

ORIGINALDecision No. 64358

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 SAN DIEGO GAS & ELECTRIC COMPANY
 for an order of the Public Utilities
 Commission of the State of California
 approving an Encumbrance of Utility
 Property proposed to be granted by
 the Applicant to the City of San
 Diego for construction of a public
 sewer pipeline in the vicinity of
 Chula Vista, California.

Application No. 44690
 (Filed August 8, 1962)

O P I N I O N

Applicant seeks an order, under Section 851 of the Public Utilities Code of the State of California, for authority to grant an easement to the City of San Diego for installation of a public sewer pipeline in the vicinity of Chula Vista, California. The easement is described in detail in Exhibit A attached to the application.

Applicant alleges that the City seeks to acquire a permanent twenty foot wide easement for the purpose of construction, reconstruction, maintenance, operation and repair of one public sewer pipeline within the boundary of applicant's land, extending from "D" Street to "L" Street in Chula Vista. When such use is discontinued for a period of one year or more the easement, it is alleged, will then revert back to applicant. The City, in consideration thereof, will pay to applicant the sum of \$36,093.50.

Applicant also alleges that the proposed easement will not interfere with applicant's operations, practices and services.

to and for its several patrons and consumers. It is further alleged that the proposed easement does not contain the standard proviso required by the Commission's General Order No. 69 which, if it did, would render this application unnecessary.^{1/}

Applicant states that it is informed that the City desires to complete the transaction for acquisition of the easement as quickly as possible and that no other persons are known to have an interest in the transaction.

On consideration of the application we find that the granting of the requested authority is not adverse to the public interest, that a public hearing is not necessary, and that such authority should be effective as of the date of the order herein.

O R D E R

Application having been filed and the Commission having determined that the application should be granted,

IT IS ORDERED that:

1. San Diego Gas & Electric Company, after the effective date of this order, may grant an easement to the City of San Diego substantially in accordance with the terms and conditions of the document entitled "Easement and Right of Way" attached to the application herein as Exhibit A thereof.

^{1/} General Order No. 69 authorizes certain types of utilities, including applicant, to grant easements for specified purposes without further special authorization by the Commission whenever it shall appear that the exercise of the easement will not interfere with "the operations, practices and service of such public utilities to and for their several patrons or consumers"; provided, that each such grant be made conditional upon the right of the grantor, either upon order of the Commission or upon its own motion to commence or resume the use of the property in question whenever in the interest of its service to its patrons or consumers, it shall appear necessary or desirable so to do.

2. Applicant, within thirty days after execution of the easement herein authorized, shall file with the Commission one fully conformed copy of said easement, as executed.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 9th day of OCTOBER, 1962.

George H. Crover
 President

John R. Mitchell

John J. [unclear]

Charles A. [unclear]

Commissioners

Commissioner Frederick R. Holubar did not participate in the disposition of this proceeding.