ALJ/jt

Decision 84 06 023 JUN 6 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RICHARD THOMAS HILL,

Complainant,

vs.

PACIFIC GAS AND ELECTRIC COMPANY, a corporation,

Defendant.

Case 83-04-04
(Filed April 11, 1983)

Richard T. Hill, for himself, complainant.
Peter W. Hanschen and Gail H. Greely, Attorneys at Law, for Pacific Gas and Electric Company, defendant.

O P I N I O N

Statement of Facts

In its essence this case is a dispute about who should pay for relocation of a power pole, the complainant Hill, or Pacific Gas and Electric Company (PG&E). Hill is developing land he had acquired, and to do so he had to have an electric power pole moved. PG&E was willing to move the pole provided Hill paid the costs. To get the pole moved Hill paid the $2,089 costs, and now by this complaint seeks to recover these costs plus interest as reparations.[1]

[1] The right of recovery in a reparations proceeding is statutory, deriving from § 734 of the Public Utilities Code, which provides that when complaint is made to the Commission, and after investigation the Commission finds that the public utility has charged unreasonably, the Commission may order due reparation to the complainant, with interest.

The duly noticed public hearing on the complaint first set for June 1, 1983 was reset at complainant's request for July 8, 1983, on which latter date hearing was held before Administrative Law Judge (ALJ) John B. Weiss in the Commission's courtroom in San Francisco. Complainant Hill testified on his own behalf. PG&E's witness was Kent W. Bonney, commercial analyst, in defendant's Commercial Department. Both parties introduced exhibits into evidence. At conclusion of the hearing the matter was submitted for decision.

Since October 10, 1905 PG&E has been an operating public utility company organized under the laws of California and engaged principally in the business of furnishing electric and gas service in Northern California, including the area in and surrounding the City of Santa Rosa (Santa Rosa) in Sonoma County. As an operating electric public utility corporation, it is within the jurisdiction of this Commission.

Bennett Valley Road since before 1940 has been and continues to be a public thoroughfare traversing the southeastern area between downtown Santa Rosa and Bennett Valley. At all times relevant here it has been a busily travelled two-lane arterial highway which in the area of our interest is constructed on a hillside cut. The land to the north of the road slopes sharply away downhill at an initial angle of about 10 degrees, leveling gradually as it approaches a creek bed which runs roughly parallel to the road about 1,400 feet to the north.

In the mid-1940 period, PG&E supplied electric power service in this area from a 7.2 kV power line carried on poles sited along the Bennett Valley Road. In those days we are told that one R. A. Guetterman owned a large tract of land on the sloping hillside to the north of the road. Guetterman's address was listed as 2985 Bennett Valley Road. A private single lane dirt drive, apparently owned by Guetterman, extended a short distance down this northern hillside slope from Bennett Valley Road.

In September 1948, Guetterman informed PG&E of his intention to subdivide portions of his property and to extend the dirt drive further down the hillside to the north. He applied to have electric service extended from the existing lines on Bennett Valley Road down the dirt drive to the vicinity where he desired service.

Exhibit No. 7 in this proceeding, introduced by PG&E, was a two-page PG&E Estimate-work order dated September 20, 1948. It indicates that Guetterman sought a service line for two future residences with possible all electric service to be sited on the land to the west of the dirt drive being extended, and service for five future residences to be built on the land to the east of the dirt drive. The work order indicates that PG&E on November 8, 1948 completed the installation of a 360-foot 7.2 kV service extension down the dirt drive from Bennett Valley Road, using three 45-foot poles placed in a row down the west side of the dirt drive. The first and last poles were secured by anchor guys to the ground from each on the line's axis 15 feet beyond each pole. Pursuant to PG&E's then standard practice, as testified by PG&E's witness, since the new service line was to be constructed on the customer's private property, no formal right of way dedication was required or obtained.

