

Decision No. 21960

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:

EIGHTH 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
Seventh	Order	Decision No. 33217	June 11, 1940

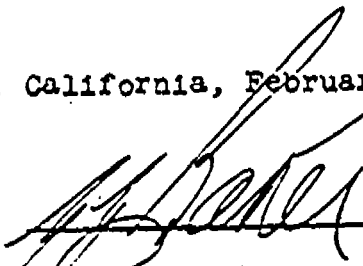
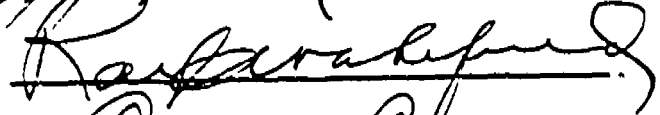
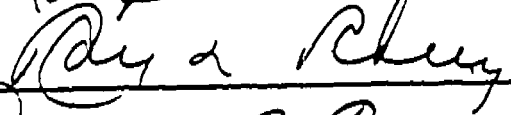
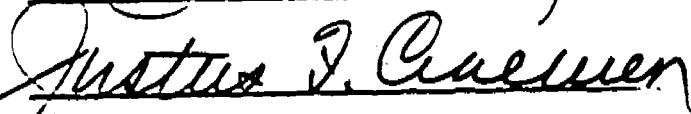

On January 13, 1941 petitioner filed an eighth application for leave to amend the petition. The record shows that on the same date said application was personally served upon counsel for each of the owners and claimants named in the original petition and in the order to show cause issued on June 20, 1938.

At the hearing of January 29, 1941 counsel for peti-

tioner 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, 32872, and 33217), and said petition is hereby further amended in the manner and to the extent specified and requested in said eighth application for leave to amend petition, filed herein on January 13, 1941, a certified copy of which is attached hereto and made a part hereof.

Dated, San Francisco, California, February 4, 1941.

  
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Commissioners

COPY

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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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.

FILED  
RAILROAD COMMISSION  
STATE OF CALIFORNIA

JAN 13 1941

Application  
SAN FRANCISCO  
OFFICE  
No. No. 21,960

EIGHTH 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-

1 suant to said Resolution No. 806, file a petition with the  
2 Railroad Commission of the State of California, praying said  
3 Commission to fix and determine the just compensation to be  
4 paid for an electric distribution system, existing within and  
5 adjacent to the boundaries of said District. Said petition was  
6 assigned application number 21,960, by said Commission.

7 III.

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

16 IV.

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

23 V.

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

28 VI.

29 On the 2nd day of February, 1939, the Board of  
30 Directors of said District did, at a meeting of said Board, by  
31 its Resolution No. 850, which was duly passed by unanimous vote  
32 of all members of said Board, further amend said Resolution

1 No. 806, as amended by Resolution No. 842, by amending in certain  
2 respects the form of petition to be filed with said Railroad  
3 Commission, and directed the filing of a second application for  
4 leave to amend said petition so filed on the 21st day of May,  
5 1938, as the same had been amended by said Decision No. 31693 of  
6 said Railroad Commission.

7 VII.

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

15 VIII.

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

20 IX.

21 On the 30th day of March, 1939, the Board of Directors  
22 of said District did, at a meeting of said Board, by its Resolu-  
23 tion No. 856, which was duly passed by unanimous vote of all of  
24 the members of said Board, further amend said Resolution No. 806,  
25 as amended by Resolution No. 842, and as amended by Resolution No.  
26 850, by amending in certain respects the form of petition to be  
27 filed before said Railroad Commission and directed the filing of a  
28 third application for leave to amend said petition so filed on the  
29 21st day of May, 1938, as the same had been amended by Decision  
30 No. 31693 and Decision No. 31765 of said 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 of  
4 said petition filed on the 21st day of May, 1938, as amended by  
5 Decision No. 31693 and Decision No. 31765 of said Railroad Com-  
6 mission, 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 of  
15 said District did, at a meeting of said Board, by its Resolution  
16 No. 863, which was duly passed by unanimous vote of all of the  
17 members of said Board, further amend said Resolution No. 806, as  
18 amended by Resolution No. 842, as amended by Resolution No. 850,  
19 and as amended by Resolution No. 856, by amending in certain  
20 respects the form of petition to be filed before said 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, of

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

1 amend said petition in each and all of the respects prayed for in  
2 said 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 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 said  
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  
14 May, 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 of  
22 said petition filed on the 21st day of May, 1938, as amended by  
23 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.

