

Decision 00-02-021 February 3, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, and RICHARD L. WILLS and DONNA M. WILLS for an Order Authorizing the Former to Sell and Convey to the Latter Two Parcels of Land in Alameda County Pursuant to Public Utilities Code Section 851. (Electric) (U 39 E)

Application 97-06-002
(Filed June 2, 1997;
amended April 6, 1998;
Petition filed
August 3, 1999)

OPINION

Pacific Gas and Electric Company (PG&E) seeks to modify Decision (D.) 99-02-033 to extend the time authorized in Ordering Paragraph 1 of the decision from six months to one year.

Discussion

On June 2, 1997, PG&E and Richard L. Wills and Donna M. Wills (Buyers) jointly filed an application for Commission approval for PG&E to sell two parcels of land located in Alameda County to Buyers. PG&E and Buyers amended the application on April 6, 1998. On February 4, 1999, the Commission approved the application in D.99-02-033, but stated that the authorization would expire if not exercised within six months.

Both PG&E and Buyers worked diligently to close the sale within the six-month period specified in the decision. The major hurdle in closing the sale is the City of Fremont's requirement that Buyers submit a site plan showing plans for circulation, parking, drainage, sewer, and water. PG&E and Buyers had anticipated that the City would approve the site plan within 30 days of its submission on March 31, 1999. However, the City did not complete its check of

the plan and parcel map until the second week of June 1999. Instead of approving the plan, the City required PG&E to acquire additional easements for access and drainage across Buyers' existing property, which lies adjacent to the property that they are acquiring from PG&E. In addition, the City required a few other miscellaneous changes be made to the parcel map.

The final parcel map was signed by PG&E on July 30, 1999 but the City required a "Guarantee of Title" from the title company before the parcel map would be accepted and recorded. That guarantee was provided to the City on August 2, 1999 and the map was signed by the City on August 3, 1999. Before PG&E can close the sale, however, the parcel map needs to be recorded and the grant deed completed.

PG&E believes that the proposed modification, which would extend the effectiveness of the decision to February 3, 2000, is in the public interest. The delay in closing the sale was due to circumstances unforeseen by both PG&E and Buyers. We concur that it is reasonable to modify D.99-02-033 as requested.

Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Finding of Fact

The local permitting process necessary to allow Buyers to purchase subject land located in Alameda County may last until February 4, 2000.

Conclusion of Law

It is reasonable to modify D.99-02-033 to extend the time limit delineated in Ordering Paragraph 1.

O R D E R

IT IS ORDERED that:

1. Ordering Paragraph 1 of Decision 99-02-033 is modified to extend the authorized time from six months to February 4, 2000.

2. This proceeding is closed.

This order is effective today.

Dated February 3, 2000, at San Francisco, California.

RICHARD A. BILAS

President

HENRY M. DUQUE

JOSIAH L. NEEPER

CARL W. WOOD

LORETTA M. LYNCH

Commissioners