

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.

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:

TENTH 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
Ninth Order	Decision No. 34259	May 27, 1941

On August 15, 1941 petitioner filed a tenth application for leave to amend the petition. The record shows that on August 15, 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 August 27, 1941 counsel for petitioner moved that further amendment of the petition be authorized. Counsel

COPY

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

FILED
RAILROAD COMMISSION
STATE OF CALIFORNIA

AUG 15 1941

Application
SAN FRANCISCO
OFFICE
No. 21,980

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.)

TENTH 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 the
Railroad Commission of the State of California, praying said

1 Commission to fix and determine the just compensation to be
2 paid for an electric distribution system, existing within and
3 adjacent to the boundaries of said District. Said petition was
4 assigned 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
10 Resolution No. 806, by amending in certain respects the form
11 of petition to be filed with said Railroad Commission, and
12 directed the filing of an application for leave to amend said
13 petition 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 unanimous vote
30 of all members of said Board, further amend said Resolution
31 No. 806, as amended by Resolution No. 842, by amending in cer-
32 tain respects the form of petition to be filed with said

1 Railroad Commission, and directed the filing of a second appli-
2 cation for leave to amend said petition so filed on the 21st
3 day of May, 1938, as the same had been amended by said Decision
4 No. 31693 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 did,
15 by its Decision No. 31765, authorize said amendments and did
16 amend said petition in each and all of the respects prayed for
17 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 Resolu-
21 tion No. 856, which was duly passed by unanimous vote of all of
22 the members of said Board, further amend said Resolution No. 806,
23 as amended by Resolution No. 842, and as amended by Resolution
24 No. 850, by amending in certain respects the form of petition to
25 be filed before said 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,
32 pursuant 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 Resolu-
15 tion No. 863, which was duly passed by unanimous vote of all of
16 the members of said Board, further amend said Resolution No. 806,
17 as amended by Resolution No. 842, as amended by Resolution No.
18 850, and as amended by Resolution No. 856, by amending in certain
19 respects the form of petition to be filed before said Railroad
20 Commission and directed the filing of a fourth application for
21 leave to amend said petition so filed on the 21st day of May,
22 1938, as the same had been amended by Decision No. 31693,
23 Decision No. 31765, and Decision No. 31933 of said Railroad
24 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 Resolu-
10 tion No. 869, which was duly passed by unanimous vote of all of
11 the members of said Board, further amend said Resolution No. 806,
12 as amended by Resolution No. 842, as amended by Resolution No.
13 850, as amended by Resolution No. 856, and as amended by Resolu-
14 tion No. 863, by amending in certain respects the form of
15 petition to be filed before said Railroad Commission and
16 directed the filing of a fifth application for leave to amend
17 said petition so filed on the 21st day of May, 1938, as the same
18 had been amended by Decision No. 31693, Decision No. 31765,
19 Decision No. 31933, and Decision No. 32153 of said Railroad
20 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
24 leave to amend with the Railroad Commission of the State of
25 California, praying said Commission to authorize the amendment
26 of said petition filed on the 21st day of May, 1938, as amended
27 by Decision No. 31693, Decision No. 31765, Decision No. 31933,
28 and Decision No. 32153, of said Railroad Commission, in the re-
29 spects 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
2 in said fifth application for leave to amend.

3 XVIII.

4 On the 6th day of February, 1940, the Board of
5 Directors of said District did, at a meeting of said Board, by
6 its Resolution No. 889, which was duly passed by unanimous vote
7 of all of the members of said Board, further amend said Resolu-
8 tion No. 806, as amended by Resolution No. 842, as amended by
9 Resolution No. 850, as amended by Resolution No. 856, as amended
10 by Resolution No. 863, and as amended by Resolution No. 869, by
11 amending in certain respects the form of petition to be filed
12 before said Railroad Commission and directed the filing of a
13 sixth 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, and Decision No. 32283 of said Railroad
17 Commission.

