
Public Utilities Commission of the State of California

***Public Agenda 2979
Wednesday, November 5, 1997, 10 a.m.
San Francisco, California***

Commissioners
P. Gregory Conlon, President
Jessie J. Knight, Jr.
Henry M. Duque
Josiah L. Neeper
Richard A. Bilas

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings
AUDITORIUM
505 Van Ness Avenue, San Francisco

Wednesday, November 19

Wednesday, December 3
Tuesday, December 16

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.



This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the meeting.

PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
- CA-16

CONSENT AGENDA

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

- CA-1 A97-06-045 - Hillcrest Water Company (Hillcrest) and Daryl E. Morrison.
For authority to pledge all of the shares of Hillcrest to Feather River State
Bank as security for a loan. Granted. This proceeding is closed.
(Com Duque - ALJ Rosenthal)
(Section 311)
- CA-2 Moved to Item 16 on the agenda.
This revision was not listed on the agenda distributed to the public.

- CA-3 A94-12-029 - Santa Clara Valley Transportation Authority (formerly Santa Clara County Transit District). For authority to construct pedestrian crossings of its tracks and the tracks of the Peninsula Corridor Joint Powers Board near Castro Street in Mountain View, Santa Clara County. Granted. This proceeding is closed.
(Exam Koss)
- CA-4 A97-04-031 - City of Stockton (City). For authority to construct March Lane at separated grades across the tracks of Union Pacific Railroad Company in Stockton, San Joaquin County. Granted. The City is also authorized to install a shoofly track and temporary crossings during construction. Upon completion of the underpass, the temporary crossings, existing March Lane grade crossing (Crossing 4-97.1) shoofly tracks shall be physically removed. This proceeding is closed.
(Exam Koss)
- CA-5 A97-02-042 - Wondewossen Mekbib, dba Green Earth Airport Shuttle. For authority to operate as an on-call passenger stage between the City of San Francisco and San Francisco International Airport. Granted. This proceeding is closed.
(Exam Koss)
- CA-6 A97-06-054 - Eissa Hassan Mohammaed, Ahmed Mohamed Zarroug, Kmel Sadek Bashir and Mowafi Mohamed Ginawi, dba International Shuttle, and Seyd M. Saidi, dba International Shuttle. For authority to transfer a certificate of public convenience and necessity as airport shuttle to and from Oakland International Airport. Granted. This proceeding is closed.
(Com Neeper - ALJ Rosenthal)
- CA-7 Res T-16089 - Pacific Bell. Request for approval of an administrative budget for the California High Cost Fund (CHCF) also known as the California High Cost Fund A (CHCF-A) for 1997. Advice Letter 18507 as supplemented requests an administrative budget of \$115,500 to be paid out of the CHCF/CHCF-A.
(Advice letter 18507, filed October 1, 1996)

- CA-8 Res W-4077 - Baycliff Water Company. Order authorizing a general rate increase producing additional annual revenues of \$10,430 or 85.21% in 1997.
- CA-9 A91-03-057 - KVS, Inc. For a hearing on the Commission Resolution CE 12-90 suspending carrier operations for failure to comply with various citations. Petition for modification of D91-08-001 is moot. This proceeding is closed.
(Com Conlon - ALJ Wright)
- CA-10 A97-07-040 - SA Telecommunications, Inc. (SA) and AddTel Communications, Inc. (AddTel). For approval of agreement for SA to purchase 100% of AddTel's issued and outstanding stock. Following purchase, AddTel will be a wholly-owned subsidiary of SA and will continue to provide interLATA service as a switchless reseller in its current name. AddTel's certificate of public convenience and necessity (D93-03-016) will not be transferred to SA, but will remain in AddTel's name. This proceeding is closed.
(Com Knight - ALJ Ramsey)
- CA-11 A97-08-051 - San Diego Gas & Electric Company (SDG&E). For authority to issue short-term obligations in the form of promissory notes and commercial paper in the aggregate principal amount up to \$200,000,000 until December 31, 2002. Granted. This authorization is in addition to the aggregate principal amount of notes otherwise authorized without Commission approval by Public Utilities Code Section 823 (c). This proceeding is closed.
(Exam Evans)
- CA-12 Res T-16087 - Pacific Bell (Pacific). Request for approval of an interconnection agreement between Fred Daniel d/b/a Orion Telecom and/or C-Fone and Pacific pursuant to Section 252 of the Telecommunications Act of 1996. Granted.
(Advice Letter 18978, filed August 12, 1997)

