

Decision 99-02-079 February 18, 1999

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Joint Application of Pacific Gas and Electric Company and Mt. Poso Cogeneration Company, L.P. for Order Approving Termination Agreement of ISO4 Power Purchase Agreement between Pacific Gas and Electric Company and Mt. Poso Cogeneration Company, L.P.

Application 98-10-030  
(Filed October 20, 1998)

(U 39-E)

**ORDER PURSUANT TO RULE 6.5 OF THE RULES OF PRACTICE AND PROCEDURE**

Rule 6.5 of the Rules of Practice and Procedure concerning changes in the need for hearing or preliminary categorization of a proceeding provides that:

- (b) If the assigned Commissioner, pursuant to Rules 6(a)(3), 6(c)(2), or 6(d), changes the preliminary determination on need for hearing, the assigned Commissioner's ruling shall be placed on the Commission's Consent Agenda for approval of that change.

Pursuant to Rule 6.1, the Commission has preliminarily determined in Resolution ALJ 176-3003 that the above-entitled matter is a ratesetting proceeding that was expected to go to hearing. By an assigned Commissioner's ruling dated January 22, 1999, the assigned Commissioner, Commissioner Neep, found the need for hearing determination should be changed.

Based on the outcome of the Prehearing Conference, the parties now agree that hearings are unnecessary. Therefore, the matters addressed in this decision are uncontested, and accordingly pursuant to Public Utilities Code § 311(g)(2), the otherwise applicable 30-day comment period for public review and comment is being waived.

We have considered our preliminary determinations in this matter and the assigned Commissioner's ruling.

**IT IS ORDERED** that:

1. This proceeding does not require that hearings be held.
2. Under Rule 6.6, this order is a final determination that a hearing is not needed in this proceeding.
3. Ex parte communications shall be permitted, as provided in Rule 7(e). In all other respects, the rules and procedures in Article 2.5 of the Commission's Rules shall cease to apply to this proceeding. However, the proposed schedule and scope of issues contained in the scoping memo shall continue to apply.

This order is effective today.

Dated February 18, 1999, at San Francisco, California.

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