

Decision No. 84602

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

XENIA INTERNATIONAL TRAVEL,

Complainant,

v.

SAN DIEGO GAS & ELECTRIC COMPANY,

Defendant.

Case No. 9817
(Filed November 8, 1974)

Paul S. Rossis, for Xenia International
Travel, complainant.

L. Earl Ligon, Attorney at Law, for
San Diego Gas & Electric Company,
defendant.

O P I N I O N

Complainant, Xenia International Travel, seeks an order requiring defendant, San Diego Gas & Electric Company (SDG&E) to relocate, at no cost to him, a transformer partially obstructing a stairway leading from the business premises to the sidewalk.

Public hearing was held before Examiner Johnson at San Diego on January 24, 1975 and the matter was submitted. Testimony was presented on behalf of complainant by himself and on behalf of SDG&E by one of its underground extension planners, by one of its underground designers, and by complainant's designer appearing in response to a subpoena.

Complainant's Position

Complainant testified that:

1. He purchased the property in question on June 20, 1974.
2. At the time of purchase he was planning certain alterations including relocating the walkway to the office and constructing a new stairway to the sidewalk.
3. At the time of purchase he noted the transformer pad, but, as it was covered by a concrete cover, he assumed it was a completed installation that would not interfere with his proposed stairway.
4. His designer also concluded that the concrete covered transformer pad was a completed installation that would not conflict with proposed construction.
5. When he became aware that a transformer was to be installed on the concrete pad, complainant immediately requested SDG&E to relocate the installation to clear his proposed walkway and stairs and was informed that it would be relocated if he paid the cost of such relocation, estimated to be \$789.
6. He believes SDG&E's estimate of the cost of relocating the transformer vault of \$789 is excessive.
7. Because he was not notified of the proposed transformer installation at the time he submitted his plans to the San Diego building department he believes that SDG&E should assume the cost of relocating the transformer.

Defendant's Position

Testimony, presented on behalf of defendant, indicated:

1. The transformer vault is located in a franchised area and SDG&E has every right to maintain it at this location.
2. SDG&E is willing to relocate the transformer provided complainant pays the cost of relocation.
3. The resolution establishing the underground district in the vicinity was adopted October 2, 1973.

4. The transformer pad was set on or before April 12, 1974 and was left as an obviously incompleated project with a wood cover over the transformer vault and wood barriers to detour foot traffic around the vault.

5. The transformer was set on August 21, 1974 at which time the outside remodeling of the complainant's building had not been completed nor had the construction of the new walkway and stairway been started.

6. The complainant refused to consider modification of the proposed walkway to avoid the transformer installation and went ahead and completed the installation with the result that the stairway was partially obstructed by the transformer.

7. The remaining portion of the stairway, unobstructed by the transformer, is sufficiently wide to permit easy passage of a large man.

8. The proposed installation of the transformer in its vault was delayed to provide complainant an opportunity to have the vault relocated at a cost of \$789 rather than the present estimated cost of relocating the transformer and vault of \$2,756.

9. There are ten occupancies served off the transformer and if the transformer were relocated, they could be out of service for six or seven hours.

Discussion

There appears to be little doubt that the transformer pad was in place at the time complainant purchased the property. The record indicates that it was installed on or before April 12, 1974 and left with wood covers and barriers. The record also indicates, however, that subsequent to this date and prior to inspection of the premises by complainant's designer, the wood barriers were removed and the wood cover was replaced with a concrete cover. Such an installation could easily be mistaken for a completed job and the complainant's designer cannot be faulted for not realizing that a transformer would be installed on the pad in the future.

The evidence indicates that the transformer location was carefully selected to meet defendant's various criteria and is located in a franchised area where SDG&E has a legal right to maintain it. Defendant cannot reasonably be expected to anticipate and provide for every future modification to premises which conceivably could be adversely affected by new construction. When reasonable care has been exercised by the utility in the selection of the location of its facilities and their relocation is requested to accommodate the needs or desires of a property owner it is the normal practice of the utility to require the property owner to bear the reasonable cost of relocating the facilities. Were such a practice not followed the resultant relocation of facilities at utility expense would eventually result in an unnecessary and unreasonable burden on the ratepayers.

SDG&E's witness testified that the present cost of re-locating the transformer and pad to clear the stairway is estimated to be \$2,756 and is based on a four-man cable crew taking approximately ten hours to rearrange the transformer and primary and secondary cable and an additional four-man construction crew taking four hours to rearrange the conduit and transformer enclosure. At the time complainant requested the transformer pad be relocated, the transformer and underground cable had not yet been installed. According to SDG&E's witness's testimony, the estimated cost of relocation of the facilities at that time was \$789 and consisted of \$221 of material, \$185 direct labor, \$143 indirect charges, \$108 engineering, \$99 transportation, \$31 P&W, and \$2 interest. The indirect charges included in both estimates are, according to this witness's testimony, computed from percentages derived from recorded yearly costs. The record shows that the setting of the transformer was held in abeyance to permit complainant time to arrange for the relocation of the vault before the transformer was actually installed. The record further shows that defendant granted complainant

the option of paying the actual cost of the relocation but not more than the quoted figure of \$789. Complainant obviously did not exercise either option.

It is clear from the record that complainant completed construction of the walkway and stairs sometime subsequent to the installation of the transformer and could have elected to have the design of the walkway modified in such a way that the transformer would not inhibit passageway on its stairs. His own designer testified that he had offered to modify the design of the walkway and stairs so as to avoid the conflict. It is obvious, however, that the complainant chose not to redesign the walkway and had the work completed as originally planned with the resultant partial blockage of the stairway. Any corrective action to alleviate the situation will, therefore, be done at the direction and expense of complainant.

Findings

1. Defendant installed the transformer pad on or before April 12, 1974 in a franchised area where it has a legal right to maintain it.

2. The cost of relocating utility facilities reasonably located in a franchised area should generally be borne by the person requesting the relocation.

3. Complainant purchased the property in question on June 20, 1974 and installed the walkway and stairway subsequent to the installation of the transformer.

4. Consequently, complainant should bear the reasonable cost of relocating the transformer vault.

5. The transformer was installed on August 21, 1974.

6. Complainant had the choice and opportunity of revising his walkway plans to avoid the transformer but elected to have the work completed as originally planned with the result that the transformer partially blocks the stairway.

7. Complainant should pay the cost of relocating the transformer should he elect to have the work done.

The Commission concludes that the relief requested should be denied.

O R D E R

IT IS ORDERED that the relief requested is denied.

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

Dated at San Francisco, California, this 15th day of JULY, 1975.




President



Commissioner



Commissioner



Commissioners

Commissioner Leonard Ross, being necessarily absent, did not participate in the disposition of this proceeding.