

IS

Decision No. ~~81078~~

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DIANN GRONEMAN, et al.,

Complainant,

vs.

SOUTHERN CALIFORNIA EDISON
COMPANY, a California
corporation,

Defendant.

Case No. 9507

ORDER DISMISSING COMPLAINT

On February 9, 1973, Diann Groneman (complainant) filed her complaint in Case No. 9507 against Southern California Edison Company (Edison) seeking to halt the construction by Edison of its El Nido-La Cienega transmission line. The route of that line was approved by the Commission after 14 days of public hearing in Case No. 9245. Decision No. 80197 and Decision No. 80809 in that case are now final and are not subject to petitions for rehearing or applications to the Supreme Court for writs of review.

The complaint requests that the Commission "reopen hearings on the changed route" and that the "issue of undergrounding [transmission lines] in single-family residential neighborhoods be reopened." In addition several pages of the pleading are devoted to discussing the evidence and arguments in Case No. 9245.

Public Utilities Code, section 1709, reads:

"In all collateral actions or proceedings, the orders and decisions of the Commission which have become final shall be conclusive."

To the extent that the complainant requests that the Commission relitigate the same issues which were decided by Decision No. 80197 and Decision No. 80809 in Case No. 9245, it would be inappropriate to grant such a request. Those decisions are final. In this collateral proceeding they are conclusive upon complainant.

To the extent that complainant appeals to the Commission's discretionary powers under section 1708 of the Public Utilities Code, to "rescind, alter or amend any order or decision made by it", we decline to exercise such discretion. The matter has been fully heard, argued and briefed and has been subjected to administrative review through the filing of two petitions for rehearing. No useful purpose could be served by reopening the case.

The complainant's one remaining contention is that she and the County of Los Angeles were denied notice of the proceedings in Case No. 9245. The formal file in that case shows that the County of Los Angeles was served with a copy of the Order Instituting Investigation and with a Notice of Hearing. Complainant does not allege the violation of any applicable provision of law, as required by Rule 9, when she contends she was denied notice of the proceedings in Case No. 9245. Complainant does rely upon the notice provisions of General Order No. 131. However, General Order No. 131 does not apply to the proceedings in Case No. 9245, since that transmission line project was planned prior to the effective date of General Order No. 131 (G.O. 131, section 9).

We conclude that the complaint fails to state a cause of action. We further conclude that the finality of Decision No. 80197 and Decision No. 80809 in Case No. 9245 supplies good cause for deviation from the procedures upon filing a complaint in Rule 12. Accordingly, the complaint should be dismissed.

IS C-9507 *

IT IS ORDERED that the complaint is dismissed.

The effective date of this order is twenty (20) days after the date hereof.

Dated at San Francisco, California, this 21st day of FEBRUARY, 1973.

Vernon L. Sturgeon
President

William J. Sykes

William J. Sykes

Alvin C. Brown

Edward J. Brown
Commissioners