L/SE:sm

EX-5

Decision 83 04 088 APR 20 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MARY LOU ZUPP, Complainant, vs. PACIFIC GAS AND ELECTRIC COMPANY, Defendant.	Case 10985 (Filed May 18, 1981)

ORDER MODIFYING
DECISION (D.) 83-01-038
AND DENYING REHEARING

A petition for rehearing has been filed by Mary Lou Zupp. We have considered all of the allegations raised in the petition, and are of the opinion that good cause for granting rehearing has not been shown. However, it is concluded that the decision should be modified in several respects. Therefore,

IT IS ORDERED that D.83-01-038 is modified as follows:

1. The first full sentence on page 7 of the decision is deleted and the following language substituted:

> "We conclude that neither the tariffs, Commission regulations, nor Public Utilities Code specifically required PG&E to notify complainant and that the lack of notice to complainant did not unfairly prejudice her. However, PG&E should make reasonable attempts in the future to provide substantially equal notice to residents whose property would be significantly impacted by the placement of electrical distribution poles and wires. This is consonant with general principles of fundamental fairness and with Commission goals

encouraging the undergrounding of new service construction."

2. Conclusion of Law No. 1 is modified to state:

"1. Complainant has failed to demonstrate that the lack of notice unlawfully injured or discriminated against her."

3. Conclusion of Law No. 2 is modified to state:

"Neither the applicable tariffs, Commission regulations, nor Public Utilities Code specifically required PG&E to notify complainant before constructing the extension."

IT IS FURTHER ORDERED that rehearing of D.82-01-038, as modified herein, is denied.

This order is effective today.

Dated APR 20 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
DONALD VIAL
Commissioners

Commissioner Priscilla C. Grew, being necessarily absent, did not participate in the disposition of this proceeding.

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

Joseph E. Bodovitz, Executive Director