

Decision No. 33227

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  
Gerdes for Pacific Gas and Electric  
Company, American Trust Company and  
City Bank Farmers Trust Company.

BY THE COMMISSION:

SEVENTH ORDER AUTHORIZING AMENDMENT OF PETITION

The following orders authorizing amendment of the petition in the above proceeding have been issued by the Commission:

First Order	Decision No. 31693	January 30, 1939
Second Order	Decision No. 31765	February 20, 1939
Third Order	Decision No. 31933	April 18, 1939
Fourth Order	Decision No. 32153	July 11, 1939
Fifth Order	Decision No. 32283	August 30, 1939
Sixth Order	Decision No. 32872	March 5, 1940

On May 10, 1940 petitioner filed a seventh 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 May 24, 1940 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, 32153, 32283, and 32872), and said petition is hereby further amended in the manner and to the extent specified and requested in said seventh application for leave to amend petition, filed herein on May 10, 1940, a certified copy of which is attached hereto and made a part hereof.

Dated, San Francisco, California, this 11<sup>th</sup> day of June, 1940.

Ray L. Rice  
Frank D. Allen  
Robert W. Smith  
W. H. Allen  
Justin F. Cramer  
Commissioners

1 BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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4 **FILED**

5 RAILROAD COMMISSION  
STATE OF CALIFORNIA

6 ) MAY 10 1940  
7 ) ~~R.C. No. 21,000~~  
8 ) Application  
9 )

10  
11 In the matter of the Petition of the  
12 SACRAMENTO MUNICIPAL UTILITY DISTRICT  
13 to have fixed and determined the just  
14 compensation to be paid for an electric  
15 distribution system existing within and  
16 adjacent to the boundaries of said  
17 District

18  
19 SEVENTH APPLICATION FOR LEAVE TO AMEND PETITION

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

22 I.

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

32 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 the

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

6 III.

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

15 IV.

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

22 V.

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

27 VI.

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

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

6 VII.

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

14 VIII.

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

19 IX.

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

31 X.

32 On the 31st day of March, 1939, said District did,

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

8 XI.

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

13 XII.

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

26 XIII.

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

1 of said Railroad Commission, in the respects provided for and set  
2 forth in said Resolution No. 863.

3 XIV.

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

8 XV.

9 On the 27th day of July, 1939, the Board of Directors  
10 of said District did, at a meeting of said Board, by its  
11 Resolution No. 869, which was duly passed by unanimous vote of  
12 all of the members of said Board, further amend said Resolution  
13 No. 806, as amended by Resolution No. 842, as amended by Resolu-  
14 tion No. 850, as amended by Resolution No. 856, and as amended by  
15 Resolution No. 863, by amending in certain respects the form of  
16 petition to be filed before the Railroad Commission and directed  
17 the filing of a fifth application for leave to amend said petition  
18 so filed on the 21st day of May, 1938, as the same had been  
19 amended by Decision No. 31693, Decision No. 31765, Decision No.  
20 31933, and Decision No. 32153 of said Railroad Commission.

21 XVI.

22 On the 31st day of July, 1939, said District did, pur-  
23 suant to Resolution No. 869, file its fifth application for leave  
24 to amend with the Railroad Commission of the State of California,  
25 praying said Commission to authorize the amendment of said petition  
26 filed on the 21st day of May, 1938, as amended by Decision No.  
27 31693, Decision No. 31765, Decision No. 31933, and Decision  
28 No. 32153, of said Railroad Commission, in the respects provided  
29 for and set forth in said Resolution No. 869.

30 XVII.

31 On the 30th day of August, 1939, said Commission did,  
32 by its Decision No. 32283, authorize said amendments and did amend

1 said petition in each and all of the respects prayed for in said  
2 fifth application for leave to amend.

3 XVIII.

4 On the 6th day of February, 1940, the Board of Directors  
5 of said District did, at a meeting of said Board, by its Resolu-  
6 tion No. 889, which was duly passed by a unanimous vote of all of  
7 the members of said Board, further amend said Resolution No. 806,  
8 as amended by Resolution No. 842, as amended by Resolution No.  
9 850, as amended by Resolution No. 856, as amended by Resolution  
10 No. 863, and as amended by Resolution No. 869, by amending in  
11 certain respects the form of petition to be filed before the  
12 Railroad Commission and directed the filing of a sixth application  
13 for leave to amend said petition, so filed on the 21st day of May,  
14 1938, as the same had been amended by Decision No. 31693,  
15 Decision No. 31765, Decision No. 31933, Decision No. 32153, and  
16 Decision No. 32283 of said Railroad Commission.

