

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Copy for:
Orig. and Copy
to Executive Director

RESOLUTION NO. L-230

LEGAL DIVISION
Date: July 10, 1985

R E S O L U T I O N

Director
Numerical File
Alphabetical File
Accounting Officer

SUBJECT: RESOLUTION AMENDING GENERAL ORDER NO. 69-B
WHICH CONTAINS RULES GOVERNING THE GRANTING
OF EASEMENTS AND OTHER PROPERTY RIGHTS ON
PUBLIC UTILITY PROPERTY BY PUBLIC UTILITIES

WHEREAS: General Order No. 69-B applies to all public utilities covered by the provisions of Section 851 of the Public Utilities Code. It gives blanket authority to these utilities to grant easements, licenses or permits for use or occupancy on, over or under public utility property for certain limited uses, where exercise of the easement, license or permit will not interfere with utility operations, practices and services. Such grant is made subject to the utility's reserved power to commence or resume use of the property where necessary or desirable, unless the grant is to the State of California and its political subdivisions. In such cases, utilities are not required to reserve termination rights because these government entities have eminent domain power.

It has come to the Commission's attention that utilities have attempted to condition grants of property rights to federal agencies upon the reserved power to commence or resume use of the land if desirable or necessary. As presently worded, General Order 69-B requires such reservation of power. However, a similar rationale exists for exempting the United States Government and its agencies from this requirement because of their eminent domain power.

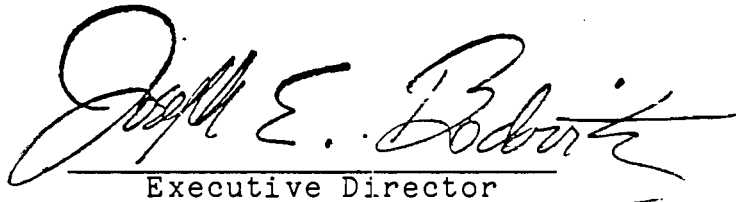
The Commission's staff has revised General Order 69-B to enlarge the exemption to include grants of property rights to federal agencies. General Order 69-B has also been revised to reflect the fact that Section 1240 of the Code of Civil Procedure has been repealed and replaced by provisions bearing other numbers. (See Appendix A to this resolution.)

THE COMMISSION FINDS that the proposed revisions to Appendix A are reasonable and consistent with state and federal law. The Commission concludes that General Order 69-B should be amended as set forth in the following order.

IT IS ORDERED that:

- (1) General Order 69-B as adopted by Resolution No. A-2917 on September 10, 1963 is amended as provided in Appendix A to this resolution.
- (2) In all other respects, General Order 69-B shall remain in full force and effect.
- (3) The Executive Director shall cause a copy of the amended general order to be mailed to all stationary public utilities.
- (4) This order is effective today.

I hereby certify that the foregoing resolution was duly introduced, passed and adopted at a regular meeting of the Public Utilities Commission of the State of California, held on 10th day of July, 1985, the following Commissioners voted favorably thereon:


Executive Director

DONALD VIAL
President
VICTOR CALVO
PRISCILLA C. GREW
WILLIAM T. BAGLEY
FREDERICK R. DUDA
Commissioners

RESOLUTION NO. L-230

APPENDIX A

PROPOSED GENERAL ORDER NO. 69-C
(supersedes General Order No. 69-B)

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
Easements on Property of Public Utilities
Resolution No. L-230

Adopted _____, Effective _____

IT IS HEREBY ORDERED, that all public utilities covered by the provisions of Section 851 of the Public Utilities Code of this State be, and they are hereby authorized to grant easements, licenses or permits for use or occupancy on, over or under any portion of the operative property of said utilities for rights of way, private roads, agricultural purposes, or other limited uses of their several properties without further special authorization by this Commission whenever it shall appear that the exercise of such easement, license or permit will not interfere with the operations, practices and service of such public utilities to and for their several patrons or consumers;

PROVIDED, HOWEVER, that each such grant, other than a grant by a public utility to the State of California or a political subdivision thereof for a governmental use superior to the use by the public utility under the provisions of Section 1240.610 ~~1240~~ of the Code of Civil Procedure, ~~shall be~~ or a grant to the United States Government or any agency thereof for a governmental use, shall be made conditional upon the right of the grantor, either upon order of this Commission or upon its own motion to commence or resume the use of the property in question whenever, in the interest of its service to its patrons or

consumers, it shall appear necessary or desirable to do so;

AND PROVIDED, FURTHER, that nothing herein applies, or shall be deemed to apply to crossings of railroads or street railroads by private or public roads, passageways or footpaths, at grade or otherwise;

AND PROVIDED, FURTHER, that the term "political subdivision" as used in this General Order is defined as set forth in Section 1402 of the Public Utilities Code.

The effective date of this order shall be _____

Approved and dated at San Francisco, California on _____

PUBLIC UTILITIES COMMISSION OF
THE STATE OF CALIFORNIA

BY:

Joseph E. Rodovitz
Executive Director

(Overstriking indicated language to be deleted; underlining indicates language to be added.)