

Decision No. 61391**ORIGINAL**

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

RONALD H. WILLIAMS,

Complainant,

vs.

PACIFIC GAS AND ELECTRIC COMPANY,

Defendant.

Case No. 6526

Thomas F. Stack, for Ronald H. Williams, complainant.  
F. T. Searls, John C. Morrissey and Malcolm A. MacKillop,  
 for Pacific Gas and Electric Company, defendant.  
Harold Gold, Reuben Lozner, Gerald Jones, C. C. Morris,  
 and Paul M. Sapp, for Department of Defense and all  
 other Executive Agencies of the United States  
 Government; William L. Knecht, for California Farm  
 Bureau Federation; Kenneth M. Robinson and A. F. Bova,  
 for Kaiser Center Inc.; William S. Boyd, Jr., and  
J. Benton Tulley, for Bay Fair and Valley Fair  
 Shopping Centers; Elmer C. Johnson, for Building  
 Owners and Managers Association; Boris H. Lakusta,  
Graham, James & Rolph, for the Estate of Graeme  
 MacDonald, et al.; Spurgeon Avakian and Terry Phelan,  
 for Building Owners and Managers Association of San  
 Francisco; and William Alston B. Haynes, for owners  
 of three office buildings; interested parties.  
Mary Moran Pajalich, for the Commission staff.

OPINION AND ORDER

Ronald H. Williams<sup>1/</sup> filed the above-entitled complaint on  
 June 13, 1960, seeking an order from this Commission directing  
 Pacific Gas and Electric Company to furnish electric energy to Ronald  
 H. Williams at a master meter at a space to be provided by him at a  
 point adjacent to the poles, wires and facilities of defendant at  
 Hemlock and Redwood Streets in San Jose.

1/ Ronald H. Williams is engaged in the business of constructing and  
 operating a shopping center known as San Jose Town & Country  
 Village, located at Stevens Creek and Santa Clara-Los Gatos Roads  
 in the City of San Jose.

Defendant filed its answer on July 1, 1960, generally denying the allegations of the complaint and requesting that the complaint be dismissed.

Public hearings were held before Examiner William W. Dunlop on November 1, 7, 28 and on December 12, 1960 on a consolidated record with Application No. 42434 of Pacific Gas and Electric Company for authority to revise its Rule No. 18, Supply to Separate Premises and Resale of Electric Energy and Gas Service. At the hearing on December 12, 1960, counsel for complainant stated that an agreement had been reached between the complainant and the defendant which satisfied the complaint and moved that the complaint be dismissed. There was no opposition expressed to a granting of the motion. The motion was taken under submission.

Complainant and defendant explained the basis of the agreement, stating that its terms are in accordance with defendant's presently effective tariff schedules. Under the agreement, Ronald H. Williams will pay Pacific Gas and Electric Company the difference between an overhead and an underground extension, exclusive of transformers, meters and services. Pacific will directly meter the shopping center tenants, except for certain office space where the cost of electric energy is included in the rent. Pacific will provide transformers, meters and services, as provided by its extension rule. Pacific has agreed to use dry transformers for the loads required by complainant.

Pacific has estimated a total cost of \$145,110 for an underground extension to serve the entire shopping center, exclusive of transformers, meters and services, assuming the shopping center to be completed in 1961, compared with an equivalent overhead extension of \$21,800. The estimated difference between the cost of an underground extension and the cost of an overhead extension is \$123,310.

Of the \$123,310 amount, Ronald H. Williams will be given credit for construction of certain duct and similar underground facilities estimated by Pacific to cost \$68,960 and make a cash payment to Pacific of \$54,350. Pacific will own and maintain all underground facilities including those for which construction credit of \$68,960 is given Ronald H. Williams.

Motion having been made by complainant for dismissal of the complaint herein, and it appearing to the Commission that such motion should be granted; therefore,

IT IS ORDERED that Case No. 6526 be and it hereby is dismissed.

Dated at San Francisco, California, this 24th day of January, 1961.

[Signature]  
President  
[Signature]  
[Signature]  
Commissioners