By 1973 these properties were owned by others than Guetterman, and the dirt drive, still unimproved and only one vehicle's breadth in width, had been extended on a meandering course down the slope toward the distant creek bed. By then this dirt lane had acquired the appellation "Matanzas Road." The area was still very rural although it was gradually being overtaken by encroaching suburbanization from the northwest as Neotomas Avenue, a residential street running west to the east about 500 feet to the north of and parallel to Bennett Valley Road, was being extended east to connect and deadend with Matanzas Road. About 200 feet to the west and parallel to Matanzas Road, Montgomery Drive was to extend from Neotomas Avenue south to Bennett Valley Road. Of the block-like area enclosed by these four streets, the northernmost third, about an acre

in extent, was being considered for development as Townview Terrace with five duplexes proposed. As part of the local review process, PG&E was shown the proposed final subdivision map and returned it to Santa Rosa's city engineer on September 10, 1973 confirming that the proposed easement locations conformed to the utility's requirements. However, the final map relating to the subdivision was not recorded until January 22, 1975. The street improvements, including curbs and gutters, were not installed until the end of 1974, being completed in January 1975, with final acceptance by the city on April 25, 1975. The duplexes themselves were not built until 1978.

In 1974 PG&E determined that it would have to install a power pole on the northwestern corner of the Neotomas Avenue-Matanzas Road intersection, and issued a work order to accomplish this installation. At the same time it was discovered that the central pole of the three placed in 1948 on Matanzas Road had split and was rotted, necessitating replacement. Accordingly, PG&E on May 2, 1974 issued Estimate-Work Order E-72587 to perform this work, with the added direction that it be done in conjunction with installation of the Neotomas Avenue pole.

The PG&E sketch of work to be performed (which is part of the Estimate-work order introduced into this proceeding by PG&E as Exhibit No. 8) sets forth the physical layout as it existed in May and June of 1974 when this work was accomplished. In May 1974 the three-power pole line erected back in 1948 was delivering electric energy to four homes which since 1948 had been erected to the east of Matanzas Road. The northernmost of these poles, situated just inside the Matanzas Road property line of what subsequently became Townview Terrace Subdivision, and in what subsequently became the paved half of Matanzas Road, was providing direct service to one of these east side homes, that at 3377 Matanzas Road. The second, or middle pole (split and rotted), was situated about at the midpoint of the east property line of that parcel of the former Guetterman lands which by 1974 was owned by the Eugene Moores. It was directly serving another

pair of homes located at 3387 and 3383 Matanzas Road. The fourth home on the east side of Matanzas, at 3385, the southernmost and nearest to Bennett Valley Road, was also receiving service taken from this middle pole, but service relayed through another pole which at an earlier time not here indicated had been placed on the east side of the dirt road in front of 3385 Matanzas. Apparently, this had been done to avoid having to run overhead lines across neighboring properties. By this time, the PG&E poles were being shared with Pacific Telephone and Telegraph Company (PT&T), another common practice.

As the PG&E work estimate indicates, PG&E had determined to abandon the two northernmost of the 1948 poles,[2] and to replace them with a single 55-foot tall pole (which would be high enough to gain proper clearance over a row of trees up the hillside to the south along the axis of the power line). The replacement pole, moreover, was to be relocated on the same power line axis but 25 feet to the north on the same property parcel. Here, as relocated, it would be sited just within the northeast corner of that parcel. Just across the intervening property line would be the proposed Townview Terrace property. The middle pole site and the site of the replacement pole were both on the former Guetterman property owned in 1974 by the Moores. Moore, a PG&E employee, reportedly hoped to subdivide his property. However, even though he obtained a Negative Declaration on the environmental consequences, he was not successful in that endeavor.

PG&E's witness testified that the replacement pole was relocated in accord with the utility's work order 25 feet to the north on the axis of PG&E's prescriptive easement. He stated that

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[2] The two poles were abandoned to PT&T, who in turn subsequently removed them.

such a relocation was in accord with PG&E's policy wherever possible of trying to mitigate the impact of its facilities by placing them adjacent to side property lines. In this instance, the witness noted, the relocation served to move the pole out of the way of any future driveways which might be opened out from the Moore property into the then existing Matanzas Road.

But it must also be noted that this relocation of the poles also served to leave the relocated pole situated 4 feet out from the probable future curb line should it come to pass in the future that the curb line proposed as part of the then still tentative Townview Terrace Subdivision ever be adopted as the official curb line for any future formal development of Matanzas Road up the slope toward Bennett Valley Road.[3] There is no evidence, however, that the Moores raised any objections to this 1974 pole relocation.

As noted in the 1974 Estimate-work order, overhead guy wires were extended from Bennett Valley Road north to the relocated 1974 replacement pole, and thence north to the new Neotomas Avenue pole. This enabled PG&E to provide mid-span service to 3377 Matanzas Road without need for the northernmost of the 1948 poles, and eliminated the need for two anchor guys.

