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***Public Utilities Commission of the State of California***

***Public Agenda 2984  
Wednesday, January 7, 1998, 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>*

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**Scheduled Commission Meetings**  
**AUDITORIUM**  
**505 Van Ness Avenue, San Francisco**

Wednesday, January 21

Wednesday, February 4

Thursday, February 19

***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.
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## 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            Res TL-18829 - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374 (b) of the Public Utilities Code.
- CA-2            Res TL-18830 - Resolution denying issuance of charter-party authority or household goods carrier authority for failure to satisfy statutory provisions of the Public Utilities Code and Commission General Orders.
- CA-3            A96-10-002 - City of Fresno (City). For authority to construct two crossings at separated grades between Shaw Avenue and Marks Avenue and the tracks of the Burlington Northern and Santa Fe, formerly the Atchison, Topeka and Santa Fe Railway Company, in the City, Fresno County. Granted. This proceeding is closed.  
(Exam Koss)
- CA-4            A97-06-030 - State of California, Department of Transportation (Caltrans). For authority to widen the existing North Delano Overhead over Union Pacific Railroad Company's Main Line track in the City of Delano, Kern County. Caltrans proposes to widen the outside shoulder to a maximum of approximately 7 feet 9 inches on both sides of the bridge and the median to approximately 38 feet 0 inches to provide for the increased capacity and traffic volume, as provided by additional lanes, concrete safety barrier and 10-foot inside shoulder. Granted. This proceeding is closed.  
(Exam Koss)
- CA-5            A97-08-017 - Riverside County Transportation Commission (RCTC). For

authority to construct a pedestrian overcrossing above four Burlington Northern Santa Fe Railway Company tracks and one RCTC track at the Downtown Metrolink Station in Riverside, Riverside County. As part of the project to construct a new south side station platform, RCTC proposes to construct a pedestrian overcrossing to connect the new platform to the north side parking facilities and the existing north side platform. Without the overcrossing, the new south side platform would only be accessible to pedestrians by crossing the tracks at grade level. Granted. This proceeding is closed.

(Exam Koss)

CA-6            A97-09-046 - Mini-Bus Systems, Inc. dba SuperShuttle San Gabriel. For authority to establish Zone of Rate Freedom fares of \$12 above and below its present fares. Granted. This proceeding is closed.

(Exam Koss)

CA-7            A97-10-023 - Momentum Telecom, Inc. For authority to provide competitive local exchange services as a reseller. Granted. This proceeding is closed.

(Com Neeper - ALJ Kenney)

CA-8            A97-07-016 - Pacific Gas & Electric Company and Energy Reserve, Inc. (ERI). For an order approving the applicants' settlement agreement. Granted. This agreement settles the dispute between the parties regarding the Chico-Martinez Project as an enhanced oil recovery project. This agreement also provide for dismissal of C92-03-025 filed by ERI. This proceeding is closed.

(Com Duque - ALJ Stalder)

CA-9            Res W-4085 - Lakeview Water Company. Order authorizing a general rate increase producing additional annual revenue of \$1,250, or 100% in 1998, and additional annual revenue of \$1,250, or 50% in 1999.

CA-10          Res W-4084 - Curtis Water Company (CWC). Order recognizing M. Green and Company as the court-appointed receiver for CWC.

- CA-11            A97-03-008 - City of Vista (City). For authority to construct Vista Village Drive (Vista), a public street, and to close West Vista Way Grade Crossing, across the railroad tracks of the North San Diego County Transit Development Board, in the City, County of San Diego. Granted. This proceeding is closed.  
(Com Duque - ALJ Bennett)
- CA-12            C95-03-047 - Shareholders and Users of the Lands of Promise Water System (Land of Promise) vs. Ms. Janet Brown, Conservator for Mrs. Ellen Morck. This final order sets forth amounts to be refunded by Lands of Promise to its customers as reparation credits for overbillings during the period November, 1995 through February, 1996. Refunds are to be credited to customer bills in equal installments over a 4-month period as ordered by D96-02-064, beginning with the January, 1998 billing period. This proceeding closed.  
(Com Duque - ALJ McVicar)
- CA-13            A97-09-053 - Preferred Carrier Services, Inc. For a certificate of public convenience and necessity to provide competitive local exchange services on a resold basis. Granted. This proceeding is closed.  
(Com Knight - ALJ Kenney)
- CA-14            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. For their substantial contributions to D97-02-014, California/Nevada Community Action Association is awarded \$89,708.58, Environmental Defense Fund is awarded \$22,245.30, the Natural Resources Defense Council is awarded \$43,043.18, and the Union of Concerned Scientists is awarded \$37,878.20, plus interest, in compensation.  
(Com Conlon - ALJ Hale)
- CA-15            Res SX-14 - San Diego Metropolitan Transit Development Board. For authorization to deviate from the provisions of Section 7.8 of General Order 75-C by modifying the sounding of bells on grade crossing protection devices equipped with gates on the north-south line, in the cities of San Diego and San Ysidro, San Diego County. Granted.