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

XXII.

On the 10th day of May, 1940, said District did, pursuant to Resolution No. 901, file its seventh application for leave to amend with the Railroad Commission of the State of California, praying said Commission to authorize the amendment of said petition filed on the 21st day of May, 1938, as amended by Decision No. 31693, Decision No. 31765, Decision No. 31933, Decision No. 32153, Decision No. 32283, and Decision No. 32872, of said Railroad Commission, in the respects provided for and set forth in said Resolution No. 901.

XXIII.

On the 11th day of June, 1940, said Commission did, by its Decision No. 33217, authorize said amendments and did amend said petition in each and all of the respects prayed for in said seventh application for leave to amend.

XXIV.

On the 26th day of December, 1940, the Board of

1 Directors of said District did, at a meeting of said Board, by  
2 its Resolution No. 926, which was duly passed by unanimous vote  
3 of all of the members of said Board, further amend said  
4 Resolution No. 806, as amended by Resolution No. 842, as amended  
5 by Resolution No. 850, as amended by Resolution No. 856, as  
6 amended by Resolution No. 863, as amended by Resolution No. 869,  
7 as amended by Resolution No. 889, and as amended by Resolution  
8 No. 901, by amending in certain respects the form of petition to  
9 be filed before said Railroad Commission and directed the filing  
10 of this eighth application for leave to amend said petition so  
11 filed on the 21st day of May, 1938, as the same has been amended  
12 by Decision No. 31693, Decision No. 31765, Decision No. 31933,  
13 Decision No. 32153, Decision No. 32283, Decision No. 32872, and  
14 Decision No. 33217 of said Railroad Commission.

15 XXV.

16 The amendments for which authorization is hereinbelow  
17 prayed will, if authorized, further amend said petition in the  
18 same respects and manner that said Resolution No. 926 did further  
19 amend the form of petition set forth in and provided for by said  
20 Resolution No. 806, as amended by said Resolution No. 842, as  
21 amended by said Resolution No. 850, as amended by said Resolution  
22 No. 856, as amended by said Resolution No. 863, as amended by  
23 said Resolution No. 869, as amended by said Resolution No. 889,  
24 and as amended by said Resolution No. 901.

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

28 I.

29 Lines 33 to 35, inclusive, page 8 of said Petition, as  
30 amended pursuant to lines 7 and 8, page 4 of said Second Appli-  
31 cation for Leave to Amend, be amended to read as follows:

32 "(5) Each and all rights existing by virtue

1 of any or all of the franchises granted by the County of  
2 Sacramento and each and all rights existing by virtue of  
3 any or all of the franchises granted by the City of  
4 Sacramento which franchises are set forth in said Exhibit  
5 B, to maintain"

6 II.

7 Lines 8 to 44, inclusive, page 9 of said Petition, as  
8 amended in part pursuant to lines 24 and 25, page 4 of said Third  
9 Application for Leave to Amend, and lines 10 and 11, page 5 of  
10 said Fourth Application for Leave to Amend, and lines 30 and 31,  
11 page 7 of said Sixth Application for Leave to Amend, be amended  
12 to read as follows:

13 "(7) A one-half interest in the rights of way  
14 and/or easements and each of them granted or conveyed  
15 by the instruments referred to and set forth in part in  
16 said Exhibit C, together with the exclusive right to  
17 use said rights of way and/or easements, to maintain, or  
18 place and maintain, or replace and maintain electric  
19 lines for transmitting and/or distributing electric  
20 energy at 30,000 volts rating or less.

21 "(8) (a) A one-half interest in the rights of  
22 way and/or easements granted or conveyed by those  
23 instruments referred to and set forth in part in said  
24 Exhibit D in which only Pacific Gas and Electric  
25 Company and The Pacific Telephone and Telegraph Company  
26 are named as grantees, together with the exclusive right  
27 to use said rights of way and/or easements to maintain,  
28 or place and maintain, or replace and maintain electric  
29 lines for transmitting and/or distributing electric  
30 energy at 30,000 volts rating or less.

