

ORIGINAL

Decision No. 77753

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own)
 motion into the Rules Pertaining to)
 Underground Extensions to Commercial)
 and Industrial Developments and to)
 Individual Customers of all Electric)
 and Communication Public Utilities in)
 the State of California. Investiga-)
 tion on the Commission's own motion)
 into Mandatory Requirements for)
 Underground Extensions.)

Case No. 8993
 (Filed November 4, 1969;
 Amended February 20, 1970)

(See Appendix A for Appearances)

INTERIM OPINION

By petition filed July 13, 1970, California Builders Council (Builders), an interested party in this proceeding, seeks an order of the Commission reversing certain rulings of the presiding examiner. Answers to the motion have been filed by respondents San Diego Gas & Electric Company, Southern California Edison Company and Pacific Gas and Electric Company.

Questions and Data Requests

Builders submitted numerous questions and data requests to the major electric utilities who are respondents herein. The presiding examiner sustained objections by the utilities to some of the questions and denied portions of Builders' request that the utilities be directed to develop and submit voluminous data related to three questionnaires prepared by Builders.

Builders contends that replies to certain questions on which objections were sustained and that data replies to its Residential Tract Questionnaire are pertinent to this proceeding

primarily because (1) the scope of the proceeding was enlarged by the Commission on February 20, 1970 to include consideration of the mandatory nature of underground extension rules, including those for residential subdivisions, and (2) Decision No. 77187, dated May 5, 1970, which made undergrounding mandatory (with certain stated exceptions) for all new residential subdivisions, includes only an interim order. As we pointed out in Decision No. 77187, interpretations of the provisions of the present underground rule for residential subdivisions are not at issue in this proceeding. If the rule is applied in a discriminatory manner, as suggested by some developers, appropriate relief can be sought by a formal complaint. Further, the order in that decision was "interim" only in the sense that the issue of the mandatory aspect of underground extension rules for new residential subdivisions was disposed of prior to submission of the entire proceeding. No final order is needed to confirm the interim order, but only to dispose of remaining issues.

Builders contends that data and replies to its Commercial Tract Questionnaire and Industrial Tract Questionnaire are necessary to a proper resolution of the issues raised in this proceeding. We do not agree. The record already is quite complete on possible inconsistencies and ambiguities in the rules proposed by the utilities. Builders has been given ample opportunity to suggest clarifying or modifying language to be adopted in underground rules for commercial and industrial developments and has declined to do so. Builders indicates it may make such suggestions in its brief at the conclusion of the hearings.

Finding and Conclusion

The Commission finds that California Builders Council has not shown any cause to reverse the rulings of the presiding examiner as requested in the petition. The Commission concludes that the petition should be denied.

INTERIM ORDER

IT IS ORDERED that the petition filed June 13, 1970 by California Builders Council is denied.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 22nd day of SEPTEMBER, 1970.

W. A. ...
Chairman

...

...
Commissioners

Commissioner William Simons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A
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LIST OF APPEARANCES

<u>PARTY</u>	<u>APPEARANCE</u>
<u>Respondent Electric Utilities</u>	
Anza Electric Cooperative, Inc.	<u>G. J. Whittlinger</u>
California-Pacific Utilities Company	<u>John P. Vetromile</u>
Pacific Gas & Electric Company	<u>Daniel E. Gibson</u> , John C. Morrissey and F. T. Searls
Plumas-Sierra Rural Electric Cooperative	<u>A. E. Engel</u>
San Diego Gas & Electric Company	<u>Chickering & Gregory</u> (by <u>C. Hayden Ames</u> , <u>Sherman Chickering</u> , <u>David R. Pigott</u> , and <u>Donald J. Richardson, Jr.</u>) and <u>Stanley Jewell</u>
Sierra Pacific Power Company	<u>Richard G. Campbell</u> and <u>Ralph P. Cromer</u>
Southern California Edison Company	<u>H. W. Sturges, Jr.</u> , <u>H. Clinton Tinker</u> , and <u>R. E. Woodbury</u>
Southern California Water Company	<u>William V. Caveney</u>
Surprise Valley Electrification Corporation	<u>Donald W. Hicks</u>
<u>Respondent Telephone Utilities</u>	
Continental Telephone Company of California	<u>C. N. Morris</u>
General Telephone Company of California	<u>Donald J. Duckett</u> and <u>A. M. Hart</u>
The Pacific Telephone and Telegraph Company	<u>George A. Sears</u> and <u>Pillsbury, Madison & Sutro</u>
<u>Interested Parties</u>	
American Water Works Association, California Section	<u>C. G. Ferguson</u> and <u>G. A. Wyss</u>
Boise Cascade Properties, Inc., and Boise Cascade Properties, Inc., of Delaware	<u>John H. Cutler</u>
California Builders Council	<u>Fred F. Cooper</u>
California Farm Bureau Federation	<u>William L. Knecht</u>
California Independent Telephone Association	<u>Neal C. Hasbrook</u>
California Manufacturers Association	<u>Robert E. Burt</u>
California Water Service Company	<u>C. G. Ferguson</u> and <u>Parker M. Robinson, Jr.</u>

APPENDIX A
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W. H. Clifford Co.
El Dorado County Developers
Association
The Irvine Company
League of California Cities

City of Long Beach
City of Los Angeles, Department
of Water & Power
William Lyon Development Co.,
Inc.

Occidental Petroleum Land and
Development Corp., Rancho
California, Santa Rosa Ranches,
Macco Corp., Auland Development
Corp., and Dart Industries

Oceanic Properties, Inc.
Moffett Park Associates

16 Recreational Community
Developers
Sacramento Municipal Utility
District
City of San Diego

Southern California Gas Company
and Southern Counties Gas
Company

Tahoe Paradise, Inc.
Titan Group, Inc.
U & D Investment Co.
City of Walnut Creek
Westlake Village

California Public Utilities
Commission

Staff Counsel
Utilities Division

W. H. Clifford

George C. Baron
Jay Panchal and Gordon Jones
Ralph Andersen and Daniel J.
Curtin, Jr.
Louis Possner

Allen D. Fricke and G. A. Wyss

Ronald C. Douglas

Kalmbach, DeMarco, Knapp &
Chillingsworth, by Terry L. Rhodes
Reverdy Johnson
Slinger & Associates, Inc. (by
Robert Membreno)

Sam Whiting

Donald M. Haight
John C. Witt (by C. M. Fitzpatrick
and Kenneth H. Lounsbury)

John Ormasa, K. R. Edsall and
Robert Salter
George C. Baron
Elaine S. Schwartz
Richard H. Dyer
Daniel J. Curtin, Jr.
Ronald F. Mayer

Timothy E. Treacy
Kenneth J. Kindblad