- CA-13 A95-11-057 - San Diego Gas & Electric Company, Southern California Edison Company, and Pacific Gas and Electric Company. For an order approving modification to Uniform Standard Offer No.1 and Standard Offer No.3 and modifications to Uniform Standard Offer No.1. A96-01-008, A96-01-014 - Related matters. Certain broadly applicable proposals to change the methodology for setting as-available capacity payments which are required under Uniform Standard Offer 1 and Standard Offer 3 are found to exceed the limited scope of this proceeding and are not considered herein. D96-10-036 contemplated setting capacity payments for new standard offers at zero during 1997, but the Commission is now persuaded that resolution of disputed factual questions requires a procedural schedule which is inconsistent with the limited time contemplated for applicability of the policy change. This decision tables consideration of the proposed policy modification and orders closure of the proceeding, while recognizing that a proceeding addressing the broader policy issues associated with as-available capacity payments would be appropriate. This proceeding is closed.
(Com Knight - ALJ Wetzell)
- CA-14 A96-02-056 - Southern California Edison Company (Edison). For authority to modify D96-12-083 (our decision regarding cost recovery for Palo Verde Nuclear Generating Station) so that it may recover \$1.7 million of administrative and general expenses annually thru 2001. Granted. The \$1.7 million had not been included in the Palo Verde costs authorized in D96-12-083. This proceeding is closed.
(Com Duque - ALJ Barnett)
- CA-15 A97-07-019 - Dial-A-Ride Transit Systems, Inc. For authority to operate an on-call passenger stage corporation between the cities or communities of Anaheim, Buena Park, Costa Mesa, Irvine, Laguna Hills, Laguna Beach, and Newport Beach, on the one hand, and Los Angeles Harbor, Los Angeles International and John Wayne Airports, on the other hand. Granted. This proceeding is closed.
(Exam Koss)

- CA-16 C96-12-052 - Richard D. Corson, Juanita A. Corson and Richard DeWorken vs. Pacific Bell Telephone Company. This decision finds that the complainants have not shown that they were not provided with private line services. This complaint is denied. This proceeding is closed.
(Com Duque - ALJ Stalder)
- CA-17 A96-07-009 - Southern California Edison Company (Edison). For authority to adopt the performance based ratemaking and incentive based ratemaking mechanisms specified in D.95-12-063, as modified by D.96-01-009, and related changes. A96-07-028 - Related matters. The Commission determines that the proposal of Edison for approval of a contingency cost recovery plan that would remain in effect while divestiture of its non-must-run gas-fired generating plants is pending is not permitted under governing statutes. The proposal is dismissed, since the Commission does not have authority to approve it.
(Com Duque - ALJ Wetzell)
- CA-18 A97-07-004 - MTX, Inc. (MTX) and ConnectOne Communications Corporation. For authority to acquire MTX's customer base. MTX's public convenience and necessity suspended for one year at expiration of which period it will be considered voluntarily surrendered and cancelled. Granted. This proceeding is closed.
(Com Bilas - ALJ Ramsey)
- CA-19 A96-03-051 - Pacific Gas and Electric Company (PG&E). For authority to sell the Placer County Canal System to Placer County Water Agency pursuant to Public Utilities Code Section 851. Granted. Protest of Simpson Ranch, a California Limited Partnership, denied as the relief requested is unnecessary to preservation of protestant's rights.
(Com Duque - ALJ Wright)

