

SW/kd

ORIGINAL

Decision No. 89908 JAN 30 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Villa Building Company,
Complainant,

vs.

Southern California Edison
Company,
Defendant.

Case No. 10454
(Filed October 26, 1977)

William H. Kronberger, Jr., Attorney
at Law, for complainant.
H. Clinton Tinker, Attorney at Law,
for defendant.

O P I N I O N

The complainant, Villa Building Company (Villa), alleges that it is developing Tracts 6299 and 6764 located at the approximate intersection of Corydon Avenue and River Road in Norco, County of Riverside, California; that the defendant, Southern California Edison Company (SCE), has required Villa to furnish and install, or pay SCE to install, a conduit backbone system^{1/} in Corydon Avenue in order to tie SCE's existing utility systems together; that SCE has determined that Villa should be financially liable for two 5-inch conduits the full length of Corydon Avenue within Tracts 6299 and 6764 in the sum of \$4,873 and \$5,582.92, respectively, heretofore paid by Villa to SCE for such installation; and that the conduit has been installed, but no cable has been installed, so the conduit is worthless. Villa alleges that the conduct of SCE is in violation of its tariffs and seeks reparation in the sum of \$10,455.92.

^{1/} The main system that feeds or provides electric service to a large area.

SCE admits that it required Villa to furnish and install, or pay for the installation, of a conduit backbone system in Corydon Avenue, but denies that such installation was made in an effort to tie SCE's existing utility systems together. SCE denies that the conduit is worthless if it does not install cable at the time of the installation of the conduit. SCE contends that the sum demanded by it and paid by Villa for the installation of the conduit on Corydon Avenue in Tracts 6299 and 6764 in Villa's subdivision, was proper and in accordance with SCE's filed tariffs; and that Villa is not entitled to any reparation.

A hearing was held in Los Angeles on August 7 and 8, 1978 before Administrative Law Judge James D. Tante. The parties were authorized to present concurrent briefs in the form of letters to the hearing officer on or before September 12 and concurrent reply briefs on or before September 19, 1978. The matter was submitted as of the latter date.

Exhibit 1, an agreement dated March 16, 1976 pertaining to Tract 6299; Exhibit 2, invoices numbered 1347 and 1349; Exhibit 3, an agreement dated June 18, 1976 pertaining to Tract 6764; Exhibit 4, a letter to SCE dated April 27, 1976; Exhibit 5, a letter from SCE to Utility Consultants dated May 6, 1976; Exhibit 6, a letter to SCE dated May 13, 1976; Exhibit 7, a letter from SCE to Utility Consultants dated June 25, 1976; Exhibit 8, a letter from Utility Consultants to SCE dated July 8, 1976; Exhibit 9, a letter from SCE to Utility Consultants dated July 19, 1976; Exhibit 10, a letter from Utility Consultants to SCE dated July 28, 1976; Exhibit 11, a letter from SCE to Utility Consultants dated August 4, 1978; Exhibit 12, a letter from Utility Consultants to SCE dated September 2, 1976; and Exhibit 13, a map of the subdivisions involved in this case and the electric system and conduits; were received in evidence at the hearing.

Exhibit 14, an installation map of the Villa tracts; Exhibit 15, an area map which includes the Villa tracts; Exhibit 16, a cost analysis; Exhibit 17, a system map between substations; and Exhibit 18, a letter from Villa to SCE dated August 19, 1975; were marked for identification at the hearing and, pursuant to a written stipulation of the parties, were thereafter received in evidence.

Dale Clemens, president of Utility Consultants, Inc.(UC), a company which represents developers in the design of their utility systems and in their dealings with electric, water, and gas utilities, and Allen M. Jones, executive vice president of UC testified for the complainant. Patrick Vincent Keller, a customer service planner for SCE who was assigned to the tracts involved herein, Gregory K. Smith, a distribution engineer, and David E. Sparks, supervisor of special services for SCE, testified for SCE.

Tract 6299 is contiguous to and lies southerly of Tract 6764. Corydon Avenue (Corydon) extends through both tracts, and two 5-inch conduits, running generally north and south, were installed in Corydon from the southerly boundary of Tract 6299 to the northerly boundary of Tract 6764. The cost for the installation of the two 5-inch conduits within Tract 6299 is \$4,873 and within Tract 6764 is \$5,582.92 for a total sum of \$10,455.92.

