

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's Own Motion into the Operations and Practices of The Pacific Gas and Electric Company in Connection with Public Utilities Code Section 451, General Order 95, and Other Applicable Standards Governing Tree-Line Clearances.

Investigation 98-09-007
(Filed September 3, 1998)

**ADMINISTRATIVE LAW JUDGE'S RULING
DENYING PG&E MOTION TO SHORTEN RESPONSE PERIOD**

On January 6, 2002, Pacific Gas and Electric Company (PG&E) filed its Petition for Modification of Decision (D.) 99-07-029, accompanied by its Motion to Shorten Time for Responses and Replies to Petition for Modification.

D.99-07-029 approved a settlement among four parties to the proceeding: PG&E, the Commission's Consumer Services Division (now Consumer Protection and Safety Division, or CPSD), William Adams, and James Weil. Four other parties neither joined nor opposed the settlement. In the Petition to Modify, PG&E seeks additional time to comply with settlement § 3(b), which required PG&E to fund a CPSD-managed independent audit of PG&E's vegetation management program. That audit was to have lasted for up to five years beginning 30 days after the date D.99-07-029 became final. PG&E's Petition to Modify indicates that the audit has not yet begun.

Under the Commission's Rules of Practice and Procedure, Rule 47(f), responses to petitions for modification must be filed and served within 30 days of the date the petition was served, and replies to responses within ten days

thereafter, unless the administrative law judge sets a different date. Through its Motion to Shorten Time for Responses and Replies to Petition for Modification, PG&E seeks to shorten those times to nine days and five days respectively. The only justification PG&E gives for shortening parties' response time is that the public and Commission will benefit from avoiding additional delay. PG&E does not indicate whether any other party is likely to support its Petition for Modification, or whether any other party was aware the Petition was to be filed. D.99-07-059 was issued more than three years ago, and PG&E has not explained (as required under Rule 47(d)) why the Petition could not have been presented within one year of the effective date of the decision. Considering the time already elapsed and the potential disadvantage to the non-moving parties of shortening the response period, PG&E's Motion will be denied.

IT IS RULED that the Motion of Pacific Gas and Electric Company to Shorten Time for Responses and Replies to Petition for Modification of Decision 99-07-029 is denied.

Dated January 9, 2003, at San Francisco, California.

/s/ JAMES C. McVICAR

James C. McVicar
Administrative Law Judge

I.98-09-007 JCM/k47

(415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.