REGULAR AGENDA

UTILITY AND TRANSPORTATION ORDERS

ORDERS HELD OVER

- H-1 R_____ - Order instituting rulemaking on the Commission's own motion into the statewide expansion of public policy pay telephones. I_____ - Related matter. The Commission institutes a rulemaking and companion investigation into the statewide expansion of public pay phones.
(Agenda 2977, Item 5, 10/9/97; Req - Commission)
- H-2 A96-02-030 - Catalina Explorer Co., Inc. For a certificate of public convenience and necessity to operate as a vessel common carrier between Dana Point and Avalon. A96-04-013 - Related matter. This decision addresses two consolidated applications for authority to operate vessel common carrier services between Santa Catalina Island and the California mainland. These two applications are granted in part and denied in part. These proceedings are closed.
(Com Neeper - ALJ Ryerson)
(Section 311)
(Agenda 2976, Item 1, 9/24/97; Agenda 2977, Item H-8, 10/9/97; Agenda 2978, Item H-8, 10/22/97; Req - Commission)
- H-2a ALTERNATE ORDER TO ITEM H-2. This alternate order grants the Application of Island Navigation in full, and grants the application of Catalina Explorer in part. This proceeding is closed.
(Com Knight/Bilas)
- H-3 A96-12-047 - GTE Card Services Incorporated. For authority to expand its certificate of public convenience and necessity to operate as a facilities-based provider of local exchange services with the territories of GTE California and Pacific Bell. Granted. This proceeding is closed.
(Com Neeper - ALJ Watson)
(Agenda 2976, Item CA-5, 9/24/97; Agenda 2978, Item H-1, 10/22/97; Req - Commission)

H-3a
(Rev.)

ALTERNATE ORDER TO ITEM H-3. This alternate order grants GTE Card Services' request to offer facilities-based local exchange services in Pacific Bell's territory. The application is remanded to the ALJ for the purpose of determining whether and how GTE Card Services should be permitted to compete with GTE-California, its regulated dominant local exchange service affiliate, on a facilities-based basis.

(Com Conlon)

This revision was not listed on the agenda distributed to the public.

- H-4 C95-08-039 - Bayside Village, The Fillmore Center and North Point Apartments vs. Pacific Bell (Pacific). This decision finds that Pacific has violated Public Utilities Code Section 532 and D92-01-023 by charging customers and property owners for work on certain telephone facilities referred to as cross-connects. The Commission has defined cross-connects as utility property and not, as Pacific asserts, inside wire which is unregulated. Pursuant to D92-01-023, Pacific is responsible for all work on cross-connects. Pacific's tariffs do not permit Pacific to charge customers for such work. The decision orders Pacific to cease immediately from charging all customers and property owners for work on cross-connects, to proceed to refund past overcharges to complainants and their tenants, and to propose a process for identifying and notifying property owners and customers who may have been charged in error for work on cross-connects. (Com Knight - ALJ Wong)
(Agenda 2977, Item 1, 10/9/97; Agenda 2978, Item H-10, 10/22/97; Req - Commission)
- H-4a ALTERNATE ORDER TO ITEM H-4. This decision finds that Pacific Bell's (Pacific) tariffs and D.92-01-023 are ambiguous concerning the definition of "minimum point of entry" that determines who bears responsibility for ensuring that cross connections from Pacific's network access terminal to the property's building entrance terminal. Since ambiguous tariff provisions are construed strictly against the utility and any doubt resolved in favor the customer, the decision orders Pacific to refund past overcharges to these complainants and their tenants. Furthermore, since the utility disconnects and reuses cross-connects from a disconnected service, the decision imposes on Pacific the obligation to reconnect cross connections form the network access terminal to the building entrance terminal as needed when establishing new service.
(Com Duque)
- H-5 A97-04-039 - San Diego Gas & Electric Company (SDG&E). For an order under Section 701 of the Public Utilities Code granting SDG&E permission to use Financial Energy Commodity Derivative Transactions. Denied. This proceeding is closed.
(Exam Clanon)
(Agenda 2977, Item 9, 10/9/97; Agenda 2978, Item H-14, 10/22/97; Req - Commission)

