ALJ/EA/hh

92918 NPR 21 1981

Decision No.

CRIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

)

3

Application of GREAT WESTERN CITIES, INC. to deviate from mandatory requirements for underground utility extensions in Kern County, California.

Application No. 60266 (Filed February 13, 1981)

ORDER OF DISMISSAL

Applicant, Great Western Cities, Inc. (GWC), seeks an order exempting it from the mandatory undergrounding requirements of Rule 15 of Southern California Edison Company (Edison). GWC alleges that this application is made concurrently with the filing of a complaint (C.10953) against Edison wherein it seeks a determination by this Commission that Edison's tariff Rule 15.C.1.a.(1) entitles it to construct overhead utility lines in Tracts 2811, 2812, and 2887, located in California City, California. GWC seeks the deviation requested in this application as an alternative in the event we determine that Rule 15.C.1.a.(1) is not applicable in C.10953.

Inasmuch as any determination with respect to this application must necessarily await the outcome of C.10953, and since the time limits of Government Code Section 65950 are running on this application the filing of this application is premature and should be dismissed without prejudice.

Findings of Fact

1. Applicant seeks an order exempting it from the mandatory undergrounding requirements of Edison's tariff Rule 15.

2. Applicant has concurrently filed a complaint with this Commission against Edison wherein applicant seeks an order that

-1-

Edison be required to construct overhead electrical extensions to Tracts 2811, 2812, and 2887, located in California City, California, in accordance with Edison's tariff Rule 15.C.l.a (1).

Conclusion of Law

Since applicant seeks the remedy sought in this application as an alternative, in the event that the Commission determines that tariff Rule 15.C.l.a.(1) is not applicable, this application is deemed premature and should accordingly be dismissed without prejudice.

IT IS ORDERED that the application of Great Western Cities, Inc. is dismissed without prejudice.

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

Dated ______ APR 21 1981 _____, at San Francisco, California.

ssioners