

93309

JUL 22 1981

ORIGINAL

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of SOUTHERN CALIFORNIA EDISON)
COMPANY and PACIFIC GAS AND)
ELECTRIC COMPANY for a Certificate)
that present and future public)
convenience and necessity require)
or will require the participation)
by Applicants and others in the)
construction and operation of six)
new coal fired steam electric)
generating units, to be known as)
Units 1, 2, 3 and 4 at a site in)
Nevada known as the Harry Allen)
Generating Station, and as Units)
1 and 2 at a site in Utah known)
as the Warner Valley Generating)
Station, together with other)
appurtenances to be used in)
connection with said generating)
stations.)

Application 59308
(Petition filed
May 1, 1981)

O P I N I O N

On May 1, 1981, Pacific Gas and Electric Company (PG&E) filed a motion for return of the Morrison-Knudsen Report (MK Report) which is a part of Exhibit 271. The motion was docketed as a petition.

In addition to the MK Report, Exhibit 271 contains a packet of letters, the first of which is on the letterhead of Peter Kiewit Sons, Inc. dated August 28, 1980, addressed to Mr. S. V. Radcliff and a single sheet containing an algebraic formula with respect to a coal cost utilized by witness Knecht which was referred to in his testimony.

The administrative law judge received Exhibit 271 in evidence subject to the following conditions:

1. It shall be placed in a sealed container;
2. In addition to the decision makers, the exhibit shall be available only to counsel for Pacific Gas and Electric Company (PG&E), Southern California Edison Company, the Environmental Defense Fund (EDF), California Energy Commission, and the Commission staff (staff);
3. Parties shall not disclose the contents of the exhibit to anyone. Until further order of the Commission, parties shall not disclose or refer to any information contained in the exhibit in any proceeding other than this proceeding. If a party wishes to use information contained in the exhibit in this proceeding, then notice shall be given to the administrative law judge so that he may take steps to protect the information to be used.

As grounds for the return of the MK report, PG&E alleges:

1. The MK Report is proprietary and confidential, contains proprietary and confidential information, is a trade secret, and that public disclosure of the report would be detrimental to the best interests of applicants' ratepayers;
2. The MK Report was received in evidence subject to a protective order (R.T. 10071-A:12-28);
3. Under the order of this Commission, copies of the MK Report were furnished to attorneys for the staff and EDF and said copies have previously been returned to PG&E;
4. Applicants on February 13, 1981, filed with the Commission their petitions for permission to withdraw Application (A.) 59308;

5. On March 3, 1981, this Commission in its Decision (D.) 92757 ordered that A.59308 be dismissed without prejudice; and
6. The Commission has no **present need** for possession of a copy of the MK Report and return of this copy would reduce the risk of inadvertent exposure to unauthorized persons.

There are no objections to the request. With respect to allegation 6. above, it is true that the Commission has no present need for possession of the MK Report, however, we may well have a future need for possession because of Ordering Paragraph 2 of D.92757 which provides:

"Should Southern California Edison Company and/or Pacific Gas and Electric Company file an application for an amended project, applicant(s) and all other appearances in such an application may move to incorporate by reference any pleadings, exhibits, or testimony contained in the record of this proceeding. Any such motion shall identify with specificity the material they desire incorporated and its relevance to the new proceeding."

Under the circumstances, this order will provide for the transfer of custody of the MK Report to PG&E. Before an application for an amended project is accepted for filing by either applicant, jointly, or by either or both applicants in concert with others, **PG&E shall return custody of the MK Report to the Commission.**

O R D E R


IT IS ORDERED that:


1. Custody of the Morrison-Knudsen Report contained in Exhibit 271 of Application 59308 shall be transferred to Pacific Gas and Electric Company (PG&E).

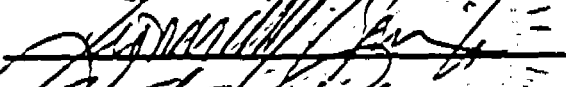
2. The Executive Director will transfer the document to PG&E in an orderly fashion.

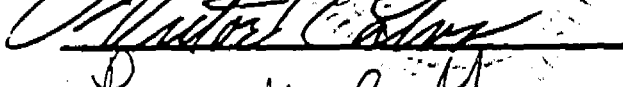
This order is effective today.

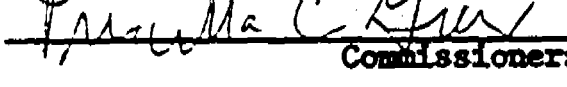
Dated JUL 22 1981, at San Francisco, California.



President







Commissioners