- CA-16      A97-07-050 - Easton Telecom Services, Inc. For a certificate of public convenience and necessity to provide resold competitive local exchange service. Granted. This proceeding is closed.  
(Com Knight - ALJ O'Donnell)
- CA-17      A95-02-008 - Pacific Gas and Electric Company. For approval of natural gas transportation service agreement with USS-POSCO, Inc. A95-02-010 - Related matter. This decision closes these proceedings, which were left open only to fully determine the percentage of revenue shortfalls borne by ratepayers and shareholders. This issue has been determined in D97-08-055.  
(Com Knight - ALJ Minkin)
- CA-18      Res T-16108 - Pacific Bell (Pacific). Request for approval of an interconnection agreement between Pacific and GTE Communications Corporation pursuant to Section 252 of the Telecommunications Act of 1996. Approved.  
(Advice Letter 19128, filed November 20, 1997)
- CA-19      Res T-16109 - GTE California (GTE). Request for approval of an interconnection agreement between Automated Telecom and GTE pursuant to Section 252 of the Telecommunications Act of 1996. Approved.  
(Advice Letter 8592, filed November 17, 1997)
- CA-20      Res W-4087 - Mineral City Water Company. Order authorizing rate base offset increase producing additional annual revenues of \$18,682 or 48.59%.
- CA-21      Res W-4086 - Slide Inn//Snobowl Water Company. Order authorizing a general rate increase producing additional annual revenues of \$27,642 or 97.4% in 1997.
- CA-22      Res T-16111 - GTE California, Inc (GTEC). Request for approval of an interconnection agreement between GTEC and North County Communications Corporation pursuant to Section 252 of the Telecommunications Act of 1996. Approved.  
(Advice Letter 8593, filed November 17, 1997)

- CA-23            C94-08-044 - Robert Bixler vs. Robert T. Adcock, Alco Water Service, and Alisal Water Corporation. This decision grants the Commission's Consumer Services Division's request to withdraw petition to modify because the company is now in compliance with Commission regulations. This proceeding is closed.  
(Com Duque - ALJ Bushey)
- CA-24            A97-06-012 - B.A.D.D.J. For authority to operate as a passenger stage corporation pursuant to Section 1031 of the California Public Utilities Code between points in Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara and Ventura Counties on the one hand and Los Angeles International, Burbank, Long Beach, John Wayne, Ontario, Santa Barbara and Oxnard Airports, San Pedro Harbor, and the Los Angeles Amtrak station on the other, and for a zone of rate freedom for its tariff rates. This decision dismisses the application for lack of prosecution. This proceeding is closed.  
(Com Neeper - ALJ Garde)
- CA-25            A97-10-042 - Abbas Khoobiyary dba Metropolo Transportation. For authority to establish Zone of Rate Freedom (ZORF) for its tariff rates. Applicant is authorized to establish ZORF fares of \$10 above and below his present fares. This proceeding is closed.  
(Exam Koss)
- CA-26            A97-06-019 - Privatenet, LLC. For arbitration of a pole and conduit license agreement with Pacific Bell. This application is dismissed with prejudice. This proceeding is closed.  
(Com Bilas - ALJ Mattson)
- CA-27            C95-12-084 - The City of Monterey Park vs. Pacific Bell. C96-03-006 - Related matter. Petition for modification of D96-11-061 to allow certain Glendale customers on the 626 side of the 818/626 number plan area (NPA) split to receive service in the 818 NPA. Denied. This proceeding is closed.  
(Com Neeper - ALJ Weismehl)

CA-28           A97-07-028 - Focal Communications Corporation of California. For a certificate of public convenience and necessity to provide switched and dedicated, resale and facilities based, interexchange and local exchange telecommunications services in California. This decision grants authority to resell intraLATA and interLATA telecommunications services within California, as well as certified local carriers authority within territories of Pacific Bell and GTE California Incorporated. That part of the application which seeks authority to provide facilities based telecommunications services to be considered in a separate decision. This proceeding remains open to consider application for authority to provide facilities based telecommunications services.  
(Com Knight - ALJ Ramsey)

