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# *Public Utilities Commission of the State of California*

*Public Agenda 2987  
Thursday, February 19, 1998, 10 a.m.  
San Francisco, California*

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

*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

<i>Ratesetting Deliberative Meeting*</i> <i>(1:30 p.m.)</i> <i>Closed to the Public</i>	<i>Commission Meeting</i> <i>(10 a.m.)</i> <i>Open to the Public</i>
Monday, March 9	Thursday, March 12
Monday, March 23	Thursday, March 26
Monday, April 6	Thursday, April 9
Monday, April 20	Thursday, April 23
Monday, May 4	Thursday, May 7
Monday, May 18	Thursday, May 21

*\*Ratesetting Deliberative Meeting dates are reserved as noted but will only be held if there are ratesetting matters to be considered.*

***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-18836** - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
- CA-2**      **Res TL-18837** - 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**      **C97-05-024 - Lena Humber vs. North Gualala Water Company.**  
The clarification of D86-09-027 by D96-10-037 applies retroactively to all disputes involving the gross-up of taxes for contributions in aid of construction for small water companies. The determining date for the calculation of gross-up taxes is that date the utility presents its post-construction audit to the customer, not the date a pre-construction payment by the customer is made.  
(Com Bilas - ALJ Rosenthal)  
(Section 311)

- CA-4           A95-12-087 - Integrated Teleservices, Inc.**  
For authority to amend its certificate of public convenience and necessity to expand its existing authority to resell local exchange service as a competitive local carrier within the service territory of Pacific Bell and GTE California. This application is denied without prejudice due to lack of prosecution in that applicant failed to provide a draft tariff within a reasonable time. This proceeding is closed.  
(Com Conlon - ALJ Pulsifer)
- CA-5           A95-05-049 - Southern California Edison Company (Edison).**  
For a Commission order finding that its costs and operations during the reasonableness review period from April 1, 1994 to March 31, 1995 were prudent. This decision approves a stipulation between the Office of Ratepayer Advocates and Edison which requires Edison to pay \$318,540 to the Electric Deferred Refund Account to compensate for a problem at the Palo Verde nuclear plant. Except for qualifying facility issues which remain open, all other expenses for the period April 1, 1994 to March 31, 1995 are found reasonable.  
(Com Knight - ALJ Barnett)
- CA-6           A93-12-029 - Southern California Edison Company (Edison).**  
For authority to adopt a performance-based ratemaking mechanism effective January 1, 1995. This decision grants The Utility Reform Network an award of \$145,697.51 in compensation for its contribution to D96-09-092. This proceeding is closed  
(Com Conlon - ALJ Wheatland)
- CA-7           A97-04-005 - Unocal California Pipeline Company (UNOCAP) and  
Tosco Corporation (Tosco).**  
For authority under Public Utilities Code Section 854, to transfer control of the operating authority granted by the Commission to UNOCAP, pursuant to the Sales and Purchase Agreement for 76 Products between Union Oil Company of California and Tosco. Approved, subject to the condition that applicants shall obtain approval from all other necessary governmental bodies for this transfer. This proceeding is closed.  
(Com Bilas - ALJ Econome)  
(Section 311)

- CA-8           A97-06-016 - Unocal California Pipeline Company (UNOCAP).**  
For authority to remove the Avila Station facilities, as more particularly described in its application and in this decision, from common carrier service. Granted. This proceeding is closed.  
(Com Bilas - ALJ Ecomone)  
(Section 311)
- CA-9           C96-12-028 - Gray Panthers of Santa Barbara vs. Southern California Edison Company (Edison).**  
This complaint is dismissed without prejudice at complainants' request. Service quality issues associated with the closure of 81% of Edison's business offices and customer response standards shall be considered in A97-12-047. This proceeding is closed.  
(Com Bilas - ALJ Hale)
- CA-10          Res SR-93 - This resolution authorizes the railroads in California to update costs of maintaining automatic grade-crossing warning devices for calendar year 1997.**
- CA-11          Res T-16119 - Pacific Bell (Pacific).**  
This resolution authorizes Pacific's request in Advice Letter (AL) 19150 and Supplement AL 19150-A to assess a termination charge to customers who have obtained free footage allowance because of a group project or by ordering a business line in their Schedule A-4 tariff. The termination charge would apply if service is not kept for a minimum of three years. Pacific included changes to existing tariffs in AL 19150 and Supplement 19150-A. (AL 19150, filed December 8, 1997, and supplemented by AL 19150-A, dated January 20, 1998)
- CA-12          Res W-4092 - McBeth Acres Water System (MAWS).**  
This resolution decertificates MAWS at its request.

