

ORIGINAL

Decision No. 73021

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY for an Order of the Commission authorizing Pacific to quitclaim any and all right, title and interest within the specific portion of Floral Street, Visalia, California. }

Application No. 49539
(Filed July 11, 1967)

OPINION AND ORDER

The Pacific Telephone and Telegraph Company (Pacific) has been asked by the City of Visalia, County of Tulare, (City) to quitclaim all of its right, title and interest in the abandoned portion of Floral Street described in Quitclaim Deed attached to the application as Exhibit B in order that Federal aid may be used in financing a new hospital.

The City and Kaweah Hospital District have entered into a joint exercise of powers of agreement for the construction of a new hospital with Federal Aid Funds provided pursuant to the provisions of the Hill-Burton Act. The Act requires that all rights-of-way claims and easements be quitclaimed prior to the start of construction.

The City and Pacific have entered into an agreement dated May 15, 1967, attached to the application as Exhibit A in which Pacific is allowed to continue to use and maintain the existing underground communication facility in the abandoned portion of Floral Street provided that Pacific seeks authorization from this Commission to quitclaim all right, title and interest Pacific may have in that portion of Floral Street which has been abandoned and upon obtaining such authorization Pacific shall execute and deliver to City a duly executed and acknowledged form of an appropriate quitclaim deed. The

agreement also provides that the City shall arrange with the contractor to take all necessary steps to protect the underground communication facilities during construction of the new hospital. In addition the agreement provides that in the event the City should desire Pacific to abandon the said underground communication facilities, Pacific shall, upon written request from the City and at the City's sole expense, construct replacement underground communication facilities.

Pacific, pursuant to Section 851 of the Public Utilities Code of the State of California, requests that the terms and conditions of the agreement attached to the application as Exhibit A and the Quitclaim Deed attached to the application as Exhibit B be approved without a hearing.

The Commission finds that the execution of the Quitclaim Deed attached to the application as Exhibit B and carrying out the terms and conditions of the agreement attached to the application as Exhibit A will not be adverse to the public interest. It is concluded that the application should be granted. A public hearing is not necessary.

IT IS ORDERED that the Pacific Telephone and Telegraph Company is authorized to execute the Quitclaim Deed attached to the

A. 49539 AB

application as Exhibit B and to carry out the terms and conditions of the agreement attached to the application as Exhibit A.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 6th day of SEPTEMBER, 1967.

John E. Spindel
President

William L. Bernard

Augusta

William J. ...

Fred P. Morrissey
Commissioners