
Public Utilities Commission of the State of California

***Public Agenda 2985
Wednesday, January 21, 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>

Scheduled Commission Meetings
AUDITORIUM
505 Van Ness Avenue, San Francisco

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.
- CA-3

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-18832** - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
- CA-2** **Res TL-18833** - 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** **C96-02-040 - Leon Selva and Norman Selva vs. Southern Pacific Transportation Company (Los Angeles District Office).**
This order grants, in part, request to reopen private railroad crossing, subject to execution of appropriate licensing agreement, which would include provisions for crossing control and complainants' assumption of liability for risks associated with their tenant's use of the reopened crossing. Alternatively, defendant's proposal to upgrade another crossing to provide access to defendant's farm may be implemented. This proceeding is closed.
(Com Duque - ALJ Kotz)
(Section 311)
- CA-4** **Res W-4088 - North Gualala Water Company, Inc.**
Resolution imposing a one-time surcharge producing \$1,082 for the recovery of a catastrophic event memorandum account balance.
(Advice Letter 45, filed December 9, 1997)

- CA-5 A97-10-061 - SuperShuttle of San Francisco, Inc. (SuperShuttle).**
For authority to modify its fares and establish revised Zones of Rate Freedom (ZORF) for service between the San Francisco International Airport and points in Santa Clara County. SuperShuttle is granted authority to revise its ZORF in Santa Clara County. This proceeding is closed.
(Com Duque - ALJ Rosenthal)
- CA-6 A97-04-037 - Genadiy Spektor and Kirill Mogilev dba Unicorn Travel.**
For a certificate of public convenience and necessity to operate as a passenger state carrier between San Francisco and Los Angeles. Dismissed. This proceeding is closed.
(Exam Koss)
- CA-7 A97-10-062 - Advanced Airporter, Inc.**
For authority to establish a Zone of Rate Freedom fares of \$6 above and below its present fare. Granted. This proceeding is closed.
(Exam Koss)
- CA-8 A97-10-044 - Daniel O. Mittow and Jane Schafer-Mittow dba Davis Airporter.**
For authority to extend passenger stage service between certain points in the Counties of Sacramento, Yolo, and Solano, on the one hand, and Sacramento Metropolitan and San Francisco International Airports, on the other hand. Granted. This proceeding is closed.
(Exam Koss)
- CA-9 A97-07-011 - Airway Shuttle, Inc.**
For authority to operate an on-call passenger stage between the Counties of Contra Costa, Alameda, and Solano, on the one hand, and San Francisco, Oakland, and San Jose International Airports. Granted. This proceeding is closed.
(Exam Koss)

- CA-10 A97-09-021 - Irving Stoller.**
For authority to operate an on-call passenger stage corporation between certain points in the Counties of Riverside and San Bernardino, on the one hand, and Los Angeles International, Ontario International, John Wayne, Long Beach, Burbank, and Palm Springs Airports and Los Angeles and Long Beach Harbors, on the other hand. Granted. This proceeding is closed.
(Exam Koss)
- CA-11 A97-04-048 - City of Carson (City).**
For authority to construct Sepulveda Boulevard at separated grades over the tracks of Union Pacific Railroad Company's (UP) San Pedro and Wilmington Branch Lines in Carson, Los Angeles County. The proposed Sepulveda Boulevard Grade Separation, located within the Alameda Corridor Transportation Authority's Consolidated Transportation Corridor, will alleviate traffic congestion on both Sepulveda Boulevard and Alameda Street due to traffic delays at both existing at-grade railroad crossings, conserve energy, reduce air pollution in the area, and facilitate the shipment of freight to and from the Ports of Long Beach and Los Angeles. Upon completion of Sepulveda Boulevard Grade Separation and its opening to vehicular traffic, the existing at-grade crossings of Sepulveda Boulevard over UP's San Pedro and Wilmington Branch Lines will be closed. Granted. This proceeding is closed.
(Exam Koss)
- CA-12 A97-07-006 - County of Los Angeles (County).**
For authority to construct Del Amo Boulevard at separated grades over the tracks of Union Pacific Railroad Company's (UP) San Pedro and Wilmington Branch Lines in Carson, Los Angeles County. Authority also is granted to alter the existing at-grade crossing of Rancho Way across the spur track of the Wilmington Branch Line and to close the existing at-grade crossings of Dominguez Street across the San Pedro and Wilmington Branch Lines. The proposed Del Amo Boulevard grade separation Overhead will alleviate traffic congestion on both Del Amo Boulevard and Alameda Street. Upon commencement of construction the existing Del Amo Boulevard at-grade crossings will be closed. On completion of Del Amo Boulevard grade separation Overhead and its opening to vehicular traffic, the existing Dominguez Street at-grade crossings will be closed. Granted. This proceeding is closed.
(Exam Koss)

