

PE

Decision No. 8530

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 PACIFIC GAS AND ELECTRIC COMPANY, a
 Corporation, for an order of the Rail-
 road Commission authorizing applicant
 to cancel and withdraw its Electric
 Schedule No. 116, Original Sheet C.R.C.
 23-E, and file in lieu thereof and put
 into effect its proposed Schedule
 No. 197; also an optional schedule of
 electric rates for large reclamation
 plants to be known as Schedule No. 198,
 said schedule to be made retroactive
 to July 10, 1918, etc.

ORIGINAL

Application No. 4360

- Chas. P. Cutten, for Pacific Gas and Electric Company.
- Hiram W. Johnson, Jr., for Reclamation District 108.
- Wm. E. Devlin and Harry L. Houston, for Reclamation District 1500
- Chas. W. Slack, for Natomas Consolidated and Reclamation District 1001.
- Chas. L. Firebaugh, for Alameda Sugar Company and Reclamation District 170.

LOVELAND, Commissioner.

OPINION ON APPLICATION FOR REHEARING.

Hearings in this proceeding were held and the matter submitted. Thereafter, on July 12, 1920, an order was made, (Decision No. 7876) dismissing the proceeding. The reason for this action of dismissal was the belief on the part of the Commission that the establishment of reasonable rates referred to in this proceeding had been fully covered by Decision No. 7823 in a collateral proceeding, Application No. 5567. Subsequently, however, it was made to appear that the decision in the collateral

proceeding did not fully cover the issues sought to be presented under this proceeding, and the Commission thereupon, by its Decision No. 8043, made an order revoking the dismissal theretofore made of Application No. 4360. In this order of revocation the Commission also fixed certain rates for the service referred to in the application.

A petition for rehearing on the proceeding was filed on the 1st day of September, 1920, by Reclamation District No. 108, one of the consumers affected by the rates thus established specifying as grounds for rehearing that the order revoking the prior dismissal of the proceeding was void on account of failure to give the notice and opportunity to be heard contemplated by Section 64 of the Public Utilities Act.

After fully considering the entire matter, I am of the opinion that the reasonableness of the rates for the particular service in question rendered under special contracts can only be properly considered by the filing of an entirely new application, dealing particularly with the rates to be applied for the service rendered to Reclamation District No. 108 and such other Reclamation Districts as were, prior to this proceeding, supplied under special contract agreements. In view of this conclusion, I am of the opinion that the entire proceeding under Application No. 4360 should be dismissed. It therefore becomes immaterial to consider the questions of procedure which have arisen heretofore and referred to in the petition for rehearing, as well as other matters presented by the petition for rehearing.

I recommend the following form of Order:

O R D E R

GOOD CAUSE APPEARING THEREFOR,

IT IS HEREBY ORDERED, that the above entitled proceeding be, and the same hereby is, dismissed without prejudice.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 10th day of January, 1921.

H. L. Loveland
Stewart R. Dyer
Irving Martin
Commissioners.