

ORIGINAL

Decision No. 65247

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MILDRED LIGDA, DONALD W. AITKEN, JR., ELIZABETH
 J. AITKEN, BERNAL L. LEWIS, JOHN S. SILLS, JAMES
 D. RAPLEY, NANCY ARKLEY, M. D. HILL, M. H. STREETER,
 JR., BERNARD ELSPAS, DAVID R. BENNION, MILTON W.
 GREEN, ELIZABETH M. WILLIAMS, WILLIAM E. SEAMAN,
 DORA F. DYER, MARVE M. C. McCABE, HOWARD E. MARKS,
 ROGER PAGE, EDITH C. McDONALD, WALLACE LANE CHAN, M.
 D., RUSSELL F. SWANSON, JOHN F. DAHL, EMMETT BURNS,
 COLIN PETERS, MARY C. MOFFAT, RHONA W. WILLIAMS,
 MORGAN STEDMAN, GEORGE H. HOGLE, C. MARTIN LITTON,
 MARTIN WUNDERLICH,

Complainants,

v.

PACIFIC GAS AND ELECTRIC COMPANY,
 a corporation,

Defendant.

Case No. 7585

INTERIM ORDER

Complainants allege that defendant utility owns a fifty foot easement for a distance of approximately twenty miles from Monte Vista in Santa Clara County to its Jefferson Substation in San Mateo County, and had planned a 60 KV power transmission line along such easement; that defendant has announced its intention to increase the easement to a minimum of one hundred feet in width and construct a 220 KV transmission line thereon; that the route of the proposed line crosses some of the most scenic areas of the foothills of the San Francisco peninsula, a considerable area on either side of the easement will be blighted, and potential development of Skyline Boulevard will be endangered; that the Division of

Highways is acquiring land for the Junipero Serra Freeway, to be constructed along a two hundred foot right of way in practically a straight line between the terminals of the proposed transmission line; and that defendant has refused complainants' request to re-route the proposed transmission line along existing easements near San Francisco Bay or along the route of the proposed Junipero Serra Freeway.

Complainants allege further that defendant has announced it will furnish power from the transmission line to a Linear Accelerator Project on lands of Stanford University, and that use of the existing easement will require an additional "feeder" transmission line which will further damage scenic and recreational areas in addition to those affected by the proposed main line.

It is alleged that defendant has commenced construction on the basis that it is entitled to assume that the wider route will be acquired, and that unless defendant is temporarily restrained from proceeding further with construction work pending hearing, the public interest and convenience will be irreparably damaged.

Complainants allege that the proposed increase in size and the route of the transmission line are not in the public interest and convenience, and are unreasonable and improper under existing circumstances. Complainants base their request for relief on Public Utilities Code sections 451, 701, 761, 762, and 768.

The complaint seeks a temporary order restraining defendant from proceeding with the construction until it shows that the increase in size and the route proposed are necessary to the public interest and convenience, as opposed to alternate routes which will not interfere with a presently unspoiled scenic and recreational area.

Complainants also ask that the Commission, after hearing, find that the improvements for the proposed transmission line ought not reasonably to be made; that the proposed method and route of transmission are unreasonable and improper; and that defendant be permanently enjoined from construction of the transmission line.

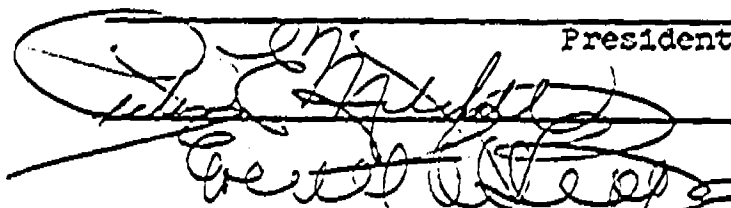
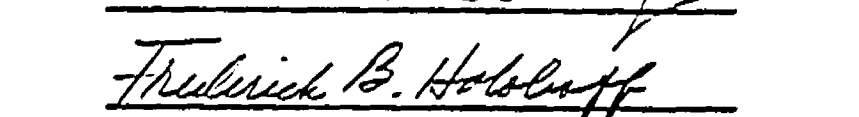

Good cause appearing, IT IS ORDERED that Pacific Gas and Electric Company, a corporation, and its officers, agents, and employees, pending further Commission order herein, shall immediately cease and desist and shall refrain from proceeding with the construction of the proposed transmission line hereinabove mentioned, or any "feeder" transmission line in connection therewith.

Public hearing in Case No. 7585 is set for 10 o'clock a.m. on Wednesday, April 24, 1963, in the Commission Courtroom, State Building, San Francisco, California, before Commissioner Bennett and Examiner Jarvis, or such Commissioner or Examiner as may hereafter be designated, it being found that public necessity requires a hearing on less than ten days' notice.

The Secretary of the Commission is directed to cause a certified copy of this order, together with a copy of the complaint herein, to be served forthwith upon Pacific Gas and Electric Company, a corporation. Said defendant is directed to serve and file its answer to the complaint herein not later than the date of hearing,

unless further time be granted by the presiding officer. The Secretary is also directed to cause a certified copy of this order to be served upon counsel for complainants.

Dated at San Francisco, California, this 16th day of April, 1963.

 President

Frederick B. Holbluff

Commissioners

C. 7585

I agree that the question of our jurisdiction should be explored, and I therefore concur in that part of the Order which directs the filing of an answer and sets the matter for public hearing. I dissent, however, from that part of the Order which halts defendant's construction meanwhile. Especially in view of our uncertain authority to entertain this complaint, I believe the showing in support of an ex parte temporary restraining order is not sufficient.

George T. Chover

April 16, 1963