

Decision 98-10-006 October 8, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for authority to (i) establish its authorized rate of return on common equity, (ii) establish its authorized capital structure, and (iii) establish its overall rate of return for Calendar Year 1998.

(Electric and Gas)

(U 39-M)

ORIGINAL

Application 97-05-016
(Filed May 8, 1997)

**OPINION DENYING KNECHT AND CZAHR'S
PETITION FOR MODIFICATION OF DECISION 97-12-089**

On February 18, 1998, Ron Knecht and Ray Czahar (KC), interested parties, filed a Petition for Modification of Decision (D.) 97-12-089 to correct alleged minor factual errors in the decision's description of their evidence presented in the proceeding. The decision states that the KC showing does not follow "the incremental approach as established in our prior decisions" and finds that KC submitted a study which was "beyond the scope of the proceeding."

KC's petition requests modification to show that KC did follow the incremental approach and presented a study which was within the scope of the proceeding.

The Office of Ratepayer Advocates (ORA) filed an Opposition to Petition for Modification on the two grounds. First, KC's filed comments to the proposed decision in this case made the identical arguments, and the Commission declined to change the wording of the decision in the manner requested by KC. Second, ORA submits that the Petition for Modification should be denied because D.97-12-089 was and is correct in the particulars of which complaint is made.

Having reviewed the record, we conclude that ORA's opposition is well taken. No legal or factual error has been presented.

Finding of Fact

D.97-12-089 did not err in its description of KC's showing.

Conclusions of Law

1. KC's petition to modify D.97-12-089 did not present any legal or factual errors.
2. KC's petition should be denied.

O R D E R

IT IS ORDERED that:

1. The Petition for Modification of Decision 97-12-089, filed by Ron Knecht and Ray Czahar on February 18, 1998, is denied.
2. Application 97-05-016 is closed.

This order is effective today.

Dated October 8, 1998, at Laguna Hills, California.

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