

Decision 87 12 049 DEC 17 1987

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Second application of Pacific Gas and Electric Company for approval of certain standard offers pursuant to Decision 82-01-103 in Order Instituting Rulemaking No. 2.

) Application 82-04-44
) (Filed April 21, 1982;
) amended April 28, 1982;
) July 19, 1982, July 11, 1983,
) August 2, 1983,
) and August 21, 1986)

) Application 82-04-46

) Application 82-04-47

) Application 82-03-26

And Related Matters.

) Application 82-03-37

) Application 82-03-62

) Application 82-03-67

) Application 82-03-78

) Application 82-04-21

ORDER GRANTING REQUEST TO WITHDRAW
PETITION FOR MODIFICATION

Belridge Cogeneration Partners, Ltd. (Belridge) has submitted a request to withdraw, without prejudice, its petition for modification (dated May 5, 1987) of Decision 83-09-054. We grant the request.

By its petition, Belridge was essentially protesting as unreasonable the refusal by Pacific Gas and Electric Company (PG&E) to consent to the assignment of an interim Standard Offer 4 power purchase agreement from Petro-Lewis Corporation (Petro-Lewis) to Belridge. Petro-Lewis had executed this agreement with PG&E on November 30, 1984.

On September 22, 1987, Administrative Law Judge (ALJ) Kotz issued a ruling directing the parties to enter negotiations and to file a status report on October 30, 1987. The report was to either (1) state the terms of any resolution achieved by the parties and request withdrawal of the petition; (2) request additional time for negotiation; or (3) stipulate to relevant facts and governing law and identify the issues for which the parties sought Commission determination. At the request of the parties, the ALJ on November 10 extended the negotiation period to December 4, 1987.

Belridge has since reevaluated its project and has determined that it cannot go forward. Belridge reaches this conclusion based on the time already elapsed and anticipated further delays due to the large gap persisting between the parties' negotiating positions. Thus, Belridge has decided to terminate its involvement and seeks to withdraw its petition without prejudice.

We see no affirmative reason, given Belridge's decision, for further proceeding on the merits of this matter. Also, PG&E supports Belridge's request. We therefore grant Belridge's request.

Finding of Fact

Belridge asks permission to withdraw, without prejudice, its petition for modification of Decision 83-09-054.

Conclusion of Law

No affirmative reason appears for further proceeding on the merits of Belridge's petition.

IT IS ORDERED that the request of Belridge Cogeneration Partners, Ltd., to withdraw without prejudice its petition (dated May 5, 1987) for modification of Decision 83-09-054 is granted.

This order is effective today.

Dated DEC 17 1987, at San Francisco, California.

STANLEY W. HULETT
President
DONALD VIAL
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

Commissioner Frederick R. Duda
being necessarily absent, did not
participate.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.



Victor Weisser, Executive Director

AB

On September 22, 1987, Administrative Law Judge (ALJ) Kotz issued a ruling directing the parties to enter negotiations and to file a status report on October 30, 1987. The report was to either (1) state the terms of any resolution achieved by the parties and request withdrawal of the petition; (2) request additional time for negotiation; or (3) stipulate to relevant facts and governing law and identify the issues for which the parties sought Commission determination. At the request of the parties, the ALJ on November 10 extended the negotiation period to December 4, 1987.

Belridge has since reevaluated its project and has determined that it cannot go forward. Belridge reaches this conclusion based on the time already elapsed and anticipated further delays due to the large gap persisting between the parties' negotiating positions. Thus, Belridge has decided to terminate its involvement and seeks to withdraw its petition without prejudice.

We see no affirmative reason, given Belridge's decision, for further proceeding on the merits of this matter. We therefore grant Belridge's request.

Finding of Fact

Belridge asks permission to withdraw, without prejudice, its petition for modification of Decision 83-09-054.

Conclusion of Law

No affirmative reason appears for further proceeding on the merits of Belridge's petition.