

Decision No. 91178

DEC 18 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

STANISLAUS FOOD PRODUCTS CO.,)
Complaint,)

vs.)

Case No. 10359

PACIFIC GAS AND ELECTRIC CO.,)
Defendant.)ORDER GRANTING LIMITED REHEARING
OF DECISION NO. 90777

A petition for rehearing of Decision No. 90777 has been filed by Stanislaus Food Products Company (Stanislaus). A response to the petition has been filed by Pacific Gas and Electric Company (PG&E). We have carefully considered each and every allegation of error in the petition and are of the opinion that Case No. 10359 was not a collateral attack and was properly before this Commission. We are also of the opinion that while the phrase "unusual circumstances," as used in Paragraph E.7 of PG&E's Tariff Rule No. 15, was properly defined in D.90777, the parties did not have sufficient notice of this interpretation of the tariff to make a proper showing during hearing on this matter. We therefore conclude that good cause exists for granting rehearing limited to the issue of whether "unusual circumstances," as defined in D.90777, existed to justify the contract conditions requiring Stanislaus to pay for the construction and maintenance of facilities necessary to provide additional interruptible gas service to Stanislaus. Therefore,

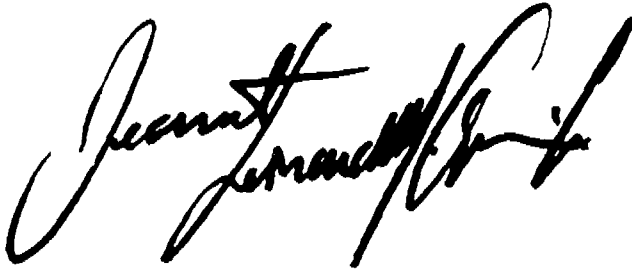
IT IS HEREBY ORDERED that rehearing of D.90777 is granted limited to the receipt of evidence and briefs on the issue of the existence of "unusual circumstances" justifying the contract conditions requiring Stanislaus to pay for the construction and maintenance of facilities necessary to provide additional interruptible gas service to Stanislaus.

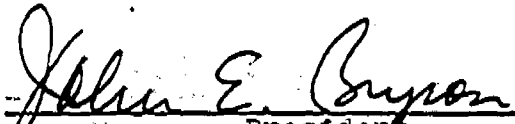
Rehearing is to be held before such Commissioner or Administrative Law Judge at such time and place as shall hereafter be designated.

The Executive Director is directed to cause notice of the rehearing to be mailed at least ten (10) days prior to such hearing.

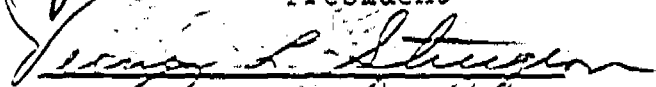
The effective date of this decision is the date hereof.

Dated DEC 18 1979, at San Francisco, California.







President



Thomas L. Stegerson



Richard D. Howell



Claire T. Deloit

Commissioner