
Public Utilities Commission of the State of California

*Public Agenda 2990
Thursday, April 9, 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>

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, April 6	Thursday, April 9
Monday, April 20	Thursday, April 23**
Monday, May 4	Thursday, May 7
Monday, May 18	Thursday, May 21
Monday, June 1	Thursday, June 4
Monday, June 15	Thursday, June 18

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

***Will be held at the State Board of Equalization, 450 N Street, Sacramento, CA 95814*

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-4, 1

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-18842** - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374 (b) of the Public Utilities Code.
- CA-2** **Res TL-18843** - 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** **A97-01-038 - California Water Service Company.**
For authority to adopt certain language for use in Rule 15 main extension contracts. Denied. This proceeding is closed.
(Com Duque - ALJ Rosenthal)
(Section 311)
- CA-4** **I94-05-040 - Order instituting investigation into the operations of Kenneth Bola Obatusin (respondent), an individual, dba Airport Ride.**
This decision revokes passenger stage authority of respondent. This proceeding is closed.
(Com Neeper - ALJ Rosenthal)
(Section 311)

- CA-5 A97-09-051 - Sonora Water Company, Inc. (Sonora).**
For authority to transfer control of Sonora from Richard N. Clayton to Beverly Brown through the sale of a majority of Sonora's issued and outstanding common stock, at a price not to exceed \$15,000. Granted. This proceeding is closed.
(Com Duque - ALJ McVicar)
- CA-6 A97-10-063 - Pacific Gas and Electric Company (PG&E).**
This decision approves the sale by PG&E of approximately 2,334 acres of unimproved land located in Tehama county to Peter G. Pfendler and the ratemaking treatment requested by applicant for this transfer. This proceeding is closed.
(Coms Conlon/Bilas - ALJ Careaga)
- CA-7 Res W-4095 - Lake Alpine Water Company.**
This resolution authorizes a rate base offset increase producing \$8,429 or 3.85% additional revenue.
(Advice Letter 50, filed February 23, 1998)
- CA-8 C97-10-060 - Saddiq Khan vs. Pacific Gas and Electric Company.**
This complaint is dismissed with prejudice. This proceeding is closed.
(Com Bilas - ALJ Wright)
- CA-9 R87-11-012 - Order instituting rulemaking to revise the time schedules for the rate case plan and fuel offset proceedings.**
This decision grants Petition for Modification of D89-01-040 filed by Pacific Gas and Electric Company (PG&E). PG&E is authorized to defer filing the electric rate design portion of its test year 1999 general rate case to December 1, 1998.
(Com Neeper - ALJ Wetzell)
- CA-10 C97-04-062 - Malbour L. Watson, M.D. vs. Pacific Bell (Pacific).**
This decision dismisses the complaint against Pacific because complainant is satisfied that no cause of action remains. The decision also addresses a potential problem regarding competitive directory assistance services. This proceeding is closed.
(Com Duque - ALJ Malcolm)

- CA-11** **(ECP) C97-04-059 - Barry M. Harman vs. Pacific Bell.**
(ECP) C97-06-035 - Related matter. These complaints are dismissed for failure to prosecute. These proceedings are closed.
(Com Knight - ALJ Barnett)
- CA-12** **C96-05-015 - Comtech Mobile Telephone Company (Comtech) vs. Sprint Communications Company L.P. (Sprint).**
This decision grants the motion of Comtech for dismissal of its complaint against Sprint. This proceeding is closed.
(Com Neeper - ALJ Malcolm)
- CA-13** **Res T-16129 - Roseville Telephone Company (Roseville).**
This resolution approves Roseville's request to provide point-to-point metropolitan network service by special contract to Hewlett Packard. The estimated recurring and non-recurring revenues over the term of the contract will be \$69,140.
(Advice Letter 361, filed April 5, 1996)
- CA-14** **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 awards The Utility Reform Network \$126,750 for its contribution to D97-06-060 and D97-11-074.
(Com Conlon - ALJ Minkin)
- CA-15** **Res O-0022 - Texaco California Pipelines Inc.**
For approval to abandon its ownership interest in the Ventura Pipeline System and cancellation of tariffs Cal. PUC No. 6, No. 10, No. 11.
Approved.
(Advice Letter 3, filed January 29, 1998)
- CA-16** **Res W-4096 - Penngrove Water Company.**
This resolution authorizes an offset rate increase of \$41,175 or 16.82% additional annual revenue for 1998.
(Advice Letter 37, filed January 5, 1998)