CA-29           A97-10-006 - Pacific Gas and Electric Company (PG&E). For an order approving an amendment to the power purchase agreement for long-term energy and capacity between PG&E and Crockett Cogeneration, a California Limited Partnership (Crockett). This decision grants PG&E's application for approval of a Third Amendment to the Interim Standard Offer No. 4 (ISO4) power purchase agreement (PPA) between PG&E and Crockett Cogeneration, A California Limited Partnership. PG&E and Crockett have entered into a Third Amendment for the PPA for Crockett's 260-megawatt (MW) qualifying facility project to improve the operational flexibility of the Crockett facility, greatly enhance PG&E's current right to dispatch the facility, and provide other mutual benefits. The Third Amendment is estimated to provide approximately \$2 million to \$3 million per year in ratepayer benefits. This proceeding is closed.  
(Com Bilas - ALJ Patrick)

## REGULAR AGENDA

### UTILITY AND TRANSPORTATION ORDERS

#### *ORDERS HELD OVER*

H-1            C96-05-015 - Comtech Mobile Telephone Company (Comtech) vs Sprint Communications Company L.P. (Sprint). This decision grants the motion of Comtech to withdraw its motion against Sprint. The Commission disburses to Comtech amounts Comtech deposited with the Commission pending resolution of its complaint.  
(Com Neeper - ALJ Malcolm)  
(Agenda 2981, Item 10, 12/3/97; Agenda 2982, Item H-6, 12/16/97; Req - Commission)

H-1a            ALTERNATE ORDER TO ITEM H-1. This decision grants the motion of Comtech Mobile Telephone Company (Comtech) for dismissal of its complaint against Sprint Communications Company L.P. (Sprint). This order provides Sprint an opportunity to pursue its claims against Comtech in civil court. In the interim, we retain funds deposited with the Commission by Comtech.  
(Com Neeper)  
(Agenda 2981, Item 10a, 12/3/97; Agenda 2982, Item H-6a, 12/16/97; Req - Commission)

H-2            R97-01-009 - Order instituting rulemaking on the Commission's intervenor compensation program. I97-01-010 - Related matter. Revisions to our implementation of the intervenor compensation program are adopted and legislative amendments to the governing statutes are invited, both with the intent to broaden participation by customers and improve the effectiveness of that participation. The Public Advisor is directed to report to the Commission on certain matters. Parties are invited to propose legislative amendments to the General Counsel for the Commission's consideration. This proceeding is closed.  
(Com Knight - ALJ Hale)  
**(SB 960 Experiment: Quasi-legislative Category)**  
(Agenda 2982, Item 4, 12/16/97; Req - Commission)



- H-3            R87-11-012 - Order instituting rulemaking to review the time schedules for the rate case plan and fuel offset proceedings. A95-06-002 - Related matter. This decision adopts with modifications Southern California Gas Company's proposed adjustment mechanism to its core fixed cost account filed in compliance with D97-07-054. A95-06-002 is closed.  
(Coms Duque/Neeper - ALJ Ryerson)  
(Agenda 2982, Item 14, 12/16/97; Req - Commission)
- H-4            R94-04-031 - Order instituting rulemaking on the Commission's proposed policies governing restructuring California's electric service industry and reforming regulation. I94-04-031 - Related matter. The Electric Education Trust (EET) was authorized in D97-03-069 and D97-08-064 to design and oversee community-based outreach and education efforts in connection with the statewide customer education program. This decision establishes a funding mechanism to permit the EET to carry out its authorized tasks.  
(Coms Knight/Neeper - ALJ Wong)  
(Agenda 2982, Item 20, 12/16/97; Req - Commission)
- H-5            A96-08-001 - Pacific Gas and Electric Company (PG&E). 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 how new customer load where the load is being met through a direct transaction and the transaction does not otherwise require the use of transmission or distribution facilities owned by the utility, as described in Section 369, will be treated in terms of applying the competition transition charge, if that customer is paying standby charges. These proceedings are closed.  
(Coms Conlon/Bilas - ALJ Minkin)  
(Agenda 2982, Item 21, 12/16/97; Req - Commission)

H-6            A97-11-038 - Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Edison Company (Edison). For an order under Public Utilities Code Section 853 exempting them from the provisions of Section 851 or in the alternative for authority to convey operational control of designated transmission lines and associated facilities to an independent system operator. This decision addresses the requests of PG&E, SDG&E, and Edison relative to the transfer of operational control of their respective transmission lines and associated facilities.

