

Decision 11-11-020

November 10, 2011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern California Edison Company (U 338-E) for a Certificate of Public Convenience and Necessity Concerning the Tehachapi Renewable Transmission Project (Segments 4 through 11).

Application 07-06-031
(Filed June 29, 2007)

ORDER GRANTING THE CITY OF CHINO HILLS' MOTION FOR PARTIAL STAY OF DECISION 09-12-044

On January 25, 2009, the City of Chino Hills ("Chino Hills") filed an Application for Rehearing and a Motion for Partial Stay of Decision ("D.") 09-12-044.¹ In today's order, we only address the Motion for Partial Stay.

In D.09-12-044, the Commission granted the application of Southern California Edison Company ("SCE") for a Certificate of Public Convenience and Necessity ("CPCN") to construct Segments 4 through 11 of the Tehachapi Renewable Transmission Project ("TRTP"), using the Environmentally Superior Alternative, and subject to the mitigation measures and other conditions described in the decision.

In its Motion for Partial Stay, Chino Hills requests the Commission to stay construction of Alternative 2 for Segment 8A of the Tehachapi Renewable Transmission Project ("TRTP") pending a Commission decision on Chino Hills' Application for Rehearing. Southern California Edison Company ("SCE") responded to the motion on February 6, 2010, opposing the stay request.

Pursuant to Public Utilities Code section 1735, our authority to grant a stay is discretionary. That section provides that a Commission decision is not stayed during the

¹ Applications for Rehearing of D.09-12-044 were also filed by Acton Town Council ("Acton") and Californians for Renewable Energy, Inc. ("CARE").

pendency of an application for rehearing, “except in such cases and upon such terms as the commission by order directs.” (Pub. Util. Code, § 1735.) Thus, the statute allows us broad discretion to issue stays of our decisions.

In deciding whether to issue a stay the Commission considers:

- (1) whether the moving party will suffer serious or irreparable harm if the stay is not granted;
 - (2) whether the moving party is likely to prevail on the merits of the application for rehearing;
 - (3) a balance of the harm to the moving party (or the public interest) if the stay is not granted and the decision is later reversed, against the harm to the other parties (or the public interest) if the stay is granted and the decision is later affirmed; and
 - (4) other factors relevant to the particular case.
- [Citations]

*(Pac-West Telecomm, Inc. v. Pacific Centrex Services, Inc., Order Granting Stay of .08-01-031 [D.08-04-044] (2008) 2008 Cal. PUC LEXIS 155, *4-*5.)*

We have carefully considered Chino Hills’ arguments in support of a stay, and have determined that a partial stay of the decision is warranted. SCE has already started construction on the TRTP. We believe it is appropriate to stay the decision as it relates to Segment 8A in order to preserve the status quo pending resolution of Chino Hills’ Application for Rehearing.²

Therefore, **IT IS ORDERED** that D.09-12-044 is stayed to the extent it applies to Segment 8A of the TRTP pending the Commission’s resolution of Chino Hills’ Application for Rehearing.

² We note that, in addition to the pending Application for Rehearing and related Motion for Partial Stay, Chino Hills’ has recently filed a Petition for Modification of D.09-12-044 to reopen the record regarding Segment 8 (filed October 28, 2011), and Petition for Modification to stay construction of the transmission facilities in segment 8A (filed October 31, 2011). This order does not consider or dispose of any issues raised by those petitions.

This order is effective today.

Dated November 10, 2011, at San Francisco, California.

MICHAEL R. PEEVEY

President

TIMOTHY ALAN SIMON

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

MARK J. FERRON

Commissioners