- CA-13      Res W-4091 - California American Water Company, Monterey District.**  
This resolution authorizes the establishment of a memorandum account for tracking costs related to the State Water Resources Control Board Order No. WR95-10 on the Carmel River Water rights and formulation of solutions to long-term water supply issues for up to \$394,000.  
(Advice Letter (AL) 517, filed December 24, 1997 and Supplement AL 517-A, filed January 20, 1998)
- CA-14      A97-11-037 - Tamarack Transportation, Inc. dba SuperShuttle of Los Angeles.**  
For authority to establish a Zone of Rate Freedom fares of \$12 above and below its present fares. Granted. This proceeding is closed.  
(Exam Koss)
- CA-15      A97-11-035 - Preferred Transportation, Inc. dba SuperShuttle of Orange County.**  
For authority to establish a Zone of Rate Freedom fares of \$12 above and below its present fares. Granted. This proceeding is closed.  
(Exam Koss)
- CA-16      A97-11-036 - Arcadia Transit, Inc. dba SuperShuttle.**  
For authority to establish a Zone of Rate Freedom fares of \$12 above and below its present fares. Granted. This proceeding is closed.  
(Exam Koss)
- CA-17      A94-12-005 - Pacific Gas and Electric Company (PG&E).**  
For authority, among other things, to decrease its rates and charges for electric and gas service, and increase rates and charges for pipeline expansion service. Agricultural Energy Consumers Association is awarded \$11,339.30 for its substantial contribution to D97-03-017. This proceeding is closed.  
(Com Conlon - ALJ Hale)
- CA-18      Res T-16110 - Pacific Bell (Pacific).**  
This resolution approves an interconnection agreement between Pacific Bell Mobile Services and Pacific pursuant to Section 252 of the Telecommunications Act of 1996.  
(Advice Letter 19142, filed November 26, 1997)

- CA-19      Res T-16126 - Local Exchange Telephone Companies.**  
This resolution authorizes the adoption of a change in the Part 32 expense limit from \$500 to \$2,000 for certain accounts, effective January 1, 1998. This resolution does not approve any revenue requirement changes associated with this accounting change nor are any hereby authorized, pending further action of this Commission.  
(Pacific Bell's Advice Letter (AL) 19131, filed November 21, 1997; Calaveras Telephone Company's AL 193, filed December 1, 1997; California-Oregon Telephone Company's AL 214, filed December 1, 1997; Ducor Telephone Company's AL 269, filed December 1, 1997; Evans Telephone Company's AL 259, filed December 1, 1997; Foresthill Telephone Company's AL 182, filed December 31, 1997; Happy Valley Telephone Company's AL 189, filed December 4, 1997; Hornitos Telephone Company's AL 163, filed December 4, 1997; Kerman Telephone Company's AL 246, filed December 3, 1997; Pinnacles Telephone Company's AL 131, filed December 1, 1997; The Siskiyou Telephone Company's AL 244, filed December 1, 1997; The Volcano Telephone Company's AL 228, filed December 1, 1997; Winterhaven Telephone Company's AL 84, filed December 4, 1997)
- CA-20      Res G-3230 - Southern California Gas Company.**  
This resolution grants approval to change an existing memo account to a tracking account to record past savings resulting from the zone credit limitations.  
(Advice Letter 2593, filed May 27, 1997)
- CA-21      Res SR-94 -** This resolution grants a temporary variance at bent 2 from side clearance requirements of General Order 26-D during seismic retrofit of Vincent Bridge between Los Angeles and Terminal Island affecting train movements of Union Pacific, Burlington Northern Santa Fe, and Pacific Harbor Line.
- CA-22      Res G-3232 - Southern California Gas Company.**  
This resolution grants approval to transfer the balance in the NCO shortfall memorandum account to the core fixed cost account for recovery from core customers beginning January 1, 1998.  
(Advice Letter 2622, filed August 27, 1997)