18 XIX.

19 On the 8th day of February, 1940, said District did,
20 pursuant to Resolution No. 889, file its sixth 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, and Decision No. 32283, of said Railroad
26 Commission, in the respects provided for and set forth in said
27 Resolution No. 889.

28 XX.

29 On the 5th day of March, 1940, said Commission did,
30 by its Decision No. 32872, authorize said amendments and did
31 amend said petition in each and all of the respects prayed for
32 in said 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 Resolu-
4 tion No. 806, as amended by Resolution No. 842, as amended by
5 Resolution No. 850, as amended by Resolution No. 856, as amended
6 by Resolution No. 863, as amended by Resolution No. 869, as
7 amended by Resolution No. 889, and as amended by Resolution No.
8 901, by amending in certain respects the form of petition to be
9 filed before said Railroad Commission and directed the filing of
10 an eighth application for leave to amend said petition, so filed
11 on the 21st day of May, 1938, as the same had been amended by
12 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 On the 13th day of January, 1941, said District did,
17 pursuant to Resolution No. 926, file its eighth application for
18 leave to amend with the Railroad Commission of the State of
19 California, praying said Commission to authorize the amendment
20 of said petition filed on the 21st day of May, 1938, as amended
21 by Decision No. 31693, Decision No. 31765, Decision No. 31933,
22 Decision No. 32153, Decision No. 32283, Decision No. 32872, and
23 Decision No. 33217, of said Railroad Commission, in the respects
24 provided for and set forth in said Resolution No. 926.

25 XXVI.

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

30 XXVII.

31 On the 15th day of May, 1941, the Board of Directors
32 of said District did, at a meeting of said Board, by its

1 Resolution No. 937, which was duly passed by unanimous vote of
2 all of the members of said Board, further amend said Resolution
3 No. 806, as amended by Resolution No. 842, as amended by Resolu-
4 tion No. 850, as amended by Resolution No. 856, as amended by
5 Resolution No. 863, as amended by Resolution No. 869, as amended
6 by Resolution No. 889, as amended by Resolution No. 901, and as
7 amended by Resolution No. 926, by amending in certain respects
8 the form of petition to be filed before said Railroad Commission
9 and directed the filing of a ninth application for leave to
10 amend said petition, so filed on the 21st day of May, 1938, as
11 the same had been amended by Decision No. 31693, Decision No.
12 31765, Decision No. 31933, Decision No. 32153, Decision No. 32283,
13 Decision No. 32872, Decision No. 33217, and Decision No. 33873 of
14 said Railroad Commission.

15 XXVIII.

16 On the 21st day of May, 1941, said District did, pur-
17 suant to Resolution No. 937, file its ninth application for leave
18 to amend with the Railroad Commission of the State of California,
19 praying said Commission to authorize the amendment of said
20 petition filed on the 21st day of May, 1938, as amended by
21 Decision No. 31693, Decision No. 31765, Decision No. 31933,
22 Decision No. 32153, Decision No. 32283, Decision No. 32872,
23 Decision No. 33217, and Decision No. 33873, of said Railroad
24 Commission, in the respects provided for and set forth in said
25 Resolution No. 937.

26 XXIX.

27 On the 27th day of May, 1941, said Commission did, by
28 its Decision No. 34259, authorize said amendments and did amend
29 said petition in each and all of the respects prayed for in said
30 ninth application for leave to amend.

31 XXX.

32 On the 12th day of August, 1941, the Board of Directors

1 of said District did, at a meeting of said Board, by its
2 Resolution No. 948, which was duly passed by unanimous vote of
3 all of the members of said Board, further amend said Resolution
4 No. 806, as amended by Resolution No. 842, as amended by Resolu-
5 tion No. 850, as amended by Resolution No. 856, as amended by
6 Resolution No. 863, as amended by Resolution No. 869, as amended
7 by Resolution No. 889, as amended by Resolution No. 901, as
8 amended by Resolution No. 926, and as amended by Resolution No.
9 937, by amending in certain respects the form of petition to be
10 filed before said Railroad Commission and directed the filing of
11 this tenth application for leave to amend said petition so filed
12 on the 21st day of May, 1938, as the same has been amended by
13 Decision No. 31693, Decision No. 31765, Decision No. 31933,
14 Decision No. 32153, Decision No. 32283, Decision No. 32872,
15 Decision No. 33217, Decision No. 33873, and Decision No. 34259
16 of said Railroad Commission.