- CA-17 Res W-4097 - Lukins Brothers Water Company, Inc.**
This resolution authorizes an interim general rate increase producing additional annual revenues of \$66,424 or 26.41% in 1998.
- CA-18 A98-01-021 - Omniwerx.**
This decision grants Omniwerx a certificate of public convenience and necessity to operate as a competitive local carrier reseller. This proceeding is closed.
(Com Knight - ALJ O'Donnell)
- CA-19 A97-10-058 - International Telcom, Ltd. (ITL)**
This decision approves the request of ITL for a certificate of public convenience and necessity to offer competitive local exchange service as a reseller within the territories of Pacific Bell and GTE California Incorporated pursuant to the rules adopted in R95-04-043. This proceeding is closed.
(Com Knight - ALJ Pulsifer)
- CA-20 A95-09-069 - Falcon Holding Group, L.P. (Falcon).**
This decision denies the application of Falcon for a certificate of public convenience and necessity to provide competitive local exchange service within the territories of Pacific Bell and GTE California, Inc. The application is denied without prejudice for lack of prosecution and failure to comply with tariff deficiency notice within a reasonable time period. This proceeding is closed.
(Com Conlon - ALJ Pulsifer)
- CA-21 A91-12-009 - Utility Design, Inc. (UDI).**
I86-11-019 - Related matter. This decision denies UDI's petition for modification of Res E-3243 requested in A91-12-009. This proceeding is closed.
(Exam Evans)
- CA-22 Moved to Item CSD-1 on the agenda.**
(Rev.) This revision was not listed on the agenda distributed to the public.

- CA-23 A96-12-009 - Pacific Gas and Electric Company (PG&E).**
For authority to identify and separate components of electric rates, effective January 1, 1998. A96-12-011, A96-12-019 - Related matters. This order confirms the Commission's intent to permit PG&E, Southern California Edison Company and San Diego Gas & Electric Company to recover must-run payments made to the Independent System Operator.
(Coms Duque/Conlon - ALJ Malcolm)
- CA-24 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 grants the Petition for Modification of D95-12-057 filed by MediaOne Telecommunications of California, Inc. (formerly Continental Telecommunications of California, Inc.) to amend its previously granted authority to offer facilities-based local exchange service to now also include authority to offer interLATA resale service.
(Com Conlon - ALJ Pulsifer)
- CA-25 A96-08-008 - City of Yorba Linda (City).**
This decision grants the request of the City to construct Fairmont Boulevard overhead at separated grades over the main line tracks of The Burlington Northern and Santa Fe Railway Company in Yorba Linda, Orange County. This proceeding is closed.
(Exam Koss)
- CA-26 C96-12-057 - Jasmine Benjamin-Sohal. vs. Pacific Bell.**
This decision dismisses amended complaint with prejudice on grounds of: (1) lack of standing; (2) Res Judicata; (3) complainant's employment dispute should be deferred to the courts rather than heard by exercise of the discretionary jurisdiction of Commission; (4) complainant's claims are time barred; and (5) Commission lacks jurisdiction to award punitive damages. This proceeding is closed.
(Com Knight - ALJ Ramsey)

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

- H-1** **A96-12-009 - Pacific Gas and Electric Company (PG&E).**
For authority to identify and separate components of electric rates, effective January 1, 1998. A96-12-011, A96-12-019 - Related matters. This decision denies the petition to modify D97-08-056 filed by New Energy Ventures seeking changes to the method adopted by the Commission for calculating the Power Exchange credit on utility bills. This order also grants the petition to modify D97-08-056 filed by The Utility Reform Network and Utility Consumers Action Network regarding the allocation of costs related to the California Alternative Rates for Energy program.
(Coms Duque/Conlon - ALJ Malcolm)
(Agenda 2989, Item CA-20, 3/26/98; Req - Commission)
- H-2** **R94-02-003 - Rulemaking on the Commission's own motion to establish a simplified registration process for nondominant telecommunications firms. I94-02-004 - Related matter.**
This Decision authorizes interexchange carriers to offer service on a detariffed basis so long as customer signs written contract which complies with consumer protection limitations. These proceedings are closed.
(Com Knight - ALJ Bushey)
(Agenda 2989, Item CA-32, 3/26/98; Req - Commission)
- H-3** **C97-03-019 - California Cable Television Association (CCTA) vs. Southern California Edison Company (Edison).**
Upon complaint of CCTA, an annual fee of \$4.31 for pole attachments covered under Edison's standard pole attachment agreement is established on the effective date of this decision. This proceeding is closed.
(Com Duque - ALJ Wright)
(Section 311)
(Agenda 2988, Item 1, 3/12/98; Agenda 2989, Item H-3, 3/26/98; Req - Commission)
- H-3a** **ALTERNATE ORDER TO ITEM H-3.** This alternate adopts an annual fee of \$2.67 for pole attachments and closes this proceeding.
(Coms. Knight/Keeper)
(Agenda 2989, Item H-3a, 3/26/98; Req - Commission)