- CA-23           A97-12-027 - Dwayne Lee Porter dba D.L. Porter Corp.**  
For registration as a non-utility electric service provider under Public Utilities Code Section 394(a). Denied. Applicant has not shown that he has the qualifications set forth in Section 394(a) including financial viability, and technical and operational ability. Applicant's 16 year-old felony conviction is found not to bear a substantial relationship to the qualifications of an electric service provider. This proceeding is closed.  
(Com Bilas - ALJ Barnett)
- CA-24           Res E-3524 - All Energy Utilities.**  
This resolution requires energy utilities to continue use of existing income limits for the California Alternate Rates for Energy and for the Low-Income Weatherization Program and authorizes the director of the energy division to approve revised income levels.
- CA-25           A97-11-032 - Southern California Edison Company (Edison).**  
For authority to issue, sell, and deliver one or more series of Debt Securities and to guarantee the obligations of others in respect of the issuance of Debt Securities, the total aggregate principal amount of such indebtedness and guarantees not to exceed \$800,000,000. Granted. This proceeding is closed.  
(Exam Evans)
- CA-26           (I&S) C97-08-004 - San Jose Water Company (SJWC).**  
In the matter of the investigation and suspension on the Commission's own motion of tariff filed by Advice Letter (AL) Nos. 287 and 287-A of SJWC in Santa Clara County. This decision extends the period of suspension of SJWC AL Nos. 287 and 287-A until June 2, 1998.  
(Com Duque - ALJ McVicar)
- CA-27           A93-08-002 - MTEL Digital Services (MTEL) and Linkatel Pacific, L.P. (Linkatel Pacific).**  
For authority to transfer utility assets between MTEL and Linkatel Pacific. Subsequent to the filing of this application, the Commission instituted an expedited advice letter filing process for consideration of transactions of this nature between non-dominant interexchange carriers in D94-05-051. Accordingly, the application is treated as if it had been filed pursuant to the advice letter process and is approved. This proceeding is closed.  
(Com Conlon - ALJ Pulsifer)

**CA-28            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 corrects an internal inconsistency between the dicta and the ordering paragraphs of D98-01-055 which previously approved local exchange authority for competitive local carriers to enter the territories of Roseville and Citizens Telephone Companies. This decision amends the dicta on page 6 of D98-01-055 to delete the erroneous references to a 40-day advance tariff filing requirement and to a requirement to serve all competitors with advice letter filings. No substantive changes to the order are made.

(Com Conlon - ALJ Pulsifer)



## REGULAR AGENDA

### UTILITY AND TRANSPORTATION ORDERS

#### *ORDERS HELD OVER*

- H-1**            **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; Agenda 2984, Item H-2, 1/7/98; Req - Commission)
- H-2**            **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)  
(Agenda 2985, Item 6, 1/21/98; Req - Commission)

- H-3           A95-04-025 - Long Distance Direct, Inc. (LDDI).**  
For a certificate of public convenience and necessity to operate as a reseller of interexchange telecommunications services. This decision approves an amended settlement agreement between LDDI and the Consumer Services Division. Under the settlement, LDDI agrees, among other things, to pay a \$45,000 fee to an established trust fund devoted to investigation and enforcement of consumer protection actions in California. This proceeding is closed.  
(Com Conlon - ALJ Walker)  
(Agenda 2986, Item CA-6, 2/4/98; Req - Commission)
- H-4           I92-07-031 - In the matter of the investigation on the Commission's own motion of whether Camp Meeker Water System, Inc. (CMWS) has complied with Ordering Paragraphs No. 5 and 6 of D89-10-033, relating to the filing of a Notice of Intent to Preserve Easements.**  
This decision dismisses the investigation into CMWS since it is no longer a functioning public utility. This proceeding is closed.  
(Com Conlon - ALJ Stalder)  
(Agenda 2986, Item CA-12, 2/4/98; 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; Agenda 2984, Item H-5, 1/7/98; Agenda 2985, Item H-3, 1/21/98; Agenda 2986, Item H-4, 2/4/98; Req - Commission)