- H-5a ALTERNATE ORDER TO ITEM H-5. In this decision, we grant conditional authority to San Diego Gas & Electric Company (SDG&E) to use energy-related derivative financial instruments (derivatives), including but not limited to futures contracts, forward contracts, options, and swaps, to manage gas and electric price risk volatility.
(Com Neeper)
(Agenda 2978, Item H-14a, 10/22/97; Reg - Commission)
- H-6 A96-11-047 - Southern California Edison Company (Edison). For Section 376 treatment of transmission facility upgrades. The application of Edison for an order from this Commission finding that the costs of certain transmission facility upgrades fall within the scope of Public Utilities Code § 376 because construction of those upgrades would reduce the need for must-run generation, further the unbundling of generation from transmission, promote competition over regulation in the generation market, and facilitate rapid generation divestiture is denied. This proceeding is closed.
(Com Conlon - ALJ Careaga)
(Agenda 2971, Item 3, 6/11/97; Agenda 2972, Item H-10, 6/25/97; Agenda 2973, Item H-10, 7/16/97; Agenda 2974, Item H-11, 8/1/97; Agenda 2975, Item H-9, 9/3/97; Agenda 2977, Item H-1, 10/9/97; Agenda 2978, Item H-6, 10/22/97; Req - Commission)
- H-6a ALTERNATE PAGES TO ITEM H-6. This alternate finds that programs that further the achievement of electric restructuring goals are eligible for Section 376 treatment even if they are not strictly necessary to implement Direct Access, the Power Exchange or the Independent System Operator. Southern California Edison Company's claimed benefits for the project that it would reduce the need for must-run generation, further the unbundling of generation from transmission, promote competition in the generation market, and facilitate rapid divestiture of generation would further ("accommodate") the goals of restructuring. The alternate finds therefore that to the extent these benefits are true, the project is eligible for Section 376 treatment.
(Com Conlon)
(Agenda 2974, Item H-11a, 8/1/97; Agenda 2975, Item H-9a, 9/3/97; Agenda 2977, Item H-1a, 10/9/97; Agenda 2978, Item H-6a, 10/22/97; Req - Commission)

- H-6b ALTERNATE ORDER TO ITEM H-6 and H-6a. This decision makes a preliminary finding that PU Code Section 376 does not apply to the proposed transmission facility upgrades of Southern California Edison Company. The generic issue of which costs are eligible for Section 376 treatment is the subject of Phase 3 of the transition cost proceeding or its successor proceeding.
(Com Duque)
(Agenda 2977, Item H-1b, 10/9/97; Agenda 2978, Item H-6b, 10/22/97; Req - Commission)
- H-7 A96-11-020 - Pacific Gas and Electric Company (PG&E). For authority to sell certain generating plants and related assets pursuant to Public Utilities Code Section 851. PG&E shall require as a condition of sale of the Moss Landing Power Plant and Oakland Power Plant, that the successful bidder enter into an agreement with the Independent System Operator (ISO) substantially in the form filed by the ISO with the Federal Energy Regulatory Commission on March 31, 1997 or provide a certificate of the ISO to the effect that it has determined that the related plant is not required for the ISO's purposes. PG&E shall require the successful bidder to disclose to the Commission all other generation assets in California under common ownership or control with the bidder. PG&E shall require the successful bidder to enter into an Operation and Maintenance Agreement substantially in the form attached to its application.
(Com Bilas/Conlon - ALJ Careaga)
(Agenda 2978, Item 11, 10/22/97; Req - Commission)

ORDERS

- 1 A95-05-030 - Roseville Telephone Company. For authority to restructure intrastate rates and charges and to implement a new regulatory framework for telephone services furnished within the State of California. I95-09-001 - Related matter. This decision grants Roseville Telephone Company's petition for modification. Roseville's CHCF-B surcredit shall be eliminated and surcharge of 2.775% shall be applied. This proceeding remains open for consideration of service quality and Roseville's application for rehearing.
(Com Conlon - ALJ Mattson)
(Section 311)

- 2 I97-04-045 - Investigation on the Commission's own motion into the operations, practices, and conduct of Brittan Communications International Corp. (BCI) to determine whether it has violated the laws, rules and regulations governing the manner in which California consumers are switched from one long distance carrier to another This interim order concludes that it is in the public interest to continue to restrain respondent from submitting changes to a customer's presubscribed interexchange carrier or selling its customer base until this proceeding is completed. We conclude that there is insufficient evidence showing a need to modify or cancel the preliminary injunction. We do not find that respondent should post a bond to ensure compliance with any final Commission orders in this proceeding because respondent currently refunds all charges to most customers who allege their service was switched.
(Com Duque - ALJ Bennett)
(Section 311)