- H-4** **A91-05-050 - Southern California Edison Company (Edison).**
For 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; authority to revise the incremental energy rate, the energy reliability index and avoided capacity cost pricing; and 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 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 2989, Item 2, 3/26/98; Req - Commission)
- H-4a** **ALTERNATE ORDER TO ITEM H-4.** This alternate finds Edison's decision to negotiate with the QF to be reasonable. However, the Restated Contract is found to be unreasonable and orders a \$16 million (1997 net present value) disallowance.
(Com Neeper)
(Agenda 2989, Item 2a, 3/26/98; Req - Commission)
- H-4b** **ALTERNATE PAGES TO ITEM H-4.** These pages address the applicability of the Merced case in calculating an appropriate disallowance.
(Com Conlon)
(Agenda 2989, Item 2b, 3/26/98; Req - Commission)

ORDERS

- 1** **I97-04-045 - Investigation on the Commission's own motion into the operations, practices, and conduct of Brittan Communications International, Inc. to determine whether it has violated the laws, rules, and regulations governing the manner in which California consumers are switched from one long distance carrier to another.**
This final order approves the Settlement Agreement for restitution of \$702,480 and suspension of operating authority for 24 months beginning 60 days after this order is signed. This proceeding is closed.
(Com Duque - ALJ Bennett)
(Section 311)

- 2** **A96-04-038 - Pacific Telesis Group (Telesis) and SBC Communications Inc. (SBC).**
For SBC to control Pacific Bell, which will occur indirectly as a result of Telesis' merger with a wholly owned subsidiary of SBC, SBC Communications (NV) Inc. This decision grants awards of compensation to the Greenlining Institute/Latino Issues Forum, parties represented by Public Advocates, Inc., The Utility Reform Network, and Utility Consumers' Action Network for their contributions to D97-03-067 and defers to C97-09-043 all outstanding issues. This proceeding is closed.
(Coms Neeper/Conlon - ALJ Hale)

- 3** **A96-04-001 - Pacific Gas and Electric Company (PG&E).**
For authority to adjust its electric rates effective January 1, 1997, and for Commission order finding that electric and gas operations during the reasonableness review period from January 1, 1995 to December 31, 1995 were prudent. In response to a joint motion by PG&E and Office of Ratepayer Advocates, this decision closes the proceeding.
(Com Conlon - ALJ Garde)

4 R94-04-31 - 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 order conditionally approves the policy rules and request for proposal (RFP) proposed by the California Board for Energy Efficiency, with certain modifications. Approval of these documents is conditioned upon our subsequent determination that the approach to administration of energy efficiency programs we adopted in D97-02-014 and subsequent decisions is feasible. We will not take any action to implement today's adopted policy rules or issue the RFP until this condition is met. If we do not find that this approach is feasible by June 30, 1998, we will consider alternatives, including the option of continued utility administration of these programs. (Com Neeper - ALJ Gottstein)

(Rev.)

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

5 R_____ - Rulemaking to establish rules for enforcement of the standards of conduct governing relationships between energy utilities and their affiliates adopted by the Commission in D97-12-088.

The Commission recently adopted rules governing the relationship of California's natural gas local distribution and electric utilities to their affiliates (see Appendix A to D97-12-088). At the same time, we asked our staff to prepare proposed rules providing special complaint procedures and special penalties that may be appropriate to improve our enforcement of these new affiliate transactions rules. With this order, we begin a rulemaking to consider new enforcement rules.

(Coms Knight/Bilas - ALJ Weissman)

6 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.

In response to comments on an Assigned Commissioner Ruling of February 24, 1998, this decision addresses implementation dates for independent administrators for low-income and energy efficiency programs, future program planning, and the status of oversight of these programs by the Low-Income Governing Board and the California Board for Energy Efficiency.