SCE's Rule 15.1 (Revised Cal. PUC Sheet No. 4639-E, Resolution No. E-1566) provides in paragraph B.1.:

"The developer of the subdivision will perform all necessary trenching and backfilling, including furnishing of any imported back-fill material required and will furnish, install, and deed to the utility any necessary distribution and feeder conduit required."

In D.88613 dated March 21, 1978, we stated:

"The phrase 'any necessary distribution and feeder conduit required' in Section B.1. of defendant's Rule 15.1 includes not only that feeder conduit required to serve the tract for which service is sought, but also that feeder conduit installed within the boundaries of the tract which is necessary to interconnect the service to the tract with service to subsequent developments outside the tract."

If the conduit installed in Corydon in Tracts 6299 and 6764 (Tracts) was necessary to interconnect the service to the Tracts with service to subsequent developments outside the Tracts, or if it was otherwise necessary distribution or feeder conduit required pursuant to paragraph B.1. of SCE's Rule 15.1, Villa cannot prevail. If the installation was in excess of that necessary to interconnect the service to the Tracts with service to subsequent developments outside the Tracts, and it was not otherwise necessary distribution or feeder conduit required, Villa should be awarded reparation in an amount representing the cost of the expenditure for the unnecessary installation.

Mr. Dale Clemens testified that he is president of UC, a company which represents land developers in the coordination of utilities including gas, electric, telephone, specific telephone facilities, and cable television. Usually UC represents the developers in their dealings with utility companies in the design of utility systems. He has been employed with UC for four years and prior to that time was a senior planner for San Diego Gas & Electric Company (SDG&E) for 10 years. His work with SDG&E consisted primarily of administrative supervision over field planners and their design work and interpretation of rules applicable to SDG&E.

In that capacity he had occasion to design systems for subdivisions, including underground electric systems. Villa is a client of UC.

The witness testified that the two 5-inch conduits on Corydon are empty and there is a 3-inch empty conduit extending away from and in a westerly direction from Tract 6764. To the south of Tract 6299 along the southerly boundary of River Road there is a 66 or 69 kilovolt (kV) line and an underbuilt 15 kV line which provides the power source at the intersection of Corydon and River Road to serve the Tracts.

He testified that to the north of the subdivision there are homes that have been constructed, or are under construction, and there is some commercial zoning, which is very limited, convenient, center-type zoning. The total zone area to the north of the Tracts encompasses approximately 1,000-home potential growth. There is a natural barrier in the northwesterly direction which progresses toward an easterly direction and creates a pocket where there are some homes.

He testified that the existing subdivision north of the Tracts receives service from a pole line north of that subdivision and not a point on River Road which is south of and the source of electric service for the Tracts. He testified that the purpose of installation of the empty 5-inch conduits was not to serve the Tracts but to tie together an overhead source northerly and southerly of the Tracts. He stated that if there was no conduit at all installed in Corydon, the Tracts and the subdivision to the north would have service without either of the 5-inch conduits.

The witness testified that he is not a professional engineer and has not had any higher educational training in electrical engineering.

Allen M. Jones testified that he is executive vice president of UC and his duties are similar to those of the previous witness. He previously was employed by SDG&E for six years in several capacities, the last of which was as a subdivision coordinator. In that capacity he designed underground systems to serve subdivisions similar to the ones involved herein.

He testified that service to the Tracts is being accomplished by the installation of a single-phase one conductor 6.9 kV direct buried cable from a cable pole located on River Road and extending northerly on Corydon. He stated that that cable was installed in the parkway on the east side of Corydon, terminates at the splice boxes, and then proceeds easterly to the interior streets to serve the Tracts. The transformers to be installed were 6.9 kV buried transformers and the single-phase system was all that was being installed in order to serve the units within the Tracts. The two 5-inch conduits in dispute run parallel to each other in a trench in the street on Corydon. No cable was installed. The conduits terminated and exited the primary splice boxes, extended in a northerly direction and stubbed out or terminated at the northerly boundary of Tract 6764. With no cable installed in the conduits, there was no capacity to serve the Tracts. A single direct buried cable, which was installed, supplied the system with electricity to the transformers from which the units involved could receive service.