In 1978 the Moores sold out to Richard Thomas Hill, our complainant, and his mother. In turn, in 1981 the senior Mrs. Hill quitclaimed her interest to Hill and his wife. The Hills' home, on the western part of their property, fronts into Montgomery Drive. The Hills determined they would pursue subdivision and separate the eastern portion. In March 1982 Hill employed a surveyor to obtain definitive knowledge of his property lines, and ascertained as a certainty the obvious fact that the power pole located on his northern border was on his property.

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[3] As it later developed, the curb line adopted for the Townview Terrace Subdivision was not adhered to. Next door, Hill's improvements to Matanzas Road, which presumably had the approval of the city, extended the curb line substantially to the west.

At this point Hill was faced with the problem of Matanzas Road and access to his property. As a formal conventional city street Matanzas Road did not exist past Townview Terrace. And even in front of the two Townview Terrace duplexes the street had been improved and paved only to what more or less would normally be the middle of the standard 25-foot wide Santa Rosa residential street. The neighbors across from the duplex adjacent to Hill's property had trees, shrubs, etc. on the unimproved other half of the roadway rendering it impassable on their side. Further, Matanzas Road had been transformed earlier into at most a potential cul-de-sac when access to or egress from Bennett Valley Road had been permanently blocked by installation of heavy steel highway guardrail barriers along the north (or downward side) of that busy winding highway. Therefore, Matanzas Road beyond the two Townview Terrace duplexes was merely a dirt passageway up the slope, serving as sort of a single lane access way to the several homes on the east side of the power line up the slope. Access required leaving the paved western half of the street in front of the duplex adjacent to Hill's property, veering sharply left to the east, then passing around and proceeding upslope past the row of trees growing north-south on the axis of the PG&E power line easement, and onward up the single lane dirt passageway to turn left at each of the several homes to the east, as each was reached. The drive on the property of the topmost home, near Bennett Valley Road, provided the only place to turn around at the end of this cul-de-sac.

Therefore, to conventionally improve Matanzas Road across the face of his property to the 25-foot width set forth on the Townview Terrace Subdivision plans introduced into evidence, taking as his curb line the existing Townview Terrace curb line, would have meant removing three large oak trees as well as relocation of the PG&E pole now at the northeast corner of his property. Not only would this be expensive but it would lose the oak trees. Instead, Hill determined that he would relocate his half of Matanzas Road,

veering his curb line sharply and obliquely to the west about 8 to 10 feet at his boundary with Townview Terrace, and from there extend south up the slope. This would serve to retain the three oak trees along his east property line as a sort of central island, making Matanzas Road a divided road. But it still necessitated relocation of the PG&E pole.[4]

In 1982 Hill approached PG&E, asking that the utility move its 1974 pole approximately 10 feet to the west to accommodate his plans. PG&E agreed, providing that Hill would pay the $2,089 relocation expense. PG&E applied Rule 16 of its filed tariff which provides:

> "If relocation of the service, including utility-owned transformers is for the convenience of the applicant or the customer, such relocation will be performed by the utility at the expense of the applicant or the customer."

Under protest, Hill paid the $2,089 and PG&E relocated the pole. Now Hill seeks to recover the money, alleging that PG&E improperly located its initial pole where it did in 1948, and that in 1974 when the utility replaced and relocated the original pole, it had an obligation to the property owner on whose property the pole was set to (1) replace the pole at the same location, (2) attempt to obtain an easement to relocate it, or (3) move the pole into a suitable public easement if prior knowledge of such an easement existed. Hill charges that PG&E instead chose to "randomly relocate" their pole and

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[4] As it developed, this served to provide Hill with a quasi-private parking cul-de-sac into an excavated area on his property. This cul-de-sac area is accessible from the northern improved half of Matanzas Road in front of Townview Terrace's duplexes, but lacks any means of connection on the upper (or south) end of the cul-de-sac, because of the three oak trees, to the existing dirt drive up the slope that is Matanzas Road. Whether or not the west side upslope property owners will accept and continue this divided road route, involving as it must, dedication of substantial portions of their property, is unknown.

thereby was negligent and has impaired access to his property and damaged him to the extent of the cost of the replacement. Hill seeks reimbursement of the $2,089 plus interest at 12% per annum from June 12, 1982.

