

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking into
Implementation of Assembly Bill 1149, Regarding
Underground Electric and Communications
Facilities.

Rulemaking 00-01-005

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING NOTICE OF AVAILABILITY,
PUBLIC PARTICIPATION HEARINGS,
COMMENTS TO THE WORKSHOP REPORT, AND
SCHEDULING OF PREHEARING CONFERENCE**

On January 6, 2000, the Commission instituted a rulemaking into the implementation of Assembly Bill (AB) 1149, (Stats. 1999, Ch. 844) which requires the Commission to conduct a study as to ways to amend, revise, and improve the rules for the conversion of existing overhead electric and communications lines to underground service. The Commission must submit a report to the Legislature on this study by January 1, 2001. To conduct the study, the Commission bifurcated the process into phases: Phase 1 involves workshops conducted by the Energy Division and six Public Participation Hearings (PPHs); and Phase 2 will focus on narrowing the issues into a recommendation to the Commission and a report to the Legislature. The workshops were designed to encourage discussion by the interested stakeholders on which issues should be addressed in this rulemaking and in what priority. Respondent electric and communications facilities have been active participants in the workshops.

The Energy Division will now prepare a workshop report. The Commission will allow any party wishing to file comments on what should or should not be considered in this report to do so by April 25, 2000. Replies, if any, should be filed by May 8, 2000. The draft workshop report will be circulated for comments in June 2000. The final report is expected in July 2000.

The Commissioner and I will begin Phase 2 of the study once the six scheduled PPHs are complete. We have scheduled a Prehearing Conference (PHC) for August 1, 2000, at 10:00 a.m., and the Commissioner will issue a scoping memo in advance of that date. The scoping memo will incorporate the information from the Workshop Report as well as from the PPHs so the Commission can advise the Legislature what improvements or revisions the stakeholders, respondents, and the public want to the undergrounding conversion rules. The scoping memo will provide the focus for Phase 2 of the Commission's study.

Master Data Requests

The workshops have resulted in five agreed upon Master Data Requests. By early April 2000, Respondents should have stated when they will respond to all or parts of these Data Requests. Respondents San Diego Gas & Electric Company, Southern California Edison Company, and Pacific Gas and Electric Company should produce their respective project by project cost data.

Notice of Availability

Because of the enormity of many of the data responses and the size of the service list, I will relieve Respondents from the obligation to serve all parties, and, pursuant to Rule 2.3(c)¹ will allow Respondents to serve a Notice of

¹ California Public Utilities Rules of Practice and Procedure.

Availability in lieu of all or part of the document. If Respondents avail themselves of the Notice of Availability, they must comply with Rule 2.1(a) and serve all parties, both those on electronic service and those on mail service, with the document's exact title, indicate which data request is being answered, and summarize the contents of the response. The Notice must state that a copy of the document will be served at the request of the party receiving the Notice and must state the name, telephone number, facsimile transmission number, if any, and e-mail address (if available), of the person to whom such requests should be directed. The party sending the Notice must serve any party making such request within one business day after receipt of the request.

The original document and copies filed with the Commission, including the Energy Division, must be complete (see Rule 2.5). A copy of the complete document must be served on any party who has previously informed the serving party of its desire to receive a complete copy. The Commissioner and I do not need to receive the Data Requests or responses.

Public Participation Hearings

Six PPHs have been noticed for the purpose of gathering information from the public on undergrounding and ways to amend, revise, and improve the existing rules. The PPHs are scheduled as follows:

Fresno, California

May 30, 2000 - 4:00 p.m. to 7:00 p.m.
Fresno Convention Center
700 "M" Street

Los Angeles, California

June 1, 2000 - 4:00 p.m. to 7:00 p.m.
William Bristol Civic Auditorium
16600 Civic Center Drive, Bellflower

Eureka, California

June 5, 2000 - 4:00 p.m. to 7:00 p.m.
Board of supervisors Chamber
825 5th Street

Oakland/Berkeley, California

June 20, 2000 - 4:00 p.m. to 7:00 p.m.
Elihu M. Harris State Building Auditorium
1515 Clay Street

San Diego, California

June 26, 2000 - 4:00 p.m. to 7:00 p.m.
Al Bahr Shrine Auditorium
5440 Kearny Mesa Road

Sacramento, California

July 17, 2000 - 4:00 p.m. to 7:00 p.m.
Employment Development Department Auditorium
722 Capitol Mall

Details on the exact locations and times will be mailed to customers in the form of a bill insert by respondent electric and communications facilities and will be available on the Commission's web page under Daily Calendar.

Prehearing Conference

A preliminary PHC was held on February 10, 2000. A second PHC is scheduled for August 1, 2000, at 10:00 a.m., in the Commission Courtroom, State Office Building, 505 Van Ness Avenue (at McAllister), San Francisco, California.

At this PHC the Commissioner will determine if additional rounds of comments are appropriate, or if formal hearings involving legislative facts are necessary. Dates will be established at that time. A scoping memo will issue in advance of the August 1, 2000 PHC.

Dated April 10, 2000, at San Francisco, California.

Carol A. Brown
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge’s Ruling Regarding Notice of Availability, Public Participation Hearings, Comments to the Workshop Report, and Scheduling of Prehearing Conference on all parties of record in this proceeding or their attorneys of record.

Dated April 10, 2000, at San Francisco, California.

Mae F. Dyson

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission’s policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the event.