road
18 bounds on the north that parcel of real property de-
19 scribed hereinafter in Sub-Item 2.11 and designated
20 therein as Station C, within fifty feet westerly along
21 said southerly line from its intersection with the
22 westerly line of the road which bounds on the west that
23 parcel of real property described hereinafter in Sub-
24 Item 3.1 and designated therein as Brighton Substation;
25 thence from said point of beginning westerly along and
26 near the southerly line of said 14th Avenue and/or its
27 projection westerly to a pole which bears the figures
28 47 which pole is located at or near the intersection
29 of the southerly line of said 14th Avenue, or its
30 projection westerly, with the westerly curb line of
31 U. S. Highway No. 99; thence southerly along and near
32 the westerly curb line and/or the westerly line of said

1 U. S. Highway No. 99 to, and terminating at, a pole
2 which bears the figures $\frac{50}{5}$, which pole is located at
3 or near the southwesterly corner of the crossroads at
4 the intersection of U. S. Highway No. 99 with a road
5 located along the southerly line of Sections 33, 34 and
6 35, T. 8 N., R. 5 E.

7 "EXCEPTING, HOWEVER, a one-half interest in
8 the pole which bears the figures $\frac{50}{5}$ (the location of
9 which pole is the termination of the above described
10 route) as provided hereinafter in Paragraph 4.50.2 of
11 Sub-Item 4.50, said pole being one of the poles de-
12 scribed in said paragraph."

13 XI.

14 Line 35, page 29 of Exhibit A to said Petition, as
15 amended pursuant to lines 28 to 32, inclusive, page 6 of said
16 Fourth Application for Leave to Amend, be amended to read as
17 follows:

18 "4.62, 4.63, 4.64, 4.65, 4.66, 4.67, 4.68, 4.69,
19 4.70 and 4.71."

20 XII.

21 The language inserted in Exhibit A to said Petition,
22 pursuant to line 7, page 5, of said Application for Leave to
23 Amend said Petition, be amended to read as follows:

24 "after in Sub-Items 4.53 and 4.54; (e) the manhole
25 indicated hereinafter in Sub-Item 4.55."

26 XIII.

27 Lines 7 to 10, inclusive, page 38 of Exhibit A to
28 said Petition, be amended to read as follows:

29 "Beginning at a pole which bears the figures
30 $\frac{50}{5}$, which pole is located at or near the southwesterly corner
31 of the crossroads of the intersection of U. S. Highway No. 99
32 with a road located along the southerly line of Sections 33,

1 34 and 35, T. 8 N., R. 5 E.; thence from said"

2 XIV.

3 Following line 28, page 39 of Exhibit A to said
4 Petition, the following be inserted:

5 "Paragraph 4.50.5 - A one-half interest in each and
6 every pole located along the route described hereinbelow in
7 this paragraph and which supports electric conductors which the
8 District seeks to acquire herein jointly with the electric con-
9 ductors described hereinafter in Sub-Item 4.71 (which the
10 District does not seek to acquire); said route being particular-
11 ly described as follows, to-wit:

12 "Beginning at the pole referred to in
13 Sub-Item 4.71 which is between 395 feet and 405 feet
14 southerly from the one of the two spliced wooden
15 poles referred to hereinafter in Sub-Item 4.64 which
16 is on the left bank of the Sacramento River; thence
17 from said point of beginning westerly, southwesterly,
18 southerly and southeasterly following the general down-
19 stream course of the Sacramento River without at any
20 point being more than three-fourths of one mile distant
21 from the left bank of said river to, and terminating at,
22 the pole referred to in said Sub-Item 4.71, which is
23 located between 295 feet and 310 feet northeasterly
24 from the northeasterly wall of the building located
25 between the four legs of the steel tower referred to
26 hereinafter in Sub-Item 4.63;

27 "TOGETHER WITH the right to use or occupy such pole or
28 poles only to support, maintain and/or replace said electric
29 conductors which the District does not seek to acquire which are
30 supported at this time by such pole or poles.