**H-5a ALTERNATE PAGES TO ITEM H-5.**

In this decision, we find that the exemption provided to application of the Competition Transition Charge (CTC) in Public Utilities Code Section 369 does not allow the CTC to be applied to new load which is served by a direct transaction not otherwise utilizing a utility's transmission and distribution system. The direct transaction and standby service are separate transactions. These proceedings are closed.

(Com Knight)

**H-6 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)

(Agenda 2985, Item 1, 1/21/98; Agenda 2986, Item H-5, 2/4/98; Req - Commission)

**H-7            R97-10-050 - Order instituting rulemaking on the Commission's own motion into the regulation of containerized shipments of used household goods and personal effects transported to and from self-service storage facilities.**

This decision concerns modification of Commission's household goods regulatory program in relation to pending Senate Bill No. 1086. This decision also determines whether modifications to the program are necessary or appropriate to promote the efficient movement of containerized used household goods shipments to and from storage facilities while maintaining necessary consumer protections. This proceeding is closed.

(Coms Conlon/Bilas - ALJ Ryerson)

(Agenda 2986, Item 5, 2/4/98; Req - Commission)

**H-8            R90-02-008 - Order instituting rulemaking on the Commission's own motion to change the structure of gas utilities' procurement practices and to propose refinements to the regulatory framework for gas utilities.**

This decision grants with minor modifications the petition to modify D95-07-048 filed by Enron Corporation on November 17, 1997. The petition to modify asks the Commission to change the rules established for the gas core aggregation program to permit an easier process by which customers could switch their natural gas providers.

(Com Knight - ALJ Malcolm)

(Agenda 2986, Item 6, 2/4/98; Req - Commission)

**ORDERS**

- 1           A96-10-008 - Sprint Communications Company L.P. (Sprint).**  
For a certificate of public convenience and necessity (CPCN) to operate as a competitive local carrier (CLC) providing both facilities-based and resold local exchange service. This decision denies without prejudice the Petition for Modification of D97-08-085 filed by Sprint in which it was granted a CPCN to provide local exchange service as a CLC. Sprint seeks a modification of the Decision to eliminate the requirement that Sprint keep its books and records in accordance with the Uniform System of Accounts specified in Title 47, Code of Federal Regulations, Part 32. Because Sprint's Petition raises generic policy issues, this decision determines that this issue will be addressed in the Local Competition dockets (R95-04-043/I95-04-044). This proceeding is closed.  
(Com Conlon - ALJ Pulsifer)
  
- 2           A97-07-048 - Southern California Edison Company.**  
For authority to lease available space on certain distribution power poles and street light poles to Metricom, Inc., which would use the space to install low-power, packet-sized wireless radio equipment for its high-speed digital telecommunications services. The Office of Ratepayer Advocates recommends additional reporting requirements to safeguard the public interest, and the California Cable Television Association urges that the Commission take note of related issues in another proceeding. This application is granted, subject to conditions. This proceeding is closed.  
(Com Knight - ALJ Walker)
  
- 3           A97-11-004 - Pacific Gas and Electric Company (PG&E).**  
To identify cost savings for revenue cycle services provided by other entities and to propose credits for end-use customers in such circumstances for implementation no later than January 1, 1999. A97-11-011, A97-12-012 - Related matters. This decision addresses the appeal from the assigned Commissions' ruling dated January 26, 1998, by Southern California Edison Company, of the classification of the phases of the consolidated proceeding as ratesetting.  
(Coms Knight/Duque - ALJ Careaga)

