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Decision No. 59436

ORIGINAL

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)	Application No. 41463
California Water & Telephone Com-)	Amended
pany existing within and adjacent)	
to the boundaries of said district.)	

Myron B. Haas for Monterey Peninsula Municipal Water District, petitioner.
Bacigalupi, Elkus & Salinger by William G. Fleckles for California Water & Telephone Company, respondent.
J. Thomason Phelps and Walter J. Cavagnaro for the Commission staff.

INTERIM OPINION

On September 2, 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 California Water & Telephone Company, 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.

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 19, 1959.

During the course of the 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 it 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.

[Signature]
President
[Signature]
[Signature]
[Signature]

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

Commissioners.