

JUN 17 1992

Decision 92-06-052 June 17, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of SAN DIEGO GAS & ELECTRIC)
COMPANY for authority to include)
the Southwest Powerlink as a)
specified major addition under)
its Major Additions Adjustment)
Clause (MAAC) and to increase its)
Major Additions Adjustment Billing)
Factor (MAABF) and decrease its)
Annual Major Additions Rate (AMAR))
upon operation of the Southwest)
Powerlink.)

ORIGINAL

Application 83-12-01
(Filed December 1, 1983)

OPINION MODIFYING DECISION 84-08-125

On August 7, 1984, the Commission issued Decision (D.) 84-08-125, 16 CPUC 2d 125, which granted San Diego Gas & Electric Company (SDG&E) a rate increase to cover costs associated with the Southwest Powerlink transmission line. On September 5, 1984, SDG&E filed its "Petition for Stay of Ordering Paragraph 3 and Modification of Decision 84-08-125."

The request for a stay soon became moot. Ordering Paragraph 3 directed SDG&E to file within 45 days an application for approval of the sale of a portion of the Southwest Powerlink to the Imperial Irrigation District (IID). Within the specified period, SDG&E filed Application (A.) 84-09-072, which sought an exemption under Public Utilities (PU) Code § 853 from the approval that would otherwise be required under PU Code § 851 and that was contemplated in Ordering Paragraph 3. The Commission granted SDG&E's requested exemption in D.84-11-109.

The other part of SDG&E's petition, the requested modification of D.84-08-125, however, was not addressed by the Commission, and, due to a combination of reassignments, retirements, and inadvertent neglect, it remains unaddressed to this day. The

pendency of SDG&E's petition caused this proceeding to remain technically open, though practically dormant, for nearly eight years. Today we at last bring this proceeding to a close by acting on SDG&E's petition for modification.

SDG&E requests modification of a passage of D.84-08-125 that suggested that SDG&E had not discussed the proposed sale to IID with the Commission's Legal Division (16 CPUC 2d at 137). SDG&E requests revision of this passage to recognize SDG&E's efforts to advise the Legal Division, other parts of the Commission's staff, and other parties to A.59575 (SDG&E's request for a certificate of public convenience and necessity for the Southwest Powerlink) of the existence and status of its negotiations with IID.

No party responded to SDG&E's petition.

We will grant the modification SDG&E requested. SDG&E attached to its petition documents, including transcripts from hearings in A.59575, copies of reports distributed to the Commission staff, and other material, that demonstrate that the statement in D.84-08-125 was erroneous.

With our resolution of SDG&E's petition, this proceeding may be closed.

Findings of Fact

1. SDG&E filed its "Petition for Stay of Ordering Paragraph 3 and Modification of Decision 84-08-125" on September 5, 1984.
2. SDG&E's requested stay was rendered moot by D.84-11-109, which granted SDG&E an exemption from the requirements of PU Code § 851.
3. SDG&E took efforts to advise the Legal Division, other parts of the Commission's staff, and other parties to A.59575 of the existence and status of its negotiations with IID.
4. Nothing other than SDG&E's petition remains to be resolved in this proceeding.

Conclusions of Law

1. D.84-08-125 should be modified as requested by SDG&E.
2. A.83-12-01 should be closed.
3. Because of the long delay in addressing SDG&E's petition, this decision should be made effective today.

O R D E R

IT IS ORDERED that:

1. The "Petition for Stay of Ordering Paragraph 3 and Modification of Decision 84-08-125," filed by San Diego Gas & Electric Company on September 5, 1984, is granted in part.
2. The first sentence under the heading "Authorization for Sale to IID" in Decision 84-08-125 (16 CPUC 2d 125, 137) is modified to read:

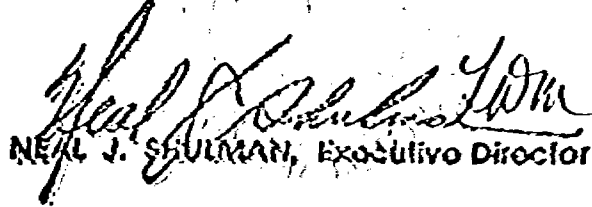
"Although SDG&E informed the Commission's legal division, other Commission staff, and other parties to A.59575 of its negotiations with the Imperial Irrigation District (IID) for sale of a portion of the Powerlink, it did not seek formal Commission approval of the transaction."

3. Application 83-12-01 is closed.
This order is effective today.

Dated June 17, 1992, at San Francisco, California.

DANIEL Wm. FESSLER
President
JOHN B. OHANIAN
PATRICIA M. ECKERT
NORMAN D. SHUMWAY
Commissioners

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


NEAL J. SHUMAN, Executive Director