He testified that the area west of Corydon is a dairy facility and that it was his opinion that the two 5-inch conduits were not installed for the purpose of serving that area inasmuch as the 3-inch conduit running in that direction has space for much less capacity than that possible with the 5-inch conduits. He stated that at the time the Tracts were designed and installed,

the area to the north had already been built and was being served so there was no need to establish a circuit to provide service to that area, and that the two 5-inch conduits are not necessary to serve any future development.

He testified that instead of providing power to the Tracts from River Road on the south, it would have physically been possible to provide service from the system to the north had cable and a terminating facility been installed in which to accept that conductor and a similar single-phase system. He stated that there is an electric system to the north which was not utilized and a similar system to the south which was utilized, and had the situation been reversed, the extension of the system from the south would not have been needed to serve the project.

He testified that if in addition to the system from River Road to serve the Tracts, an additional system from the north had been brought in to provide a backup or alternate source, it would not have been necessary to provide two 5-inch conduits. He stated that the system serving the Tracts is a single-phase 6.9 kV system that consists of one conductor with a concentric neutral, and the two 5-inch conduits were being installed to accommodate a 750 thousand circular mills (750 MCM) 3-phase system acting as a feeder. He stated that the backup connection to the tracts involved herein would only need to be a similar installation to that which is feeding the Tracts at the present time. He stated that if a conduit had been required, one 3-inch conduit would have been sufficient as SCE has determined that such a conduit would be adequate for a single-phase line.

He testified that it was his opinion that three separate trenches were not necessary. The necessity for a trench to accommodate a single-phase circuit on the east side of Corydon, a separate trench for the two 5-inch conduits, and a third trench on the west side of Corydon is more than necessary to accomplish

the desired result. One trench on the east side of that street could have accommodated all those facilities with the possible necessity of adding three or four additional crossings in Corydon. He stated that the trench on the west side of Corydon contains a single-phase 6.9 kV cable which acts as distribution to serve the lots involved; in the street position there is a separate trench with two 5-inch conduits acting as a feeder; and on the east side of Corydon a trench which contains a single-phase 6.9 kV cable acting as a distribution facility for that side of the street and the interior streets. He stated that because of the position of the cable pole, the one single trench should have been situated on the east side of Corydon in the parkway.

The witness testified that the facts in this case are different from the facts in Raney Development Company v Southern California Edison Company, D.88613 dated March 21, 1978. He stated that in the Raney case there was no existing subdivision beyond the system being installed, but it was all virgin territory that was yet to be developed. In this case there is an existing development to the north so there is no future anticipated load which did not exist prior to the subdivision involved herein.

The witness testified that his qualifications or knowledge about utility installations is limited to his experience as an employee of SDG&E and subsequently with UC, and that he has had no formal training in engineering. He stated that while he was employed by SDG&E he had not been involved in overall distribution engineering which is also known as substation-to-substation engineering.

The witness testified that the amount of reparations should be \$10,455 less \$1,985, the cost of the trench and a 3-inch conduit to extend from the southerly boundary of Tract 6299 to the northerly boundary of Tract 6764, approximately 1,050 feet on Corydon, or \$8,470.

Patrick V. Keller testified that he has been employed by SCE for 15 years and for the last three years he has been a customer service planner. He was one of the service planners assigned to the Tracts. It was his responsibility to design and plan the electrical service to the Tracts and to schedule and coordinate the field construction crews into the construction planned facility. Tract 6299 was comprised of 30 homes and Tract 6764 was comprised of 50 homes. Including one other Villa project, Tract 6332, there will be 145 homes.

He testified that two 5-inch conduits were installed on Corydon in the Tracts, which were connected with two existing 5-inch conduits located in the street, both to the south and north of the newly installed 5-inch conduits. One 3-inch conduit from the manhole location at the southeast corner of Del Mar and Corydon was installed in a westerly direction on Del Mar to the tract boundary for future use.

The witness testified that in early 1976 three 750 MCM, 12 kV primary cables were installed in one of the 5-inch conduits from River Road, the south boundary, to the north boundary of Tract 6299.

He testified that the reason for multiple trenching was that the city of Norco requested that backbone systems not be installed in the parkway because of the horse trails. If a conventional system had been installed in the parkway the lids of the enclosures, which in this case would be quite large, would encroach upon the fence and into the riding trail and create a possibility that horses might hurt themselves and their riders, therefore the backbone system was installed in the street.

He testified that the area northerly of Villa's tracts was originally agricultural, bounded on the west by the Santa Ana River and on the east by the Naval Weapons Center, a large complex with open land, and by the Corona Rehabilitation Center.

