

Decision No. 82830

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CONSUMERS ARISE NOW AND  
COMPLAINANTS HEREINAFTER  
SIGNATORIES HERETO,

Complainants,

vs.

PACIFIC GAS AND ELECTRIC COMPANY,

Defendant,

SOUTHERN CALIFORNIA EDISON COMPANY  
and SAN DIEGO GAS AND ELECTRIC  
COMPANY,

Interested Parties.

Case No. 9204  
(Filed March 22, 1971)

ORDER OF DISMISSAL

The complaint alleged that Pacific Gas and Electric Company (PG&E) and the "interested parties" planned to construct nuclear power plants along the California coastline and were expending money derived from rates on such preparations. It was further alleged that such plans disregarded earthquake hazards, the possibility of radioactive contamination, thermal pollution, and land use factors. Decision No. 78765 issued June 2, 1971 held, among other things, that this Commission had no jurisdiction to consider matters relating to radioactive contamination.

PG&E answered, admitting among other things, that it planned to construct nuclear power plants in California.

A prehearing conference was held and the matter was set for hearing; it was then removed from the calendar "to permit further consideration of the jurisdictional issues caused by the filing by defendant for approval of its Mendocino nuclear plant by The Atomic Energy Commission on August 20, 1971...and The Atomic Energy Commission's announcement of new regulations..." (Notice of September 2, 1971.)

Since that time Division 18 of the Public Resources Code (The California Coastal Zone Conservation Act of 1972) and Division 13 of the same code (The California Environmental Quality Act) have been adopted, both of which significantly alter the Commission's jurisdiction and the manner of exercising it when dealing with this class of problem. Further, it appears that there may have been a substantial alteration in PG&E's plans to construct nuclear power plants.

Complainants have made no effort to update their complaint to deal with the changes of law and fact. Because of the vast changes in law and fact since the filing of the complaint, we find that the allegations of the complaint are stale. Amendment of the complaint would cause more confusion than clarity. If complainants wish to pursue the matter they should file a new complaint. PG&E has no application on file to construct a coastal nuclear power plant.

We therefore conclude that the complaint should be dismissed without prejudice.

IT IS ORDERED that the complaint is dismissed.

The effective date of this order shall be twenty days after the date hereof.

Dated at Los Angeles, California, this 7<sup>th</sup>  
day of MAY, 1974.

William L. Sturgeon, Jr. President

[Signature]  
[Signature] 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.