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ORIGINAL

Decision No. \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Petition of ALDERCROFT HEIGHTS COUNTY )  
WATER DISTRICT for the fixing of the )  
just compensation to be paid for the )  
acquisition of property of ALDERCROFT )  
HEIGHTS COMPANY, a public utility and )  
corporation. )

Application No. 43869

Robert Francis Jacobs, for petitioner.  
Earl La Porte, for Aldercroft Heights Company.  
Elinor Charles, with Gustave Weck,  
for the Commission staff.

OPINION ON ORDER TO SHOW CAUSE

Petitioner, a county water district organized and existing under Division 12 of the Water Code of California, by a petition of the second class, filed on October 24, 1961, pursuant to the provisions of Sections 1401 - 1421 of the Public Utilities Code of California, seeks to have this Commission fix the just compensation to be paid by petitioner for the acquisition, under eminent domain proceedings, of certain lands, property and rights, described in the petition, alleged to be owned by Aldercroft Heights Company, a public utility water company, and used or useful in the obtaining, storing, treating, disposing and distributing of water within or for said district.

The Commission, pursuant to applicable provisions of the Public Utilities Code, on December 12, 1961 issued its order directing Aldercroft Heights Company to appear and show cause why the Commission should not proceed to hear this 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 Los Gatos on January 4, 1962. Aldercroft Heights Company, a corporation, appeared at the hearing and objected to the jurisdiction of the Commission to hear and determine the petition, on the ground that petitioner, allegedly, had failed to take certain statutory steps to initiate proceedings to dissolve the district after having been requested to do so by some of the utility's consumers.

The record establishes that such request was not made in accordance with requisite statutory procedures and that, in consequence, no dissolution proceedings had been initiated by the district as of the date of the hearing on the order to show cause herein. The objection is without merit.

Aldercroft Heights Company having shown no good cause why the Commission should not proceed to hear and determine the petition and the Commission finding and concluding that it has jurisdiction of the parties and of the subject matter of the petition, the Commission will proceed with further hearing herein at a time and place to be hereafter designated and upon due notice to the parties.

No order appears to be necessary at this time.

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

Dated at San Francisco, California, this 13<sup>th</sup> day of MARCH, 1962.

[Signature]  
President  
[Signature]  
[Signature]  
George G. Grover  
Franklin B. Hallock  
Commissioners