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ORIGINAL

Decision 93421 AUG 18 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application )  
of SOUTHERN CALIFORNIA EDISON )  
COMPANY for a certificate that )  
the present and future public )  
convenience and necessity require )  
or will require that Applicant )  
construct and operate a )  
geothermal electrical generation )  
facility located in the State of )  
California, County of Imperial )  
near Heber, California. )

Application 59512  
(Filed March 10, 1980)

(See Decision 93035 for appearances.)

O P I N I O N

Decision (D.) 93035 issued May 19, 1981 in Application (A.) 59512 denied Southern California Edison Company (Edison) the authority to construct and operate a geothermal electrical generation facility near Heber, California. By petition filed June 18, 1981 Edison requests the Commission to allow it to use applicable portions of the record developed in A.59512 in such future proceedings as may be instituted by the filing of a new application for an amended project.

In support, Edison contends that the requested minor modification furthers the public interest by potentially avoiding costly and time-consuming duplication of the existing record in the event that application is made for an amended project. Further, Edison cites D.92757, the Commission's Order of Dismissal of the Allen-Warner Energy System proceedings, as precedent for the

modification requested by the instant petition. D.92757, for reasons of avoiding duplication of time and effort, contained a directive similar to the order sought by this petition. The Commission's Legal Division opposes Edison's petition on grounds that it requests the Commission to perform essentially an idle act.

In D.93035 we concluded that the Heber project was technically feasible. Furthermore, we found that the geothermal reservoir at Heber can produce enough hot water at high enough temperatures to support a 500 MW geothermal development for 30 years. Our decision to deny Edison's Heber application was based predominantly on our conclusion that the Sales Contract for purchase of the geothermal fluid from Chevron imposes unacceptable economic burdens upon Edison's ratepayers.

Certainly Edison may choose to file an application for an amended project based upon a renegotiated Sales Contract and different economic projections. In the event Edison files for an amended project, it may not be necessary to relitigate issues regarding the technical feasibility of Heber. We are not interested in merely duplicating portions of the existing record in A.59512. However, it is premature to entertain any motion to incorporate portions of the record in A.59512 into an "as yet unfiled" application. We must await both the filing of a new application and an appropriate motion before we can determine whether specific portions of the record in A.59512 are relevant and appropriate for incorporation into the record of the new proceeding.

We note that Edison's petition requires no substantive action on our part at this time. Rather, Edison appears to be seeking authority to file a motion to incorporate portions of the record in A.59512 if, and when, such a motion becomes appropriate. Edison requires no such authority from the Commission. Edison, as a matter of right,

may move to incorporate by reference any pleadings, exhibits, or testimony in the record in A.59512, identifying with specificity, the material it desires incorporated and its relevance to the new proceeding. And other parties likewise have the right, in any new proceeding, to address an Edison motion to incorporate before we issue a ruling.

Since Edison already possesses the authority which it seeks by its petition, there is no basis for Commission action. The petition is academic and will be treated as such.

O R D E R

IT IS ORDERED that Southern California Edison Company's petition for modification of D.93035 is denied.

This order becomes effective 30 days from today.

Dated AUG 18 1981, at San Francisco, California.

John E. Guyer  
President  
Richard D. Brock  
Thomas W. ...  
Thomas ...  
Priscilla C. ...  
Commissioners