(Coms Conlon/Bilas - ALJ Careaga)

(Agenda 2982, Item 19, 12/16/97; Agenda 2983, Item H-1, 12/30/97; Req - Commission)

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

**ORDERS**

- 1 A91-05-050 - Southern California Edison Company (Edison). For: (1) authority to revise its energy cost adjustment billing factors, its major additions adjustment billing factor, its electric revenue adjustment billing factor, its low income surcharge, and its base rate levels effective January 1, 1991; (2) authority to revise the incremental energy rate, the energy reliability index and avoided capacity cost pricing; and (3) review of the reasonableness of Edison's operations during the period from April 1, 1990 through March 31, 1991. This decision resolves the reasonableness review of Edison's execution of an amended qualifying facilities (QF) Contract. We find that the amended contract was unreasonable and caused Edison increased costs over the original contract of at least \$1.3 million during the review period. The original contract provided for electricity sales to Edison based on 40 MW of QF capacity. The QF claimed it could base sales on 56 MW of capacity. Edison agreed with the QF and signed the amended contract raising the capacity to 56 MW. The amended contract increased costs to Edison with no commensurate benefit. Edison should have insisted on the original contract. A 40 MW contract is not a 56 MW contract. This proceeding is closed.  
(Com Neeper - ALJ Barnett)  
(Section 311)  
**(SB 960 Experiment: Ratesetting Category)**

- 2           R97-09-035 - Rulemaking on the Commission's own Motion for the purpose of amending the Commission's conflict of interest code as set forth in 20 Cal. Adm. Code, Chapter 1, Subchapter 2, Appendix. This decision adopts a new Conflict of Interest Code setting forth the financial disclosure requirements for Commission employees who are involved in decisionmaking activities in the agency. The existing code was adopted in 1977 and has been changed in only modest ways over the last 20 years. The new code contains an expanded list of designated employees and broader reporting requirements to reflect changes within the organization and in the industries affected by the Commission's regulation. The version adopted here differs only slightly from the proposed version attached to the Order Instituting Rulemaking issued September 24, 1997. The list of employees required to report under Category 1, the broadest category, has been changed so that it includes only employees who report directly to commissioners or to the Commission. Two clarifications have been added. One highlights the fact that, for reporting purposes, gifts are treated as income. The other identifies the portion of the Fair Political Practices Commission's regulations that defines "consultants" covered by the code. After adopting the code, we will send it to the Fair Political Practices Commission for final approval. This proceeding is closed.  
(Com Duque - ALJ Weissman)
- 3           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 directs Pacific Bell and GTE California Incorporated to establish memorandum accounts for billings for directory listings services subject to later true-up once applicable rates are established in the Open Access and Network Architecture Development proceeding. This decision is issued pursuant to the directive in D97-01-042.  
(Com Conlon - ALJ Pulsifer)

- 4 R95-01-020 - Rulemaking on the Commission's own motion into Universal Service and to comply with the mandates of Assembly Bill 3643. I95-01-021 - Related matter. This decision authorizes the Interim Administrative Committee for the California High Cost Fund-B (CHCF-B) and the California Teleconnect Fund (CTF) to apply to the Internal Revenue Service for private letter rulings granting tax-exempt status to the CHCF-B and CTF. This decision also instructs telecommunications carriers to place into interest-bearing accounts the CHCF-B and CTF surcharge revenues they are collecting and to remit the interest so earned to the CHCF-B and CTF. Finally, this decision orders that carriers are to receive interest on payments owed to them for services rendered under the CTF program. (Com Knight - ALJ Kenney)
- 5 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 resolves the outstanding question identified in D97-09-115 concerning whether Pacific Bell and GTE California, Inc. should be permitted to compete as competitive local carriers within the service territories of Roseville Telephone Company (RTC) and Citizens Telephone Company (CTC) given the ability to average rates over a more diverse customer base. The Decision denies the requests of RTC and CTC to exclude Pacific and GTEC from mid-size incumbent local exchange carriers market entry until cost studies are performed. (Com Conlon - ALJ Pulsifer)
- 6 A97-01-052 - Southern California Edison Company. Application to buyout a thermal power purchase agreement with Mammoth-Pacific, L.P. in Mono County. Denied. This proceeding is closed. (Rev.) (Com Duque - ALJ Wright)  
This revision was not listed on the agenda distributed to the public.

