
Public Utilities Commission of the State of California

***Public Agenda 2980
Wednesday, November 19, 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, 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.
- H-2

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 A97-01-036 - Jensen Water Company (Jensen) and Cabazon County Water District (District). For authority to sell its water system to District and to be relieved of its public utility responsibility. This order modifies Decision 97-06-030 by allowing additional time to complete the transfer of Jensen to the District. Granted. This proceeding is closed.
(Com Neeper - ALJ Garde)
- CA-2 Res F-653 - Mesa Crest Water Company. Order to repay loan and to apply surcredit to water rates to reimburse customers for surcharge overcollection, under the Safe Drinking Water Bond Act.
- CA-3 A97-07-008 - Landmark Communications, Inc. For a certificate of public convenience and necessity to resell local, interLATA, and intraLATA telecommunications services within the State of California. This application is denied on the basis that applicant lacks the managerial competence needed to operate as a competitive local carrier and/or nondominant interexchange carrier. This proceeding is closed.
(Com Bilas - ALJ Kenney)

- CA-4 I89-09-006 - Investigation on the Commission's own motion into the operations, rates, and practices of Mike's Rapid Service, Inc., a California corporation and Western Building Materials Co., a California corporation as Shipper Respondent. This decision denies without prejudice petition to modify D.90-11-021 and motion for issuance of a final order of revocation. This proceeding is closed.
(Com Duque - ALJ Watson)
- CA-5 A92-01-066 - Poly-Trucking, Inc. (Poly) For authority of self-insurance for public liability and property damage. This docket in application filed by Poly, closed as it pertains to highway transportation of property, Commission authority over which has been preempted by federal law (PL 103-305). This proceeding is closed.
(Com Conlon - ALJ Wright)
- CA-6 Res W-4076 - Fairway Manor Sewer Company (FMSC). This order relieves FMSC of its public utility obligation as a result of transfer of ownership to the County of San Luis Obispo.
- CA-7 A97-06-028 - Tie Communications, Inc. For a certificate of public convenience and necessity to provide all forms of resold interLATA and intraLATA telecommunications services within all LATAs within the State of California. This application is dismissed without prejudice for lack of prosecution. This proceeding is closed.
(Com Neeper - ALJ Kenney)
- CA-8 Res O-0019. Mobil Pacific Pipeline Company. For approval to abandon its ownership interest in the Ventura Pipeline System. Approved.
(Advice Letter 6, filed on August 29, 1997)
- CA-9 Res W-4079 - Sereno Del Mar Water Company (SDMWC). This order recognizes Russian River Utility Company as the court-appointed receiver of SDMWC.
- CA-10 Res W-4078 - Big Basin Water Company. This order authorizes a general rate increase producing additional annual revenues of \$41,219 or 24.27% in 1997.

- CA-11 A97-01-016 - Mohammad Ezami-Ebrahimi (transferor) and Directional Management, Inc. (transferee). This decision authorizes the transfer of certificate of public convenience and necessity to operate as a passenger stage corporation from transferor, an individual, to transferee, a California corporation. This proceeding is closed.
(Com Duque - ALJ Garde)
- CA-12 Res. W-4080 - California American Water Company, Monterey District. This order authorizes a rate base offset rate increase producing \$278,354 or 1.33%.
(Advice Letter 513, filed on August 25, 1997)
- CA-13 Res F-654 - Armstrong Valley Water Company. For an order to reduce surcharge on water rates, under the Safe Drinking Water Bond Act.
- CA-14 Res F-655 - Rancho Del Paradiso Water Company. For an order to reduce surcharge on water rates, under the Safe Drinking Water Bond Act.
- CA-15 A97-03-032 - Park Water Company (Park). For general rate increase in its Central Basin Division requesting revenue increase: In 1998 of \$1,385,807 or 9.7% above revenues generated by present rates in 1999 of \$609,600 or 3.9% above the revenues generated by the rates proposed for 1998, in 2000 of \$670,115 for 4.1% above the 1999 revenue requirements. This decision approves settlement agreement authorizing Park to increase revenues by 1% in 1998, 2.6% in 1999 and 2.6% in attrition year 2000. This proceeding is closed.
(Com Duque - ALJ Bushey)
- CA-16 A97-06-007 - City of Sacramento (City). For authority to construct the Arden Way Overhead, at separated grades, over the mainline tracks of the Union Pacific Railroad in said City, County of Sacramento. Granted. This proceeding is closed.
(Exam Koss)

