

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



**FILED**

12-05-07  
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Petition of Peninsula Corridor Joint )  
Powers Board (Caltrain to Adopt, )  
Amend or Repeal a Regulation )      Petition No. 07-06-028  
Pursuant to Pub. Util. Code )      (Filed June 26, 2007)  
Section 1708.5 )  
\_\_\_\_\_ )

**MOTION TO DISMISS PETITION TO ADOPT GENERAL ORDER**

Pursuant to Public Utilities Code Section 1708.5 and applicable Rules of the Commission's Rules of Practice and Procedure, the Peninsula Corridor Joint Powers Board (Caltrain), a public agency formed pursuant to Government Code Section 6500 et seq., hereby requests the Commission to dismiss without prejudice its Petition to Adopt General Order (GOXX) ("Petition") filed June 26, 2007.

Caltrain's Petition requested this Commission to adopt a new General Order establishing rules of general applicability to commuter railroad systems proposing to undertake 25kV electrification projects to modernize their rail systems. Specifically, Caltrain planned to electrify its commuter rail system from the City of San Jose to its terminal at Fourth and Townsend Streets in San Francisco, a distance of 51.4 miles, and ultimately to extend its electrified system to the TransBay Terminal, about four miles from Caltrain's Fourth and Townsend terminal. This electrification project would modernize Caltrain's currently diesel-powered system and result in improved air quality and energy savings. Caltrain now respectfully requests this Commission to dismiss its Petition without prejudice.

The purpose of a General Order is to establish uniform rules, regulations and requirements relating to its subject matter. A General Order does not, in and of

itself, authorize an applicant to construct a project or to take any other specific action. Therefore, in order to meet Caltrain's schedule to have its electrified system completed and operational by 2014, Caltrain will file a formal application under Rule 2 of the Commission's Rules of Practice and Procedure requesting authority to depart from existing rules to allow for electrification of Caltrain's Peninsula Corridor on a project-specific basis. The "Administrative Law Judge's Ruling On Results Of Workshop And Establishing A Service List " (dated September 10, 2007) noted that Caltrain indicated at the workshop that such an application would be forthcoming. (Administrative Law Judge's Ruling On Results Of Workshop And Establishing A Service List (September 10, 2007), at p. 2.)

Caltrain has not filed for dismissal of its Petition until now, nor filed its application for Project approval, because it has not yet completed on-going discussions with certain interested parties concerning possible Project impacts. These discussion are proceeding and Caltrain expects to file its application for Project approval shortly. However, since the six-month period within which the Commission is required to take action on the Petition has nearly expired (See Section 1708.5(b)(1)), Caltrain files this motion to dismiss its Petition without prejudice.

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Accordingly, the Peninsula Corridor Joint Powers Board respectfully requests the Commission to dismiss the Board's Petition without prejudice.

Respectfully submitted,  
PENINSULA CORRIDOR JOINT  
POWERS BOARD

By: /s/ Michael N. Conneran

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Dated this 4<sup>th</sup> day of December, 2007 at San Francisco, California.

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CERTIFICATE OF SERVICE

I, the undersigned, declare that I am over the age of 18 and am not a party to this action. I am employed by Hanson, Bridgett, Marcus, Vlahos & Rudy and my business address is 425 Market Street, 26th Floor, San Francisco, CA 94105.

I hereby certify, pursuant to the Commission's Rules of Practice and Procedure, that on the date below I served a true copy, with all exhibits, of the following document(s):

**MOTION TO DISMISS PETITION TO ADOPT GENERAL ORDER**

on all interested parties shown on the attached service list either by transmitting copies via e-mail to all parties who have provided an e-mail address or by placing the above documents in the United States mail for First Class Mail delivery at San Francisco, California, in a sealed envelope addressed as above, with First Class Mail postage thereon fully prepaid if electronic service could not be effectuated.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. This declaration is executed in San Francisco, California, on December 5, 2007.

/s/ Carole Allen \_\_\_\_\_