

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



FILED

02-01-11

02:42 PM

In the Matter of the Application for Rehearing
of Resolution No. E-4373 Issued on
November 22, 2010

Application 10-12-014
(Filed December 22, 2010)

**SUPPLEMENTAL RESPONSE
OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902-E)
TO THE LEATHERBURY & LOWELL FAMILY TRUST'S APPLICATION FOR
REHEARING OF COMMISSION RESOLUTION E-4373**

ALLEN K. TRIAL
101 Ash Street, HQ-12
San Diego, California 92101
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ATrial@semprautilities.com

Attorney for
SAN DIEGO GAS & ELECTRIC COMPANY

February 1, 2011

#251539

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

In the Matter of the Application for Rehearing
of Resolution No. E-4373 Issued on
November 22, 2010

Application 10-12-014
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OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902-E)
TO THE LEATHERBURY & LOWELL FAMILY TRUST’S APPLICATION FOR
REHEARING OF COMMISSION RESOLUTION E-4373**

I. INTRODUCTION

Pursuant to Rule 16.1 of the Commission’s Rules of Practice and Procedure (“Rules”) and under direction of Assistant Chief Administrative Law Judge Michelle Cooke, San Diego Gas & Electric Company (“SDG&E”) hereby submits this supplemental information in response to the *Application for Rehearing of Commission Resolution E-4373* (“Application for Rehearing”) submitted by Chuck Leatherbury (“Leatherbury”) on behalf of the Leatherbury & Lowell Family Trust (“L&LFT”) on December 22, 2010.

II. DISCUSSION

On January 6, 2011, SDG&E filed with the Commission a response in opposition of L&LFT’s Application for Rehearing (Response), which stated the position that SDG&E holds two valid, duly recorded easements through L&LFT’s property, which are both currently in use, and which explicitly permit the type and rating of electrical facilities proposed by SDG&E. Footnote 7 of the Response further references Exhibit A consisting of certain documents pertaining to the “Right of Way, granted to SDG&E by Protestants’ predecessors-in-interest, Travis Flippen and Lorraine L. Flippen, on January 7, 1952, recorded in the San Diego County

Recorder's Office in Book 4354, Page 503, and Right of Way, granted to SDG&E by Protestants' predecessors-in-interest, V.K. Wilt and Ruth H. Wilt, on April 21, 1951, recorded in the San Diego County Recorder's Office in Book 4482, Page 524". When the Response was filed, however, Exhibit A was inadvertently omitted. Therefore, attached hereto is the missing Exhibit A. SDG&E apologizes for any inconvenience caused by the delay in receipt of those materials.

Dated in San Diego, California, this 1st day of February, 2011.

Respectfully submitted,

By: /s/ Allen K. Trial
Allen K. Trial

ALLEN K. TRIAL
101 Ash Street, HQ-12
San Diego, California 92101
Telephone: (619) 699-5162
Facsimile: (619) 699-5027
ATrial@semprautilities.com

Attorney for
SAN DIEGO GAS & ELECTRIC COMPANY

EXHIBIT "A"

WITNESS FORM

STATE OF CALIFORNIA,
County of San Diego

On this 17th day of January A. D. 1952, before me, Arleen G. Germs
a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared
James W. Paige known to me to be the person whose

name subscribed to the within instrument, as a Witness thereto, who being by me duly sworn, deposed and said:
That he resides in San Diego, California, and that
he was present and saw Travis Flippen & Lorraine M. Flippen
personally known to him to be the same persons whose name is subscribed
to the within and annexed instrument, execute and deliver the same, and they
acknowledged to said affiant that they executed the same; and that said affiant
subscribed his name thereto as a Witness.

In Witness Whereof, I have hereunto set my hand and affixed my official seal
the day and year in this certificate first written.

Arleen G. Germs

Notary Public in and for the County of San Diego, State of California
My Commission Expires February 26, 1955

GENERAL FORM

STATE OF _____
County of _____ 7005200226

On this _____ day of _____ A.D. 19____, before me, _____
a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared
_____ personally known to me to be the person
whose name _____ subscribed to the within instrument, and duly acknowledged to me that he executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal
the day and year in this certificate first above written.

Notary Public in and for, said County and State.