- 3 R88-08-018 - Order Instituting Rulemaking into natural gas procurement and reliability issues. R90-02-008 - Related matter. This decision grants Southern California Gas Company's petition to modify D90-09-089 with regard to its gas balancing rules to provide additional incentives for gas shippers to deliver gas supplies which are adequate to serve their individual usage.
(Com Conlon - ALJ Malcolm)

- 4 A96-12-045 - GTE California Incorporated and Contel of California, Inc. For approval of elimination of charges for Nonpublished/Nonlisted services and offsetting increase of rates for residential flat and measured services. This decision finds the market for applicants' local telephone service is competitive within the terms of Public Utilities Code Section 2893(e). This application is dismissed. This proceeding is closed.
(Com Knight - ALJ Mattson)
(SB 960 Experiment: Ratesetting Category)
- 5 A94-08-027 - Southern California Edison (Edison). For approval of a self-generation deferral agreement between Union Oil Company of California and Edison. Petitions to modify Decision 95-06-055 to permit it to roll back the 25% shareholder funding of a cogeneration deferral contract and to permit 100% ratepayer funding of the contract. Edison believes that this change was mandated by the Legislature as part of electric industry restructuring. This decision denies the petition to modify on grounds that Edison has failed to show that the relevant statute requires such a rollback for the single Edison contract sought to be modified. This proceeding is closed.
(Com Conlon - ALJ Walker)
- 6 A96-08-040 - AT&T Communications of California, Inc. (AT&T). For arbitration pursuant to Section 252 of the Federal Telecommunications Act of 1996 to establish an interconnection agreement with Pacific Bell. This decision disposes of the petition for modification of Decision 96-12-034 filed by AT&T regarding access charges imposed in addition to unbundled network element charges. This proceeding is closed.
(Com Duque - ALJ Mattson)
This item was not listed on the agenda distributed to the public.
- 6a ALTERNATE ORDER TO ITEM 6. This alternate denies the petition for modification with respect to the assessment of the intrastate, but grants with respect to the interstate, access charge added to unbundled network element charge in the provision of unbundled switching. This proceeding is closed.
This item was not listed on the agenda distributed to the public.
- 6b ALTERNATE ORDER TO ITEM 6. This alternate denies the petition for modification. This proceeding is closed.
This item was not listed on the agenda distributed to the public.

- 7 R84-12-028 - Rulemaking on the Commission's own motion for purposes of compiling the Commission's rules of procedure in accordance with Public Utilities Code Section 322 and considering changes in the Commission's Rules of Practice and Procedure. This decision makes minor changes to final SB 960 rules, as set forth in Decision 97-07-065. Comments on these changes are due within 15 days.
(Com Neeper - ALJ Kotz)

- 7a ALTERNATE PAGES TO ITEM 7. Alternate differs from Item 7 regarding requirements for Commissioner “presence” with respect to certain hearings and final oral arguments.
(Com Neeper - ALJ Kotz)
- 8 R94-04-031 - Order instituting rulemaking on the Commission’s proposed policies governing restructuring California’s electric service industry and reforming regulation. I94-04-032 - Related matters. This decision addresses disputed issues related to 1) the transfer of funding from Southern California Edison Company (SCE), Pacific Gas and Electric Company and San Diego Gas & Electric Company to the California Energy Commission (CEC) for research, development and demonstration (RD&D) and 2) funding responsibilities for renewable energy sources. We grant SCE’s June 3, 1997 Petition For Modification of Decision (D.) 97-04-044 and Clarification of Commission RD&D Balancing Account Policy. We clarify that beginning January 1, 1998, funding for public interest RD&D will be transferred to the CEC from the utilities’ authorized RD&D balancing account funds. We find that this clarification is consistent with the intent of D.97-04-044. We also find that all three utilities are responsible under Public Utilities Code Section 381(d) to contribute a pro rata share of any amounts collected during the first quarter of 2002 in order to provide \$540 million in total funding for renewables. This decision also approves the Low Income Governing Boards’s (LIGB) September 19, 1997 proposal to add two public members, increasing the number of public members on the LIGB to eight. Within 20 days of the effective date of this decision, individuals interested in serving on the LIGB should submit a letter with a summary of their qualifications to the LIGB and the Commission, as described in this decision.
(Com Neeper - ALJ Gottstein)
- 9 A95-02-011 - GTE California Incorporated (GTEC) and Pacific Bell (Pacific). Application pursuant to D.90-10-039, for modification of D.88-09-030 and D.89-12-048 to eliminate the requirement for annual rate adjustment filings to reflect the impact of the Uniform System of Accounts rewrite and for modification of Resolution T-15696 to eliminate the Uniform System of Accounts adjustment required therein of \$11.527 million for 1995. A95-05-018 - Related matter. This decision grants GTEC’s and Pacific’s petition to modify D.96-11-006 by suspending any further Uniform System of Accounts rewrite step-down rate reductions until the Commission rules on the merits of the utilities’ applications for authority to eliminate their annual step-down reductions.
(Com Conlon - ALJ Galvin)

