

ORIGINAL

Decision No. 34259

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

BY THE COMMISSION:

NINTH 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
Eighth Order	Decision No. 33873	February 4, 1941

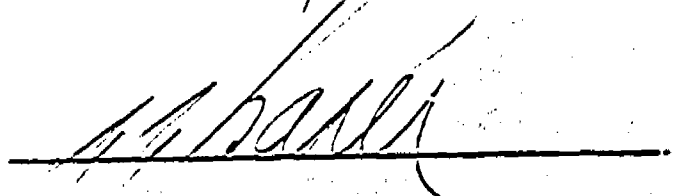
On May 21, 1941 petitioner filed a ninth application for leave to amend the petition. The record shows that on May 16, 1941 said application was personally served upon counsel for each of the owners and claimants named in the original petition and in the order

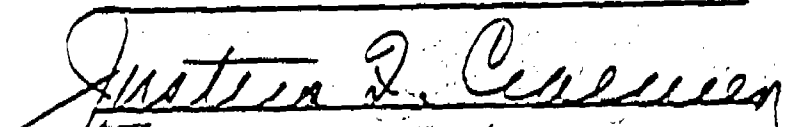

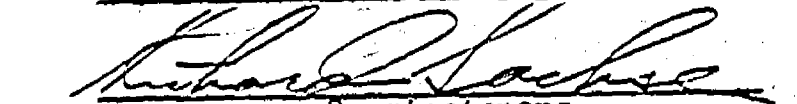
to show cause issued on June 20, 1938.

At the hearing of May 21, 1941 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, 32872, 33217, and 33873), and said petition is hereby further amended in the manner and to the extent specified and requested in said ninth application for leave to amend petition, filed herein on May 21, 1941, a certified copy of which is attached hereto and made a part hereof.

Dated, San Francisco, California, May 27, 1941.






Commissioners.

COPY

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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

MAY 21 1941

Application
SAN FRANCISCO
OFFICE
No. 21,960

NINTE 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
20 said Commission to authorize the amendment of said petition
21 filed on the 21st day of May, 1938, in the respects provided
22 for and set 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
2 certain respects the form of petition to be filed with said
3 Railroad Commission, and directed the filing of a second appli-
4 cation for leave to amend said petition so filed on the 21st
5 day of May, 1938, as the same had been amended by said Decision
6 No. 31693 of 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
12 of said petition filed on the 21st day of May, 1938, as amended
13 by 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
19 in 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
26 No. 850, by amending in certain respects the form of petition to
27 be filed before said Railroad Commission and directed the filing
28 of a third application for leave to amend said petition so filed
29 on the 21st day of May, 1938, as the same had been amended by
30 Decision No. 31693 and Decision No. 31765 of said Railroad
31 Commission.

X.

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2 On the 31st day of March, 1939, said District did,
3 pursuant to Resolution No. 856, file its third application for
4 leave to amend with the Railroad Commission of the State of
5 California, praying said Commission to authorize the amendment
6 of said petition filed on the 21st day of May, 1938, as amended
7 by Decision No. 31693 and Decision No. 31765 of said Railroad
8 Commission, in the respects provided for and set forth in said
9 Resolution No. 856.

10 XI.

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

15 XII.

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

28 XIII.

29 On the 29th day of May, 1939, said District did, pur-
30 suant to Resolution No. 863, file its fourth application for
31 leave to amend with the Railroad Commission of the State of
32 California, praying said Commission to authorize the amendment

1 of said petition filed on the 21st day of May, 1938, as amended
2 by Decision No. 31693, Decision No. 31765, and Decision No.
3 31933, of said Railroad Commission, in the respects provided for
4 and set forth in said Resolution No. 863.

5 XIV.

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

10 XV.

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

23 XVI.

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

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2 On the 30th day of August, 1939, said Commission did,
3 by its Decision No. 32283, authorize said amendments and did
4 amend said petition in each and all of the respects prayed for
5 in said fifth application for leave to amend.

6 XVIII.

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

21 XIX.

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

31 XX.

32 On the 5th day of March, 1940, said Commission did, by

1 its Decision No. 32872, authorize said amendments and did amend
2 said petition in each and all of the respects prayed for in said
3 sixth application for leave to amend.

4 XXI.

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

19 XXII.

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

29 XXIII.

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

1 seventh application for leave to amend.

2 XXIV.

3 On the 26th day of December, 1940, the Board of
4 Directors of said District did, at a meeting of said Board, by
5 its Resolution No. 926, which was duly passed by unanimous vote
6 of all of the members of said Board, further amend said Resolution
7 No. 806, as amended by Resolution No. 842, as amended by Resolu-
8 tion No. 850, as amended by Resolution No. 856, as amended by
9 Resolution No. 863, as amended by Resolution No. 869, as amended
10 by Resolution No. 889, and as amended by Resolution No. 901, by
11 amending in certain respects the form of petition to be filed
12 before said Railroad Commission and directed the filing of an
13 eighth application for leave to amend said petition, so filed on
14 the 21st day of May, 1938, as the same had been amended by
15 Decision No. 31693, Decision No. 31765, Decision No. 31933,
16 Decision No. 32153, Decision No. 32283, Decision No. 32872, and
17 Decision No. 33217, of said Railroad Commission.