17 XXXI.

18 The amendments for which authorization is hereinbelow
19 prayed will, if authorized, further amend said petition in the
20 same respects and manner that said Resolution No. 948 did further
21 amend the form of petition set forth in and provided for by said
22 Resolution No. 806, as amended by said Resolution No. 842, as
23 amended by said Resolution No. 850, as amended by said Resolu-
24 tion No. 856, as amended by said Resolution No. 863, as amended
25 by said Resolution No. 869, as amended by said Resolution No. 889,
26 as amended by said Resolution No. 901, as amended by said Resolu-
27 tion No. 926, and as amended by said Resolution No. 937.

28 WHEREFORE, Petitioner prays that the Honorable Railroad
29 Commission of the State of California authorize the further amend-
30 ment of said petition as follows:

31 I.

32 The language inserted in said Petition, pursuant to.

1 line 26, page 7 of said Sixth Application for Leave to Amend, be
2 amended to read as follows:

3 "4.53, 4.54, 4.55, 4.56, 4.60, 4.61, 4.62, 4.63,
4 4.64, 4.65, 4.66, 4.67"

5 II.

6 The language inserted on page 8 of said Petition, pur-
7 suant to line 18, page 6 of said Fifth Application for Leave to
8 Amend, be amended to read as follows:

9 "to in Sub-Item 4.51 of Item 4 of said Exhibit
10 A; (d) maintain or place and maintain, or replace and
11 maintain direct current electric conductors which are
12 attached either to electric railway trolley wires or to
13 the rails of electric railway tracks."

14 III.

15 Following line 7, page 9 of said Petition, as amended
16 pursuant to lines 21 to 25, inclusive, of page 4 of said Second
17 Application for Leave to Amend, the following be inserted:

18 "and further excepting and saving to the company
19 the right to maintain, or place and maintain telephone
20 conductors and poles and/or conduit to support and/or
21 encase said telephone conductors; and further except-
22 ing and saving to the company the right to maintain,
23 or place and maintain direct current electric conduc-
24 tors which are attached to electric railway trolley
25 wires or which are attached to the rails of electric
26 railway tracks, together with poles and/or conduit to
27 support or encase said direct current electric con-
28 ductors."

29 IV.

30 Following line 19, page 10 of said Petition, the follow-
31 ing be inserted:

32 "EXCEPTING, FURTHER, the right to use and occupy

1 the following listed rights of way and easements only
2 for the purpose of maintaining, placing and maintaining,
3 or replacing and maintaining telephone conductors; said
4 rights of way and easements being those which were con-
5 veyed by the following instruments:

6 "Deed from The Schaw Batcher Company Pipe Works, a
7 corporation, to Great Western Power Company, a corpora-
8 tion, dated May 7, 1909, and recorded in Book 287 of
9 Deeds at page 436, and which appears in part at page
10 145 of said Exhibit H;

11 "Deed from Showler Estate Company, a corporation,
12 and Jane Bauer to Great Western Power Company, a corpo-
13 ration, dated March 11, 1909, and recorded in Book 292
14 of Deeds at page 262, and which appears in part at page
15 96 of said Exhibit H;

16 "Deed from Clara F. L. Breuner and Louis F. Breuner
17 (her husband) to Great Western Power Company, a corpo-
18 ration, dated August 25, 1909, and recorded in Book 292
19 of Deeds at page 259, and which appears in part at page
20 98 of said Exhibit H;

21 "Deed from East Lawn Investment Company, a corpo-
22 ration, to Great Western Power Company, a corporation,
23 dated August 25, 1909, and recorded in Book 292 of
24 Deeds at page 261, and which appears in part at page
25 100 of said Exhibit H;

