

ORIGINAL

Decision No. 58108

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Petition of LAYTONVILLE COUNTY WATER DISTRICT, a political subdivision, that the Commission fix the just compensation which shall be paid by the Petitioner for the acquisition under eminent domain proceedings, or otherwise, of the lands, property, and rights of the water system operated by the LAYTONVILLE WATER CO. )

Application No. 40462

Winslow & Turner, by Robert C. Winslow, for petitioner.  
Charles R. Bell, for Laytonville Water Company.  
J..T. Phelps, for the Commission staff.

O P I N I O N

Laytonville County Water District, a political subdivision, by a petition of the first class, filed September 26, 1958, seeks to acquire under eminent domain proceedings, or otherwise, certain property and rights of Laytonville Water Company, a public utility, and to have the Commission fix the just compensation to be paid therefor by the district. (Pub. Util. Code, Secs. 1401-1421.)

The Commission, pursuant to the provisions of the Public Utilities Code, on November 3, 1958 issued its order directing Laytonville Water Company to appear and show cause why the Commission should not proceed to hear the petition and to fix such just compensation.

The record shows that all procedural steps contemplated by Sections 1406 and 1408 of the Public Utilities Code were duly taken and completed prior to the return date of the order to show cause.

A hearing on the order was held before Examiner John M. Gregory at Willits on November 18, 1958. No objection was raised by the company to the jurisdiction of the Commission or to its proceeding in accordance with petitioner's request to fix the just compensation to be paid for the desired water system.

Section 1404 of the Public Utilities Code requires that such petitions "shall contain ... a description of the lands, property, and rights which the political subdivision intends to acquire, ..."

The present petition recites that the petitioner "intends to acquire under eminent domain proceedings or otherwise, the lands, property, and rights of any character whatsoever of said Laytonville Water Company used in connection with the water system operated by said water company and serving the community of Laytonville, Mendocino County, California."

Certain evidence adduced at the hearing, however, raises doubts as to whether the petitioner intends to acquire all items of property which are owned by the respondent and which are used in connection with the water system operated by it in serving the community of Laytonville.

Until such time as the petitioner resolves these doubts by filing a petition for leave to amend its present petition, and therein specifies in detail those items of respondent's property that it intends to acquire, the Commission will be unable to fix the amount of money to be paid by petitioner as just compensation for the taking of property of the respondent.

The description of property to be contained in any such amendment should be such as to permit identification to be made of the items of property with respect to which the Commission is asked to fix just compensation.

The respondent having shown no cause why the Commission should not proceed to hear the petition and to fix the just compensation to be paid for the lands, property and rights described in the petition, and the Commission having concluded that it has jurisdiction of the parties and of the subject matter of the petition, the Commission will proceed with further hearing at a time and place to be hereafter designated.

Such a hearing, however, will not be set unless and until the petitioner shall have filed herein a petition for leave to amend its petition as hereinabove described.

No order appears to be necessary.

The Secretary is directed to cause service of the foregoing opinion to be made upon all appearances of record.

Dated at San Francisco, California, this 10<sup>th</sup> day of March, 1959.

[Signature]  
President

[Signature]

[Signature]

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Commissioners