There is an improved tract from the northern boundary of Tract 6764 extending two and one-half miles to a point on Alhambra Street. Prior to the development of the Villa tracts there were two 5-inch conduit systems extending northerly from the north boundary of Tract 6764 which have been extended to Alhambra Street. There are now two 5-inch conduits extending the full length on Corydon from River Road to Alhambra Street and 750 MCM cable has been installed in one of the conduits. He stated that there are 1,000 homes in the area to be served, there is room for growth to the east of Corydon, there may be a large load growth in the Naval Weapons Station area, and if a problem arises with the cable which has been installed in one conduit, there will be an opportunity to install that cable in the other conduit.

The witness testified that the total cost involved for the installation of electric service for Tract 6299 was \$27,908, and Tract 6764 was \$36,002, for a total of \$63,910. He stated that Villa paid \$10,455, and \$53,455, 84 percent of the total cost, was paid by SCE.

The witness testified that he has had no formal training with respect to the design of utility systems and he does not have a professional engineering degree. He testified that the backbone system involved here ties two substations together, but all subdivisions in his service territory are not serviced by two 5-inch conduits proceeding down the middle of one of the streets, and the installation of a backbone system is not because of the location of the substations but because of the load in the area and the accessibility to existing facilities.

Greg K. Smith testified that he is now and has been a distribution engineer for SCE for ten years. He has a bachelor of science degree in engineering and a master of science in management science and financial matters. He is past chairman of the local chapter of the Power Engineering Society of the Institute of Electrical and Electronics Engineers. He has primary engineering responsibility for five districts, one of which includes the area in which the Tracts are situated, and he was involved in the planning of the system for the residential area in which the Tracts are situated.

He stated that the development in the area began about two and one-half miles to the north of Villa's tracts. Some of the customers were adjacent to the rural overhead system and were served from that system, but since that system did not go through the area that was being encompassed by those residential developments, an underground system was designed in accordance with Rule 15.1 to serve the area, as required by the Commission.

He stated that based upon the density of the homes in the initial development, it was evident that the area adjacent to Corydon would accommodate 1,000 to 1,250 residential sites with another 400 acres to the east which might possibly be developed in the future. The feeder cable to serve 1,000 to 1,250 homes must be capable of serving a minimum of 275 amp. 3-phase at 12 kV. SCE's economic conductor studies show that the proper cable would be a 3-phase 750 MCM underground cable without considering any additional loads that might develop either in that immediate area or adjacent to it.

He stated that experience has shown that as areas develop and continue to grow, the capacity might very well exceed the one circuit feeding the area.

He testified that with the number of homes referred to, future development, additional commercial load, sewer lift stations, firehouses, and other developments in a residential complex, a capacity between 400 and 600 amp. might ultimately be required at the time of full development of the area. At that time each of the 5-inch conduits that have been installed would require separate circuits of a minimum of 750 MCM cable. He stated that the development that has taken place has indicated that SCE's estimates have been accurate. The witness testified that the Pedley substation is approximately three and one-half miles to the northeast of the northern boundary of the underground residential system, and the Corona substation is approximately three and one-half miles southeast of the southern boundary of the underground system. He stated that if electric requirements increase in the vicinity of the Pedley station, the maximum capacity of that substation would be reached and it would be necessary to serve the entire residential area in the vicinity of Villa's subdivisions from the Corona substation. He stated that it is difficult to predict a few years away whether a certain area will be served from the Pedley or Corona substation.

The witness testified that whether or not the rule provided that the developer make contribution to the underground system, his recommendation for engineering and construction of the system as it now exists would be the same.

He stated that the loads that are developed within the area could not be carried on two single-phase cables from River Road to Alhambra Avenue, as recommended by Villa's witness Jones. He stated that in the event of a cable failure anywhere along the main backbone system, SCE could install another cable in the second conduit and replace the 750 MCM cable that was damaged with a minimal amount of interruption. He stated that there are

many occasions where such interruptions have occurred and power outages have continued for 12 or 24 hours, and in some cases even for several days before the repairs were made. In addition, if a problem arose at one substation, the other substation would be able to provide service on an emergency basis. He stated that it is beneficial to the residents of the community to have both 5-inch conduits as they have been installed.