31 "Paragraph 4.50.6 - A one-half interest in each and
32 every pole located along the route described hereinbelow in this

1 paragraph and which supports electric conductors which the
2 District seeks to acquire herein jointly with electric con-
3 ductors or electric conductors and telephone conductors which
4 the District does not seek to acquire; said route being particu-
5 larly described as follows:

6 "Beginning at a pole which bears the figures
7 $\frac{50}{5}$ and which is located at or near the southwesterly
8 corner of the crossroads at the intersection of U. S.
9 Highway No. 99 with a road located along the southerly
10 line of Sections 33, 34 and 35, T. 8 N., R. 5 E.;
11 thence from said point of beginning easterly along and
12 near the southerly line of the road last above described
13 for a distance of approximately one and three-quarters
14 miles to, and terminating at, a pole which bears the
15 figures $\frac{1}{21}$, which pole is located at a point on or near
16 the southerly line of said road between 270 feet and
17 290 feet westerly from the intersection of said souther-
18 ly line of said road with the most westerly rail of the
19 railway tracks of the Southern Pacific Company near its
20 Florin Station, said point being further described as
21 being at or near the intersection of the southerly line
22 of said road with the easterly line of the road extend-
23 ing northerly and southerly through the east one-half
24 of Section 2, T. 7 N., R. 5 E.;

25 "TOGETHER WITH the right to use or occupy such
26 pole or poles only (a) to support, maintain and/or replace said
27 electric conductors and telephone conductors which the District
28 does not seek to acquire and which are at this time supported
29 by such pole or poles; and (b) to support, maintain and/or
30 replace any other telephone conductors and/or electric con-
31 ductors of not less than the same volts rating as said electric
32 conductors which the District does not seek to acquire;

1 "IT BEING INTENDED that no interest or right
2 of use in said pole which bears the figures $\frac{50}{5}$ other
3 than the interest and right of use described hereinabove
4 in Paragraph 4.50.2 of this sub-item shall be excepted
5 from the properties sought to be acquired by virtue of
6 this Paragraph 4.50.6."

7 XV.

8 Line 23, page 41 of Exhibit A to said Petition, be
9 amended to read as follows:

10 "In Paragraphs 4.50.1, 4.50.2, 4.50.3, 4.50.4,
11 4.50.5 and 4.50.6 of Sub-Item 4.50."

12 XVI.

13 The language inserted in Exhibit A to said Petition,
14 pursuant to lines 9 to 14, inclusive, of page 9 of said Fourth
15 Application for Leave to amend, be amended to read as follows:

16 "Sub-Items 5.1, 5.2, 5.3, 5.4, 5.6, 5.7, 5.8, 5.9
17 and 5.10;"

18 XVII.

19 Following line 37, page 41 of Exhibit A to said
20 Petition, the following be inserted:

21 "Sub-Item 4.55 Exception of Certain Manholes.

22 "Paragraph 4.55.1 - The manhole which is located
23 between 15 feet and 25 feet of the northeasterly corner of the
24 building which is located at the southwesterly corner of the
25 intersection of Front and M Streets in the City of Sacramento;

26 "TOGETHER WITH all conductors and equipment contained
27 in said manhole and/or extending therefrom;

28 "EXCEPTING, HOWEVER, all electric conductors which
29 extend from said manhole towards the source of power;

30 "EXCEPTING, FURTHER, the electric conductors which
31 extend from said manhole through a two and one-half inch
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1 conduit underneath the bridge over the Sacramento River at the
2 westerly end of M Street in the City of Sacramento to the
3 easterly tower pier of said bridge; thence extend vertically
4 on the easterly tower of said bridge to, and terminating at, a
5 point 30 feet above the floor of said bridge;

6 "EXCEPTING, FURTHER, said two and one-half inch con-
7 duit between said manhole and said point which is thirty feet
8 above the floor of said bridge.

9 "Paragraph 4.55.2 - The manhole which is located
10 between 10 feet and 20 feet northerly of the northeast corner
11 of that parcel of real property described hereinbefore in Sub-
12 Item 3.3 and designated therein as Station B;

13 "TOGETHER WITH all conduit which extend from the
14 easterly side of said manhole;

15 "IT BEING INTENDED that no electric conductors and
16 equipment shall be included with the manhole and conduit de-
17 scribed in this paragraph.

18 "Paragraph 4.55.3 - The manhole located between the
19 Courthouse of the County of Sacramento, which is the building
20 on the ^{northerly} ~~easterly~~ side of I Street between 6th and 7th Streets
21 in the City of Sacramento, and the building located at the
22 southeasterly corner of the intersection of 6th and H Streets
23 in said City, at a point between 85 feet and 100 feet easterly
24 of the easterly line of said 6th Street;

25 "TOGETHER WITH all conductors and equipment contained
26 in said manhole and/or extending therefrom;

27 "EXCEPTING, HOWEVER, those conductors and their
28 encasing conduits, which extend continuously from west of the
29 easterly line of Sixth Street; through the southerly part of
30 said manhole, to the jail building which is northeasterly of
31 said manhole; provided that no other conductors which are
32 spliced onto said conductors in said manhole are included with

1 said conductors."