- CA-13 A97-10-071 - Kinder Morgan Energy Partners, LP.**
For authority to acquire control of SFPP, L.P. pursuant to Public Utilities Code Section 854. Granted. This proceeding is closed.
(Com Knight - ALJ Wright)
- CA-14 (ECP) C97-10-076 - Lorna Shofner vs. D.C.N. Wireless.**
This case is dismissed for failure to prosecute. This proceeding is closed.
(Com Neeper - ALJ Barnett)
- CA-15 A93-10-029 - Metrocall, Inc. (Metrocall).**
For a certificate of public convenience and necessity (CPCN) to add radiotelephone utility facilities and to extend utility's service areas in and around the Counties of Sierra, Nevada, San Luis Obispo, and El Dorado, California, pursuant to Sections 1011, et seq., of the California Public Utilities Code. This decision grants the motion to dismiss the application of Metrocall of Delaware, Inc. The Federal Budget Act of 1993 eliminated the requirement for a CPCN to provide wireless telecommunications services. Therefore, the application seeking such authority is rendered moot. This proceeding is closed.
(Com Conlon - ALJ Pulsifer)
- CA-16 A97-08-007 - California Western Railroad, Inc. (CWRR)**
For authority to modify scheduled commuter passenger service and seek relief from regulated excursion passenger scheduling and fares. This decision concludes that the excursion passenger service provided by CWRR should not be subject to regulation by the Commission.
(Com Conlon - ALJ Garde)
- CA-17 A97-10-014 - Pacific Gas and Electric Company (PG&E).**
For recovery of 1996 non-nuclear generation capitol additions costs. A97-10-015, A97-10-024 - Related matters. This order grants the petition of PG&E, San Diego Gas & Electric Company, and Southern California Edison Company for authorization to establish a memorandum account to track the revenue requirement associated with earnings on 1996 and 1997 non-nuclear generation capital additions.
(Coms Bilas/Conlon - ALJ Malcolm)

- CA-18** **C89-11-027 - W. Victor vs. GTE California Incorporated, GTE Corporation, and Does 1 through 20, Inclusive. C90-01-020, C90-01-056, C90-03-017, C90-03-020, C90-03-023, C90-03-046, C90-03-047, C90-04-026, C90-04-054, C90-04-055, C90-07-018, C90-07-019, C90-07-071, C90-07-073, C90-07-074, C90-08-064, C90-08-065 - Related matters.**
- This decision dismisses 18 complaints for lack of evidence and orders consolidation of approximately 80 other complaints for prompt hearing. These proceedings are closed.
(Com Duque - ALJ Walker)

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; Agenda 2984, Item H-1, 1/7/98; 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; Agenda 2984, Item H-1a, 1/7/98; Req - Commission)
- H-2** **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; Agenda 2984, Item H-3, 1/7/98; Req - Commission)

H-3 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; Agenda 2984, Item H-5, 1/7/98; Req - Commission)

H-4 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; Agenda 2984, Item H-6, 1/7/98; Req - Commission)

H-5**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)

(Agenda 2984, Item 1, 1/7/98; Req - Commission)