26 "Agreement from Crocker Estate Company, a corpo-
27 ration, to Great Western Power Company, a corporation,
28 dated July 15, 1909, and recorded in Book 292 of Deeds
29 at page 151, and which appears in part at page 82 of
30 said Exhibit H;

31 "Deed from Louis Largomarsino to Great Western
32 Power Company, a corporation, dated August 14, 1909, and

1 recorded in Book 292 of Deeds at page 190, and which
2 appears in part at page 85 of said Exhibit H;

3 "Deed from Virginia M. Davis (a widow) to Great
4 Western Power Company, a corporation, dated July 30,
5 1909, and recorded in Book 292 of Deeds at page 323,
6 and which appears in part at page 83 of said Exhibit
7 H;

8 "Deed from German Boething and Karoline Boething
9 (his wife) to Great Western Power Company, a corpo-
10 ration, dated September 20, 1909, and recorded in Book
11 292 of Deeds at page 322, and which appears in part at
12 page 753 of said Exhibit H;

13 "Deed from F. M. Davis (a single man) to Great
14 Western Power Company, a corporation, dated August 16,
15 1909, and recorded in Book 292 of Deeds at page 191,
16 and which appears in part at page 766 of said Exhibit
17 H;

18 "Deed from D. W. Carmichael to Great Western Power
19 Company, a corporation, dated April 22, 1909, and re-
20 corded in Book 287 of Deeds at page 437, and which
21 appears in part at page 764 of said Exhibit H;

22 "Deed from J. Anderson and Hanna Anderson to Great
23 Western Power Company, a corporation, dated April 24,
24 1909, and recorded in Book 287 of Deeds at page 433,
25 and which appears in part at page 747 of said Exhibit H;

26 "Deed from John McMorry (a single man) to Great
27 Western Power Company, a corporation, dated August 20,
28 1909, and recorded in Book 292 of Deeds at page 221,
29 and which appears in part at page 755 of said Exhibit H;

30 "Deed from John Rairdan to Great Western Power
31 Company, a corporation, dated April 6, 1909, and recorded
32 in Book 287 of Deeds at page 432, and which appears in

1 part at page 763 of said Exhibit H;

2 "Deed from Etta Duncan and Abraham Duncan (her
3 husband) to Great Western Power Company, a corporation,
4 dated October 26, 1909, and recorded in Book 300 of
5 Deeds at page 86, and which appears in part at page 758
6 of said Exhibit H;

7 "Deed from Frank M. McKeever and Frances McKeever
8 (his wife) to Great Western Power Company, a corporation,
9 dated August 14, 1909, and recorded in Book 292 of Deeds
10 at page 192, and which appears in part at page 756 of
11 said Exhibit H;

12 "Deed from Charles Belnap and Mrs. Mary A. Belnap
13 to Great Western Power Company, a corporation, dated May
14 1, 1909, and recorded in Book 287 of Deeds at page 433,
15 and which appears in part at page 767 of said Exhibit H;

16 "Deed from Frank L. Spencer (a single man) to Great
17 Western Power Company, a corporation, dated September 27,
18 1909, and recorded in Book 292 of Deeds at page 459, and
19 which appears in part at page 752 of said Exhibit H;

20 "Deed from W. H. Laine and Mrs. Cora Laine (his
21 wife) to Great Western Power Company, a corporation,
22 dated September 27, 1909, and recorded in Book 292 of
23 Deeds at page 461, and which appears in part at page
24 759 of said Exhibit H;

25 "Deed from James McGillivray and Arthur E. Miller
26 to Great Western Power Company, a corporation, dated
27 November 24, 1908, and recorded in Book 287 of Deeds at
28 page 434, and which appears in part at page 784 of said
29 Exhibit H;

30 "Deed from Minnie B. Pugh and C. L. Pugh (her
31 husband) to Great Western Power Company, a corporation,
32 dated September 11, 1909, and recorded in Book 292 of

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Deeds at page 258, and which appears in part at page 754 of said Exhibit H."

