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Decision 90-10-044 OCT 12 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Pacific Power & Light Company)
(U 901 E) for Authority to Enter)
into an Electric Service Agreement)
with Alturas Lumber Company Under)
the Accelerated Approval Guidelines)
of the Expedited Application Docket,)
or Alternatively, Under the)
Provisions of Sections 455 and 491)
of the Public Utilities Code.)

(EAD)
Application 89-10-005
(Filed October 6, 1989)

ORDER DENYING REHEARING

THE CITY OF ALTURAS (Alturas) has filed an application for rehearing of Decision (D.) 90-07-019, to which PACIFIC POWER & LIGHT (Pacific) has replied. SURPRISE VALLEY ELECTRIFICATION CORPORATION (Surprise Valley) has filed a document which it calls a "joinder" in the application for rehearing.

Joinder Under Our Rules of Practice and Procedure

Surprise Valley does not specify which type of joinder it seeks here, nor does it support its request with any statutory or decisional authority. Our Rules of Practice and Procedure do not provide for joinder. Further, section 1731 of the Public Utilities Code provides that application for rehearing may be made only by "any party to the action or proceeding, or any stockholder or bondholder or other party pecuniarily interested in the public utility affected." As Surprise Valley is not a party in these proceedings and is not pecuniarily interested in Pacific, it may not apply to us for rehearing. For these reasons, we will deny Surprise Valley's "joinder" filing.

The Motion to Recuse

Alturas moves to recuse the Administrative Law Judge in this case, on grounds of bias.¹ However, the case has been submitted since November of 1989, and motions are not appropriate after the submittal of a case. Further, our opinion has already been issued. Alturas has filed its application for rehearing. The case is now in the appellate stage, no longer before the Administrative Law Judge. Under the circumstances, the motion is moot and we will deny it as such.

The Application for Rehearing

We have considered all the allegations of error in the application and are of the opinion that good cause for rehearing has not been shown. However, we wish to clarify a point of procedure. Alturas' application makes clear Alturas' belief that D.90-07-019, issued by us and bearing all our signatures, is the opinion of only the Administrative Law Judge and not our opinion. Let there be no mistake: A Commission decision is a Commission decision. We do not sign and issue decisions with which we are not in agreement. If the words of any decision are entirely those of the Administrative Law Judge, that is an indication that we agree with those words and have seen no reason to alter any of them.

THEREFORE, IT IS ORDERED that rehearing of D.90-07-019 is hereby denied.

1. Interestingly, Alturas has not alleged bias as an error in its recital of grounds for rehearing. Instead, it alleges that the Administrative Law Judge has abused our process.

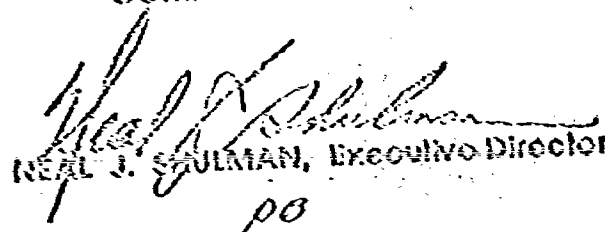
A.89-10-005 L/dp

This order is effective today.

Dated October 12, 1990, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

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


NEAL J. STULMAN, Executive Director
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