

Decision 83 12 043 December 20, 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Ethel Dotson,

Complainant.

vs.

PACIFIC GAS AND ELECTRIC COMPANY

Defendant.

Case 83-01-02
(Filed September 27, 1983)

ORDER DISMISSING PETITION FOR MODIFICATION

On June 29, 1983 the Commission entered an order on the merits in this matter (Decision (D.) 83-06-086). The order denied the relief sought by complainant. It became effective July 29, 1983.

The time in which a petition for rehearing could be filed expired on July 29, 1983. (Public Utilities (PU) Code § 1731). On September 27, 1983 complainant filed a petition for Modification of D.83-06-086.

It is clear that the Petition for Modification is really a petition for rehearing filed under the guise of a different name, since the time for filing a petition for rehearing had expired.

In Scott Transportation Co. (1957) 56 CPUC 1, the Commission held that:

"Petitioners were further afforded a full hearing upon the issues they again seek to raise in the motions here involved. Petitioners did not seek a rehearing or judicial review of the order entered on February 11, 1957. There is a strong similarity to their present position and that of the plaintiff in Young v. Industrial Accident Commission, 63 Cal. App. 2d 286, wherein the court observed at pages 291-92; 'Having failed to apply for a rehearing within the time limit fixed by the code he cannot accomplish the same purpose by a petition to reopen, that petition differing in form only, not in substance, from a petition for a rehearing.'

"There must be an end of litigation. Petitioners are precluded from attacking herein the order of February 11, 1957. In re Foothill Ditch Co., 47 Cal. P.U.C. 754, 756; Burke v. Thompson: (La) 10 P.U.R. 3d 111." (55 CPUC at pp. 5-6.)

Complainant's Petition for Modification, is an untimely petition for rehearing similar to the one in the Scott case. It must be dismissed. ✓

IT IS ORDERED that the Petition for Modification is dismissed. ✓

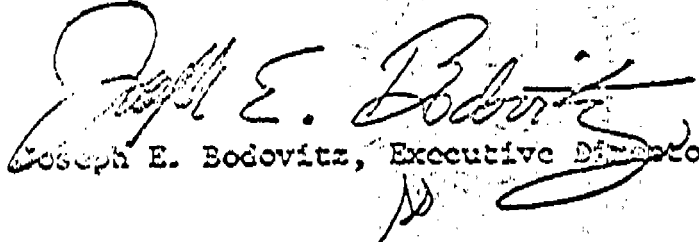
This order becomes effective 30 days from today.

Dated December 20, 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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


Joseph E. Bodovitz, Executive Director

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ORDER DENYING PETITION FOR MODIFICATION

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The time in which a petition for rehearing could be filed expired on July 29, 1983. (Public Utilities (PU) Code § 1731). On September 27, 1983 complainant filed a petition for Modification of D.83-06-086.

It is clear that the Petition for Modification is really a petition for rehearing filed under the guise of a different name, since the time for filing a petition for rehearing had expired.

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Complainant's Petition for Modification, is an untimely petition for rehearing similar to the one in the Scott case. It must be denied.

IT IS ORDERED that the Petition for Modification is denied.

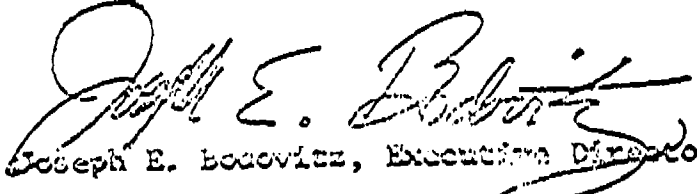
This order becomes effective 30 days from today.

Dated DEC 20 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

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PRISCILLA C. CREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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COMMISSIONERS TODAY.


Joseph E. Bonovitz, Executive Director