- 4           A97-09-038 - Southern California Edison Company (Edison).**  
For approval of a proposed buyout of two Interim Standard Offer No. 4 (ISO4) Power Purchase Contracts between Edison and Geo East Mesa, L.P. (GEMLP) executed in 1984. Under the contracts, Edison purchases energy and 38.5 megawatts of firm capacity from two geothermal generating facilities, located 25 miles east of El Centro, California. This application is granted subject to the assumed level of ratepayer savings being capped at \$10 million for purposes of the calculation of the contract restructuring incentive. This proceeding is closed.  
(Com Knight - ALJ Patrick)
- 5           C94-09-058 - AirTouch Communications (AirTouch) vs. Pacific Bell (Pacific). C95-01-001 - Related matter.**  
This decision closes the consolidated complaint cases filed by AirTouch and MCI Communications, respectively, versus Pacific regarding the dispute over the 310/562 area code relief plan. Since any remaining implementation issues of the relief plan will be addressed in the Local Competition Rulemaking (R95-04-043)/Investigation (I95-04-044), there is no further need for the dockets to remain open. These proceedings are closed.  
(Com Knight - ALJ Pulsifer)
- 6           I98-02-004 - Investigation into the operations and practices of Boston-Finney, registered Non-utility Electric Services Provider No. 1105, and those of the managing directors or trustees, Christopher S. Mee and Richard MacFarlane, and whether these respondents have violated provisions of the Public Utilities (PU) Code, including section 394.25, or Commission orders.**  
Commission consideration of potential outcomes from PU Code section 394.25 hearing held on February 13, 1998.  
(Com Neeper - ALJ Bushey)
- 7           I\_\_\_\_\_ - Order instituting investigation on the Commission's own motion into the quality of water served by California's investor-owned water companies.**

**TELECOMMUNICATIONS MATTERS****C-1            Res T-16121 - Pacific Bell (Pacific).**

Requests for authority to add eight wire centers for collocation to their 175-T tariffs. Pacific is given provisional authority to revise Schedule Cal. P.U.C. No. 175-T Access Service, Section 16 Expanded Interconnection Service, to add eight additional wire centers where physical collocation will be available. The provisional status will expire 30 days after final resolution of the appeal process involving the Federal Communications Commission (FCC) Order in CC Dockets 91-141, 93-162 and 94-97 and we direct Pacific to inform this Commission of the appeal results and to revisit not only these eight wire centers, but all of its collocation rates are at that time. The intrastate interconnection rates are not in parity with their FCC rates, and therefore is not in compliance with D95-08-037.  
(Advice Letter 19014, filed September 8, 1997)

**C-2            Res T-16115 - Pacific Bell (Pacific).**

Request to add services to its resale tariff as required by D97-08-059. Approved, but orders Pacific to modify its resale tariff to include FRS Port Change Charge to be offered at a resale rate of \$30.00 per port charge on an interim basis until an appropriate rate is determined in the Open Access and Network Architecture Development proceeding, R93-04-003/I93-04-002.  
(Advice Letter (AL) 19020, filed September 10, 1997, supplemented by AL 19020-A, filed October 6, 1997, and AL 19020-B, filed October 17, 1997)  
(Agenda 2986, Item C-1, 2/4/98; Req - Commission)

**C-3            Res T-16116 - Pacific Bell (Pacific).**

Request to run 90 day promotion to waive the nonrecurring service charge to customers who choose to convert their existing residence local service back to Pacific. Approved.  
(Advice Letter 18942, filed July 25, 1997)  
(Agenda 2986, Item C-2, 2/4/98; Req - Commission)

- C-4            Res T-16117 - Seventeen Small Local Exchange Telephone Companies.**  
This resolution establishes 1998 California High Cost Fund A draws and revising local exchange rates and intralata billing surcharges/surcredits. (Calaveras Telephone Company's Advice Letter (AL) 191, filed September 30, 1997; California-Oregon Telephone Company's AL 212, filed September 30, 1997; Citizens Telecommunications Company of the Golden State's AL 24, filed October 30, 1997; Citizens Telecommunications Company of Tuolumne's AL, filed September 30, 1997; Ducor Telephone Company's AL 211, September 30, 1997; Evans Telephone Company's AL 267, filed October 2, 1997; Foresthill Telephone Company's AL 178, filed October 30, 1997; GTE West Coast Incorporated's AL 441, filed October 1, 1997; Happy Valley Telephone Company's AL 87, filed October 1, 1997; Hornitos Telephone Company's AL 161, filed October 1, 1997; Kerman Telephone Company's AL 244, filed October 1, 1997; Pinnacles Telephone Company's AL 128, filed October 1, 1997; Sierra Telephone Company's AL 222, filed October 1, 1997; Siskiyou Telephone Company's AL 242, filed September 29, 1997; The Ponderosa Telephone Company's AL 238, filed October 14, 1997; The Volcano Telephone Company's AL 226, filed October 2, 1997; Winterhaven Telephone Company's AL 82, filed October 1, 1997)