- CA-17 A97-07-022 - Sprint Communications Company L.P. (Sprint) and NewTelco, L.P. d/b/a Sprint Telecommunications Venture (STV). For authority to transfer to Sprint of the customer base of an affiliated company that now provides resold local exchange service in California. Granted. This proceeding is closed.
(Com Duque - ALJ Walker)
- CA-18 A97-09-045 - Pacific Gas and Electric Company (PG&E). For confirmation of Ms. Gail P. Seneca to serve on the Committee of PG&E Nuclear Decommissioning Trust Funds. Granted. This proceeding is closed.
(Exam Clanon)
- CA-19 (I&S) C97-08-004 - San Jose Water Company (SJWC). Investigation and suspension on the Commission's own motion of tariff filed by Advice Letter Nos. 287 and 287-A of San Jose Water Company in Santa Clara County. Interim Order extending period of suspension of SJWC's Advice Letters 287- and 287-A and the associated tariff sheets until March 2, 1998.
(Com Duque - ALJ McVicar)
- CA-20 A97-08-055 - Southern California Edison Company (Edison). For approval of an April 1997 settlement agreement between Edison and the defendants in a breach-of-contract lawsuit brought by Edison in Los Angeles County Superior Court. The defendants are GEO East Mesa Electric Company, Geo East Mesa Limited Partnership, New East Mesa Limited, EMP Inc., and Credit Suisse. The settlement agreement would result in a payment to Edison of \$2,632,650 plus interest, and dismissal of the lawsuit by Edison. Granted. This proceeding is closed.
(Com Bilas - ALJ Wetzell)
- CA-21 C93-05-040 - Richard Kashdan vs Pacific Bell. This decision dismisses the complaint of Richard Kashdan. This proceeding is closed.
(Com Knight - ALJ Galvin)
- CA-22 C96-08-023 - Elizabeth R. Patton vs GTE Mobile Net. In response to a complaint alleging possible excessive radiofrequency radiation from defendant's Manchester cellular base site, the defendant performed site modifications. Testing after the modifications showed compliance with FCC regulations. The complaint is dismissed and the proceeding is closed.
(Com Neeper - ALJ Kotz)

REGULAR AGENDA**UTILITY AND TRANSPORTATION ORDERS*****ORDERS HELD OVER***

- H-1 I94-10-014 - Order Instituting Investigation and Order to Show Cause into whether the passenger stage corporation certificate and charter-party carrier permit of Universal Transit System, Inc. (Universal), dba as Airway Shuttle, and its corporate officers: Mohammad (Mike) A. Kohsari, Mohamad (Robert) Bagher Pakzadian, and Fariborz (Fred) Alishahi, respondents, should be revoked. A95-11-014 - Related matter. This decision fines the two present principals of Universal \$1,000 each for prior involvement in unauthorized transfers of ownership and control of the shuttle operation to Los Angeles International Airport, and fines Universal \$3,500 for operations during suspensions and failure to consistently participate in the Department of Motor Vehicle Pull Notice Program. This decision further concludes that these and past other transgressions did not reflect the pattern or deliberate refusal to comply or conform as would be required pursuant to Leonard A. Kinzel (1967)66 CPUC 816, for revocation or suspension of operating authorities, and authorize the transfer of Universal's passenger stage certificate and charter-party permit to applicants Kohsari and Pakzadian upon payment of Public Utilities Code § 1036(b) transfer fees. This proceeding is closed.
(Com Conlon - ALJ Weiss)
(*Section 311*)
(Agenda 2972, Item 8, 6/25/97; Agenda 2973, Item H-13, 7/16/97; Agenda 2974, Item H-13, 8/1/97; Agenda 2975, Item H-11, 9/3/97; Agenda 2976, Item H-8, 9/24/97; Agenda 2978, Item H-3, 10/22/97; Req - Commission)
- H-2 C95-11-021 - Ted E. Diethofer vs. Pacific Bell (Pacific). This decision grants the complaint alleging Pacific erroneously required complainant to incur the cost of reattaching cross-connects to his tenants' apartment. This proceeding is closed.
(Com Neeper - ALJ Wong)
(Agenda 2977, Item 2, 10/9/97; Agenda 2978, Item H-11, 10/22/97; Req - Commission)

- H-3 C96-01-016 - Vista Montana Apartments, et al., (Vista Montana) vs. Pacific Bell (Pacific). This decision grants the complaint of Vista Montana which alleges that Pacific had improperly stated that Pacific's work on utility facilities was unregulated work on inside wire. Consistent with our order in C95-08-039, issued today, we find that cross- connects which attach the utility's network access terminal to a building owner's building entrance terminal are not inside wire but utility facilities. In this case, we direct Pacific to refund \$100 to complainant and refund to complainant and its tenants any charges it may have imposed upon them for work on cross-connects. This proceeding is closed
(Com Knight - ALJ Wong)
(Agenda 2977, Item 3, 10/9/97; Agenda 2978, Item H-12, 10/22/97; Req - Commission)
- H-4 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; Agenda 2979, Item H-6, 11/5/97; Req - Commission)

