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Decision No. 80046

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Mary Hartzell, individually and as  
Trustee of the GUISEPPINA BIAGGINI  
TRUST.

Complainant, et al.,

vs.

PACIFIC GAS AND ELECTRIC COMPANY,  
Defendant.

Case No. 9075  
(Filed June 8, 1970)

AND RELATED MATTERS.

Case No. 9115  
(Filed September 11, 1970)

Case No. 9182  
(Filed January 25, 1971)

Case No. 9189  
(Filed February 3, 1971)

ORDER DENYING REHEARING AND  
MODIFYING DECISION NO. 79726

A petition for rehearing of Decision No. 79726 was filed on March 6, 1972 by Sierra Club. That decision involved certain transmission lines which were planned to be installed from Pacific Gas and Electric Company's (PG&E) Diablo Canyon Generating Plant. On March 16, 1972 PG&E filed a response in opposition to the petition for rehearing.

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After considering each and every allegation of the petition, it is our opinion that good cause for rehearing has not been made to appear. However, we recognize that some arguments of Sierra Club are meritorious and that, accordingly, modification of Decision No. 79726 would be in order.

Petitioner points out that it is erroneous to describe PG&E's roads as "temporary". The terms "permanent" and "temporary", as applied to specific roads, are ambiguous to the extent that the terms are not defined. Because of this ambiguity and, further, since the words add nothing to the finding under attack, the decision will be modified by the deletion of those terms.<sup>1/</sup>

Petitioner next asserts that Finding of Fact No. 40 is contrary to the developed record and erroneously broad. Upon review of Decision No. 79726, we find merit to this argument. Finding of Fact No. 40 is inconsistent with our other findings in Decision No. 79726. (See Finding Nos. 5, 24, 25, 26, 27, 28, 39, 43, 45, 46, 47, 48, 50, 51, 52, 55 and 58.) Finding of Fact No. 40 will be deleted.

IT IS ORDERED that Decision No. 79726 is hereby modified in the following respects:

1. The words "temporary and" are deleted from Finding No. 56.
2. The word "permanent" is deleted from Finding No. 56 and the words "National forest land" are substituted in place thereof.
3. Finding No. 40 is deleted.

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<sup>1/</sup> The words "National forest land" will be substituted for the word "permanent".

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IT IS FURTHER ORDERED that rehearing of Decision No. 79726,  
as modified, is denied.

Dated at San Francisco, California, this 9th  
day of MAY, 1972.

J. H. Brown  
Chairman  
William S. Brown  
James L. Stenger  
[Signature]  
Commissioners