Discussion

Taking Hill's contentions in order, the first issue to be addressed is whether PG&E "improperly located" the first poles when it installed them back in 1948?

The answer must be "no". Service in 1948 was installed at Guetterman's request. It was obtained from PG&E's existing power line source on Bennett Valley Road, and carried by means of a three-pole extension line installed alongside the dirt drive later styled Matanzas Road to a point where it would be able to serve Guetterman's anticipated requirements. It is difficult to believe that the line was placed where it was without Guetterman's acquiescence. It paralleled the dirt drive; it was located entirely on Guetterman's property; and it was located adjacent to the boundary line of the Guetterman lots upon which it was erected. There was no evidence introduced that there were any parameters established by the city back in 1948 which defined this dirt drive, or that it had even been offered or dedicated. Admittedly, PG&E did not obtain a formal right of way from Guetterman when it built the line. It saw no need to. It was its standard practice, according to its witness's testimony, that when it erected a line on a customer's own property, it did not obtain a formal right of way. Here there was no need to; the line was erected as an incident to providing electric service on Guetterman's application. There was nothing improper shown in the manner the service line was installed in 1948.

The next issue is whether, in 1974, instead of meeting its obligations to the property owner upon whose property that pole stood, did PG&E merely randomly relocate the pole?

Again, the answer must be "no". From the known facts surrounding the installation of the power line in 1948, it would not be unreasonable to conclude that the clear intent of the original parties was to create an easement for the power line. Guetterman wanted service to serve prospective homes to be spread over an area he owned; the service line from the source was logically placed in a central location just inside property lines on the only available prospective common roadway between the properties, and it could not have been so placed without Guetterman's acquiescence. However, if there was not clear consent by the original party, from the known facts it would appear that there was at least an implication to create an easement for the line.

But even if we have no knowledge of a grant, and hesitate to imply an easement, PG&E asserts that with the passage of the years between 1948 and 1974 it had obtained a prescriptive easement consisting of a right of way for the power line. The two broad elements required to create a prescriptive easement are (1) an adverse use for (2) the five-year prescriptive period (Civ. Code., § 1007; Code Civ. Proc., § 321). The elements necessary to establish an adverse use are: (a) open and notorious use; (b) continuous and uninterrupted use; (c) hostile to the true owner; (d) under a claim of right; and (e) payment of any taxes separately assessed against the easement. (3 Witkin, Summary of Cal. Law (8th ed. 1973) Real Property, § 365, pp. 2059, 2060 and cases there cited.) At all times PG&E regarded its right to use the power line right of way as something permanent and nonrevocable, i.e., as being in the nature of an easement as distinguished from a mere license. PG&E had used and maintained the line over the years without any known interference from Guetterman or successive owners of the underlying properties, and had sold a part interest in the poles to the telephone company without known objection. We therefore conclude that the user was at all times up to 1974, hostile and adverse in the sense that it was exercised openly under a claim of right. Whether or not PG&E paid

taxes on the power line, or whether taxes had ever been separately assessed, was not raised as an issue in this proceeding. However, absent some showing that in fact the easement was separately assessed, PG&E was not precluded from acquiring a prescriptive easement. (The burden of proof showing that an easement was separately assessed is upon the owner of the servient estate (Cleary v Trimble (1964) 229 CA 2d 1, at 11).) Lastly, the evidence is clear that the adverse use by PG&E exceeded the five-year statutory period. For the above stated reasons, we find that the evidence fully supports PG&E's assertion that by 1974 the utility had acquired a prescriptive easement consisting of the right of way for the power line.

The question then arises whether PG&E's relocation of the replacement power pole was a permissible use under the easement created by prescription. The general rule is that the extent of an easement gained by prescription is limited to the user under which it was gained. But where a change in user is unsubstantial, the easement is not forfeited (Hill v Allen (1968) 259 CA 2d 470), and an easement is not confined to the precise use contemplated at the time it was created. The use of all land is subject to constant change, and the extent of a prescriptive easement can never be exactly measured by the condition of the dominant tenement during the period of prescription, although any future use is, to some degree, limited thereby. Uses satisfying new needs are privileged if the condition requiring them is a normal development of the condition, the needs of which were served by the adverse use that created the easement. A normal development is one which might reasonably have been foretold, but it must be consistent with the pattern formed by the adverse use by which the prescriptive easement was created.

