4. RIGHT-OF-WAY FOR INDEFINITE TERMS, SUBMERGED LAND IN THE BED OF THE KINGS RIVER, KINGS COUNTY, ADJACENT TO STATE HIGHWAY 41; PACIFIC TELEPHONE AND TELEGRAPH COMPANY - W 20861, PRC 4987.

During consideration of Calendar Item 2 attached, Chairman Cory raised the question as to why a distinction is made as to the kind of utility company exempted from fee requirements. In response to his inquiry, Mr. James F. Trout, Manager, Land Operations, stated that the distinction is based on whether it is a utility engaged in supplying communication services. Chairman Cory then suggested that the staff informally inquire of some legislators as to whether or not they believe communication is a valid distinction in terms of public policy.

Upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. DETERMINES THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085; 14 CAL. ADM. CODE 15100, ET SEQ.; AND 2 CAL. ADM. CODE 2910(a).

2. AUTHORIZES THE ISSUANCE TO THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY OF A RIGHT-OF-WAY FOR AN INDEFINITE TERM FROM FEBRUARY 1, 1975; PURSUANT TO PROVISIONS OF SECTION 7901 OF THE PUBLIC UTILITIES CODE; FOR THE INSTALLATION AND MAINTENANCE OF AN AERIAL CABLE FOR TELEPHONE COMMUNICATIONS; ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:
Calendar Item 2 (3 pages)

CALENDAR ITEM 2/75
ACS
2. W 20861

RIGHT-OF-WAY

APPLICANT: Pacific Telephone and Telegraph Company.

AREA, TYPE LAND AND LOCATION:
A 20' x 308' parcel of submerged land in the bed of the Kings River, Kings County, adjacent to State Highway 41.

LAND USE: Installation and maintenance of an aerial cable for telephone communications.

TERMS OF PROPOSED LEASE:
Initial period: Indefinite term, from February 1, 1975.

CONSIDERATION: Exempt by law (Section 7901, Public Utilities Code).

PREREQUISITE TERMS:
Applicant is lessee or permittee of upland.

STATUTORY AND OTHER REFERENCES:
a. Public Resources Code: Div. 6, Parts 1 and 2.
b. Administrative Code: Title 2, Div. 3, Arts. 1, 2 & 10.
c. Public Utilities Code: Section 7901.

OTHER PERTINENT INFORMATION:
1. The project is exempt from the payment of a monetary consideration pursuant to Section 7901 of the Public Utilities Code.

2. An environmental impact report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2910(a) which exempts the replacement or reconstruction of an existing structure on the same site and substantially for the same purpose and capacity.

3. The proposed telephone facilities constitute a relocation and replacement of existing facilities (which have been in trespass) necessitated by the Division of Highways' construction of State Route 41. State Route 41 will ultimately be a 6-lane freeway from 0.8 miles south of the Route 41 and Route 198 Interchange to 0.3 miles south of the Kings/Fresno County line. Such required relocation will be to a 20 foot utility easement adjacent to the east boundary of State Route 41 freeway right-of-way.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085; 14 CAL. ADM. CODE 15100, ET SEQ.; AND 2 CAL. ADM. CODE 2910(a).

2. AUTHORIZE THE ISSUANCE TO THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY OF A RIGHT-OF-WAY FOR AN INDEFINITE TERM FROM FEBRUARY 1, 1975; PURSUANT TO PROVISIONS OF SECTION 7901 OF THE PUBLIC UTILITIES CODE; FOR THE INSTALLATION AND MAINTENANCE OF AN AERIAL CABLE FOR TELEPHONE COMMUNICATIONS; ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20861

A strip of submerged land 20 feet in width across the State-owned bed of the South Fork of the Kings River, within Section 16, T 18 S, R 20 E, MDM; Kings County, State of California. The centerline of said strip being more particularly described as follows:

COMMENCING at the northeast corner of Section 21, T 18 S, R 20 E, MDM; thence S 54 47' W, 3638.78 feet to the TRUE POINT OF BEGINNING; thence N 7 16' W, 307.78 feet to the end of the herein described centerline.

The basis of bearings for this description is the California Coordinate System, Zone 4.

END OF DESCRIPTION