

ORIGINALDecision No. 53424

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Petition of the MONTEREY PENINSULA
MUNICIPAL WATER DISTRICT to have
fixed the just compensation to be
paid for the water system of EAST
MONTEREY WATER SERVICE existing
within and adjacent to the boundaries
of said district.

Application No. 41485
(Amended)

Myron B. Haas, for Monterey Peninsula Municipal
Water District, petitioner.
George D. Pollock, for himself, East Monterey
Water Service, respondent.
Almon B. McCallum, for Crocker-Anglo National
Bank, interested party.
J. Thomason Phelps and Walter J. Cavagnaro,
for the Commission staff.

INTERIM OPINION

On September 14, 1959, the Monterey Peninsula Municipal Water District, hereinafter called petitioner, filed a petition under Division 1, Part 1, Chapter 8 of the Public Utilities Code, requesting that the Commission fix and determine the just compensation to be paid for certain lands, properties and rights described therein, and setting forth the intention of petitioner to submit to the voters of petitioner's district a proposition to acquire under eminent domain proceedings the water system of East Monterey Water Service, hereinafter called respondent. As required by the Code, the Commission thereupon issued its order directing respondent to appear and show cause, if any it had, why the Commission should not proceed to hear the petition and to fix such just compensation.

On November 4, 1959, Crocker-Anglo National Bank, L. E. Wyatt and F. C. Johansen filed an appearance and answer alleging

that: (1) East Monterey Water Service, George D. Pollock and Loretta M. Pollock are jointly and severally indebted to Crocker-Anglo National Bank in the amount of \$47,995.67, with interest thereon from October 1, 1959 at the rate of six percent per annum pursuant to a promissory note, and that said note and indebtedness is secured by a deed of trust and chattel mortgage; and (2) East Monterey Water Service and George D. Pollock are indebted in the further amount of \$5,940.86 pursuant to certain conditional sales contracts secured by the personal property described therein.

The record shows that all procedural requirements which are contemplated by Sections 1406 and 1408 of the Public Utilities Code were completed prior to the return date of the order to show cause. A hearing on such order was had before Commissioner Peter E. Mitchell and Examiner Wilson E. Cline at Carmel on November 20, 1959. During the course of said hearing respondent presented no reason why the Commission should not proceed to hear the petition and to fix such just compensation and affirmatively stated that he had no objection to the Commission proceeding to hear the petition and to fix such just compensation.

INTERIM ORDER

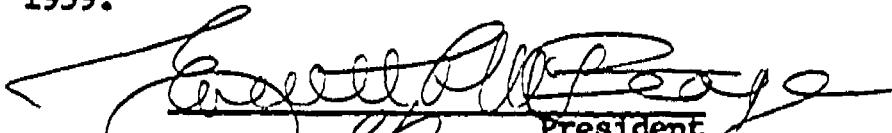
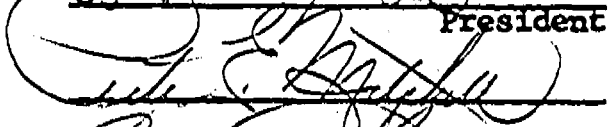

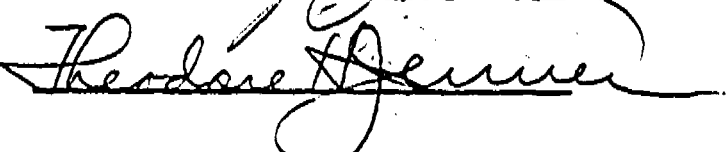
Petitioner, Monterey Peninsula Municipal Water District, having filed a petition under Division 1, Part 1, Chapter 8 of the Public Utilities Code, requesting that the Commission fix and determine the just compensation to be paid for certain lands, properties and rights described in said petition, as amended, and setting forth the intention of petitioner to submit to the voters of petitioner's district a proposition to acquire under eminent

domain proceedings the water system of respondent; order to show cause directed to the owner and claimant named in said petition having been issued; public hearing having been had, and good cause appearing,

IT IS ORDERED that further hearings in this matter shall be held at such times and places as may hereafter be set.

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

Dated at San Francisco, California, this 21st day of December, 1959.


President



Commissioners

Commissioner C. Lyn Fox, being necessarily absent, did not participate in the disposition of this proceeding.