

L/bwg

MAIL DATE

1/10/00

Decision 00-01-025

January 6, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Proposed Policies Governing Restructuring California's Electric Services Industry and Reforming Regulation.

R.94-04-031

Order Instituting Rulemaking on the Commission's Proposed Policies Governing Restructuring California's Electric Services Industry and Reforming Regulation.

I.94-04-032

ORDER APPROVING THE WITHDRAWAL BY SOUTHERN CALIFORNIA EDISON COMPANY OF ITS APPLICATION FOR REHEARING OF DECISION 99-10-066

In accordance with the California Public Utilities Commission's ("Commission's") request, and in light of the filing of Application 99-12-013 by Southern California Edison Company ("SCE") regarding the sale of certain facilities to the City of Anaheim, SCE has agreed to withdraw its Application For Rehearing Of Decision 99-10-066 in Docket No. R.94-04-031/I.94-04-032. SCE's withdrawal of the rehearing application is conditioned on the Commission's recognition of SCE's continuing rights to raise and litigate in another case or docket the issue of the Commission's jurisdiction to implement Section 851 of the California Public Utilities Code with respect to the transfer of SCE's transmission facilities. SCE's withdrawal of the rehearing application is also conditioned on the Commission's agreement not to raise the bar of res judicata, waiver, or other legal theory, based on SCE's withdrawing the rehearing application and not seeking judicial review of D.99-10-066, in another case involving the issue of the

Commission's jurisdiction under Section 851 over transfers of SCE's transmission facilities.

IT IS THEREFORE ORDERED that Edison's withdrawal of its application for rehearing of D.99-10-066, with the conditions stated herein, be approved.

This order is effective today.

Dated January 6, 2000, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
CARL W. WOOD
Commissioners

I abstain.

/s/ LORETTA M. LYNCH
Commissioner