ORDERS**1 R93-04-003 - Rulemaking on the Commission's own motion to govern open access to Bottleneck Services and establish a framework for Network Architecture Development of Dominant Carrier Networks. I93-04-002 - Related matter.**

This interim decision resolves issues regarding the system costs of Pacific Bell (Pacific), which costs will serve as the basis for setting prices for unbundled network elements (UNEs) to be offered by Pacific. First, the decision concludes that for a variety of reasons, the Total Element Long Run Incremental Cost (TELRIC) methodology described in the First Report and Order of the Federal Communications Commission (FCC) is preferable to the Total Service Long Run Incremental Cost (TSLRIC) methodology previously approved by this Commission, although the version of TELRIC that this Commission will employ is likely to differ somewhat from the version approved by the FCC. Second, the decision concludes that the costs for Pacific's system should be determined using the cost studies submitted by Pacific on January 13, 1997, rather than on the basis of Version 2.2.2 of the Hatfield Model, a computer model that has too many structural and input flaws to be useful here. Third, the decision concludes that approximately \$685 million in adjustments should be made to Pacific's January 13 cost studies, including the elimination of \$80 million in switching investment, the spreading of \$75 million in software licensing fees across all switching functions, the elimination of \$63 million in retail costs, and the elimination of \$35 million in spare capacity costs caused by Pacific's unrealistically-low assumption about the "fill factor" for fiber feeder. Finally, the decision concludes that neither Pacific nor any other party has offered a realistic proposal for the geographic deaveraging of UNE prices, so that the UNE prices to be adopted for Pacific after supplementary pricing hearings should be statewide-average prices.

(Com Duque - ALJ McKenzie)

- 2** **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 Pacific Gas and Electric Company's (PG&E) Petition to Modify D96-12-025. PG&E requests that the Commission modify D96-12-025 to order PG&E to allocate the total 1998 Electric Deferred Refund Account amount to be refunded to each customer class in proportion to revenues billed for each customer class during the period ending February 1997 through January 1998 and within each customer class, calculate the individual customer refunds based on each customer's average monthly energy usage for the same time period.
(Com Conlon - ALJ Minkin)
- 3** **R_____ - Order instituting rulemaking on the Commission's own motion to assess and revise the regulatory structure governing California's natural gas industry.**
The rulemaking will consider expanding market-oriented policies and alternatives to the existing market structure and our regulatory processes. The initial focus of this rulemaking will be the Division of Strategic Planning's report, Strategies for Natural Gas Reform: Exploring Options for Converging Energy Markets, which is appended to this rulemaking.
- 4** **A97-09-012 - Cox California Telecom, Inc. (Cox).**
For approval of an arbitrated Interconnection Agreement (Agreement) between Cox and GTE California Incorporated (GTE). Parties shall sign, file and serve the approved Agreement within three days. The Agreement shall become effective on the date the signed copy is filed. Within 10 days, GTE shall provide the Agreement on disk in hypertext markup language, put the Agreement on GTE's world wide web site, and provide information on linking the GTE web site to the Commission's web site.
This proceeding is closed.
(Com Bilas - ALJ Mattson)

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 approves the initial group competitive local carriers set forth in Appendix B of this order, seeking to offer facilities-based local exchange service within the territories of Roseville Telephone Company and Citizens Telephone Company. Approval is granted pursuant to the terms and conditions set forth in D97-09-115.

(Com Conlon - ALJ Pulsifer)

6 A97-04-066 - Lightbridge, Inc., AirTouch Cellular, Inc., Pacific Bell Mobile Services, Inc., Cox Communications PCS. L.P., and Sprint PCS, Inc.

To establish an inter-carrier credit check system. This decision grants the application on two conditions. First, the applicants may only share customer credit data for the exclusive purpose of determining the credit worthiness of new subscribers in California. Second, the applicants must comply with specified safeguards designed to protect the privacy of their customers' credit data. Applicants' request that other carriers be authorized to share customer credit data with the applicants upon the submittal of written notice is granted with condition. This proceeding is closed.