- H-4a ALTERNATE PAGES TO ITEM H-4. 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; Agenda 2979, Item H-6a, 11/5/97; Req - Commission)
- H-4b ALTERNATE ORDER TO ITEM H-4 and H-4a. 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; Agenda 2979, Item H-6b, 11/5/97; Req - Commission)
- H-5 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.
(Rev.) (Coms Conlon/Bilas - ALJ Malcolm)
(Agenda 2979, Item 3, 11/5/97; Req - Commission)
This revision was not listed on the agenda distributed to the public.

- H-6 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)
(Agenda 2979, Item 5, 11/5/97; Req - Commission)
- H-6a ALTERNATE ORDER TO ITEM H-6. This alternate approves Southern
(Rev.) California Edison Company's Petition for Modification.
This item was not listed on the agenda distributed to the public.
- H-7 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)
(Agenda 2979, Item 11, 11/5/97; Req - Commission)
- H-8 A97-10-032 - Pacific Gas and Electric Company (PG&E). This order
(Rev.) addresses PG&E's request for suspension of its Schedule G-XF, offering firm gas transportation services on Line 401. This proceeding is closed.
(Com Bilas - ALJ Malcolm)
(Agenda 2979, Item 12, 11/5/97; Req - Commission)
This revision was not listed on the agenda distributed to the public.

- H-9 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)
(Agenda 2979, Item 15, 11/5/97; Req - Commission)
- H-9a ALTERNATE PAGES TO ITEM H-9. These alternate pages would allow Southern California Edison Company (Edison) to place Devers-Palo Verde costs in distribution rates until the Federal Energy Regulatory Commission's approval of the costs in transmission rates, and allow Edison to make a further filing to show that more load dispatching costs should be allocated to distribution.
(Rev.)
- This item was not listed on the agenda distributed to the public.
This revision was not listed on the agenda distributed to the public.
- H-9b ALTERNATE PAGES TO ITEM H-9. These alternate pages would allow Southern California Edison Company (Edison) to place Devers-Palo Verde and load dispatching costs into distribution rates provided that the following conditions are met; Edison file for recovery of these costs at the Federal Energy Regulatory Commission (FERC) by no later than December 31, 1997; FERC issues an order stating that these are not transmission related costs; and there is no double recovery.
This item was not listed on the agenda distributed to the public.

ORDERS

- 1 A96-08-001 - Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Edison Company (Edison). For approval of valuation and categorization of non-nuclear generation-related sunk costs eligible for recovery in the competition transition charge. A96-08-006, A96-08-007, A96-08-070, A96-08-071, A96-08-072 - Related matters. This decision determines the eligibility of various categories of non-nuclear costs for transition cost recovery for PG&E, Edison, and SDG&E, consistent with the mandates of AB 1890 and the Preferred Policy Decision.
(Coms Conlon/Bilas - ALJ Minkin)
(*Section 311*)

- 2 A96-11-046 - Southern California Edison (Edison). For authority to sell gas-fired electrical generation facilities. Edison shall require as a condition of sale of the Alamitos, El Segundo, Etiwanda, Huntington Beach, Mandalay, and Redondo plants 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. Edison shall require the successful bidder to disclose to the Commission all other generation assets in California under common ownership or control with the bidder.
(Coms Bilas/Conlon - ALJ Careaga)
(*Section 311*)

- 3 A93-12-025 - Southern California Edison Company (Edison) and San Diego Gas & Electric (SDG&E). For authority to increase its authorized level of base rate revenue under the electric revenue adjustment mechanism for service rendered beginning January 1, 1995 and to reflect this increase in rates. I94-02-002 - Related matter. On August 21, 1997, Edison and SDG&E filed a joint petition to modify decision D.96-04-059 in compliance with D.97-08-056. In the joint petition, Edison and SDG&E seek to continue recovery of certain corporate administrative and general costs allocable to San Onofre Nuclear Generating Station 2&3. This decision grants Edison's and SDG&E's joint petition for modification.
(Com Conlon - ALJ Econome)

4 I _____ - Order instituting investigation on the Commission's own motion pursuant to California Public Utilities Code Section 455.5(c) related to the out-of-service status of Pacific Gas and Electric Company's El Dorado hydroelectric project and the need to reduce electric rates related to this non-functioning electric generating facility.