- 10 R95-04-043 - Order instituting rulemaking on the Commission's own motion into competition for local exchange service. I95-04-044 - Related matter. This decision affirms the obligation of all telecommunications carriers to route and terminate calls of other carriers irrespective of whether they are satisfied with underlying intercarrier compensation arrangements. Separate procedural remedies are available to resolve inequities in compensation. This issue grew out of the disputes in the separate complaint case of Pac-West Telecomm, Inc. dealing with inconsistencies in the rating and routing of calls.
(Com Conlon - ALJ Pulsifer)
- 11 R94-04-031 - Order instituting rulemaking on the Commission's proposed policies governing restructuring California's Electric Services Industry and Reforming Regulation. I94-04-032 - Related matter. This decision addresses the proposals contained in the July 25, 1997 workshop report on meter and data communications standards, as well as the July 25, 1997 workshop reports on retail settlements and information flow and the related supplements.
(Coms Knight/Neeper - ALJ Wong)
- 12 A97-10-032 - Pacific Gas and Electric Company (PG&E). For authority to immediately suspend PG&E's G-XF tariff, offering from gas transportation services on Line 401.
(Com Bilas - ALJ Malcolm)
- 13 R95-04-043 - Order instituting rulemaking on the Commission's own motion into competition for local exchange service. I95-04-044 - Related matters. This decision modifies Ordering Paragraph 4 of Decision 97-04-046 which requires a \$2,000 deposit from Competitive Local Carriers (CLCs) filing petitions for facilities-based Certificate of Public Convenience and Necessity (CPCN) authority within California to cover the Commission's costs of complying with the California Environmental Quality Act. The modification relieves CLCs from complying with the Ordering Paragraph if they are seeking CPCN for authority only within the territories of Roseville and/or Citizens Telephone Company.
(Com Conlon - ALJ Pulsifer)

- 14 A96-12-009 - Pacific Gas and Electric Company (PG&E). For authority to identify and separate components of electric rates, effective January 1, 1998. A96-12-011, A96-12-019 - Related matters. This decision addresses two petitions to modify Decision 97-08-056 with regard to the method of calculating the Competition Transition Charge on customer bills. The decision declines to adopt any substantive changes to the method at this time.
(Coms Duque/Conlon - ALJ Malcolm)
- 15 A96-12-009 - Pacific Gas and Electric Company (PG&E). For authority to identify and separate components of electric rates, effective January 1, 1998. A96-12-011, A96-12-019 - Related matters. This decision resolves three petitions to modify D.97-08-056 filed by PG&E, Southern California Edison Company, and Enron/NEV, respectively. We adopt several modifications to D.97-08-056, all of which clarify the intent of the order. We reject all proposals which would reverse substantive determinations of the decision which have already been thoroughly considered and all proposals which are not fully supported by the existing record. This proceeding is closed.
(Coms Duque/Conlon - ALJ Malcolm)
- 16 I96-02-043 - Communication TeleSystems International (CTS).
Investigation on the Commission's own motion into the operations, practices, and conduct of CTS and Edward S. Soren, President of CTS to determine whether they have complied with the laws, rules, regulations and applicable tariff provisions governing the manner in which California consumers are switched from one long-distance carrier to another, and other requirements for long distance carriers. This decision denies motion of CTS to sanction Greenlining for sending a letter to CTS's attorneys which attempted to change their representation of CTS. Decision does, however, disallow Greenlining's intervenor compensation request for the time spent on the letter and resulting litigation.
(Com Neeper - ALJ Bushey)
(Section 311)
This item appeared as CA-2 on the agenda distributed to the public.