DOCUMENT NO. 109028
RECORDED AT REQUEST OF
SAN DIEGO GAS & ELECTRIC CO.
JAN 25 1952
22 Minutes Paid
BOOK 4354 PAGE 503
OFFICIAL RECORDS
SAN DIEGO COUNTY, CALIFORNIA
DESSIE H. HERRICK, County Recorder
COMPAILED
E. St. Schmuckler
DEPUTY Notary Public

1000 - 7700000000
PART. O. S. W. 7566

SAN DIEGO GAS & ELECTRIC
COMPANY

TO
MICROFILMED
INDEXED

TRAVIS Flippen
and
Lorraine M. Flippen

RIGHT OF WAY

28726

CORPORATION FORM

STATE OF _____
County of _____
On this _____ day of _____ A.D. 19____, before me, _____

a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared
_____ known to me to be the _____ President and
_____ known to me to be the _____ Secretary of the

the Corporation that executed the within instrument, known to me to be the persons
who executed the within instrument, on behalf of the Corporation therein named, and
acknowledged to me that such Corporation executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal
the day and year in this certificate first above written.

Notary Public in and for said County and State.

6
190

RIGHT OF WAY

We, Travis Flippen and Lorraine L. Flippen

hereinafter called the "Grantor," for and in consideration of the sum of One Dollar, and other value received, do hereby grant to the San Diego Gas & Electric Company, a corporation, its successors and assigns, hereinafter called the "Grantee," the right, easement and privilege of placing, erecting, constructing, repairing, replacing, maintaining and using, for the transmission and distribution of electricity and for all purposes connected therewith, a line of poles with wires suspended thereon and all necessary and proper guys, anchorage, crossarms and braces and other fixtures for use in connection therewith, together with the right of ingress thereto and egress therefrom to and along said line, over and across the Grantor's land situate in the County of San Diego, State of California, and more particularly described as follows: That certain portion of Tract "B" of Rancho Monserate, according to the map thereof recorded in Book 1, Page 108 of Patents, Records of said County of San Diego, described in a Deed recorded in Book 2123 at Page 172, Official Records of said County of San Diego.

77005200226

RECORDED

The route of said line of poles and wires across said land shall be as follows: Beginning at a point on the Westerly line of said Tract "B" of Rancho Monserate, which is also a point on the Easterly line of Tract "D" of Rancho Monserate, as per map thereof No. 821 on file in the office of the Recorder of said County of San Diego, which point is Northerly a distance of 1.93 feet from the Northeastly corner of Lot 61 of said Tract "D"; thence from said point of beginning, North 89° 04' 09" East, 118.27 feet; thence South 88° 56' 01" East, 4451.24 feet; thence North 64° 48' 35" East, 3456.36 feet; thence North 52° 49' 35" East, 6946.30 feet; thence North 70° 55' 30" East, 4995.94 feet; thence South 80° 40' 10" East, 442.93 feet to a point on the Easterly line of Tract "A" of Rancho Monserate, as per map thereof No. 827 on file in the office of the said County Recorder, which point is Northerly a distance of 1988.12 feet from Corner No. 22 of Rancho Monserate, as shown on said Map No. 827.

Excepting from the above described right of way any portions thereof not lying within the above described lands of the Grantors herein.

The Grantee is also hereby granted the right to trim any trees along said line of poles and wires whenever considered by it necessary for the proper operation and use of the rights hereby granted.

In Witness Whereof, the Grantor have executed these presents this 7TH day of January, 1952

Executed in the Presence of: [Signature]

Witness

[Signature] Travis Flippen
[Signature] Lorraine L. Flippen

DRAWN BY 1152
CHECKED BY 258
SKETCH NO. 21578

USE PROPER FORM ON BACK.

WITNESS FORM

STATE OF CALIFORNIA, } ss.
County of San Diego.

On this 21st day of April A.D. 19 51, before me, Arleen G. Germs

a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared James W. Paige known to me to be the person whose

name is subscribed to the within instrument, as a Witness thereto, who being by me duly sworn, deposed and say:

That he resides in San Diego, California and that he was present and saw V. K. Wilt & Ruth H. Wilt

personally known to him to be the same person whose names are subscribed to the within and annexed Instrument, execute and deliver the same, and to have

acknowledged said affiant that he executed the same; and that said affiant subscribed his name thereto as a Witness.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first written.

Arleen G. Germs

Notary Public in and for the County of San Diego, State of California

My Commission Expires February 26, 1955



GENERAL FORM

STATE OF _____ } ss.
County of _____

On this _____ day of _____ A.D. 19 _____, before me, _____

a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared _____

personally known to me to be the person whose name _____ subscribed to the within Instrument, and duly acknowledged to me that he executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public in and for said County and State.

at _____ Minutes past _____
BOOK 4482 PAGE 524
OFFICIAL RECORDS
SAN DIEGO COUNTY, CALIFORNIA
ROBERT R. KERRIE, County Recorder

DOCUMENT NO. 66072
RECORDED AT REQUEST OF
SAN DIEGO GAS & ELECTRIC CO.
MAY 29 1952

SAN DIEGO GAS & ELECTRIC COMPANY

INDEXED TO MICROFILMED

PART OUT CLAIMED

V. K. Wilt and Ruth H. Wilt

RIGHT OF WAY 29164

1-80
5

CORPORATION FORM

STATE OF _____ } ss.
County of _____

On this _____ day of _____ A.D. 19 _____, before me, _____

a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared _____

known to me to be the _____ President and

known to me to be the _____ Secretary of the

the Corporation that executed the within Instrument, known to me to be the persons who executed the within Instrument, on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public in and for said County and State.

