

ORIGINAL

Decision No. 88877 MAY 31 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

HIDDEN VALLEY WEST, a General Partnership; THE E. C. MALONE COMPANY, a California corporation and General Partner in Hidden Valley West,

Complainants,

vs.

SAN DIEGO GAS & ELECTRIC COMPANY, a California corporation,

Defendant.

Case No. 10097  
(Filed May 4, 1976)

OPINION AND ORDER

On December 1, 1977, complainants Hidden Valley West and The E. C. Malone Company filed a petition requesting that the Commission modify Decision No. 87305 dated May 10, 1977, or in the alternative to grant a rehearing on the matter. Defendant San Diego Gas & Electric Company resists both requests. As the petition was filed many months after May 30, 1977, the effective date of Decision No. 87305, the petition is being considered as a petition for modification.

Decision No. 87305 granted reparations to complainants of the cost they were required to pay to defendant for defendant to underground a line extension south of the southern boundary of complainants' subdivision. Findings 26 and 27 of Decision No. 87305 state as follows:

- "26. The handholes at either extremity of the line are necessary to replace the service capability and reliability of the overhead line which was replaced.
- "27. Complainants are entitled to reparations from defendant. Based on this record we estimate the reparations to be approximately \$10,000, but this estimate is subject to a more accurate accounting as set forth in the order. The actual amount may differ considerably from our estimate."

Ordering Paragraph 1.b of the decision excluded from the reparation award "The estimated costs of installing a handhole at a point selected by the utility as if the underground project had terminated at said new pole". In October 1977, defendant tendered its check to complainants in the sum of \$4,303 as full compliance with the order set forth in Decision No. 87305. Complainants contend that our Finding 26 was erroneous in that had the undergrounding project been terminated at the new pole, a handhole would not have been required, thus increasing the amount of reparations to which complainants would be entitled. They contend the difference between the \$4,303 which they received from the defendant and the \$10,000 which we estimated the reparations might be is unreasonable, making the case worthy of reconsideration by the Commission. While admitting the question of handholes was dealt with in the hearing, the complainants insist the matter received too brief a treatment.

Decision No. 87305 adequately treated the question of handholes. Furthermore, that decision became final on May 30, 1977. Complainants' petition does not allege any new facts which would support modification of that decision.

The Commission has considered each and every allegation contained in complainants' petition and is of the opinion that no good cause for granting the requested relief has been shown; therefore,

IT IS ORDERED that complainants' petition to alter or amend the order in Decision No. 87305, or in the alternative to grant rehearing of said decision, is denied.

The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 31st day of MAY, 1978.

*Order:*

*This order should not be signed without providing the complainant an opportunity, at hearing, to establish why he thinks the prior decision is not being correctly interpreted.*

*Richard D. Howell  
May 31, 1978*

*Robert Batzimech*  
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President  
*William J. ...*

*Terrence D. Steger*  
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Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.