Here, in a technical legal sense, addition of telephone wires strung from the same poles added servitudes beyond those initially imposed, but they imposed no injury or greater burden upon the underlying property owners' lands. Their addition was a normal

development, foreseeable, and consistent with public policy to restrict the number of utility poles as far as possible and to encourage common usage. Similarly, relocation of the rotted out central pole was permissible so long as it was relocated within the right of way obtained by prescription. PG&E's 1974 easement extended north from the Bennett Valley Road source of power to the northernmost pole which was situated in front of the proposed Townview Terrace Subdivision. The northernmost two poles (the one in front of the Moore property and the one in front of the proposed Townview Terrace) were abandoned by PG&E, and thereafter removed by the telephone company, after the replacement pole was sited about 25 feet to the north of the former location of the center pole. But the placing of this replacement pole still kept it on the axis of the power line easement and within the overall limits of the easement. And the relocation removed the pole from the center of Moore's Matanzas Road frontage to relocate it off to a side property line, out of the way of any direct access to the Moore property, but still within the scope of the easement. Within reasonable limits a utility is entitled to make changes that do not impair or affect the substance of a claimed easement. Every easement includes what are termed "secondary easements," that is, the right to do such things as are necessary for the full enjoyment or utilization of the easement itself, and so long as these changes cause no greater burden in the servient property, they can be made. In this instance the changes enhanced conventional access to the Moore property. There is no evidence that Moore objected. The 1974 realignment constituted good utility practice. When the new pole on Neotomas Avenue was added in 1974 it allowed PG&E to install overhead guy wired construction all the way up the slope to Bennett Valley Road, with benefits of enhanced ability to use mid-span service connections with fewer poles and anchor guys to service all of Matanzas Road.

In mid-1974 when the power line realignment was completed, Townview Terrace was still only a potential future project. Its plans had not been recorded. The subdivision might or might not materialize. Routine utility confirmation that prospective plans conformed to utility standards in no way obligates a utility to anticipate or to delay its regular maintenance pending developments. The utility proceeds on schedule. There was nothing physically present or apparent or on record to show that the relocation which PG&E had every right to make would of any certainty provide future conflicts. Work on the Townview Terrace street improvements did not start until a half year later. Further development of Matanzas Road right of way was unlikely, given its history over the prior 26 years. Moore, the property owner whose land was involved, apparently had no objections. Certainly the relocation had to be open and obvious to him. And certainly the realignment did result in a benefit to the only prospective development then envisioned - Townview Terrace. It served to remove entirely the northernmost pole, which had it been left in use in its pre-1974 location, would have ended up about 4 feet out on the street pavement, away from the curb, in front of Townview Terrace in Matanzas Road. In that position, Townview Terrace would have had to have paid for its relocation.

Obviously, these facts show that PG&E did not merely "randomly relocate" its middle pole in 1974. Nor was its relocation of this pole negligent. The utility used reasonable care in realigning its facilities and relocating its pole, keeping these improvements within its existing easement. As this Commission stated in Xenia International Travel v San Diego Gas & Electric Co. (1975) 78 CPUC 476:

> "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."

To have relocated the replacement pole away from the 1948 axis of the already held easement would have required that PG&E in 1974 try to obtain a new easement from Moore, the then property owner involved, for a site. But in 1974 what was the purpose? In 26 years, other than obtaining a name, Matanzas Road had not materially changed. It remained a dirt pathway up the slope. It had taken 26 years for even a potential development at Neotomas Avenue to develop, and in May 1974 the subdivision project still had no formal approvals and might or might not come to fruition. There was in 1974 no present reason to do so or to incur such costs. It was unlikely that any other development beyond possible development of the Townview Terrace Subdivision of five duplexes was imminent. And Townview Terrace, if it did come to fruition, required nothing further with regard to this 1974 move. The property owner involved, Moore, had lodged no objections. PG&E could not reasonably be expected to anticipate and provide for the future when that future was unknown, problematic or in limbo.

The fact that Hill appears in 1978, purchases the Moore property, and then in 1982, eight years after the 1974 changes, determines to subdivide that property and develop access to Matanzas Road to accommodate a conception that benefits his property, does not serve to render the utility's 1974 acts imprudent or

unreasonable.[5] The general rule in Xenia applies, and Hill's complaint seeking reparations and interest must be denied.

