

Decision No. 89134 JUL 25 1978**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the petition of
 the Inverness Public Utilities
 District requesting the Public
 Utilities Commission to fix just
 compensation for the acquisition
 of the public utility property
 of the Inverness Water Company.

Application No. 58061
 (Filed May 9, 1978)

ORDER TO SHOW CAUSE

WHEREAS, the petition of the Inverness Public Utilities District, a public utility district organized and existing under and by virtue of the laws of the State of California, situated within the county of Marin, State of California, requests that the Commission fix the just compensation to be paid by petitioner for the water system, including certain lands, property, and rights described in said petition, and sets forth the intention of the petitioner to initiate such proceedings as may be required under the law governing the district for the purpose of submitting to the voters of the political subdivision a proposition to acquire under eminent domain proceedings, or otherwise, the aforesaid lands, property, and rights and the water system described in said petition; and

WHEREAS, said petition has been filed pursuant to the provisions of Division 1, Part 1, Chapter 8 of the Public Utilities Code of the State of California, and is a petition of the second class as defined in Section 1403 of said Code; and

WHEREAS, said petition names as owners of said lands, property, and rights Inverness Water Company, a California corporation, having its principal place of business at 3335 Longview Drive, Sacramento, California, in the county of Sacramento, State of California; and

WHEREAS, said lands, property, and rights are generally described as follows: water supply facilities, pumping plant facilities, water treatment facilities, water storage facilities, transmission and distribution facilities, land and land rights, and general plant structures, all of which are located in the county of Marin and which are more fully and particularly described in Application No. 58061.

Therefore, IT IS ORDERED that:

1. Inverness Water Company appear before Commissioner Robert Batinovich, Commissioner Vernon L. Sturgeon, or Administrative Law Judge Orville I. Wright, or such other Commissioner or Administrative Law Judge as may be hereafter designated by the Commission, in the Commission Courtroom, State Building, 350 McAllister Street, San Francisco, California, at 10 a.m., Monday, August 21, 1978, and then and there shall show cause, if any it has, why the Public Utilities Commission should not proceed to hear the petition and to fix the just compensation to be paid for said lands, property, and rights.
2. The Executive Director of the Commission cause to be served upon Inverness Water Company a copy of this order certified under the seal of the Public Utilities Commission, to which shall be attached a true and correct copy of said petition, which service shall be made in the manner provided by Division 1, Part 1, Chapter 8 of the Public Utilities Code.

Dated at San Francisco, California, this 25th day of July, 1978.

Robert Batinovich
President
William J. Quinn
Vernon L. Sturgeon
Orville I. Wright
Richard D. Howell
Charles T. Deibel
Commissioners

1 Richard J. Massa
2 MASSA & PIERCE
3 9 First St., Suite 700
4 San Francisco, CA 94105
5 (415) 495-6393

6 Attorneys for Inverness Public Utilities District

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8 BEFORE THE PUBLIC UTILITIES COMMISSION
9 OF THE STATE OF CALIFORNIA

FILED
PUBLIC UTILITIES COMMISSION

MAY 8 1978

10 In the matter of the petition of
11 the Inverness Public Utilities District
12 requesting the Public Utilities
13 Commission to fix just compensation
14 for the acquisition of the public
15 utility property of the Inverness
16 Water Company.

SAN FRANCISCO OFFICE
Application No. 38061

17
18 PETITION

19 The petition of the Inverness Public Utilities District
20 respectfully shows:

21 I

22 The petitioner, the Inverness Public Utilities District
23 is now, and at all times mentioned herein was a public utilities
24 district, organized and existing under and by virtue of the laws
25 of the State of California. The Inverness Public Utilities
26 District is situated in the County of Marin, State of California.

27 The government, management, and control of petitioner
28 are now, and at all times herein mentioned were, vested in its
Board of Directors, and all the acts of petitioner as hereinafter
referred to were done upon the authorization and direction of said
Board of Directors, and were and are the acts of petitioner. The
President of the Board of Directors is authorized to execute legal

1 instruments on behalf of petitioner.