## **ADMINISTRATIVE LAW JUDGE DIVISION RESOLUTIONS**

- ALJ-1**      **Res ALJ-176-2987** - 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 of the Commission's Rules of Practice and Procedure. (See also Rule 63.2(c) regarding notice of assignment.)

**LEGAL DIVISION MATTERS**

***LEGISLATIVE MATTERS***

**HLEG-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.  
(Agenda 2985, Item LEG-1, 1/21/98; Agenda 2986, Item HLEG-2, 2/4/98; Req - Commission)

**HLEG-2** Status report on Commission-sponsored supplemental advisory board legislation.  
(Agenda 2985, Item LEG-4, 1/21/98; Agenda 2986, Item HLEG-3, 2/4/98; Req - Commission)

## **COMMISSIONERS' 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.

## **EXECUTIVE DIRECTOR'S REPORT**

Wesley M. Franklin, Executive Director

## **GENERAL COUNSEL'S REPORT**

Peter Arth, Jr., General Counsel

## **MANAGEMENT REPORTS**

Lynn T. Carew, Chief  
Administrative Law Judge Division

Paul Clanon, Director  
Energy Division

Jack Leutza, Director  
Telecommunications Division

Dean J. Evans, Director  
Water Division

Kenneth L. Koss, Director  
Rail Safety and Carriers Division

William Meyer, Director  
Strategic Planning Division

Elena Schmid, Director  
Office of Ratepayer Advocates

William Schulte, Director  
Consumer Services Division

Michael A. Doyle, Representative  
Southern California

Robert T. Feraru  
Public Advisor

## CLOSED SESSION

*This notice is furnished under Government Code Section 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider institution of proceedings and pending litigation as provided under Government Code Section 11126(p) and (q), and personnel matters as provided under Government Code Section 11126(a). Items to be considered under Government Code Section 11126(p), 11126(q)(2) and (3) and 11126(a) are not required to be made public. The list of items on the following pages, to be considered under Government Code Section 11126(q) (1), are required by the Government Code to be made public. 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**        **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; Agenda 2985, Item HEX-4, 1/21/98; 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; Agenda 2985, Item HEX-2, 1/21/98; Agenda 2986, Item HEX-1, 2/4/98; 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; Agenda 2985, Item HEX-3, 1/21/98; Agenda 2986, Item HEX-2, 2/4/98; Req - Commission)

**HEX-4** **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; Agenda 2985, Item HEX-5, 1/21/98; Agenda 2986, Item HEX-3, 2/4/98; Req - Commission)

**HEX-4a** **ALTERNATE ORDER TO ITEM HEX-4.**

**HEX-4b** **ALTERNATE ORDER TO ITEM HEX-4.**

**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**           **I.**\_\_\_\_\_ - Order instituting investigation into the operations and practices of Paradise Movers, LLC and its chief executive officer, James Shiloh. Consumer Services Division investigative and enforcement staff allege that the household goods mover has violated MAX-4 and supplied inaccurate information to secure the operating authority.
- EX-3**           **A94-12-006** - Decision on an Application for Rehearing of D97-06-064 by Southern California Gas Company relating to the Company's Catastrophic Events Memorandum Account.
- EX-4**           Discussion of legal issues related to State Personnel Board determination in CSEA et al. v. SPB et al, Sacramento Superior Court, No. 978CS03024.
- EX-5**           **A97-07-008** - Disposition of Application for Rehearing of D97-11-056 filed by Landmark Communications, Inc.

**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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