17 XIX.

18 On the 8th day of February, 1940, said District did,  
19 pursuant to Resolution No. 889, file its sixth application for  
20 leave to amend with the Railroad Commission of the State of  
21 California, praying said Commission to authorize the amendment  
22 of said petition filed on the 21st day of May, 1938, as amended  
23 by Decision No. 31693, Decision No. 31765, Decision No. 31933,  
24 Decision No. 32153, and Decision No. 32283, of said Railroad  
25 Commission, in the respects provided for and set forth in said  
26 Resolution No. 889.

27 XX.

28 On the 5th day of March, 1940, said Commission did, by  
29 its Decision No. 32872, authorize said amendments and did amend  
30 said petition in each and all of the respects prayed for in said  
31 sixth application for leave to amend.

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XXI.

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2 On the 9th day of May, 1940, the Board of Directors  
3 of said District did, at a meeting of said Board, by its  
4 Resolution No. 901, which was duly passed by a unanimous vote of  
5 all of the members of said Board, further amend said Resolution  
6 No. 806, as amended by Resolution No. 842, as amended by  
7 Resolution No. 850, as amended by Resolution No. 856, as amended  
8 by Resolution No. 863, as amended by Resolution No. 869, and as  
9 amended by Resolution No. 889, by amending in certain respects  
10 the form of petition to be filed before said Railroad Commission  
11 and directed the filing of this seventh application for leave to  
12 amend said petition so filed on the 21st day of May, 1938, as the  
13 same has been amended by Decision No. 31693, Decision No. 31765,  
14 Decision No. 31933, Decision No. 32153, Decision No. 32283, and  
15 Decision No. 32872 of said Railroad Commission.

XXII.

16  
17 The amendments for which authorization is hereinbelow  
18 prayed will, if authorized, further amend said petition in the  
19 same respects and manner that said Resolution No. 901 did further  
20 amend the form of petition set forth in and provided for by said  
21 Resolution No. 806, as amended by said Resolution No. 842, as  
22 amended by said Resolution No. 850, as amended by said Resolution  
23 No. 856, as amended by said Resolution No. 863, as amended by  
24 said Resolution No. 869, and as amended by said Resolution No.  
25 889.

26 WHEREFORE, Petitioner prays that the Honorable Railroad  
27 Commission of the State of California authorize the further  
28 amendment of said petition as follows:

29 I.

30 The 27th to the 29th lines, inclusive, page (ii) of the  
31 Table of Contents of Exhibit A to said petition, be amended to  
32 read as follows:

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"Sub-Item 4.13 Exception of Street Lighting  
Conductors and Equipment in  
Sierra Oaks and in Areas in  
the City of Sacramento Other  
Than Those Described in  
Sub-Item 4.12 . . . . . 35"

II.

The 14th to the 21st lines, inclusive, page (iv) of  
the Table of Contents of Exhibit A to said petition, be amended  
to read as follows:

"Sub-Item 10.5 Electric Line Crossing District's  
Boundary Between Forty-five Feet  
and Fifty-five Feet West of Its  
Intersection With the West Line  
of Section 10, T. 10 N., R. 6  
E. . . . . 63

"Sub-Item 10.6 Electric Line Crossing District's  
Boundary Between Two Hundred Feet  
and Two Hundred and Fifteen Feet  
East of Its Intersection . . . . 64"

III.

Lines 15 to 17, inclusive, page 4 of Exhibit A to said  
petition, as amended pursuant to lines 27 to 31, inclusive, page  
2 of said first application for leave to amend, be amended to read  
as follows:

"Meters - All electric meters and any and all electric  
measuring devices (including instrument transformers, current,  
potential and/or other), meter boxes, meter cans, meter seals and  
hardware; provided, however, that sockets and theft proof lock  
rings for sequence meter installations are not included as a part  
of any meter.