Findings of Fact

1. At all times relevant here, PG&E has been the public utility providing electric power service in the Bennett Valley Road-Matanzas Road area of Santa Rosa.

2. In response to a 1948 application for electric service for a small number of present and/or prospective homes adjacent to both sides of Matanzas Road, PG&E installed a three-pole power line extension on applicant's property.

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[5] It should be noted that were Hill able to show that PG&E without right had relocated the middle pole on Moore's property in 1974, Hill still could not now obtain damages. While the general rule is that one may maintain ejectment against either an individual or a corporation who without right enters upon his land, the rule is subject to exception. One such exception is applicable to public utilities. In instances where entry may originally have been without right, but the owner permits the utility to make the entry and complete the installation, and does not act until after public interests intervene, the right to maintain ejection is lost and the owner is precluded from any action except one for damages.

The facts present here show that at the least, Moore stood by without asserting any right he might have invoked until PG&E had completed the relocation and resumed its public duty by resuming service to the homes east of Matanzas Road. Public interests then had intervened. Moore's only recourse then might have been damages. But while Hill in 1978, as successor in interest, succeeded to Moore's rights such as they were in 1974, by 1982 the Statute of Limitations had long since tolled on any claim for damages for injuries to the property in 1974. There can be no viable issue of late discovery. The street, curb, and sidewalk improvements appurtenant to Townview Terrace Subdivision had been in place since early 1975. The pole was obviously sited on the Moore side of the property line, north of and beyond the extent of these improvements, and visible to anyone who cared to see them. Hill's statement that he was not aware at the time he purchased the property of the fact that the pole was located on the Moore property is just not credible in view of his admission that when he purchased he also had walked the property parameters.

3. By 1974 at least some of the original applicant's lands were owned by others, including one parcel with frontage on Matanzas Road owned by the Moores.

4. By 1974 four homes east of Matanzas Road were being served electric power, and in some instances telephone service, from the power line extension.

5. By 1974 PG&E had acquired a prescriptive easement for a power line right of way for this power line.

6. In 1973, as part of preliminary planning processes applicable to prospective subdivisions under consideration, PG&E formally advised Santa Rosa that the utility easement locations shown on plans for a five-duplex subdivision project to be known as Townview Terrace and under consideration for an acre parcel of property to front the northwestern side of Matanzas Road, met PG&E's requirements.

7. By early 1974, the middle pole of the three-pole power line extension was split and rotting, necessitating replacement.

8. In early 1974 PG&E determined to erect a new power pole on what would become the northwest corner of Neotomas Avenue and Matanzas Road.

9. In the May-June 1974 period, PG&E determined to and accomplished replacement of the middle pole, relocating the middle pole within the parameters of its power line easement, but approximately 25 feet to the north, thereby eliminating need for the northernmost of the three 1948 poles, and allowing for removal of the latter as well as the former middle pole.

10. The May-June 1974 relocation, while accomplished within the context and parameters of PG&E's easement, did not conform with possible future extensions of curb line for the west side of Matanzas Road should the curb line proposed by the Townview Terrace plans be adopted subsequently for future extensions of Matanzas Road to the south.

11. There is no evidence that Moore, upon whose property the relocation was accomplished, had any objection to relocation of the pole.

12. In 1975 Townview Terrace Subdivision plans were recorded and the street improvements accomplished and accepted.

13. In 1978 Hill and his mother purchased the Moore property.

14. In 1982 Hill determined to develop his property and requested PG&E to relocate the pole reset in 1974.

15. When Hill applied to PG&E to relocate the pole, PG&E correctly applied Rule 16 of its filed tariff which required that Hill pay the relocation costs.

16. Hill paid the $2,089 relocation costs and the pole was relocated as Hill sought.

Conclusions of Law

1. PG&E did not improperly locate its service line extension in 1948.

2. PG&E met its obligation in 1974 to property owner Moore in replacing and relocating its power pole, and did not merely randomly relocate the pole.

3. The complaint and its prayer for reparations and interest should be denied.

O R D E R

IT IS ORDERED that the relief sought by the complainant is denied.

This order becomes effective 30 days from today.
Dated JUN 6 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

Commissioner Priscilla C. Grew, being necessarily absent, did not participate

I CERTIFY THAT THIS DECISION WAS APPROVED BY THE ABOVE COMMISSIONERS TODAY.

Joseph E. Bodovitz, Executive Director