(Com Neeper - ALJ Gottstein)

- 7** **A96-12-009 - Pacific Gas and Electric Company (PG&E).**
For authority to identify and separate components of electric rates effective January 1, 1998. A96-12-011, A96-12-019 - Related matters. This decision grants The Utility Reform Network compensation for its contributions to D97-08-056. This decision also denies the Environmental Defense Fund's request for compensation for failure to comply with requirements of Section 1804(a) and Rule 54.
(Coms Conlon/Duque - ALJ Malcolm)
- 8** **R97-04-011 - Order instituting rulemaking to establish standards of conduct governing relationships between energy utilities and their affiliates. I97-04-012 - Related matter.**
This decision addresses the March 27, 1998 emergency motion of the Office of Ratepayer Advocates and The Utility Reform Network for a cease and desist order and appropriate sanctions against Pacific Gas and Electric Company.
(Coms Bilas/Knight - ALJ Econome)
- 9** **R95-04-043 - Order instituting rulemaking on the Commissions own motion into competition for local exchange service. I95-04-044 - Related matter.**
This decision approves a three-way geographic split for the 619 area code to relieve impending NXX code exhaustion. Under the adopted policy, (identified as Alternative 10A), the existing 619 Numbering Plan Area will be split into three separate regions, designated as North, Central, and East, as depicted on the map in Appendix A. The Central Region, which includes downtown San Diego, will retain the existing 619 area code. The newly created North and East areas will each receive a new area code. This relief plan will be the first three-way split implemented within California.
(Com Conlon - ALJ Pulsifer)
- 9a** **ALTERNATE ORDER TO ITEM 9.** This alternate provisionally approves a three-way geographic split of the 619 Numbering Plan Area and orders the California-Nevada Code Administrator to present a combination split-overlay proposal (Alternative 11) to the public and local jurisdictions, and directs the Assigned Administrative Law Judge to immediately issue a ruling soliciting comments on the feasibility of Alternative 11 and offer a proposed decision for Commission consideration at the earliest possible Commission meeting.
(Com Neeper)
This item was not listed on the agenda distributed to the public.

UTILITIES RESOLUTIONS

ENERGY MATTERS

- E-1** **Res G-3233 - Southern California Gas Company (SoCalGas).**
This resolution authorizes SoCalGas to provide refunds to three qualifying core transportation aggregators for overpayment of interstate pipeline demand charges.
(Advice Letter 2513, filed August 5, 1996)
- E-2** **Res G-3234 - Pursuant to the stipulation agreement in the modified global settlement (D94-07-064), Southern California Gas Company requests approval to refund \$1.430 million to core aggregation transportation customers. Approved.**
(Agenda 2989, Item E-1, 3/26/98; Req - Commission)

TELECOMMUNICATION MATTERS

C-1 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; Agenda 2987, Item C-3, 2/19/98; Agenda 2988, Item C-1, 3/12/98; Agenda 2989, Item C-1, 3/26/98; Req - Commission)

CONSUMER SERVICES DIVISION RESOLUTIONS

- CSD-1** **Res CSD-3** - This resolution adopts a settlement agreement reached between the Consumer Services Division and Winstar Gateway Network (Winstar). The settlement agreement provides restitution to California consumers that alleged that their long distance service provider was switched to Winstar without their authorization.
This item appeared as CA-22 on the agenda distributed to the public.

ADMINISTRATIVE LAW JUDGE DIVISION RESOLUTIONS

- ALJ-1** **Res ALJ-176-2990** - 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 2662 (Martinez), as introduced on February 17, 1998. Would require incumbent local exchange carriers to file with the Commission the interface protocols for order processing needed to access the incumbent local exchange's operation support system.
(Agenda 2989, Item LEG-4, 3/26/98; Req - Commission)
- HLEG-2** SB 2204 (Calderon), as introduced on February 20, 1998. Would amend the Public Resources Code and the Public Utilities Code regarding electric line clearances and vegetation suitable for planting near electric lines.
(Agenda 2989, Item LEG-9, 3/26/98; Req - Commission)
- HLEG-3** SB 1086 (Schiff), as amended September 3, 1997. Would amend the California Self-Service Storage Facility Act in the Business and Professions Code.
(Agenda 2989, Item LEG-10, 3/26/98; Req - Commission)
- LEG-1** AB 1973 (Campbell) as introduced on February 17, 1998. Would amend Government Code Section 11351 which exempts the Commission from certain provisions of the Administrative Procedure Act.
- LEG-2** AB 2016 (Brown), as introduced on February 18, 1998. Would amend the Civil Code to limit the sales price of liquid propane butane in mobilehome parks.
- LEG-3** AB 2134 (Escutia), as introduced on February 18, 1998. Would require the establishment of a list of telephone numbers of consumers who do not want to receive telephone solicitations—a "do not call list".
- LEG-4** AB 2273 (Woods), as introduced on February 19, 1998. Would amend Public Utilities Code Section 389 to require a semiannual report to the Legislature on public policy measures for cost shifting within the solid fuel-biomass industry.

