

Decision No. 92816**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and
Electric Company for authority,
among other things, to increase
its rates and charges for
electric service.

Application No. 58545
(Filed December 26, 1978)

(Electric)

Application of Pacific Gas and
Electric Company for authority,
among other things, to increase
its rates and charges for gas
service.

Application No. 58546
(Filed December 26, 1978)

(Gas)

ORDER TERMINATING STAY
OF DECISION NO. 92236 AND
DENYING REHEARING THEREOF

Toward Utility Rate Normalization (TURN) has filed a petition for rehearing of Decision No. 92236 in these proceedings. That decision denied TURN's petition for award of attorney fees and other costs after finding and concluding that the rules established in Decision No. 91909 for awarding such fees and costs should not be applied retroactively.

Pacific Gas and Electric Company (PG&E) has filed a response asking that rehearing be denied. TURN has replied to that response.

By Decision No. 92486, issued and effective on December 2, 1980, we stayed Decision No. 92236 until further order after noting that the lawfulness of the rules established by Decision No. 91909 for awarding attorney fees and participation costs were still subject to review because petitions for rehearing of that decision had been filed and were under consideration.

By Decision No. 92602, issued and effective on January 6, 1981, we modified Decision No. 91909 and denied rehearing thereof. No petition for writ of review having been filed, that decision is

now final and we may consider TURN's petition for rehearing on its merits.

We have carefully considered each and every allegation of error in TURN's petition, the material in PG&E's response and TURN's reply thereto and are of the opinion that good cause for granting rehearing has not been shown.


The rules for filing, considering and awarding attorney fees and participation costs set forth in Decision No. 91909 as modified by Decision No. 92602 specifically preclude such awards in proceedings where the decision was issued prior to the effective date of the rules. There is no question but that the decision in this proceeding, Decision No. 91107, issued and effective on December 19, 1979, was such a decision. Therefore,

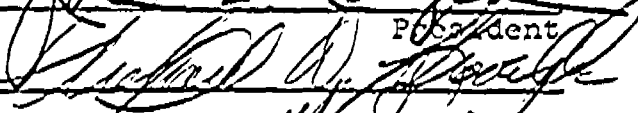
IT IS HEREBY ORDERED that


The stay of Decision No. 92236 is terminated and rehearing of Decision No. 92236 is denied.


The effective date of this decision is the date hereof.

Dated MAR 17 1981, at San Francisco, California.



President






Commissioners