## UTILITIES RESOLUTIONS

### *ENERGY MATTERS*

- E-1            Res E-3493 - Pacific Gas and Electric Company (PG&E). Requests two separate deviations from California Public Utilities Code Section 320 in the City of Placerville. PG&E is authorized the relocation of one pole near Blairs Lane and Baco Drive. PG&E is denied the relocation of two poles near Mosquito Road and Anderson Way. Both sites are within the Highway 50 Scenic Corridor.
- E-2            E-3516 - Pacific Gas and Electric Company. For approval of its 1998 base revenue increase attributable to Public Utilities Code Sections 368(e) and 381(c). Approved as modified.  
(Advice Letter 1703-E, filed October 17, 1997)  
(Agenda 2983, Item E-1, 12/30/97; Req - Commission)  
This item was not listed on the agenda distributed to the public.

## **COMMISSIONER'S REPORTS**

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

Status report from ISO/PX CEOs regarding project completion.  
(Moved from 1/21/98 due to ISO Board meeting on 1/21/98)  
This item was not listed on the agenda distributed to the public.

## **EXECUTIVE DIRECTOR'S REPORT**

Wesley M. Franklin, Executive Director

Section 19990 of the Government Code directs each agency to develop and maintain a Statement of Incompatible Activities governing the outside activities of its employees and sets forth the minimum requirements for the Statement. Proposed Statements are reviewed and approved or rejected by the Department of Personnel Administration. In SB 595, the Legislature recently directed the Commission to revise its Statement no later than February 28, 1998. We have revised the Statement after twice releasing drafts to the staff for comment and after holding workshops in Los Angeles and San Francisco. We now seek the Commission's consent to send a Proposed Revised Statement and supporting rationale to the Department of Personnel Administration seeking its approval.

## **GENERAL COUNSEL'S REPORT**

Peter Arth, Jr., General Counsel

### ***Legislative Matters***

- LEG-1            This bill would propose changes to Sections 2887, 7930 and 7931 of the Public Utilities Code to codify standard industry practices related to the implementation of new area codes in California, to align state law with changes in federal numbering administration requirements, and to accommodate changes required by the competitive and rapidly expanding telecommunications market in California.

**Legal Division Memorandums**

- L-1            Res L-265 - Disposes of Public Records Act request by California Alliance for Utility Safety and Education and Karen Johanson for authority to inspect and/or copy all utility incident reports filed with the Commission in the past ten years by Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas and Electric Company, Sierra Pacific Power Company, and Pacific Power and Light.  
(Agenda 2982, Item L-1, 12/16/97; Req - Commission)
- L-2            Res L-266 - This resolution would authorize the release of information, including data which is not subject to public inspection pursuant to section 583 of the Public Utilities Code and General Order No. 66C, in response to the administrative summons served on the Commission by the Department of the Treasury, Internal Revenue Service. The summons seeks audit papers and supporting documentation in the possession of the Commission which reflect the taxable sales of telephone service during the period January 1, 1989 to December 31, 1995 for MTC Telemanagement Corporation (MTC) and further requests documentation that identifies the persons responsible for collecting, accounting for, paying over, or filing telecommunication excise returns for MTC, Marin Telemanagement Corporation, NetSource Communications Inc, or the predecessor, successor, parent, or subsidiary of those companies.

**MANAGEMENT REPORTS**

Lynn T. Carew, Chief  
Administrative Law Judge Division

- HALJ-1        Res ALJ 175 - To establish a protocol for implementing the new authority for closed session discussion SB 960 provides in certain ratesetting and adjudicatory proceedings.  
(Agenda 2981, ALJ-1, 12/3/97; Req - Commission)



HALJ-1a      ALTERNATE RESOLUTION TO RES HALJ-1. When a proposed decision in a ratesetting proceeding is released for comments pursuant to Article 19 of the Commission's Rules, the matter will be placed on the business meeting agenda which occurs 30 days or more from the day of issuance (as opposed to 45 days or more in Resolution ALJ-1). The Ratesetting Deliberative Meetings would generally be scheduled on the Monday of the week preceeding each Business Meeting (unless that Monday is a state holiday, in which case the Deliberative Meeting would be scheduled on Tuesday), rather than the Thursday following each Business Meeting  
(Com Duque)  
(Agenda 2981, ALJ-1a, 12/3/97; Req - Commission)

ALJ-1          Res ALJ-176 - Ratification of preliminary determinations of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1.