V.

The language inserted on page 10 of said Petition, pursuant to lines 1 and 2, page 12 of said Eighth Application for Leave to Amend, be amended to read as follows:

"telephone conductors, other than the telephone conductors referred to in Sub-Items 5.1, 5.2, Paragraphs 5.3.1 and 5.3.4 of Sub-Item 5.3, Sub-Items 5.6 and 5.10 of said Exhibit A, or"

VI.

Following the language inserted on page (iii) of the Table of Contents of Exhibit A to said Petition, pursuant to line 5, page 9 of said Fifth Application for Leave to Amend, the following be inserted:

"4.56 Exception of One-Third Interest In Certain Poles.41"

VII.

Following line 15, page 22 of Exhibit A to said Petition, the following be inserted:

"EXCEPTING, FURTHER, the right to maintain, replace and maintain, and place and maintain telephone conductors along and over the southerly fifteen feet of said parcel of real property."

VIII.

Following line 42, page 22 of Exhibit A to said Petition, the following be inserted:

"EXCEPTING, FURTHER, the right to maintain, replace and maintain, and place and maintain telephone conductors along and over the southerly fifteen feet of said parcel of real property."

IX.

1
2 Following line 17, page 30 of Exhibit A to said Petition,
3 the following be inserted:

4 "EXCEPTING, HOWEVER, each and every crossarm to
5 which a telephone conductor or telephone conductors
6 described hereinafter in Paragraphs 5.3.2 and 5.3.3 of
7 Sub-Item 5.3 and in Sub-Items 5.4, 5.5, 5.7, 5.8 and
8 5.9 are attached by means of brackets or pins and in-
9 sulators or clamps."

X.

10
11 Line 18, page 30 of Exhibit A to said Petition, be
12 amended to read as follows:

13 "EXCEPTING, FURTHER, varying interests and/or
14 rights"

XI.

15
16 Lines 26 to 29, inclusive, page 38 of Exhibit A, to said
17 Petition, as amended pursuant to lines 20 to 30, inclusive, page
18 12 of said Second Application for Leave to Amend, be amended to
19 read as follows:

20 "TOGETHER WITH the right to use or occupy such
21 pole or poles only (a) to support, maintain and/or
22 replace said electric conductors which the District
23 does not seek to acquire and which are at this time
24 supported by such pole or poles; (b) to support, main-
25 tain and/or replace any other electric conductors of
26 not less than the same volts rating as said electric
27 conductors which the District does not seek to acquire;

28 "AND TOGETHER WITH: (a) the exclusive right to
29 use or occupy all space on such pole or poles which is
30 within four (4) feet measured vertically from the pres-
31 ent horizontal plane of telephone conductors now
32 attached to such pole or poles; (b) the right to use or

1 occupy all space on such pole or poles which is within
2 six (6) feet measured vertically from the present
3 horizontal plane of telephone conductors now attached
4 to such pole or poles for the purpose of placing, main-
5 taining and/or supporting electric conductors of more
6 than 7,500 volts rating; and (c) the right to use and
7 occupy all space on such pole or poles which is within
8 eight (8) feet measured vertically from the present
9 horizontal plane of said telephone conductors now
10 attached to such pole or poles for the purposes of
11 supporting, placing and/or maintaining electric con-
12 ductors of more than 17,000 volts rating;

13 "PROVIDED, HOWEVER, that the space described here-
14 inabove in (a), (b) and (c) may be used only to support
15 telephone conductors which may be attached to such pole
16 or poles only at the same horizontal plane as are the
17 telephone conductors now attached to such pole or poles;
18 and provided, further, that there is not included in
19 this exception the right to use said space described
20 hereinabove in (a), (b) and (c) for purposes of access
21 only to any electric conductors of less than 30,000
22 volts rating which may be on such pole or poles."