31 "(b) A one-half interest in the rights of way  
32 and/or easements granted or conveyed by those instruments

1 referred to and set forth in part in said Exhibit D in  
2 which only Great Western Power Company or Great  
3 Western Power Company of California and The Pacific  
4 Telephone and Telegraph Company are named as grantees,  
5 together with the exclusive right to use said rights  
6 of way and/or easements, to maintain, or place and  
7 maintain, or replace and maintain electric lines for  
8 transmitting and/or distributing electric energy at  
9 30,000 volts rating or less.

10 "(c) A two-thirds interest in the rights of way  
11 and/or easements granted or conveyed by those instru-  
12 ments referred to and set forth in part in said Exhibit  
13 D in which Pacific Gas and Electric Company, Great  
14 Western Power Company or Great Western Power Company of  
15 California and The Pacific Telephone and Telegraph  
16 Company are all named as grantees, together with the  
17 exclusive right to use said rights of way and/or ease-  
18 ments to maintain, or place and maintain, or replace  
19 and maintain electric lines for transmitting and/or  
20 distributing electric energy at 30,000 volts rating or  
21 less.

22 "(d) A one-half interest in the rights of way  
23 and/or easements granted or conveyed by those instru-  
24 ments referred to and set forth in part in said Exhibit  
25 D which are not included within the meaning of (a), (b),  
26 and (c) of this Part 8 of this Paragraph XIV, together  
27 with the exclusive right to use said rights of way  
28 and/or easements to maintain, or place and maintain,  
29 or replace and maintain, electric lines for transmitting  
30 and/or distributing electric energy at 30,000 volts rat-  
31 ing or less.

32 "(e) A one-third interest in the rights of way

1 and/or easements and each of them granted or conveyed by  
2 the instrument referred to and set forth in part in said  
3 Exhibit E, together with the exclusive right to use said  
4 rights of way and/or easements to maintain, or place and  
5 maintain, or replace and maintain electric lines for  
6 transmitting and/or distributing electric energy at  
7 30,000 volts rating or less.

8 "(10) The entire interest in and the exclusive  
9 right to maintain or place and"

10 III.

11 Line 20, page 10 of said Petition, be amended to read  
12 as follows:

13 "(11) The rights of way and/or easements to  
14 maintain, repair,"

15 IV.

16 Line 25, page 10 of said Petition, as amended pursuant  
17 to lines 15 and 16, page 5 of said Fourth Application for Leave  
18 to Amend, be amended to read as follows:

19 "Parts (7), (8), (9) or (10) of this Paragraph  
20 XIV,"

21 V.

22 Line 27, page 10 of said Petition, be amended to read  
23 as follows:

24 "easements described in this Part (11) of this  
25 Paragraph XIV in-"

26 VI.

27 Line 33, page 10 of said Petition, be amended to read  
28 as follows:

29 "of grant, prescription or otherwise, excepting,  
30 however, a one-half interest in each and all of said  
31 rights of way and/or easements described in this Part  
32 (11) of this Paragraph XIV on which there are either

1 telephone conductors, other than the telephone con-  
2 ductors referred to in Item 5 of said Exhibit A, or  
3 electric conductors of more than 30,000 volts rating,  
4 other than the electric conductors described in Item 1  
5 of said Exhibit A, as well as said electric lines, in-  
6 cluding in this exception the entire right to use said  
7 easements for the purposes of maintaining, repairing,  
8 replacing and/or operating such telephone conductors."

9 VII.

10 Lines 22 to 27, inclusive, page 6 of Exhibit A to said  
11 Petition, be stricken therefrom.

12 SACRAMENTO MUNICIPAL UTILITY DISTRICT

13 By (Signed) JOSEPH E. SPINK (Seal)  
14 JOSEPH E. SPINK, SECRETARY

15 ROBERT L. SHINN

16 STEPHEN W. DOWNEY

17 MARSHALL K. TAYLOR

18 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 eighth application for leave to amend petition on behalf of the petitioner; that he has read said eighth 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  
11th day of January, 1941.

(Signed) R. LAUGHLIN  
Notary Public in and for the  
County of Sacramento, State of  
California.

(Seal)

My Commission expires August 24, 1944.

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