

ORIGINALDecision No. 51967

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Petition of)	
the City of Sacramento to have)	Application No. 35805,
fixed the just compensation to be)	as Amended
paid for the bus transportation)	(Supplemental Petition
system of Sacramento City Lines)	filed under Section 1417
existing within and adjacent to)	of the Public Utilities
the boundaries of said city.)	Code)

Everett M. Glenn, City Attorney of the City of Sacramento, and Reginald L. Vaughan and John G. Lyons of Vaughan, Paul & Lyons, for the City of Sacramento, petitioner.
Harry R. Seymour, of Downey, Brand, Seymour & Rohwer, George H. Hook, and Martin McDonough for Sacramento City Lines, respondent.
R. B. Cassidy, for the Commission staff.

O P I N I O N

On September 12, 1955, the City of Sacramento filed its Supplemental Petition under Section 1417 of the Public Utilities code praying that the Commission issue its order (a) finding that the compensation to be paid by petitioner, the City of Sacramento, to respondent, Sacramento City Lines, for the lands, property, and rights of the respondent herein should be decreased from \$1,059,976.00 to \$957,960.07, by reason of accrued depreciation amounting to \$102,015.93 on the tangible properties involved other than lands, and (b) authorizing said respondent to cease operations as a passenger stage corporation within and adjacent to the City of Sacramento on and after the date of transfer of said lands, property, and rights from respondent to petitioner and directing said respondent, after the date of such transfer, to forthwith cancel its tariffs and time schedules on file with the Commission. Also on September 12, 1955, the respondent, Sacramento City Lines, filed an answer consenting to the granting of the supplemental petition and joining in the request that upon the transfer of its properties its

schedule of tariffs, rules, regulations, rates and certificates be canceled and that it be relieved of any obligations as a public utility with respect to the properties so transferred.

A public hearing was held before Commissioner J. F. Craemer and Examiner W. E. Cline at San Francisco, on September 15, 1955, at which time the matter was taken under submission.

The record herein shows that the supplemental petition should be granted. The sum of \$102,015.93 is a reasonable amount for depreciation which has accrued from September 23, 1954, to September 16, 1955, on the tangible property other than lands of respondent. Upon the transfer of its properties to the City of Sacramento public convenience and necessity will no longer require operations by respondent as a passenger stage corporation within and adjacent to the City of Sacramento, as the bus system thereafter will be operated by the City of Sacramento.

FINDINGS AND ORDER

The City of Sacramento, a municipal corporation, having filed its supplemental petition herein under Section 1417 of the Public Utilities Code, a public hearing having been held, the matter having been submitted, and the Commission being fully apprised in the matter,

IT IS HEREBY FOUND AS A FACT:

(1) That the total just compensation as of September 23, 1954, to be paid by the City of Sacramento to Sacramento City Lines for the taking of the lands, property and rights described in Decision No. 51604 herein, found in said decision to be \$1,059,976, should be and hereby is reduced as of September 16, 1955, to the extent of \$102,015.93 and that the adjusted total just compensation to be so paid for said lands, property and rights as of September 16, 1955, should be and is \$957,960.07.

(2) That upon the date of the transfer of said lands, property and rights from the Sacramento City Lines to the City of Sacramento public necessity will no longer require Sacramento City Lines to operate as a passenger stage corporation within and adjacent to the City of Sacramento on and after that date, and Sacramento City Lines should thereupon be authorized to cease said operations and be relieved of its obligations as a public utility with respect to the properties so transferred; therefore,

IT IS HEREBY ORDERED:

1. Within thirty days after the consummation of the transfer to the City of Sacramento of the lands, properties and rights of Sacramento City Lines described in Decision No. 51604, the Sacramento City Lines shall notify the Commission in writing of that fact and file with this Commission a certified copy of the final judgment entered by the Superior Court of the State of California, in and for the County of Sacramento, in the proceeding entitled City of Sacramento vs. Sacramento City Lines, No. 101839, and true copies of any instruments executed to effect said transfer.

2. That concurrently with the consummation of the transfer of said lands, properties and rights of Sacramento City Lines provided said transfer is consummated on or before December 31, 1955, and without further order of this Commission (a) the operative rights of Sacramento City Lines as a passenger stage corporation within and adjacent to the City of Sacramento shall be canceled, (b) Sacramento City Lines shall thereupon be relieved of all its obligations as a public utility with respect to the properties so transferred except the obligations imposed upon it by this order, and (c) Sacramento City Lines shall cancel its time schedules and its tariffs setting forth rates, rules and regulations, on file with this Commission and pertaining to the operative rights herein canceled.

3. The Secretary of the Commission promptly upon the issuance of this decision shall transmit a certified copy hereof

to the Superior Court of the State of California in and for the County of Sacramento, Department No. 4, County Court House, Sacramento, California.

The effective date of this order shall be five days after the date hereof.

Dated at San Francisco, California, this 16th day of September, 1955.

John L. Mitchell
 President

James J. Casner

Paulo Winter

Mark Dooly

H. Kutz
 Commissioners