UTILITIES RESOLUTIONS***ENERGY MATTERS***

- E-1 Res G-3226 - Southern California Gas Company. Requests to establish a memorandum account to record and track intervenor compensation payments authorized by the Commission. Approved.
(Advice Letter 2478-G, filed February 7, 1996)
- E-2 Res E-3506 - Southern California Edison Company. For approval of recovery of costs of acquiring risk management tools under California Public Utilities Code Section 368(c) and D96-12-077. Denied without prejudice.
(Advice letter 1247-E, filed August 22, 1997)
(Agenda 2978, Item E-1, 10/22/97; Req - Commission)
- E-2a ALTERNATE RESOLUTION TO E-2. This alternate resolution approves Southern California Edison Company's derivatives advice letter, with conditions.
(Agenda 2978, Item E-1a, 10/22/97; Req - Commission)
- E-2b ALTERNATE RESOLUTION TO E-2. This alternate resolution approves Southern California Edison Company's derivatives advice letter, subject to a maximum program limitation of \$150 million and other conditions.
This item was not listed on the agenda distributed to the public.
- E-3 Res E-3492 - San Diego Gas & Electric (SDG&E). For approval of SDG&E's proposal to change its Delinquent Notices-Closing Accounts (101-321) form; and its proposal to reduce the number of notices mailed to closing bill customers from three to two; et. al.
(Advice letter 950-E/975-G, filed July 11, 1995)
- E-4 Res E-3502 - Pacific Gas and Electric Company (PG&E). Requests approval to tariff an electric and gas meter pulse agreement form that would allow PG&E to install special pulse-metering and recording devices on customers' standard metering equipment enabling the customers access to real-time data regarding their energy usage. Denied without prejudice.
(Advice Letter 1662-E/2014-G, filed April 8, 1997)
(Agenda 2977, Item E-1, 10/9/97; Agenda 2978, Item E-2, 10/22/97; Req - Commission)

- E-4a
(Rev.)
- ALTERNATE RESOLUTION TO E-4. This alternate resolution approves Pacific Gas and Electric Company's request to tariff installation of pulse-metering and recording devices on customers' standard metering equipment is granted with certain modifications.
(Agenda 2978, Item E-2a, 10/22/97; Req - Commission)

CONSUMER SERVICES DIVISION RESOLUTIONS

- CSD-1 Res CSD-2 - Consumer Services Division (CSD) and Winstar Gateway Network, Inc. (Winstar). For authority to adopt a settlement agreement reached between the CSD and WGNI. Granted. Pursuant to the terms of the settlement agreement, California consumers that alleged that their long distance service was switched by WinStar without their authorization will receive minimum restitution of \$20.00. The settlement agreement was reached pursuant to Consumer Services Division Standard Practice 1, a set of settlement procedures that CSD is testing as part of a pilot program for settling certain enforcement cases without initiating a formal enforcement proceeding.

RAIL SAFETY AND CARRIERS RESOLUTIONS

- T-1 Res TL-18820 - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374 of the Public Utilities Code and approving issuance and transfer of highway carrier authority pursuant to the Commission's contract with the Department of Motor Vehicles as permitted by Vehicle Code Section 34605(b).
- T-2 Res TL-18821 - Resolution denying issuance of charter-party carrier authority, highway carrier authority and household goods carrier authority for failure to satisfy statutory provisions of the Public Utilities Code and Commission General Orders.

COMMISSIONER'S REPORTS

- Status/Coordination: Telecommunications Infrastructure Proceedings (D94-12-053).
- Status/Coordination: Electric Restructuring Proceedings (R94-04-031 and I94-04-032).