2 XVIII.

3 Following the language inserted after line 39, page
4 50 of Exhibit A, pursuant to line 17, page 10, to line 10,
5 page 12, inclusive, of said Fourth Application for Leave to
6 Amend, the following be inserted:

7 "Sub-Item 4.71 Exception of Electric Conductors
8 Extending Between Randall and
9 Vorden River Crossings.

10 "The three electric conductors which are highest in
11 point of distance above the ground at the spliced wooden pole
12 which is the point of beginning of the route hereinafter de-
13 scribed and which are the conductors which extend along the
14 entire route described as follows, to-wit:

15 "Beginning at the one of the two spliced
16 wooden poles referred to hereinbefore in Sub-Item
17 4.64 which is on the left bank of the Sacramento
18 River; thence from said point of beginning southerly
19 for a distance of between 395 feet and 405 feet to a
20 pole from which electric conductors extend in four
21 directions; thence westerly, southwesterly, southerly
22 and southeasterly following the general downstream
23 course of the Sacramento River without at any point
24 being more than three-fourths of one mile distant from
25 the left bank of said river to a pole located between
26 295 feet and 310 feet northeasterly from the north-
27 easterly wall of the building located between the four
28 legs of the steel tower referred to hereinbefore in
29 Sub-Item 4.63; thence southwesterly to, and terminating
30 at, the point where said three conductors intersect the
31 northeasterly line of the area between the four legs of
32 said tower;

1 "TOGETHER WITH:

2 "(1) Any and all insulators, insulating devices, in-
3 sulating materials, switches, and switching stations, switching
4 devices, switch operating mechanisms, cutouts, fuses, dis-
5 connects, disconnecting devices, transformers and transformer
6 stations, transforming devices, grounds, grounding devices,
7 protectors, protective devices, protective materials, regulators,
8 regulating devices, controllers, controlling devices, con-
9 tactors, contacting devices, meters, terminals, terminating
10 devices, potheads, splices, splicing devices, splicing materials,
11 connectors, connecting devices, and electric lamps which are at-
12 tached to, or are physically or electrically connected to the
13 conductors described hereinbefore in this sub-item;

14 "(2) Any and all towers, poles, pole structures,
15 crossarms, guying devices, bracing devices, brackets, street
16 lighting fixtures, conduits (underground, pole riser² and other),
17 vaults, manholes, handholes, junction boxes, service boxes,
18 meter boxes, fuse boxes, switch boxes, and buildings, any of
19 which are physically connected to, or which enclose or encase,
20 (a) the conductors described hereinbefore in this sub-item, or
21 (b) any of the articles, devices, structures, or equipment which
22 are hereinbefore listed or indicated in this sub-item;

23 "EXCEPTING, HOWEVER, one-half interest and partial
24 rights of use in certain poles as indicated in Paragraph 4.50.5
25 of Sub-Item 4.50;

26 "PROVIDED, HOWEVER, that the three conductors above
27 described in this sub-item include only that portion of said
28 three conductors which follows the route particularly described
29 hereinbefore and do not include any other conductors which are
30 physically or electrically connected or may be physically or
31 electrically connected by means of switches or other devices to
32 said three conductors;

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"IT BEING INTENDED that the District shall not acquire said three conductors extending continuously from the point of beginning to the terminus of the route described hereinbefore in this sub-item."

XIX.

Line 24, page 55, to line 10, page 56, inclusive, of Exhibit A to said Petition, be stricken therefrom.

XX.

All of Exhibit G to said Petition be stricken therefrom.

SACRAMENTO MUNICIPAL UTILITY DISTRICT

By (Signed) JOSEPH E. SPINK
JOSEPH E. SPINK, SECRETARY



ROBERT L. SHINN
STEPHEN W. DOWNEY
MARSHALL K. TAYLOR

Attorneys for Petitioner

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State of California)
County of Sacramento) SS.

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 fifth application for leave to amend petition on behalf of the petitioner; that he has read said fifth 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

SEAL

Subscribed and sworn to before me this
28th day of July, 1939.

(Signed) VERLIE C. BRANSTETTER
Notary Public in and for the
County of Sacramento, State of
California.

(SEAL)

My Commission expires July 31, 1939.

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