

Decision No. 82272**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
THE CITY OF SAN LEANDRO, a municipal
corporation, to construct a street
crossing over the Southern Pacific
Railroad for the extension of Farallon
Drive in the City of San Leandro,
County of Alameda, State of California.

Application No. 52243
(Filed October 13, 1970)

ORDER MODIFYING DECISION NO. 82182

On November 27, 1973, the Commission issued Decision No. 82182 in the above-entitled matter. This opinion, entitled "Opinion on Rehearing", was issued in a proceeding reopened by the Commission and not pursuant to a request for rehearing.

On December 7, 1973, Southern Pacific Transportation Company (SP) petitioned for rehearing of Decision No. 82182, among other things. As indicated in the petition, the Commission's characterization of Decision No. 82182 as an "Opinion on Rehearing" has placed SP in a dilemma.

In order to clarify the legal impact arising out of the issuance of Decision No. 82182 the Commission is of the opinion that Decision No. 82182 should be modified to reflect the fact that the Opinion was issued as a result of a "reopened" proceeding and not on "rehearing" (See Decision No. 80764). As a consequence thereof, Decision No. 82182 has been suspended by the timely filing of SP's petition pursuant to Public Utilities Code, Section 1733.

The Commission is presently considering the substantive issues raised by SP in its petition. Resolution of these issues will be disposed of in a subsequent opinion.

THEREFORE, IT IS ORDERED that the title of Decision No. 82182 is hereby changed from "OPINION ON REHEARING" to "OPINION ON REOPENED PROCEEDING".

Dated at San Francisco, California, this 18th day of DECEMBER, 1973.

President
William J. Sturgeon

Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.