

ORIGINALDecision No. 74162

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SOUTHERN PACIFIC COMPANY for an
order authorizing the construction
at grade of a connecting track
across Ramona Boulevard and Cypress
Avenue or in the alternative or
independently across Ramona
Boulevard in the City of El Monte,
County of Los Angeles, State of
California.

Application No. 49251
(Filed March 30, 1967;
Amended October 2, 1967)

In the Matter of the Application of
SOUTHERN CALIFORNIA RAPID TRANSIT
DISTRICT, a public corporation of
the State of California, for a
finding and determination of public
interest and necessity and authoriz-
ing the taking or acquisition of
certain railroad rights of way.

Application No. 49751
(Filed October 23, 1967;
Amended January 23, 1968
and April 15, 1968)

ORDER GRANTING MOTION TO STRIKE
INTERROGATORIES AND DENYING
MOTION FOR ORDER TO COMPEL
ANSWERS TO INTERROGATORIES

On February 19, 1968 the Southern California Rapid Transit District filed a copy of the 85 interrogatories submitted by mail to Southern Pacific Company on February 16, 1968. In response thereto Southern Pacific Company on March 1, 1968 filed objections to and motion to strike said interrogatories, and if said motion is denied, to grant additional time to Southern Pacific Company within which to prepare its objections to and/or answer said interrogatories and to place the matter off calendar. On March 11, 1968, Southern California Rapid Transit District filed (1) a motion for order to compel answer to interrogatories, (2) a declaration in support of said motion, (3) a memorandum of points and authorities in support of motion to compel answers and in opposition to Southern Pacific

Company's objections to and motions to strike interrogatories and to place matters off calendar, and (4) a supplement to the memorandum of points and authorities.

On March 5, 1968, Southern California Rapid Transit District filed a notice of time and place of taking of depositions of the Traffic Manager and the Assistant to the Vice President of Southern Pacific Company, and on March 11, 1968 Southern California Rapid Transit District filed a notice of time and place of taking depositions of the Vice President, System Operations, and the Vice President, Traffic, of Southern Pacific Company.

Since the Public Utilities Code and the Commission Rules of Practice and Procedure make no provision for interrogatories to adverse parties pursuant to Section 2030 of the Code of Civil Procedure, and the information readily available through such interrogatories may be obtained by deposition upon oral examination or written interrogatories pursuant to Section 1794 of the Public Utilities Code and Sections 2016, 2019 and 2020 of the Code of Civil Procedure,

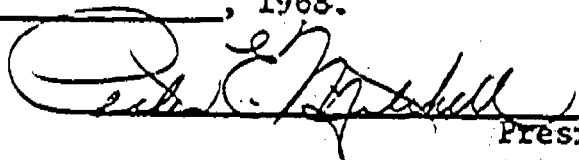
IT IS ORDERED that:

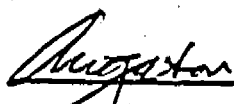
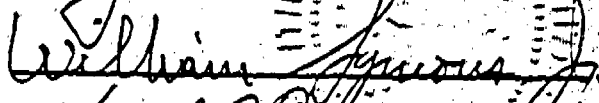
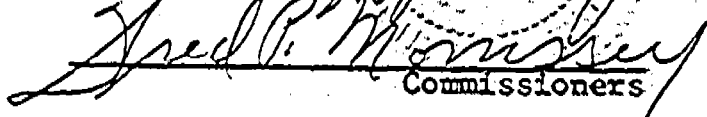
1. The motion of Southern Pacific Company, protestant in Application No. 49751 and applicant in Application No. 49251 herein, to strike the interrogatories filed on February 19, 1968, by Southern California Rapid Transit District, applicant in Application No. 49751 and protestant in Application No. 49251, is granted.

2. The motion of said Southern California Rapid Transit District for an order to compel said Southern Pacific Company to answer said interrogatories filed by Southern California Rapid Transit District is denied.

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

Dated at San Francisco, California, this
28th day of MAY, 1968.


President




Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.