

Decision No. 77538

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Petition of the RAND COMMUNITIES
COUNTY WATER DISTRICT, a Political
Subdivision, to have fixed the
just compensation to be paid for
the Water System of the Randsburg
Water Company existing within the
boundaries of said district.

Application No. 51726
(Filed February 20, 1970)

- Palmer, Anderson and Stronge, by David L. Eckert,
for Randsburg Water Company, respondent, real
party in interest.
- Georgia Dennis, for herself, respondent, real
party in interest.
- Eugene A. Nazarek, for Rand Communities County
Water District, petitioner.
- Harold F. Schuetz, for S. A. Camp Pump Co.,
interested party.
- Cyril M. Saroyan, Counsel, for the Commission staff.

O P I N I O N

Rand Communities County Water District, a political sub-
division, by a petition of the second class (Public Utilities Code
Sections 1401-1421), seeks a determination by the Commission of
the just compensation to be paid for the dedicated lands, property
and rights comprising the water system of the Randsburg Water
Company, a corporation.

The district asserts that it intends to acquire by eminent
domain said system to provide water service to the communities of
Atolia, Red Mountain, Johannesburg and Randsburg, which communities
are now served by respondent company.

The Commission issued its Order to Show Cause, if any, why the Commission should not proceed to fix just compensation. Hearing was held in Johannesburg, California on April 7, 1970 before Examiner Gilman.

At the hearing it appeared that Georgia Dennis, who had not been named in or served with the original order, was a claimant. Accordingly, an amended Order to Show Cause was issued and served. Hearing on the amended order was held on June 4, 1970 in San Francisco before the same Examiner, at which time Mrs. Dennis appeared.

At the original hearing the company objected to the Commission's jurisdiction based on an amendment to Section 1403 of the Public Utilities Code. That amendment would have required the consent of the utility concerned as a prerequisite to the exercise of Commission jurisdiction to determine just compensation (Stats. 1969 C.855). However, that amendment was to become effective only upon the passage of Proposition 3 in the June 2, 1970 election. That proposition was defeated. The amendment never became effective and we therefore conclude that the objection is without merit.

Respondent company made a motion that petitioner be required to furnish security for company's legal expenses in the event the acquisition is not completed (Section 1415 Public Utilities Code). We conclude that this motion is premature and that it should be denied without prejudice.

We further conclude that no cause has been shown why the Commission should not proceed to hear the petition and fix the just compensation for the properties described in paragraph XIII of the petition.

O R D E R

IT IS HEREBY ORDERED that:

1. The objection of Randsburg Water Company to the Commission's jurisdiction is overruled.
2. The motion of Randsburg Water Company for security for its legal expenses is denied without prejudice.
3. Further hearings for the purpose of fixing the just compensation to be paid for the properties described in paragraph XIII of the petition herein shall be held at a date and place to be set.

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

Dated at San Francisco, California, this 28th
day of JULY, 1970.

William J. ... Chairman
Augustin ...
William ...
Tom ...
Yuan L. Sturgeon Commissioners