

MAY 22 1997

Decision 97-05-059 May 21, 1997

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for rehearing of resolution G-3045.	)	Application 93-04-017
	)	(Filed April 9, 1993)
	)	

OPINION

Pacific Gas and Electric Company (PG&E) filed this application for rehearing of Resolution G-3045 dated March 10, 1993.<sup>1</sup> The application seeks clarification that certain issues regarding brokering of Transwestern Pipeline Company capacity were subsequently resolved in Decision (D.) 93-04-040, issued April 8, 1993. To the extent that D.93-04-040 is inconsistent with Resolution G-3045, D.93-04-040 would take precedence. This matter has been addressed in subsequent Commission decisions.

Finding of Fact

D.93-04-040 addressed issues relating to brokering Transwestern Pipeline Company capacity.

Conclusion of Law

Except to the extent Resolution G-3045 is inconsistent with D.93-04-040 and subsequent orders regarding PG&E's brokering of Transwestern Pipeline Company capacity, PG&E's application for rehearing of Resolution G-3045 should be denied.

<sup>1</sup> Although denominated an "application for rehearing," this is actually only a request to modify a resolution. When a party requests that the Commission modify a prior resolution, a formal proceeding is initiated for that purpose. Under the Commission's current procedures, the only way to initiate such a formal proceeding is to file a pleading called "an application for rehearing" even when, as here, this is not the pleading described in Public Utilities Code § 1731. The Commission may consider revising these procedures in its ongoing review of its Rules of Practice and Procedure.

O R D E R

IT IS ORDERED that:

1. Except to the extent Decision (D.) 93-04-040 and subsequent decisions are inconsistent with Resolution G-3045 regarding the brokering of Transwestern Pipeline Company capacity, the Application of Pacific Gas and Electric Company for Rehearing of Resolution G-3045 is denied.

2. To the extent D.93-04-040 and subsequent decisions are inconsistent with Resolution G-3045 regarding the brokering of Transwestern Pipeline Company capacity, the decisions supersede the resolution.

3. Application 93-04-017 is closed.

This order is effective today.

Dated May 21, 1997, at Sacramento, California.

P. GREGORY CONLON  
President  
JESSIE J. KNIGHT, JR.  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
RICHARD A. BILAS  
Commissioners