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

- Annual California Railroad Safety/Accidents Report

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. If in closed session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Section 11125.2 and 11126.3 (f).*

**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; Agenda 2980, Item HEX-1, 11/19/97; Agenda 2981, Item HEX-1, 12/3/97; Req - Commission)

HEX-2            A96-03-031, A96-04-030 - Disposition of applications for rehearing of D97-04-082, filed by the City of Long Beach (Long Beach) and The Utility Reform Network (TURN). Long Beach claims legal error on the ground that D97-04-082 retroactively eliminates the core cap for Long Beach and changes the allocation of the Interstate Transition Cost Surcharge (ITCS). TURN argues that D97-04-082: (1) results in the allocation of most surcharges to the core and all benefits to noncore, and thus, the decision is arbitrary, unduly discriminatory, and unsupported by either the record or past Commission decisions; (2) is arbitrary and violates Public Utilities Code Section 451 because it fails to require tracking of excess core procurement costs; and (3) adopts a core storage withdrawal reservation which is inconsistent with the record and within the decision itself.  
(Agenda 2981, Item EX-2, 12/3/97; Agenda 2982, Item HEX-2, 12/16/97; Req - Commission)

HEX-3            I \_\_\_\_\_ - Order instituting investigation of abusive marketing and sales practices of GTE California's Foreign Language Assistance Center.  
(Agenda 2980, Item EX-10, 11/19/97; Agenda 2981, Item HEX-3, 12/3/97; Agenda 2982, Item HEX-4, 12/16/97; Req - Commission)

HEX-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

(Agenda 2979, Item EX-4, 11/5/97; Agenda 2980, Item HEX-2, 11/19/97; Agenda 2981, Item HEX-2, 12/3/97; Agenda 2982, Item HEX-5, 12/16/97; Req - Commission)

HEX-5            C94-08-025 - Disposition of application for rehearing of D97-09-114 in which applicant Pacific Bell challenges the Commission's finding that Pacific Bell charged for work it did not do, after Pacific Bell billed installation charges for delivering a dial tone over preexisting wire to a preexisting jack. Pacific Bell argues that the work was on the customer's side of the demarcation point, and that the decision deprives Pacific Bell of its property without compensation since it must work on the customer's side of the demarcation point without charge.  
(Agenda 2982, Item EX-8, 12/16/97; Req - Commission)

HEX-6            R94-04-031, I94-04-032 - Disposes of application for rehearing and petition for modification by the Low Income Governing Board of D97-09-117, which established certain start-up procedures for the Low Income Governing Board and the California Board for Energy Efficiency, both advisory boards.

(Agenda 2982, Item EX-10, 12/16/97; Req - Commission)

HEX-7            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.

(Agenda 2980, Item EX-2, 11/19/97; Agenda 2981, Item HEX-4, 12/3/97; Agenda 2982, Item HEX-1, 12/16/97; 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           A94-08-050 - Disposition of the application filed by Sesco, Inc. for rehearing of Resolution G-3134 regarding Southern California Gas Company's bidding protocol for its direct assistance program.
- EX-3           A92-12-043, A93-03-038, A94-05-035, A94-06-034 - Disposition of the applications filed separately by Toward Utility Rate Normalization (now, The Utility Reform Network) and by El Paso Natural Gas Company for rehearing of D94-12-058. The rehearing applications were filed with regard to the Commission's determinations in D94-12-058 on the Line 401 Expansion Project of Pacific Gas and Electric Company.
- EX-4           R95-04-043, I95-04-044 - Disposition of application for rehearing filed by GTE California Incorporated related to subscriber directory listings and access to directory information.
- EX-5           I\_\_\_\_\_ - Order instituting investigation into whether Felila G. Fuentes dba Fuentes Tours has violated statutes, rules and regulations in connection with providing charter-party service, and whether fines should be imposed and/or the permit revoked.

**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.

FEX-2            SBC Communications, Inc., et al. vs. Federal Communications Commission, et al.  
(Civil Action No. 7:97-CV-163-X).  
This matter is added to the agenda pursuant to Government Code Section 11125.3(a)(2) and Public Utilities Code Section 306(b).  
This item was not listed on the agenda distributed to the public.

**CLOSED SESSION - INTERNAL AGENDA**

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