

Decision No. 78212

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Petition of )  
NORTH MARIN COUNTY WATER DISTRICT, )  
a political subdivision, for deter- )  
mination of just compensation to be )  
paid for the land, property and )  
rights of Point Reyes Water Company )  
and Inverness Park Water Company )  
within the boundaries of said dis- )  
trict. )

Application No. 52259  
(Filed October 22, 1970;  
First Amendment  
Filed November 20, 1970)

Frederick Bold, Jr., Attorney at Law, for North  
Marin County Water District, petitioner.  
James J. Downey, for Point Reyes Water Company  
and Inverness Park Water Company, respondents.  
Cyril M. Saroyan, Attorney at Law, for the Com-  
mission staff.

INTERIM OPINION

On October 22, 1970, North Marin County Water District, hereinafter called petitioner, filed a petition under Division 1, Part 1, Chapter 8 of the Public Utilities Code, requesting that the Commission fix and determine the just compensation to be paid for certain lands, properties and rights described therein, and setting forth (1) that on November 3, 1970, a special election will be held for the purpose of submitting to the voters of PR-3 the proposition of authorizing the issuance and sale of general obligation bonds of PR-3, and (2) that if the proposition is approved by the voters the petitioner will use the proceeds from the sale of the bonds for the purpose of paying just compensation for the acquisition of the lands, properties and rights of respondents described in the petition.

On November 20, 1970, petitioner filed an amendment to the application herein to change the petition to a petition of the first class as defined in Section 1403 of the Public Utilities Code and to

allege (1) that on November 3, 1970, the voters of PR-3 approved by more than 2/3rd majority vote a proposition authorizing the issuance and sale of \$250,000 of general obligations of PR-3 for the purpose of acquisition of the existing water systems of respondents and the construction and completion of improvements and extensions thereto, and (2) that petitioner will use the proceeds from the sale of said bonds for the purpose of paying just compensation for the acquisition of the lands, properties and rights of respondents described in the petition, as amended.

As required by the Public Utilities Code, the Commission on November 24, 1970, issued its order directing respondents to appear and show cause, if any they have, why the Commission should not proceed to hear the petition and to fix such just compensation.

The record shows that all procedural requirements which are contemplated by Sections 1406 and 1408 of the Public Utilities Code were completed prior to the return date of the order to show cause. A hearing on such order was held before Examiner Cline at San Francisco on December 10, 1970. During the course of the hearing respondents presented no reason why the Commission should not proceed to hear the petition and to fix such just compensation and the parties stipulated that the Commission has jurisdiction to hear the petition and to fix such just compensation.

#### Finding

The Commission finds that respondents have presented no reason why the Commission should not proceed to hear the petition and to fix the just compensation as requested in the petition.

#### Conclusion

The Commission concludes that it has jurisdiction to proceed to hear the petition herein and to fix the just compensation

to be paid for the lands, properties, and rights described in the petition.

INTERIM ORDER

IT IS ORDERED that further hearings in this matter shall be held at such times and places as may hereafter be set.

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

Dated at San Francisco, California, this 26<sup>th</sup> day of JANUARY, 1971.

J. P. Subramanian  
Chairman  
William J. Lyons, Jr.  
Mark W. ...  
Terrence L. Sturgeon

Commissioners