23 XII.

24 Lines 4 to 7, inclusive, page 39 of Exhibit A to said
25 Petition, as amended pursuant to line 32, page 12 to line 10, page
26 13, inclusive, of said Second Application for Leave to Amend, be
27 amended to read as follows:

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

1 replace any other electric conductors of not less than
2 the same volts rating as said electric conductors which
3 the District does not seek to acquire;

4 "AND TOGETHER WITH: (a) the exclusive right to
5 use or occupy all space on such pole or poles which is
6 within four (4) feet measured vertically from the pres-
7 ent horizontal plane of telephone conductors now at-
8 tached to such pole or poles; (b) the right to use or
9 occupy all space on such pole or poles which is within
10 six (6) feet measured vertically from the present
11 horizontal plane of telephone conductors now attached
12 to such pole or poles for the purpose of placing, main-
13 taining and/or supporting electric conductors of more
14 than 7,500 volts rating; and (c) the right to use and
15 occupy all space on such pole or poles which is within
16 eight (8) feet measured vertically from the present
17 horizontal plane of said telephone conductors now at-
18 tached to such pole or poles for the purposes of support-
19 ing, placing and/or maintaining electric conductors of
20 more than 17,000 volts rating;

21 "PROVIDED, HOWEVER, that the space described herein-
22 above in (a), (b) and (c) may be used only to support
23 telephone conductors which may be attached to such pole
24 or poles only at the same horizontal plane as are the
25 telephone conductors now attached to such pole or poles;
26 and provided, further, that there is not included in
27 this exception the right to use said space described
28 hereinabove in (a), (b) and (c) for purposes of access
29 only to any electric conductors of less than 30,000
30 volts rating which may be on such pole or poles."

31 XIII.

32 Lines 25 to 28, inclusive, page 39 of Exhibit A to said

1 Petition, as amended pursuant to lines 12 to 22, inclusive, page
2 13, of said Second Application for Leave to Amend, be amended to
3 read as follows:

4 "TOGETHER WITH the right to use or occupy such
5 pole or poles only (a) to support, maintain and/or
6 replace said electric conductors which the District
7 does not seek to acquire and which are at this time
8 supported by such pole or poles; (b) to support, main-
9 tain and/or replace any other electric conductors of
10 not less than the same volts rating as said electric
11 conductors which the District does not seek to acquire;

12 "AND TOGETHER WITH: (a) the exclusive right to
13 use or occupy all space on such pole or poles which is
14 within four (4) feet measured vertically from the pres-
15 ent horizontal plane of telephone conductors now at-
16 tached to such pole or poles; (b) the right to use or
17 occupy all space on such pole or poles which is within
18 six (6) feet measured vertically from the present
19 horizontal plane of telephone conductors now attached
20 to such pole or poles for the purpose of placing, main-
21 taining and/or supporting electric conductors of more
22 than 7,500 volts rating; and (c) the right to use and
23 occupy all space on such pole or poles which is within
24 eight (8) feet measured vertically from the present
25 horizontal plane of said telephone conductors now
26 attached to such pole or poles for the purposes of sup-
27 porting, placing and/or maintaining electric conductors
28 of more than 17,000 volts rating;

29 "PROVIDED, HOWEVER, that the space described here-
30 inabove in (a), (b) and (c) may be used only to support
31 telephone conductors which may be attached to such pole
32 or poles only at the same horizontal plane as are the

1 telephone conductors now attached to such pole or
2 poles; and provided, further, that there is not in-
3 cluded in this exception the right to use said space
4 described hereinabove in (a), (b) and (c) for purposes
5 of access only to any electric conductors of less than
6 30,000 volts rating which may be on such pole or
7 poles."