EXECUTIVE DIRECTOR'S REPORT

Wesley M. Franklin, Executive Director

GENERAL COUNSEL'S REPORT

Peter Arth, Jr., General Counsel

MANAGEMENT REPORTS

Lynn T. Carew, Chief
Administrative Law Judge Division

Paul Clanon, Director
Energy Division

Jack Leutza, Director
Telecommunications Division

Dean J. Evans, Director
Water Division

Kenneth L. Koss, Director
Rail Safety and Carriers Division

William Meyer, Director
Strategic Planning Division

Elena Schmid, Director
Office of Ratepayer Advocates

William Schulte, Director
Consumer Services Division

Michael A. Doyle, Representative
Southern California

Robert T. Feraru
Public Advisor

CLOSED SESSION

This notice is furnished under Government Code Section 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider institution of proceedings and pending litigation as provided under Government code Section 11126(p) and (q), and personnel matters as provided under Government Code Section 11126(a). Items to be considered under Government Code Section 11126(p), 11126(q)(2) and (3) and 11126(a) are not required to be made public. The list of items on the following pages, to be considered under Government Code Section 11126(q) (1), are required by the Government Code to be made public.

APPELLATE SECTION ITEMS**ORDERS HELD OVER**

- HEX-1 A96-04-038 - Disposition of application for rehearing of D97-03-067 (concerning the merger of SBC Communications, Inc. and Pacific Telesis Group) filed by The Utility Reform Network (TURN), and of the petition for modification of that decision filed by the Office of Ratepayer Advocates (ORA). Both TURN and the ORA raised similar issues concerning the challenged decision's allocation of a portion of the total forecasted economic benefits allocated to ratepayers under Section 854(b)(2) to fund the Community Partnership Commitment, an agreement for charitable funding entered into between Telesis, Pacific and certain state-wide community groups.
(Agenda 2976, Item EX-3, 9/24/97; Agenda 2977, Item HEX-1, 10/9/97; Agenda 2978, Item HEX-2, 10/22/97; Req - Commission)

HEX-2 R94-04-031 and I94-04-032 - Disposition of applications for rehearing of D96-04-054, filed by Energy Producers and Users Coalition, University of California and California State University, Texas-Ohio West, Inc., Merced Irrigation District and Foster Poultry Farms, Agricultural Energy Consumers Association, City and County of San Francisco, Praxair, Inc. and Destec Power Services, Inc., California Manufacturers Association, and California Independent Petroleum Association. Applicants challenged the legal sufficiency of D96-04-054, in which the Commission granted, subject to conditions, the motion of Pacific Gas and Electric Company (PG&E) for authorization to assess an interim competitive transition charge (ICTC). Pursuant to D96-04-054, customers who leave the PG&E system after December 20, 1995 (the date of the Electric Restructuring Policy Decision) and before January 1, 1998 (the anticipated commencement of direct access) are to pay an ICTC.
(Agenda 2978, Item EX-9, 10/22/97; Req - Commission)

HEX-3 I93-05-004 - Order instituting investigation into the passenger stage corporation operations of Prime Time Shuttle International, Inc. I95-07-001 - Related matter. Discussion of legal options to secure compliance with D97-08-066 and related decisions.
(Agenda 2976, Item EX-12, 9/24/97; Agenda 2977, HEX-4, 10/9/97; Agenda 2978, Item HEX-4, 10/22/97; Req - Commission)

ORDERS

- EX-1 Compilation of Applications for Rehearing filed with the Commission and Petitions filed with the California Supreme court since the last Commission Conference.
- EX-2 C96-08-028 - Disposition of the application filed by Palm Springs Mobilehome Properties, dba Sahara Mobilehome Park, for rehearing of D.97-07-009. This matter concerns the costs that may be charged to mobilehome park tenants for natural gas service delivered through a submetered distribution system.
- EX-3 I87-11-033, A85-01-034, A87-01-002, I85-03-078, C86-11-028, I87-02-025, C87-07-024 - Disposition of application filed by California Association of Long Distance Telephone Companies (CALTEL) seeking rehearing of Decision (D.)96-03-021, which denies CALTEL's petition for modification of D.94-09-065, the Commission's Implementation Rate Design (IRD) decision.
- EX-4 Annual Performance Evaluation for Managers Reporting Directly to the Commission.

Wesley M. Franklin, Executive Director
Peter Arth, Jr., General Counsel
Lynn T. Carew, Chief Administrative Law Judge
William Meyer, Director of Strategic Planning Division
Rob Feraru, Public Advisor

FEDERAL SECTION ITEMS

FEX-1 A monthly summary of recent developments in Federal Agency and Federal court Cases in which the California Public Utilities Commission is a party or has intervened.

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