

Decision 82 03 027

MAR 2 - 1982

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rulemaking on the Commission's)
 own motion to establish standards)
 governing the prices, terms, and)
 conditions of electric utility)
 purchases of electric power from)
 cogeneration and small power)
 production facilities.)
 _____)

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(Filed September 3, 1980)

ORDER MODIFYING DECISION 82-01-103

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In Decision (D) 82-01-103 (January 21, 1982), the Commission directed the respondent utilities to file, among other things, certain data and two forms of the standard offer within 45 days of the effective date of the decision, which was the date of issuance. These filings are due on March 8, 1982.

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Several parties have filed petitions for modification and rehearing of D. 82-01-103, and the Commission has also received petitions for stay of the decision and for extension of time for making the required filings.

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Although we remain eager to have the utilities' standard offers available for acceptance by qualifying facilities as soon as possible, the petitions for modification and rehearing have made arguments which, if accepted, might change some of the elements of the utilities' filings. This could create a situation in which contracts resulting from the filed standard offers might differ from the requirements of our decision as modified in response to petitions or after rehearing.

To avoid such a situation, we will continue to direct respondent utilities to file the required data and the first of their standard offers on the date indicated in D. 82-01-103. The filed offers will not be effective, however, until the Commission has responded to the petitions for rehearing and modification.

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The delay in the effective date of the offer may alleviate the concerns of the parties who have filed petitions for extension of time. We found the petitions to be lacking in persuasive statements of why extensions of time were necessary, and we accordingly deny the petitions.

This matter did not appear on the Commission's agenda for this conference. The petition for extension for time of Southern California Edison Company and several of the petitions for rehearing or modification were received only last week. It was not possible to notice or dispose of this matter through normal procedures. The Commission therefore determines that these circumstances constitute an unforeseen emergency condition as defined in Rule 81.5 of the Commission's Rules of Practice and Procedure.

IT IS ORDERED that:

1. The petitions for extension of time of Southern California Edison Company and Sierra Pacific Power Company are denied.

2. The first sentence of Ordering Paragraph No. 3 of D. 82 01 103 is modified to read: "The above offers shall become effective after the Commission has responded to all petitions for rehearing or modification of this decision".

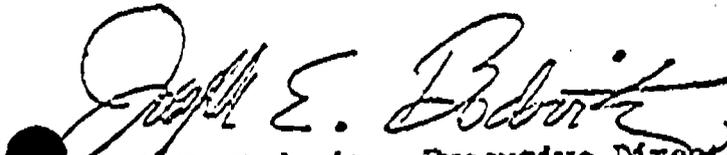
3. Ordering Paragraph No. 5 of D. 82-01-103 is modified to read: "A QF which has contracted with a utility after May 19, 1981, and before the effective date of the initial offers may modify its contract to conform to the standard offer approved by the Commission after evidentiary hearing."

This order is effective today.

Dated March 2, 1982, at San Francisco, California.

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

JOHN E. BRYSON
President
RICHARD D. CRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
Commissioners


Joseph E. Bodovitz, Executive Director

Commissioner PRISCILLA C. GREW

Present but not participating.