(See Customer Meter.

See Transformers.)"

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IV.

Following line 29, page 5 of Exhibit A to said petition, the following be inserted:

"Titles of Items and Sub-items - All titles of items and sub-items in this Exhibit A are only guides to the text, are meaningless in themselves and are not to be construed as part of, or as affecting, the description of properties sought to be acquired."

V.

Lines 38 and 39, page 32 of Exhibit A to said petition, be amended to read as follows:

"All street lighting circuits or portions thereof which are located within either of the two areas described as follows, to-wit:"

VI.

The language inserted on page 35 of Exhibit A to said petition, pursuant to lines 5 and 6, page 8 of said fourth application for leave to amend, be amended to read as follows:

"R. O. type transformers and the base of the first electroliner located in either of said areas and into which such conductors extend when going from said cable,"

VII.

Lines 26 to 30, inclusive, page 35 of Exhibit A to said petition, be amended to read as follows:

"Sub-Item 4.13 Exception of Street Lighting  
Conductors and Equipment in  
Sierra Oaks and in Areas in the  
City of Sacramento Other Than  
Those Described in Sub-Item 4.12.

"All street lighting circuits, the conductors of which are underground between lamp posts, and which circuits are located within either Sierra Oaks Unit No. 1 Subdivision, as shown by map

1 filed in the Recorder's Office of Sacramento County in Book 20  
2 of Maps, Map No. 5, or within"

3 VIII.

4 Line 44, page 35 of Exhibit A to said petition, be  
5 amended to read as follows:

6 "electric railway trolley span wires; excluding,  
7 further, from this exception any portion or portions of said  
8 street lighting circuit or circuits which are in or extend be-  
9 tween any electrolier or electroliers which are in either of the  
10 areas described hereinbefore in Sub-Item 4.12;"

11 IX.

12 Following line 44, page 35 of Exhibit A to said  
13 petition, the following be inserted:

14 "EXCEPTING, FURTHER, any and all electroliers which are  
15 on the bridge which crosses the Sacramento River near the most  
16 westerly end of the Southern Pacific Yards in the City of  
17 Sacramento, or which are on any ramp to said bridge, together  
18 with any and all electric conductors or portions thereof which  
19 either are inside of said electroliers or extend between any two  
20 or more of them."

21 X.

22 Lines 21 to 25, inclusive, page 49 of Exhibit A to said  
23 petition, be amended to read as follows:

24 "EXCEPTING, HOWEVER, the three electric conductors which  
25 extend from a point on the easterly side of said tower which point  
26 is approximately two-thirds of the distance from the ground to the  
27 top of said tower; thence down said tower and into a riser located  
28 near the most southwesterly leg of said tower and thence under-  
29 ground to said parcel of real property, including with said con-  
30 ductors all insulators, conduit or other devices by means of which  
31 said conductors are attached to said tower, but excluding from  
32 said conductors any and all transformers which are electrically

1 connected to said conductors within the area surrounded by the  
2 four legs of said tower."

3 XI.

4 The language inserted in Exhibit A, pursuant to lines  
5 13 to 15, inclusive, of page 28 of said sixth application for  
6 leave to amend, be amended to read as follows:

7 "EXCLUDING, HOWEVER, the transformers which are in the  
8 rooms and/or wire enclosure in which the lead covered cables  
9 (which emanate from the one which originates on the pole desig-  
10 nated in this Paragraph 4.72.9) terminate;"

11 XII.

12 The language inserted in Exhibit A to said petition,  
13 pursuant to line 13, page 32 of said sixth application for leave  
14 to amend, be amended to read as follows:

15 "EXCLUDING, HOWEVER, from the properties described in  
16 this Paragraph 4.72.18 any electric conductors and their encasing  
17 conduit which, after extending northwesterly from said manhole  
18 and under said fence, do not terminate within the enclosure of  
19 which said fence is the southerly side;

20 "EXCLUDING, FURTHER, from the properties described  
21 in"

22 Dated: May 10, 1940.

23  
24 SACRAMENTO MUNICIPAL UTILITY DISTRICT

25 By (Signed) JOSEPH E. SPINK (Seal)  
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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