

ORIGINAL

Decision No. 71571

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
 (Amended)
 (Supplementary Just
 Compensation Proceeding)

Henderson, Vanoli & Dok, by Gerald C. Vanoli,
 for Central Utilities, Inc. (formerly
 Aldercroft Heights Company, a corporation),
 petitioner.

Rosenberg, Wiseman and Jacobs, by Robert Francis
 Jacobs, for Aldercroft Heights County Water
 District, petitioner.

Elinore C. Morgan, for the Commission staff.

OPINION, FINDING AND ORDER ON PETITIONS FOR
 DECREASE OR INCREASE OF JUST COMPENSATION

Aldercroft Heights County Water District, on March 11, 1966,
 filed a petition to decrease the just compensation of \$25,045 fixed
 by the Commission for acquisition by the District, by eminent domain
 or otherwise, of the properties of Aldercroft Heights Company, a
 public utility water company (now a part of Central Utilities, Inc.),
 located near Los Gatos, Santa Clara County, California (Decision
 No. 69301, made and filed June 22, 1965 - 64 Cal. P.U.C. 429).

Central Utilities, Inc., on March 18, 1966, filed a petition to
 increase the just compensation so fixed by the Commission.

A hearing on the petitions was held, after due notice, at
 Los Gatos on March 31, 1966 before Examiner Gregory. The parties
 and their counsel appeared, the two petitions were ordered consol-
 idated for hearing and decision, the parties requested additional
 time to prepare their respective showings and the hearing was then
 continued to a date to be set.

Pursuant to a written request by the District, the Commission staff prepared and distributed to the parties, on August 19, 1966, a "Report on Additions, Betterments, Retirements and Depreciation of the Water Utility Plant of Aldercroft Heights Company, as of March 31, 1966." The report states that the total additions, betterments and retirements of plant of the sought Aldercroft Heights Company water system, with associated depreciation, for the period October 24, 1961 (the date of filing of the District's original petition herein to fix just compensation) to and including March 31, 1966 amount to \$6,012.

The parties, by a written stipulation filed herein November 1, 1966, as supplemented by an amendment filed November 17, 1966, have stipulated and agreed that: for purpose of a decision on their respective petitions herein to decrease or increase just compensation, the Commission, without further hearing and without further notice to either party, enter and file its decision of the two pending petitions, finding that the just compensation heretofore fixed by the Commission in the sum of \$25,045 be increased in the sum of \$6,012; the Commission transmit such finding, certified under the seal of the Commission, to the Superior Court of the State of California for the County of Santa Clara, for modification of the judgment in condemnation filed February 17, 1966, in Aldercroft Heights County Water District vs. Central Utilities, Inc., et al., No. 173788 in the files of said court; the report of the Commission's staff, dated August 19, 1966, entitled as above, be considered as having been introduced into evidence before the Commission for the purpose of said two pending petitions; the total additions to the utility's properties described in the original petition herein, as amended, for the period of October 25, 1961 to March 31, 1966,

inclusive, after all retirements and depreciation of such properties have been deducted, is \$6,012, the amount the just compensation heretofore fixed by the Commission herein should be increased by reason of the matters alleged in said two petitions; the Commission find and determine that the expenditures of said utility for additions and betterments to its properties, as alleged in the stipulation and as specified in said staff report, were beneficial to the lands, property and rights described in the original petition in this proceeding filed by the District, as amended, and such expenditures were reasonably and prudently made.

Upon consideration of said stipulation of the parties, as amended, the report of the Commission staff, dated August 19, 1966 and as entitled hereinabove, is hereby included in the record of this proceeding as Exhibit 13. Accordingly, the Commission finds that:

1. The amount by which the sum of \$25,045, heretofore fixed by the Commission as the just compensation to be paid by Aldercroft Heights County Water District for the lands, property and rights of Aldercroft Heights Company described in the original petition in this proceeding filed by said District, as amended, should be increased in the sum of \$6,012.

2. The expenditures of Aldercroft Heights Company for additions and betterments to its properties, as alleged in said stipulation, as amended, and as specified in said report of the Commission's staff, Exhibit 13 herein, were beneficial to the lands, property and rights described in the original petition in this proceeding filed by the District, as amended, and such expenditures were reasonably and prudently made.

The Secretary of the Commission is directed to transmit a copy of this decision, including the foregoing findings, certified under the seal of this Commission, to the Superior Court of the State of California in and for the County of Santa Clara, for modification of the judgment of said court in condemnation, filed February 17, 1966, in Aldercroft Heights County Water District vs. Central Utilities, Inc., et al., No. 173788 in the files of said court.

O R D E R

IT IS ORDERED that, except as found and granted herein, the petitions of Aldercroft Heights County Water District and Central Utilities, Inc. for decrease and increase, respectively, in the just compensation heretofore fixed by the Commission by Decision No. 69301, heretofore rendered in this proceeding, are and each of said petitions hereby is denied.

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

Dated at San Francisco, California, this 22nd day of NOVEMBER, 1966.

President

George H. Hoover

Augustan

William M. Bennett

Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.