2 II

3 Correspondence or communications in regard to this
4 application are to be addressed to Richard J. Massa, MASSA & PIERCE
5 9 First St., Suite 700, San Francisco, CA 94105, attorneys for
6 petitioner. The telephone number of petitioner's attorneys is
7 (415) 495-6393.

8 III

9 Inverness Water Company is, and at all times mentioned
10 herein was, a corporation organized and existing under and by
11 virtue of the laws of the State of California and having its
12 principal place of business at 3335 Longview Drive, Sacramento,
13 California, in the County of Sacramento, State of California.

14 Inverness Water Company is, and at all times mentioned
15 herein was, a public utility under the laws of the State of
16 California, being a water corporation as defined by Section 241
17 of the Public Utilities Code of the State of California.

18 Inverness Water Company does, and at all times men-
19 tioned herein did, operate a water system for the transmission and
20 distribution of water within the boundaries of petitioner.

21 For convenience said Inverness Water Company will
22 hereinafter sometimes be referred to as "the Company".

23 IV

24 For the purposes of carrying on its business of
25 operating a water system as aforesaid, the Company owns, operates
26 and uses, lands, property and rights hereinafter in Paragraph VII
27 described which comprise the said water system.

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V

First Doe Company, a corporation, Second Doe Company, a corporation, Third Doe Company, a corporation, Fourth Doe Company, a corporation and First Doe, an individual, Second Doe, an individual, Third Doe, an individual, Fourth Doe, an individual, Fifth Doe, an individual, Sixth Doe, an individual, Seventh Doe, an individual, Eighth Doe, an individual, Ninth Doe, an individual, and Tenth Doe, an individual, are designated herein by fictitious names for the reason that their true names are unknown to petitioner, and petitioner on ascertaining the true names of said corporations and/or individuals will substitute the same for said fictitious names by proper amendment hereto.

Petitioner is informed and believes and so alleges that the corporations and individuals referred to in this Paragraph V are now claiming and asserting some claims, rights and interests in the whole or in some part of the properties herein sought to be acquired; that the nature, character and extent of such alleged claims, and asserted claims, rights or interests are unknown to petitioner; that petitioner is informed and believes and so alleges that none of said corporations or individuals referred to in this paragraph has any valid claim, right or interest upon, to, or in said properties or any part thereof.

VI

Petitioner, pursuant to the provisions of Division 7 of the Public Utilities Code of the State of California, and Part III, Title VII of the Code of Civil Procedure of said state, and Article XII, Section 5 of the Constitution of said state, and Division 1, Part 1, Chapter 8 of the Public Utilities Code of said

1 state, and other appropriate laws now existing, intends to initiate
2 such proceedings as may be required under the law governing the
3 district for the purpose of submitting to the voters of the
4 political subdivision a proposition to acquire under eminent domain
5 proceedings, or otherwise, the lands, property and rights and
6 water system herein described.

7 VII

8 (a) The lands, property and rights for which petitioner
9 seeks to have just compensation fixed herein, comprise the
10 Company's water system, and they are situated within the boundaries
11 of the County of Marin and the service area of the Company, and
12 consist of:

13 1. Water Supply Facilities

14 This category of utility plant property consists
15 of all water supply sources, including wells, springs and streams
16 from various sources for distribution within the service area,
17 including all motors, pumps, valves, fittings, water production
18 meters, controls, sand separators, enclosing structures, site
19 improvements, and any other appurtenance necessary for proper
20 operation and control of the water supply facility.

21 2. Pumping Plant Facilities

22 These facilities include all pumps and equipment
23 located at well sites, storage tanks, treatment plants and
24 "in-line" within the distribution piping used for the purpose of
25 raising the water pressure to the prescribed system pressure,
26 including pumps, motors, valves, fittings, all controls, vaults,
27 site improvements, and any other appurtenance necessary for proper
28 operation and control of the pumping plant facility.