5 A96-07-001 - Pacific Gas and Electric (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Edison Company (Edison). This decision grants in part the Petition to Modify D.96-08-038 filed by PG&E, SDG&E, and Edison. This decision also increases to \$300 million the authorized amount of loan guarantees Petitioners may extend to the Power Exchange (PX) and Independent System Operator (ISO) Trusts, and authorizes memorandum account treatment of the increased loan guarantees. (Com Conlon - ALJ Cragg)
(Rev.) This revision was not listed on the agenda distributed to the public.

6 A96-11-047 - Southern California Edison Company (Edison). The motion of Edison to withdraw, without prejudice, its application for treatment pursuant to Public Utilities (PU) Code Section 376 of the costs of certain transmission facility upgrades is granted. Edison shall serve a copy of any subsequent application pursuant to PU Code Section 376 covering the same or a similar project on the parties on the service list for this application. A96-11-047 is closed.
(Com Conlon - ALJ Careaga)

7 I97-04-044 - Investigation on the Commission's own motion into the operations, practices, and conduct of L.D. Services, Inc., doing business as Long Distance Services, 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 decision approves settlement agreement between Consumer Services Division and L.D. Services, Inc. resolving all issues in "slamming" investigation. Major provisions include permanent revocation of L.D. Services' certificate of public convenience and necessity and \$760,000 payment to consumers (\$20 each), funds are currently on deposit with the Commission. This proceeding is closed.
(Com Neepner - ALJ Bushey)

- 8 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 approves the area code relief plan submitted by California Code Administrator proposing a geographic split of the 805 area code to relieve the impending exhaustion of telephone numbers. The proposed plan would create a new area code east of the proposed boundary line covering the majority of Kern County and Northern Los Angeles County.
(Com Conlon - ALJ Pulsifer)
- 9 C96-07-031 - Richard E. Meoli, et al. Vs Southern California Water Company (SCWC). This decision dismisses without prejudice complaint alleging rate charged is in excess of rate increase authorized in SCWC's last general rate case and advocating water charge based solely on consumption. This proceeding is closed.
(Com Duque - ALJ Ramsey)

UTILITIES RESOLUTIONS

ENERGY MATTERS

- E-1 Res E-3507 - Pacific Gas and Electric Company. Request for approval of an agreement for the installation of a 115kV transmission line serving Meyer Cookware's Vallejo facility, including a deviation from tariff Rules 2, 15 and 16 to use a contribution to margin calculation when determining customer payment for construction. Approved.
(Advice letter 1626-E, filed November 27, 1996)
- E-2 Res G-3219 - San Diego Gas & Electric Company. Request for approval to revise its gas rate schedules to reflect an annual rate decrease of 4.2%, establish Core Interstate Transition Surcharge account, implement an interim surcharge ordered by D97-04-082, and correct the California Alternate Rates for Energy (CARE) rate discount filed in Advice Letter 1052-G, effective June 1, 1997. Approved with modifications.
(Advice Letters 1052-G, 1053-G, and 1056-G filed May 20, 1997, May 29, 1997, June 18, 1997, respectively)
- E-3 Res G-3227 - San Francisco Thermal, Limited Partnership. For authority to revise its steam service tariffs to allow it to charge a form of market-based rates to its customers and to enter into special contracts. Approved as modified.
(Advice Letter 8, filed July 22, 1997)
- E-4 Res E-3508 - Pacific Gas and Electric Company (PG&E). Request for approval of revisions to its tariff language for Diablo Canyon Nuclear Power Plant (Diablo Canyon) to reflect the modified ratemaking treatment adopted in D97-05-088. Approved as modified.
(Advice Letter 1679-E, filed June 18, 1997)
- E-5 Res G-3288 - Pacific Gas and Electric Company (PG&E). Request for approval of Gas Accord tariffs and related contracts as well as the core aggregation program and core procurement incentive mechanism.
(Advice Letters 2031-G, filed August 11, 1997, Advice Letter 2031-G-A, filed October 1, 1997, Advice Letter 2003-G, filed January 31, 1997, and Advice Letter 2023-G, filed June 4, 1997)

- E-5a ALTERNATE PAGES TO Res. E-5. These alternate pages find that the \$80 million side deal payment from Southern California Edison Company (Edison) to Pacific Gas and Electric Company (PG&E) should be retained by shareholders in order to mitigate PG&E's increased risk resulting from the termination of its contract with Edison.
(Com Conlon)
This item was not listed on the agenda distributed to the public.