(Com Conlon - ALJ Kenney)

UTILITIES RESOLUTIONS

ENERGY MATTERS

- E-1 Res E-3518 - San Diego Gas and Electric Company.**
Requests approval of changed tariff sheets for 21 time-of-use tariff schedules, as ordered in resolution E-3483. Denied and resolution E-3483 is rescinded.
(Advice Letter (AL) 1032-E, filed April 24, 1997 and AL 991-E, filed July 29, 1996)
- E-2 Res E-3519 - San Diego Gas & Electric Company.**
Requests authorization to revise the rates in schedule EV-TOU and EV-TOU-2, domestic time-of-use for electric vehicle charging and domestic time-of-use for households with electric vehicles, to be revenue neutral and consistent with the revenue requirement and marginal energy costs adopted in the 1996 energy cost adjustment clause decision.
(Advice Letter 995-E, filed August 30, 1996)
- E-3 Res E-3520 - Pacific Gas and Electric Company (PG&E).**
For approval of its plan to refund to customers, electric disallowances ordered by the Commission, Utility Electric Generation (UEG) department portions of gas disallowances ordered by the Commission or the Federal Energy Regulatory Commission (FERC), and electric and UEG amounts resulting from the settlement of reasonableness disputes at the Commission or FERC. The total amount to be refunded is approximately \$61 million. PG&E requests expedited treatment so refunds can begin February 1, 1998.
(Advice Letter 1729-E, filed January 2, 1998)
- E-4 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; Agenda 2984, Item E-2, 1/7/98; Req - Commission)

WATER MATTERS

W-1

Res W-4089 - Southern California Water Company.

Order authorizing the establishment of a memorandum account for water contamination litigation expenses for its San Gabriel Valley District.

(Advice Letter 982-W, filed August 1, 1997)

RAIL SAFETY AND CARRIERS RESOLUTIONS

- T-1** **Res TL-18831** - Resolution adjusting the rates in maximum rate tariff 4 on January 21, 1998, pursuant to Public Utilities Code Section 5191.

COMMISSIONERS' 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

Legislative Matters

HLEG-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.
(Agenda 2980, Item LEG-1, 1/7/98; Req - Commission)

LEG-1 AB 1424 (Martinez) as proposed to be amended, this bill would require every entity offering prepaid debit cards for telephone calls to register with the Commission and enacts enforcement authority regarding use of such cards.

LEG-2 Consideration of Commission sponsoring legislation entitled Truth in Telecommunications in Billing Act - The purpose of this legislation is to protect subscribers from being billed unauthorized charges on the subscriber's local service provider bill and to provide the California Public Utilities Commission jurisdiction to enforce the provisions of this act and to establish other rules as necessary to protect subscribers.

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; Agenda 2984, Item HALJ-1, 1/7/98; 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; Agenda 2984, Item HALJ-1a, 1/7/98; Req - Commission)

ALJ-1 **Res ALJ-176-2985** - 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

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** **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.
(Agenda 2984, Item EX-4, 1/7/98; Req - Commission)
- HEX-2** **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; Agenda 2984, Item HEX-6, 1/7/98; Req - Commission)

HEX-3 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; Agenda 2984, Item HEX-4, 1/7/98; Req - Commission)

HEX-4 **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; Agenda 2984, Item HEX-3, 1/7/98; Req - Commission)

HEX-5 **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; Agenda 2984, Item HEX-2, 1/7/98; Req - Commission)

- HEX-6** **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; Agenda 2984, Item HEX-7, 1/7/98; 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 **A97-10-009** - Disposes of applications for rehearing of Resolution G-3221 filed by Enserch energy Services, Inc., and Southern California Gas Company (SoCalGas). Res.G-3221 approved SoCalGas' advice letter proposing refunds of interstate pipeline demand charges to qualifying core aggregators.

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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Those intervenors who have financial hardship determination pending or granted shall be eligible to receive draft agenda item packets at no charge.