3. Water Treatment Facilities

Water treatment facilities include all structures and improvements and water treatment equipment used for the purpose of treating raw water pumped from the ground for use as a potable water supply. This category of utility plant property includes but is not limited to:

(1) Chemical feed equipment, including pumps, motors, tanks, metering devices and controls.

(2) Chlorine analyzers, records, and leak detectors.

(3) Pressure tanks, filters, chemical reaction tanks and degassifier tanks.

(4) Water production meters and appurtenances.

(5) Buildings and other enclosures including laboratory facilities.

(6) Yard piping, all site improvements, and any other appurtenance necessary for proper operation and control of the water treatment facility.

4. Water Storage Facilities

This category of utility property includes all tanks used for the purpose of treated water storage or water pressure regulation for the water service area. These facilities include but are not limited to such items as the tanks, yard piping, valves, level indicators, cathodic protection, controls, vaults, site improvements and any other appurtenance necessary for proper operation and control of the water storage facility.

5. Transmission and Distribution Facilities

This class of utility plant property includes all

pipeline within the service area used in the transmission and distribution of treated water from the well sites, treatment plants and storage tanks to the water consumer, including all service lines, meters, meter installations, and fire hydrant installations, and appurtenant valves, fittings, vaults, locating wire, cathodic protection, location markers and any other control or appurtenance necessary for proper operation and maintenance of the transmission and distribution facility.

6. Land and Land Rights

This category of utility plant property includes all lands owned by the Company in Marin County that are being or may be used by the Company for utility purposes or held by the Company for future utility purposes, including:

(1) Those parcels of land and interests therein described in "Exhibit A" attached hereto and hereby made a part hereof, and the improvements thereon and appurtenances thereto; and

(2) All rights of way and easements to maintain or place and maintain, the works described in subparagraphs 1, 2, 3, 4 and 5 of this paragraph VII(a) or any part or portion thereof, whether existing by virtue of grant, prescription or otherwise.

7. General Plant Structures

This class of utility plant property includes all buildings and structures not identified or provided for in subparagraphs 1, 2, 3, 4, 5, and 6 of this paragraph VII(a) that are situated in the service area and used by the Company in the operation of the water system.

8. Any and all rights that may have accrued by virtue of the provisions of Section 19 of Article XI of the Constitution

of the State of California, as said section was written prior to the amendment to said section which was adopted on October 10, 1911 to maintain, or place and maintain, the works described in subparagraphs 1, 2, 3, 4 and 5 of this Paragraph VII(a).

9. Each and all rights existing by virtue of any or all franchises granted by the County of Marin to maintain, or place and maintain, the works described in subparagraphs 1, 2, 3, 4 and 5 of this Paragraph VII(a).

10. All water rights appurtenant to or used or useful by any of the works described in subparagraphs 1, 2, 3, 4 and 5 of this Paragraph VII(a).

11. All deeds, books, maps and records relating to the operation and maintenance of the works described hereinabove in this Paragraph VII(a) including, but not limited to, operating records of every nature, including engineering records, accounting records (including invoices for material and services purchased) and billing records.

12. All rights, however created, for reimbursement by others of all or any part of the cost of relocating, covering, piping, fencing or otherwise improving any part of the works described hereinabove in this Paragraph VII(a).

(b) Without limiting the specificity of the foregoing description in this Paragraph VII, petitioner declares that the lands, property, rights and system described in this Paragraph VII are intended to comprise all of the water utility properties of the Company lying within its service area, not including, however, office furniture and equipment, automotive and other transportation equipment, communications equipment, tools, materials and supplies,

1 or cash or accounts receivable.

2 (c) The system, lands, property and rights referred to
3 in this Paragraph VII as being that for which petitioner seeks to
4 have just compensation fixed in this proceeding are the same
5 system and properties referred to in Paragraphs III and IV above
6 as being the Company's water system used in carrying on the
7 business referred to in Paragraph III above.