TELECOMMUNICATIONS MATTERS

- C-1 Res T-16088 - Pacific Bell (Pacific). Request for approval of an administrative budget for California High Cost Fund (CHCF) also known as California High Cost Fund A (CHCF-A). The Telecommunications Division finds Pacific's proposed administrative budget of \$116,500 for calendar year 1998 to be reasonable and recommends that the Commission approve Pacific's filing. Approved.
(Advice letter 19051, filed October 1, 1997)

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 WinStar. 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.
(Agenda 2979, Item CSD-1, 11/5/97; Req - Commission)

RAIL SAFETY AND CARRIERS RESOLUTIONS

- T-1 Res TL-18822 - 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-18823 - 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

Business Plan: Report and Discussion of Agency Key Performance Indicators. (October 1997)

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 R94-04-031, I94-04-032 - Disposition of application for rehearing of D96-12-075 filed by San Luis Obispo County and San Luis Coastal Unified School District. The application alleges that the California Environmental Quality Act requires the Commission to continue preparing the Environmental Impact Report that D96-12-075 ordered Energy Division to suspend.
(Agenda 2974, Item EX-7, 8/1/97, Agenda 2975, Item HEX-2, 9/3/97; Agenda 2976, Item HEX-1, 9/24/97; Agenda 2978, Item HEX-1, 10/22/97; Req - Commission)

HEX-2 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
(Agenda 2979, Item EX-4, 11/5/97; 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 R93-10-002 - Disposition of application for rehearing of D.97-09-045 and motion to stay decision filed by Southern Pacific Transportation Company, Union Pacific Railroad Company, and The Burlington Northern and Santa Fe Railway Company (the Railroads). The Railroads allege legal error in decision which adopts rules relating to local safety hazard sites on railroad lines in California.
- EX-3 A93-12-029 - Disposition of application for rehearing of D96-09-092 filed by The Utility Reform Network, which adopted a performance-based ratemaking mechanism for Southern California Edison Company.
- EX-4 A94-12-005, I95-02-015 - Order disposes of application for rehearing of D.96-11-014, filed by Pacific Gas & Electric Company (PG&E). That decision fined PG&E \$480,000 for failing to comply with Ordering Paragraph 1, item I, of D.95-09-073. PG&E claimed that the fine was excessive, that it was unwarranted since PG&E was not provided with adequate notice to comply, and that it was discriminatory since other utilities were not required to comply with similar center performance standards.
- EX-5 R95-04-043, I95-04-044 - Order disposes of application for rehearing by Pacific Bell and Pacific Bell Information Services of D97-08-059, the Phase III decision addressing resale restrictions, on the issue of resale of voice mail services.
- EX-6 C95-09-030 - Disposition of application for rehearing of D 97-01-043 in C95-09-030. The application for rehearing was filed by Pacific Gas and Electric Company and Pacific Gas Transmission (PG&E). PG&E alleges principles of res judicata should be applied in C.95-09-030 and that D.97-01-043 mistakenly found PG&E contravened Commission orders. PG&E further alleges other errors in D.97-01-043 should be corrected. Complainants, Selwyn and Loretta Vos oppose the application for rehearing.
- EX-7 A96-01-017 - Disposition of application for rehearing of Resolution G-3173, filed by Pacific Gas and Electric Company (PG&E), alleging the

Commission improperly created a new procedure by accepting the letter request from a customer for a gas main extension, and thus, has changed General Order 96-A and the Commission's Rules of Practice and Procedure without giving interested parties notice and an opportunity to be heard, as required by Public Utilities Code Section 1708. PG&E also argues that the resolution constitutes an arbitrary and unreasonable abuse of discretion, and that the Commission erred by not providing for reimbursement to PG&E in the event it responds to emergencies involving the line.

- EX-8 A94-06-019 - Disposition of the application of Santa Margarita Company seeking rehearing of the portion of D.95-01-014 wherein the Commission provides a preliminary analysis of the constitutionality of California-American Water Company's proposed standby fee on undeveloped property.
- EX-9 R94-04-031, I94-04-032 - Disposition of application for rehearing of D.97-02-021, filed by The Utility Reform Network (TURN), arguing that the Commission interpretation of AB 1890 is inconsistent with Public Utilities Code Section 451.
- EX-10 I_____ - Order instituting investigation of abusive marketing and sales practices of GTE California's Foreign Language Assistance Center.

FEDERAL SECTION ITEMS

ORDERS HELD OVER

- HFEX-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.
(Agenda 2979, Item FEX-1, 11/5/97; Req - Commission)

ORDERS

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.

FEX-2 California Power Exchange Corporation, Rate Tariff Application, FERC Docket No. ER98-210-000.

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