8 XIV.

9 The language inserted on page 39 of Exhibit A to said
10 Petition, pursuant to lines 25 to 32, inclusive, of page 13 of
11 said Fifth Application for Leave to Amend, be amended to read as
12 follows:

13 "TOGETHER WITH the right to use or occupy such
14 pole or poles only (a) to support, maintain and/or
15 replace said electric conductors which the District
16 does not seek to acquire and which are at this time
17 supported by such pole or poles; (b) to support, main-
18 tain and/or replace any other electric conductors of
19 not less than the same volts rating as said electric
20 conductors which the District does not seek to acquire;

21 "AND TOGETHER WITH: (a) the exclusive right to
22 use or occupy all space on such pole or poles which is
23 within four (4) feet measured vertically from the pres-
24 ent horizontal plane of telephone conductors now at-
25 tached to such pole or poles; (b) the right to use or
26 occupy all space on such pole or poles which is within
27 six (6) feet measured vertically from the present
28 horizontal plane of telephone conductors now attached
29 to such pole or poles for the purpose of placing, main-
30 taining and/or supporting electric conductors of more
31 than 7,500 volts rating; and (c) the right to use and
32 occupy all space on such pole or poles which is within

1 eight (8) feet measured vertically from the present
2 horizontal plane of said telephone conductors now at-
3 tached to such pole or poles for the purposes of sup-
4 porting, placing and/or maintaining electric conductors
5 of more than 17,000 volts rating;

6 "PROVIDED, HOWEVER, that the space described here-
7 inabove in (a), (b) and (c) may be used only to support
8 telephone conductors which may be attached to such pole
9 or poles only at the same horizontal plane as are the
10 telephone conductors now attached to such pole or poles;
11 and provided, further, that there is not included in
12 this exception the right to use said space described
13 hereinabove in (a), (b) and (c) for purposes of access
14 only to any electric conductors of less than 30,000 volts
15 rating which may be on such pole or poles."

16 XV.

17 The language inserted in Exhibit A to said Petition,
18 pursuant to line 3, page 15 of said Second Application for Leave
19 to Amend, be amended to read as follows:

20 "and excluding further from this exception the
21 right to maintain, or place and maintain, or replace
22 and maintain telephone conductors on such of said poles
23 as now support telephone conductors described herein-
24 after in Paragraphs 5.3.2 and 5.3.3 of Sub-Item 5.3 and
25 in Sub-Items 5.4, 5.5, 5.7, 5.8 and 5.9 at only the
26 horizontal level on each of such poles where telephone
27 conductors described hereinafter in said paragraphs and
28 sub-items are attached to such pole; and excluding
29 further from this exception: (a) the exclusive right
30 to use or occupy all space on such pole or poles which
31 is within four (4) feet measured vertically from the
32 present horizontal plane of telephone conductors now

1 attached to such pole or poles; (b) the right to use
2 or occupy all space on such pole or poles which is
3 within six (6) feet measured vertically from the
4 present horizontal plane of telephone conductors now
5 attached to such pole or poles for the purpose of
6 placing, maintaining and/or supporting electric con-
7 ductors of more than 7,500 volts rating; and (c) the
8 right to use and occupy all space on such pole or poles
9 which is within eight (8) feet measured vertically from
10 the present horizontal plane of said telephone con-
11 ductors now attached to such pole or poles for the
12 purposes of supporting, placing and/or maintaining
13 electric conductors of more than 17,000 volts rating;"

14 XVI.

15 The language inserted in Exhibit A to said Petition,
16 pursuant to line 9, page 15 of said Second Application for Leave
17 to Amend, be amended to read as follows:

18 "pole which is excepted under (1) above; exclud-
19 ing, however, from this exception the right to maintain
20 or place: (a) any electric conductors on any such pole
21 within four (4) feet measured vertically from the hori-
22 zontal plane at which any telephone conductors are now
23 attached to such pole; (b) any electric conductors of
24 more than 7,500 volts rating on any such pole within
25 six (6) feet measured vertically from the horizontal
26 plane at which any telephone conductors are now attached
27 to such pole; and (c) any electric conductors of more
28 than 17,000 volts rating on any such pole within eight
29 (8) feet measured vertically from the horizontal plane
30 at which any ^{telephone} ~~electric~~ conductors are now attached to
31 such pole; and"

1 XVII.

2 Following the language inserted ~~after line 37, page 41~~
3 ⁱⁿ of Exhibit A to said Petition, pursuant to line ²⁴ ~~10~~, page ²³ ~~14~~, to
4 line ¹⁰ ~~1~~, page ²⁴ ~~16~~, inclusive, of said ^{Sixth} ~~Fifth~~ Application for Leave
5 to Amend, the following be inserted:

6 "Sub-Item 4.56 Exception of One-Third
7 Interest In Certain Poles.