RIGHT OF WAY

We, V. K. Wilt and Ruth E. Wilt

hereinafter called the "Grantor," for and in consideration of the sum of One Dollar, and other value received, do hereby grant to the San Diego Gas & Electric Company, a corporation, its successors and assigns, hereinafter called the "Grantee," the right, easement and privilege of placing, erecting, constructing, repairing, replacing, maintaining and using, for the transmission and distribution of electricity and for all purposes connected therewith, a line of poles with wires suspended thereon and all necessary and proper guys, anchorage, crossarms and braces and other fixtures for use in connection therewith, together with the right of ingress thereto and egress therefrom to and

along said line, over and across the Grantor's land situate in the County of San Diego, State of California, and more particularly described as follows: Those certain portions of Tract "A" of Rancho Monserate, as per map thereof No. 827 filed in the office of the Recorder of said County of San Diego, described in Deeds recorded in Book 3641 at Page 116 and 120, Official Records of said San Diego County.

The route of said line of poles and wires across said land shall be as follows: Beginning at a point on the Easterly line of said Tract "A" of Rancho Monserate, which point is Northerly a distance of 1988.12 feet from Corner No. 22 of said Rancho Monserate, as shown on said Map No. 827; thence from said point of beginning, North 80° 40' 10" West, a distance of 442.93 feet; thence South 70° 55' 30" West, a distance of 4995.94 feet; thence South 52° 49' 35" West, a distance of 6946.30 feet; thence South 64° 48' 35" West, a distance of 3456.36 feet; thence North 88° 56' 01" West, a distance of 4451.24 feet; thence South 89° 04' 09" West, a distance of 118.27 feet more or less to a point on the Easterly line of Tract "D" of Rancho Monserate, which point is Northerly a distance of 1.93 feet from the Northeasterly corner of Lot 61 of Tract "D" of Rancho Monserate, as per map thereof No. 821 on file in the office of the Recorder of said County of San Diego.

Excepting from the above described right of way any portions thereof not lying within the above described lands of the grantors herein.

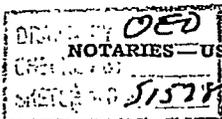
The Grantee is also hereby granted the right to trim any trees along said line of poles and wires whenever considered by it necessary for the proper operation and use of the rights hereby granted.

In Witness Whereof, the Grantor, Shave executed these presents this 21st day of April 1952
Executed in the Presence of:

[Signature] Witness.

Witness.

VK Wilt
Ruth H. Wilt



CERTIFICATE OF SERVICE

I hereby certify that a copy of **SUPPLEMENTAL RESPONSE OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902-E) TO THE LEATHERBURY & LOWELL FAMILY TRUST'S APPLICATION FOR REHEARING OF COMMISSION RESOLUTION**

E-4373 has been electronically mailed to each party of record of the service list in A.10-12-014.

Copies were sent via electronic mail and Federal Express to:

Karen V. Clopton
Chief Administrative Law Judge
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
kvc@cpuc.ca.gov

Julie Fitch
Director of the Energy Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
jf2@cpuc.ca.gov

Michelle Cooke
Assistant Chief Administrative Law Judge
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
mlc@cpuc.ca.gov

Executed this 1st day of February, 2011 at San Diego, California.

_____/s/ Jenny Norin
Jenny Norin



CALIFORNIA PUBLIC UTILITIES COMMISSION Service Lists

PROCEEDING: A1012014 - LEATHERBURY & LOWELL
FILER: LEATHERBURY & LOWELL FAMILY TRUSTS
LIST NAME: LIST
LAST CHANGED: JANUARY 27, 2011

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Parties

CHUCK LEATHERBURY
LEATHERBURY & LOWELL FAMILY TRUSTS
2848 VIA VICTORIA
PALOS VERDES ESTATES, CA 90274
FOR: LEATHERBURY & LOWELL FAMILY TRUSTS

Information Only

REBECCA GILES
SDG&E AND SOCALGAS
8330 CENTURY PARK COURT - CP32D
SAN DIEGO, CA 92123

CENTRAL FILES
SAN DIEGO GAS AND ELECTRIC COMPANY
8330 CENTURY PARK CT, CP32D, RM CP31-E
SAN DIEGO, CA 92123-1530

[TOP OF PAGE](#)
[BACK TO INDEX OF SERVICE LISTS](#)