

OCT. 21 1992

Decision 92-10-039 October 21, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PACIFIC GAS AND ELECTRIC COMPANY to permit the use of certain of its right of way and to allow use of and access to certain other of its properties and facilities by MCI Telecommunications Corporation, in accordance with the terms of a right of way agreement dated as of February 19, 1992.

(Electric) (U 39 E)

ORIGINAL

Application 92-04-011 (Filed April 7, 1992)

OPINION

Ordering Paragraph 4 of Decision (D.) 92-07-007 directed Pacific Gas and Electric Company (PG&E) and the Commission's Division of Ratepayer Advocates (DRA) to confer and to propose certain guidelines on notification and accounting treatment. The guidelines were to be designed to help ensure that ratepayers receive the full benefits of PG&E's Right of Way Agreement with MCI Telecommunications Corporation (MCI).

PG&E filed proposed accounting and notification guidelines on July 31, 1992. DRA's response of August 28 states its concurrence with the proposed guidelines.

We will approve the proposed guidelines with one minor modification. The proposed guidelines require filings and notifications to be made under specified circumstances with the assistant directors for telecommunications of the Commission Advisory and Compliance Division and the Division of Ratepayer Advocates. We will modify the proposed guidelines to reflect the correct title (deputy director) of these positions and to direct these filings to the deputy directors in charge of energy matters. These deputy directors have more immediate interest in PG&E's activities than do the deputy directors for telecommunications. The guidelines, as modified, meet the concerns stated in

D.92-07-007, which were originally raised by DRA. The adopted guidelines are set forth in Appendix A.

Findings of Fact

1. PG&E and DRA propose accounting and notification guidelines to apply to PG&E's Right of Way Agreement with MCI.
2. The proposed guidelines, with minor modifications, address the concerns raised in D.92-07-007 and will help ensure that ratepayers receive the full benefits of the Right of Way Agreement.
3. Nothing further remains to be done in this proceeding.

Conclusions of Law

1. The guidelines stated in Appendix A should apply to PG&E's Right of Way Agreement with MCI.
2. This proceeding should be closed.

ORDER

IT IS ORDERED that:

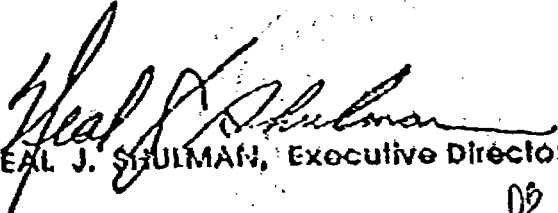
1. The guidelines stated in Appendix A shall apply to the Right of Way Agreement dated February 19, 1992, between Pacific Gas and Electric Company and MCI Telecommunications Corporation.

2. Application 92-04-011 is hereby closed.

This order becomes effective 30 days from today.

Dated October 21, 1992, at San Francisco, California.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY


NEAL J. SCHULMAN, Executive Director

DANIEL Wm. FESSLER
President
JOHN B. OHANIAN
PATRICIA M. ECKERT
NORMAN D. SHUMWAY
Commissioners

APPENDIX A
Page 1

ACCOUNTING AND NOTIFICATION GUIDELINES

The following accounting and notification guidelines shall be observed by Pacific Gas and Electric Company (PG&E) in connection with the Right of Way Agreement with MCI Telecommunications Corporation (MCI) approved by the Commission in Decision (D.) 92-07-007.

Notification Guidelines

- All substantive amendments to or extensions of the Agreement shall be filed with the Commission's Division of Ratepayer Advocates' (DRA) and the Commission Advisory and Compliance Division's (CACD) deputy directors with responsibility for energy matters (under seal, if appropriate), within 30 days following the execution of such amendments.
- PG&E shall notify the DRA and CACD deputy directors with responsibility for energy matters, in writing, of any changes to plant in service resulting from implementation of the Agreement within 60 days of any such change.
- PG&E shall notify the DRA and CACD deputy directors with responsibility for energy matters, in writing, if any right of way which is the subject of the Agreement ceases to be used and useful for the provision of gas or electric service or if the right of way segments which are the subject of the Agreement change, within 30 days of any such event.
- If any non-utility affiliate of PG&E makes use of any of the telecommunications capacity provided by MCI to PG&E pursuant to the agreement approved in D.92-07-007, PG&E shall so notify the DRA and CACD

APPENDIX A
Page 2

deputy directors with responsibility for energy matters, in writing, at least 60 days prior to the commencement of such non-utility affiliate use. The required notification shall include a specification of the rates to be charged to the non-utility affiliate and the accounting principles which will be used to track costs and payments.

Accounting Guidelines

- PG&E shall identify each route segment developed and used by MCI pursuant to the Agreement as a separate "Job" for purposes of PG&E's internal Job Accounting System. PG&E shall track all costs and revenues associated with each Job under the Agreement and shall file such information with the Commission as part of its General Rate Case, under seal, if appropriate.

(END OF APPENDIX A)