The witness testified that the Corona, Chino, Mira Loma, Norco area is one of the most rapid-growing residential areas on the entire SCE system, and that it is probable that cable will be installed in the second 5-inch conduit within five to seven years.

David E. Sparks testified that he is employed by SCE as a supervisor of special services, and supervises a number of people who are involved with community activities, local legislative activities, and the administration of the formal complaints of SCE's customer service department. He stated that in his opinion Rule 15.1 B.1. was properly adhered to and Villa was properly required to pay the cost of installation of the two 5-inch conduits involved herein.

He testified that if the Commission were to decide that SCE would not be allowed to continue to develop systems in the manner in which the system in this case has been developed, the installation would have to be made at a later time at considerable additional expense caused by the necessity of installation in streets that have already been paved, and that the general ratepayer would bear the cost of the installation. He testified that the sum paid by Villa for the installation of the two 5-inch conduits amounted to approximately \$12 for each home that was to be built. He stated that SCE does not earn a return on the conduit installed and paid for by Villa, but SCE pays taxes on the installation and maintains the equipment. He stated that SCE is permitted

to earn a rate of return on the cable that it has or will install in the conduits. He stated that SCE has built a proper system for the requirement of the area, and that it was his opinion that the second 5-inch conduit would be needed within the foreseeable future, which he explained was a period of five to seven years.

Discussion

The testimony of Villa's witness Jones that there was no cable in either of the 5-inch conduits is inaccurate. In early 1976 three 750 MCM, 12 kV cables were installed in one of the 5-inch conduits from River Road, the south boundary, to the north boundary of Tract 6299. His testimony that multiple trenches were not necessary and that one trench on the east side of Corydon could have accommodated all of the necessary facilities with the possible necessity of adding three or four additional crossings in Corydon could not be adhered to, inasmuch as the city of Norco had requested that backbone systems not be installed in the parkway because of the horse trails and the possible harm which might be caused thereby to horses and equestrians.

In its brief Villa contends that only one conduit was necessary to serve its subdivisions and future anticipated growth in the community, SCE installed the second conduit for its own benefit, the parties should share the cost of the parallel system, each to pay one-half, and reparation should be ordered in the sum of \$5,227.50, representing one-half of the cost of the trench and conduit in Corydon.

We believe, and Villa does not appear to seriously contend to the contrary, that the evidence establishes that at least one 5-inch conduit, which now contains the 750 MCM cable the full length of the Tracts on Corydon, was necessary feeder conduit that was required under the circumstances in this case.

Villa contends, however, that the second 5-inch conduit was installed by SCE for its use, did not serve Villa in any manner, was not necessary to interconnect the service to the Tracts with the service to subsequent developments outside the Tracts, and the \$5,227.50 heretofore paid by Villa for the construction of the second 5-inch conduit and representing one-half of the cost of the trench and the two 5-inch conduits along Corydon should be paid to it by SCE. It appears that if Villa is entitled to reparation, one-half of the sum actually spent for the construction of the two 5-inch conduits, or \$5,227.50, would be the proper amount of reparation rather than the \$1,940 testified to by SCE's witness Smith as to what SCE's cost estimate for the construction of one 5-inch conduit would have been in 1976.

In the Raney case we stated that feeder conduit installed within the boundaries of the subdivider's tract, which is necessary to interconnect the service to that tract with service to subsequent developments outside the tract, was necessary feeder conduit required by Section B.1. of SCE's Rule 15.1. It does not necessarily follow that feeder cable installed for purposes different from or in addition to the interconnection of service to the developer's tract with service to subsequent developments outside the tract should not be considered in determining whether the feeder conduit is necessary and required pursuant to Rule 15.1.

SCE's witness Keller testified that one 5-inch conduit and the cable therein would be used to serve the Tracts and the second 5-inch conduit would be used for emergency service to the Tracts and to integrate the Tracts within anticipated future growth that would develop to the northwest and northeast of the Tracts.

SCE's witness Sparks testified that it would be imprudent and costly to subsequently have to tear up improved streets in order to modify or revise an inadequately planned system to improve or change the system to accommodate new roads. He stated that if Villa is not required to bear the cost of both 5-inch conduits in this case, it would result in an additional cost burden on SCE's general ratepayers and be contrary to the intent expressed by the Commission in D.76394 in C.8209 (1969) 70 CPUC 339, which ordered the adoption of Section B.1. of Rule 15.1.

