

Decision 93393 AUG 4 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rulemaking on the Commission's)
own motion to establish standards)
governing the prices, terms, and)
conditions of electric utility)
purchases of electric power from)
cogeneration and small power)
production facilities.)

OIR 2
(Filed September 3, 1980)

ORDER MODIFYING DECISION 93054
AND DENYING REHEARING THEREOF

Applications for rehearing of Decision 93054 have been filed by Southern California Edison Company (Edison) and San Diego Gas and Electric Company (SDG&E). A response in opposition to Edison's application has been filed by Great Western Malting Company and Windfarms Ltd.

We have carefully considered each and every allegation of error in these applications and are of the opinion that good cause for granting rehearing has not been shown. However, upon reconsideration of the issues raised, we are of the opinion that Decision 93054 should be modified in certain respects to clarify our intentions as to the availability of the amending provision to a qualified cogenerator or small power producer who contracts with a utility for the sale of electrical power between the date of Decision 93054 and the date of the final order in this proceeding and also to conform our order to the provisions of Section 292.301 (a) and (b) of the FERC regulations (18 CFR 292.101 et seq.).

Therefore, good cause appearing,

IT IS ORDERED, that

1. The amending provision ordered by Decision 93054 shall be part of any standard price offer made by a respondent

to qualifying cogenerators and small power producers. However, as with any other feature of that initial offer, it is subject to negotiation.

2. The language of the provision shown on page 5 (mimeo) of Decision 93054 shall be modified to read in full as follows: -

This Agreement may be amended, at the written option of the Seller, to conform in whole, but not in part, to the final decision and order which is issued by the California Public Utilities Commission in connection with Order Instituting Rulemaking No. 2 and which affects the Utility's purchase of electric power from cogeneration and small power production facilities. To exercise this option, Seller must deliver to the purchasing Utility a written notice of election to amend within 90 days of the effective date of the final decision and order in OIR 2. Said amendment shall be effective as of the date of delivery of said notice or as of such other date as may be agreed upon by the Seller and the Utility.

3. Rehearing of Decision 93054 as modified herein is denied.

This order is effective today.

Dated AUG 4 1981, at San Francisco, California.

John E. Bryan
President
Richard D. Spalding
Lawrence M. Smith
Victor Calvo
Priscilla C. Chen
Commissioners