

Decision No. 47364

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
The California Oregon Power Company) Application No. 33339
for an order Authorizing the)
Exchange of Property.)

OPINION AND ORDER

The California Oregon Power Company in this application requests an order of this Commission authorizing it to exchange with the State of California, Department of Public Works, Division of Highways, certain property in accordance with the terms of a right-of-way contract dated February 13, 1952. A copy of the contract is attached to the application and marked "Exhibit II".

The application states that the exchange of real property is to be made to facilitate relocation and improvement of U. S. Highway 99 near Dunsmuir. In effecting such highway relocation, California Oregon's Dunsmuir substation is to be relocated at a greater distance from the proposed freeway than its present location. As specified in said contract, California Oregon will deed to the State free and clear except as to certain taxes and assessments a portion of its land at its present Dunsmuir Substation. Said land is described in the proposed grant deed attached to the application as Exhibit III. California Oregon will relocate said substation and facilities, including towers, poles, and lines onto the land described in Paragraph 2(B) of said contract, which land is to be received from the State free and clear except as to certain possible easements, taxes and assessments. Attached to the application and marked "Exhibit IV" is a map showing the parcels of real property to be exchanged, the present and proposed substation sites, and access roads.

The contract recites that the State agrees to reimburse California Oregon for the net cost of relocating said substation and appurtenances in accordance with a procedural agreement dated November 4, 1949, covering utility facility relocation on state highways and that the State will pay all escrow and recording fees and if title insurance is desired by the State, the premium charged therefor, and documentary stamp tax if required. Said right-of-way contract also provides for certain access roads and easements, and specified maintenance and repair which may be necessary prior to acceptance thereof by the County of Siskiyou.

In its application, California Oregon states that the original cost of the property to be deeded to the State is \$218.95, and that the value of the property to be received in exchange is believed to be not less than \$218.95. Applicant further states that it was deemed to be in the best interests of both California Oregon and the State that the substation should be relocated and that applicant believes the efficiency of its substation as well as access thereto would be improved rather than impaired by such relocation. The right-of-way contract states that the relocation costs are estimated to be \$45,361.

The action taken herein shall not be construed to be a finding of the value of the properties herein authorized to be transferred.

The Commission having considered the request of the applicant and being of the opinion that the application should be granted without delay in order to facilitate the orderly improvement of the highway and that a public hearing is not necessary, and it appearing to the Commission that the proposed transfer of properties will not be adverse to the public interest, therefore,

IT IS HEREBY ORDERED that The California Oregon Power Company be and it is hereby authorized to carry out the provisions of the Right of Way Contract - State Highway, dated February 13, 1952, entered into between The California Oregon Power Company and the State of California, Department of Public Works, Division of Highways.

IT IS HEREBY FURTHER ORDERED that The California Oregon Power Company

1. Shall notify this Commission in writing of the date of completion by all parties thereto of the terms of the contract herein authorized, within thirty (30) days thereafter, and
2. Shall file two certified copies of the Grant Deed covering the transfer of property within thirty (30) days after its execution.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 30th day of June, 1952.

R. J. [Signature]
President

Harold P. Kula

Samuel [Signature]

[Signature]

Commissioners.