8 VIII

9 This petition is a petition of the second class as
10 defined and provided for in Division 1, Part 1, Chapter 8 of the
11 Public Utilities Code of the State of California. The names,
12 addresses, rights, title, interests and/or claims of all owners,
13 claimants, mortgagees and/or trustees, if any, of the Company's
14 water sytem or any part thereof, other than the Company itself,
15 are unknown to petitioner.

16 WHEREFORE, petitioner prays:

17 1. That the Public Utilities Commission of the State
18 of California, pursuant to Division 1, Part 1, Chapter 8 of the
19 Public Utilities Code, make its order to each and every owner or
20 claimant of said Company's water system or any part thereof to
21 show cause, if any they have, why the Commission should not
22 proceed to hear this petition and to fix the just compensation to
23 be paid for the said Company's water system.

24 2. That the Commission cause its said order to be
25 served upon the Company and each and every owner or claimant in
26 the manner provided for by Division 1, Part 1, Chapter 8 of the
27 Public Utilities Code.

28 3. That the Commission fix the just compensation to be

1 paid by petitioner for said Company's water system in the manner
2 provided for in Division 1, Part 1, Chapter 8 of the Public
3 Utilities Code.

4 4. That the Commission take such other action herein
5 as petitioner may be entitled to under the law and as is deemed
6 proper and just within the sound discretion of the Commission.

7 Dated at Inverness, California, the 31st day of
8 May, 1978.

9 INVERNESS PUBLIC UTILITIES DISTRICT

10
11 By Arnold Durlacher
12 Arnold Durlacher, Chairman
Board of Directors

13 MASSA & PIERCE

14
15 By Richard J. Massa
16 Richard J. Massa
Attorneys for Petitioner
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LAND PARCELS OWNED BY INVERNESS WATER COMPANY

ALL WITHIN MARIN COUNTY, CALIFORNIA

<u>General Description</u>	<u>Deed Book</u>	<u>Record Page</u>	<u>Size Acres</u>	<u>Marin County Assessors Parcel No.</u>
Well No. 3 and Filter Plant	1480	108	0.045	112-210-07
Upper Sea Haven Tanks	1334	139	0.192	112-050-15
Toiler Tank	1352	618	0.118	112-330-07
Sea Haven Spring & Water Shed	1393	259	6.71	109-320-38
Lower Sea Haven Tank & Booster	1344 1351	157 473	0.034	112-220-10
Johnson Well No. 2	1448	178	0.034	112-142-07
Griffith Well	1451	27	0.027	112-142-05
Canyon Strip Buffer for Well No. 3	1467	67	0.419	112-271-07
Sterling Way Tank & Booster	1427	508	0.009	112-132-11
Tenny Tanks	1479	536	0.085	112-261-04
Tenny Tanks Road, Tank & Booster Pump	1479	534	1.38	112-201-17
Buthrie Tank & Watershed	1479	528	70.11	109-330-08
Tenny Tanks Watershed & Barrel Springs	1479	529	66.14	109-140-19
Bailey Springs & Watershed	1479	530	53.44	109-140-32
Polby Tanks	1371	202	0.169	112-262-06
Polby Tanks	1371	202	0.169	112-262-10

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STATE OF CALIFORNIA)
) ss.
COUNTY OF MARIN)

ARNOLD DURLACHER, being first duly sworn, deposes and says:

That he is an officer of the petitioner, to wit, its Chairman, and that he verifies the foregoing petition on behalf of said petitioner; that he has read said petition and knows the contents thereof; that the same is true of his own knowledge except as to matters which are herein stated upon his information, and as to those matters he believes it to be true.

I declare under penalty of perjury that the foregoing is true and correct. Executed at San Francisco, California, on the 8th day of May, 1978.

Arnold Durlacher
ARNOLD DURLACHER, Chairman
INVERNESS PUBLIC UTILITIES
DISTRICT