8 "A one-third interest in each and every pole which
9 supports only electric conductors which the District seeks
10 to acquire and telephone conductors described hereinafter
11 in Paragraphs 5.3.2 and 5.3.3 of Sub-Item 5.3 and in Sub-
12 Items 5.4, 5.5, 5.7, 5.8 and 5.9;

13 "TOGETHER WITH: (a) the exclusive right to use or
14 occupy all space on such pole or poles which is within
15 four (4) feet measured vertically from the present hori-
16 zontal plane of telephone conductors now attached to
17 such pole or poles; (b) the right to use or occupy all
18 space on such pole or poles which is within six (6) feet
19 measured vertically from the present horizontal plane of
20 telephone conductors now attached to such pole or poles
21 for the purpose of placing, maintaining and/or support-
22 ing electric conductors of more than 7,500 volts rating;
23 and (c) the right to use and occupy all space on such
24 pole or poles which is within eight (8) feet measured
25 vertically from the present horizontal plane of said
26 telephone conductors now attached to such pole or poles
27 for the purposes of supporting, placing and/or maintain-
28 ing electric conductors of more than 17,000 volts rating;

29 "PROVIDED, HOWEVER, that the space described herein-
30 above in (a), (b) and (c) may be used only to support
31 telephone conductors which may be attached to such pole
32 or poles only at the same horizontal plane as are the

1 telephone conductors now attached to such pole or poles;
2 and provided, further, that there is not included in
3 this exception the right to use said space described
4 hereinabove in (a), (b) and (c) for purposes of access
5 only to any electric conductors of less than 30,000
6 volts rating which may be on such pole or poles."

7 XVIII.

8 The language inserted on page 49 of said Exhibit A to
9 said Petition, pursuant to lines 8 to 13, inclusive, page 10, of
10 said Fourth Application for Leave to Amend, be amended to read as
11 follows:

12 "therein as Station B; and together with the entire
13 interest and right of use in"

14 XIX.

15 The language inserted in Exhibit A to said Petition,
16 pursuant to lines 13 to 18, inclusive, page 36 of said Sixth
17 Application for Leave to Amend, be amended to read as follows:

18 "the westerly line of said U. S. Highway No. 99
19 to a pole which bears the figures ⁶⁸13 and which pole
20 is located on or near the intersection of the
21 westerly line of said U. S. Highway No. 99 with the
22 northerly line of "A" Street in the Town of Galt,
23 said "A" Street being the northerly boundary of that
24 parcel of real property described hereinbefore in
25 Sub-Item 2.15 and therein designated as the Galt Sub-
26 station; thence easterly along and near the northerly
27 line of said "A" Street and/or the road which is its
28 easterly extension to, and terminating at, a pole
29 bearing the figures ⁷⁰12 and which pole is located at
30 or near the intersection of said northerly line of
31 said road with the westerly line of a street or road
32 located between lots 24 and 31 of Ray & Miles Subdi-

1 vision, said subdivision being as shown by plat
2 recorded in the office of the Recorder of Sacramento
3 County in Book 9 of Maps, Map No. 4."
4

5 SACRAMENTO MUNICIPAL UTILITY DISTRICT
6

7 By (Signed) JOSEPH E. SPINK (SEAL)
8 JOSEPH E. SPINK, SECRETARY

9 ROBERT L. SHINN

10 STEPHEN W. DOWNEY

11 MARSHALL K. TAYLOR

12 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 tenth application for leave to amend petition on behalf of the petitioner; that he has read said tenth 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
12th day of August, 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