The backbone system was developed from north to south and the Tracts were only two of several subdivisions along the way that were designed to mesh together in an integrated electrical system that was designed to flow between Pedley substation to the north and Corona substation, which is a considerable distance to the southeast of the developments involved. The conduit backbone system was designed to meet the current electrical needs of 1,000 or more homes within the various residential subdivisions throughout the area and normal provision was made within the design to meet potential load growth that is anticipated within the near future to the northwest and northeast of the Tracts.

One 5-inch conduit and the 750 MCM cable therein, as a part of the backbone system, only marginally meets the design criteria for the 1,000 plus homes within the area. Sound engineering practice and potential for growth in the area required that a second 5-inch conduit be incorporated in the design in order to provide for future anticipated load growth to the northwest and northeast of the now existing residential subdivisions, to balance loads and provide for future growth within the existing residential subdivisions, and to provide the flexibility and versatility of modifying or supplying emergency backup power to the area involved. All of these factors are relevant and

important in determining whether the two 5-inch conduits are "any necessary distribution and feeder conduit required" as set forth in SCE's Rule 15.1.

We conclude that the phrase "any necessary distribution and feeder conduit required" in Section B.1. of SCE's Rule 15.1 includes not only that feeder conduit required to serve the tract for which service is sought and that which is necessary to interconnect the service to the tract with service to subsequent developments outside the tracts, but also includes conduit which is installed to provide for future anticipated load growth outside of the tract involved, to balance loads between substations, to provide for future growth within the existing residential tracts, and to provide the flexibility and versatility of modifying or supplying emergency backup power to the area involved.

As we stated in Raney, we are also persuaded by SCE's argument that our adoption of Villa's position would result in a gross inequity to SCE's existing ratepayers.

Findings

1. In the course of Villa's developing Tract 6299 and Tract 6764 in Norco, county of Riverside, California, SCE has required Villa to furnish and install, or pay SCE to install, a conduit backbone system in Corydon Avenue consisting of two 5-inch conduits the full length of Corydon Avenue in those tracts, in the sum of \$4,873 and \$5,582.92, for a total sum of \$10,455.92.

2. The two 5-inch conduits installed on Corydon Avenue in the Tracts were connected to two 5-inch conduits at the northerly extremity of the Tracts which extend northerly to Alhambra Avenue, and the system was designed to mesh together in an integrated electrical system that was designed to flow between Pedley substation to the north and Corona substation which is a considerable distance to the southeast of the Tracts.

3. One 5-inch conduit which contains 750 MCM cable as a part of the backbone system serves the Tracts, and at the present time meets a design criteria for the approximately 1,000 homes in the area.

4. Sound engineering practice and potential for growth in the area require that a second 5-inch conduit be incorporated in the design in order to provide for future anticipated load growth to the northwest and northeast of the now existing residential subdivisions, to balance loads and provide for future growth within the existing residential subdivisions, and to provide the flexibility and versatility of modifying or supplying emergency backup power to the area involved.

5. The two 5-inch feeder conduits involved herein are "necessary...feeder conduit" within the meaning of Section B.1. of SCE's Rule 15.1.

6. The sum of \$10,455.92 expended by Villa and charged by SCE for the installation of two 5-inch conduits in Corydon Avenue in Villa's Tract 6299 and Tract 6764 was properly charged to Villa pursuant to SCE's Rule 15.1.

Conclusions

1. The phrase "any necessary distribution and feeder conduit required" in Section B.1. of SCE's Rule 15.1 includes not only that feeder conduit required to serve the tract for which service is sought and that installed within the boundaries of the tract which is necessary to interconnect the service to the tract with service to subsequent developments outside the tract; but also includes conduit which is installed as a part of a backbone system in accordance with sound engineering practice to provide for the potential for growth in the area, to provide for future anticipated load growth in the existing residential subdivision and the existing subdivisions in close proximity thereto, and to provide

the flexibility and versatility of modifying or supplying emergency backup power to the area involved.

2. Villa is entitled to no relief in this proceeding.

O R D E R

IT IS ORDERED that the relief requested is denied.

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

Dated at San Francisco, California,
this JANUARY day of 30th, 1979.

Richard W. Kettle
President
Leonard M. Grimes, Jr.
John E. Bryson

Commissioners

Commissioner John E. Bryson

Present but not participating.

Commissioner Leonard M. Grimes, Jr.

Present but not participating.