18 XXV.

19 On the 13th day of January, 1941, said District did,
20 pursuant to Resolution No. 926, file its eighth application for
21 leave to amend with the Railroad Commission of the State of
22 California, praying said Commission to authorize the amendment
23 of said petition filed on the 21st day of May, 1938, as amended
24 by Decision No. 31693, Decision No. 31765, Decision No. 31933,
25 Decision No. 32153, Decision No. 32283, Decision No. 32872, and
26 Decision No. 33217, of said Railroad Commission, in the respects
27 provided for and set forth in said Resolution No. 926.

28 XXVI.

29 On the 4th day of February, 1941, said Commission did,
30 by its Decision No. 33873, authorize said amendments and did amend
31 said petition in each and all of the respects prayed for in said
32 eighth application for leave to amend.

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XXVII.

On the 15th day of May, 1941, the Board of Directors of said District did, at a meeting of said Board, by its Resolution No. 937, 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, as amended by Resolution No. 889, as amended by Resolution No. 901, and as amended by Resolution No. 926, by amending in certain respects the form of petition to be filed before said Railroad Commission and directed the filing of this ninth application for leave to amend said petition so filed on the 21st day of May, 1938, as the same has been amended by Decision No. 31693, Decision No. 31765, Decision No. 31933, Decision No. 32153, Decision No. 32283, Decision No. 32872, Decision No. 33217, and Decision No. 33873 of said Railroad Commission.

XXVIII.

The amendments for which authorization is hereinbelow prayed will, if authorized, further amend said petition in the same respects and manner that said Resolution No. 937 did further amend the form of petition set forth in and provided for by said Resolution No. 806, as amended by said Resolution No. 842, as amended by said Resolution No. 850, as amended by said Resolution No. 856, as amended by said Resolution No. 863, as amended by said Resolution No. 869, as amended by said Resolution No. 889, as amended by said Resolution No. 901, and as amended by said Resolution No. 926.

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

I.

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2 The language inserted in Exhibit A to said petition,
3 pursuant to lines 27 to 31, inclusive, of page 22 of said Sixth
4 Application for Leave to Amend, be amended to read as follows:

5 "rating."

6 II.

7 Line 10, page 44 of Exhibit A to said petition, be
8 amended to read as follows:

9 "(a) The three electric conductors which are the
10 middle three of nine"

11 III.

12 Following line 13, page 45 of Exhibit A to said petition,
13 the following be inserted:

14 "(b) The three electric conductors which are the
15 most westerly three of nine electric conductors attached
16 to the top crossarm of a two pole structure which is
17 located on the southerly portion of the westerly parcel
18 of real property described hereinbefore as Sub-item 3.1
19 and designated therein as Brighton Substation and which
20 three conductors are located along the route described as
21 follows: Beginning at said two pole structure; thence
22 from said point of beginning southwesterly to a pole
23 located on or near the westerly line of the road located
24 along the easterly line of Sections 15, 22, 27 and 34,
25 T. 8 N., R. 5 E., and which pole is located between 185
26 feet and 195 feet southerly along the westerly line of
27 said road from the intersection of said westerly line
28 with the most southerly rail of the railroad track of the
29 Southern Pacific Company's Placerville branch; thence
30 southerly along or near the westerly line of said road
31 to and terminating at the point where said three con-
32 ductors are physically connected to a pole located at or

1 near the intersection of the westerly line of said road
2 with the northerly line of a road located along the
3 southerly line of Sections 34, 33, 32 and 31, T. 8 N.,
4 R. 5 E."

5 IV.

6 Line 47, page 45 and line 1, page 46 of Exhibit A to
7 said petition, be amended to read as follows:

8 "the top crossarm positions and to which crossarms
9 the three conductors described under (a) above are
10 attached, said three pole structure being located"

11 V.

12 Lines 7 to 16, inclusive, page 46 of Exhibit A to said
13 petition, be amended to read as follows:

14 "PROVIDED, HOWEVER, that the conductors above de-
15 scribed in this sub-item include only that portion of
16 said conductors which follows the routes particularly
17 described hereinbefore and do not include any other con-
18 ductors which are physically or electrically connected
19 or may be physically or electrically connected by means
20 of switches or other devices to said conductors;

21 "IT BEING INTENDED that the District shall not ac-
22 quire said conductors extending continuously from the
23 points of beginning to the termini of the routes described
24 hereinbefore in this sub-item."

25 SACRAMENTO MUNICIPAL UTILITY DISTRICT

26
27 By (Signed) JOSEPE E. SPINK (SEAL)
28 JOSEPH E. SPINK, SECRETARY

29 ROBERT L. SHINN

30 STEPHEN W. DOWNEY

31 MARSHALL K. TAYLOR

32 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 ninth application for leave to amend petition on behalf of the petitioner; that he has read said ninth 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
16th day of May, 1941.

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

(Seal)

My Commission expires August 24, 1944.

Certified as a True Copy
R. G. Rajaei
ASSISTANT SECRETARY
COMMISSION STATE OF CALIFORNIA