

Decision No. 8418?**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 SAN DIEGO GAS & ELECTRIC COMPANY for
 authority, among other things, (a) to
 increase its rates and charges for
 electric service and (b) to modify
 certain of its tariff schedules.

)
) Application No. 53945
) (Filed April 10, 1973;
) amended March 5, 1974)
)
)

In the Matter of the Application of
 SAN DIEGO GAS & ELECTRIC COMPANY for
 authority, among other things, (a) to
 increase its rates and charges for gas
 service; (b) to include in its tariffs
 a Purchased Gas Adjustment Clause or an
 expanded Advice Letter procedure for
 reflecting in its rates effects of
 changes in purchased gas costs; and
 (c) to modify certain of its tariff
 schedules.

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) Application No. 53946
) (Filed April 10, 1973;
) amended March 5, 1974)
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)

In the Matter of the Application of
 SAN DIEGO GAS & ELECTRIC COMPANY for
 authority, among other things, to
 increase its rates and charges for
 steam service.

)
) Application No. 53970
) (Filed April 17, 1973;
) amended March 5, 1974)
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)

ORDER DISMISSING PETITION FOR
MODIFICATION OF DECISION NO. 83944

On February 7, 1975 the City of San Diego (City) filed a document entitled "Petition of City of San Diego To Set Aside the Submission of Phase II of Application Nos. 53945, 53946 and 53970 And To Reopen Phase II Proceedings." As part of this petition the City requested that the Commission "give consideration to modification of Decision No. 83944 by granting stay and rehearing of Decision No. 83675." Since Decision No. 83944, dated December 30, 1974, denied rehearing or stay of Decision No. 83675, we will treat the City's petition of February 7, 1975 as two separate petitions: (1) for setting aside the submission of and reopening Phase

II proceedings in Applications Nos. 53945, 53946 and 53970 and (2) for rehearing of Decision No. 83944 which denied rehearing or stay of Decision No. 83675. The second petition will be addressed herein, and the first petition is still under consideration by the Commission.

The Commission decided the issue of whether a stay or rehearing of Decision No. 83675 should have been granted based on the City's petition for stay or rehearing of Decision No. 83675. The Commission is not required either by the Public Utilities Code or by the Commission's Rules of Practice and Procedure to rule on a petition for rehearing of an order which denied rehearing of a previous order. Furthermore, the City has failed to seek review by the California Supreme Court of Decision No. 83944 which denied rehearing or stay of Decision No. 83675, within the statutory period set forth in Section 1756 of the Public Utilities Code.

Based on the foregoing, the Commission finds that the City's petition for modification of Decision No. 83944 should be dismissed. Therefore,

IT IS ORDERED that

1. The City's petition for modification of Decision No. 83944 is hereby dismissed.

2. The effective date of this order is the date hereof.

Dated at San Francisco, California, this 11th day of MARCH, 1975.

Leslie L. Stinson
President

William Symons Jr.

[Signature]

Edward Ross
Commissioners