

Decision No. 33273

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Petition of the City of Redwood City, a municipal corporation, that the Railroad Commission of the State of California fix a just compensation to be paid by the City of Redwood City, a municipal corporation, for certain property, rights and franchises of the Pacific Gas and Electric Company, a corporation, located and situated within the corporate limits of said City of Redwood City and used and/or useful in the distribution and/or sale of electrical energy within the City of Redwood City and in certain isolated outside territory.

ORIGINAL

Application No. 19824

Chaffee E. Hall and R. W. DuVal,  
for Pacific Gas and Electric Company.

Albert Mansfield, City Attorney, Redwood  
City, for City of Redwood City.

DEVLIN, COMMISSIONER:

O P I N I O N

In 1935 the City of Redwood City filed a petition asking this Commission to fix and determine the just compensation to be paid by the City for certain described lands, properties and rights of Pacific Gas and Electric Company. The petition set forth the intention of the City to acquire such properties by condemnation, or otherwise, and was a petition of the first class under section 47(b) of the Public Utilities Act.

On August 9, 1937, the Commission made and filed its findings as to just compensation. (Decision No. 30033; 40 C.R.C. 672.)

On March 30, 1940, Pacific Gas and Electric Company filed a petition requesting an order (1) finding that the City has failed diligently to pursue its rights under section 47(b), (2) determining that the findings as to just compensation shall no longer be of any force or effect, and (3) determining the reasonable expenditures necessarily incurred by the utility in said proceeding, which should be assessed against the City. Order to show cause was issued, proper service was made in accordance with the statute, and on the return day the city attorney appeared in response to such order. The utility's general auditor testified concerning the keeping of records of costs incurred, as well as the bases of computation and allocation. The reasonableness of the expenditures reported by the utility was not questioned.

O R D E R

Public hearing having been had on the order to show cause referred to above, and the record showing that Pacific Gas and Electric Company never filed with the governing body of the City of Redwood City a stipulation agreeing to accept the compensation fixed by this Commission in Decision No. 30033, and that said City never commenced an eminent domain proceeding to take the properties involved, now, therefore, as required by the statute,

IT IS FOUND AS FACTS that the City of Redwood City has failed diligently to pursue its rights under section 47(b) of the Public Utilities Act; and that Pacific Gas and Electric Company, in connection with Application No. 19824, necessarily incurred expenditures in the total sum of \$18,278.37, as more particularly set forth in Exhibit 1 in the order to show cause proceeding (which exhibit is made a part hereof by reference). Such expenditures are hereby declared and found to be reasonable, and therefore, in the opinion

of this Commission, should be assessed against the City of Redwood City.

IT IS ORDERED that the findings as to just compensation contained in Decision No. 30033 on Application No. 19824 shall no longer be of any force or effect.

The foregoing opinion and order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated, San Francisco, California, this 3<sup>rd</sup> day of July, 1940.

Ray & Rice  
Frank D. Miller  
Robert A. Johnson  
H. B. Allen  
Justus J. Casper  
Commissioners.