

CERTIFIED FOR PARTIAL PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

MILTON WISE et al.,
Plaintiffs and Appellants,
v.
PACIFIC GAS AND ELECTRIC
COMPANY,
Defendant and Respondent.

A093538

**(San Francisco County
Super. Ct. No. 993703)**

ORDER MODIFYING OPINION

The opinion filed September 12, 2005, is modified as follows:

- 1) On page 11, delete roman numeral I. before *Standard of Review*.
- 2) On page 11, delete roman numeral II. and replace it with roman numeral I. as follows:
 - I. *The PUC's Decision to Close Its Investigation of the GRRP Ratepayer Funding Issues Raised in the Carey Case Does Not Preclude the Instant Action.*
- 3) On page 25, the DISPOSITION should read as follows:

The judgment is reversed and remanded for further proceedings consistent with this opinion. Appellants shall recover costs on appeal.

- 4) This modification does not change the judgment.

Dated: _____

JONES, P.J.

Trial judge:

Hon. David A. Garcia

Trial court:

San Francisco Superior Court

Counsel for plaintiffs
and appellants:

Popelka * Allard, Bernard J. Allard,
Joseph H. Ainley, and Jeffrey Lochner

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