- LEG-5** AB 2433 (Strom-Martin), as introduced on February 20, 1998. Would amend Public Utilities Code Section 728 to require that within the same service territory, local exchange telephone rates in rural and nonurban areas be no higher than rates in urban areas.
- LEG-6** AB 2740 (Perata), as introduced on February 23, 1998. Would amend Public Utilities Code Sections 489 and 491 to require that the Commission prescribe uniform requirements regarding the contents and filing of tariffs, including notice of any changes, by providers of identical or similar services. Would not prohibit the Commission from exempting telecommunication services from tariffing requirements.
- LEG-7** SB 1614 (Rosenthal), as amended on March 18, 1998. Would amend Public Utilities Code Section 454.4, regarding gas transportation rates for gas used in the generation of electricity.
- LEG-8** SB 2006 (Kelley), as introduced on February 20, 1998. Would repeal Public Resources Code Section 25542, regarding Energy Commission siting authority.
- LEG-9** SB 2150 (Peace), as introduced on February 20, 1998. Would require the Commission to commence a proceeding to consider establishment of a new regulatory framework for telecommunications.
- LEG-10** H.R. 1401 (Thomas) as introduced on April 17, 1997. Would amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity for wind. S.1459 (Grassley) as introduced November 8, 1997. Would amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind and closed-loop biomass.

COMMISSIONERS' REPORTS

Commissioner Conlon

- Electric Matters
- Transportation Matters

Commissioner Knight

- Telecommunications Matters

Commissioner Duque

- Water Matters

Commissioner Neeper

- Consumer Protection Matters

President Bilas

- Natural Gas Matters

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** **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; Agenda 2987, Item HEX-2, 2/19/98; Agenda 2988, Item HEX-1, 3/12/98; Agenda 2989, Item HEX-1, 3/26/98; Req - Commission)

HEX-2 **C96-06-042** - Disposition of application for rehearing of D97-02-040 filed by San Martin County Water District (Water District or District). D97-02-040 requires: (1) the District to return possession, control and operation of certain facilities and customers to West San Martin Water Works; (2) to cease and desist from further unauthorized interference with West San Martin Water Works; and (3) to provide an accounting of all revenues charged and collected improperly as a result of unauthorized operations. San Martin County claims that the order in D97-02-040 is legal error as it is beyond the Commission's jurisdiction and that it illegally grants public property to a private water company. The application for rehearing further claims that compliance with the Decision will force the dissolution of the Water District.
(Agenda 2989, Item EX-3, 3/26/98; Req - Commission)

HEX-3 **C95-08-039, C95-11-021, C96-01-016** - Disposes of requests for oral argument and/or applications for rehearing of D97-11-029, D97-11-069, and D97-11-068 filed by Pacific Bell, which resolved the complaints of Bayside Village et al., Vista Montana Apartments, and Ted Dietenhofer, respectively. Pacific Bell argues that the conclusion that the cross-connects at issue are not inside wire is based on insufficient evidence and is otherwise legally in error.
(Agenda 2989, Item EX-7, 3/26/98; Req - Commission)
This revision was not listed on the agenda distributed to the public.

HEX-4 Discussion of the legal issues, including possible intervention, in Adler, et al. vs. Southern California Water Company (Los Angeles County Superior Court No. BC 169892) and related cases.
(Agenda 2989, Item EX-6, 3/26/98; 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** **R97-10-050** - Disposition of Application for Rehearing of D98-02-107 filed by the California Moving and Storage Association (CMSA). The application contests the Commission's decision proposing certain amendments to pending legislation SB 1086.
- EX-3** **I87-11-033, A85-01-034, A87-01-002, I85-03-078, C86-11-028, I87-02-025, C87-07-024** - Disposition of application for rehearing by Latino Issues Forum (LIF) and G.I. Forum of D97-03-020, which awarded intervenor compensation to LIF for participation in the implementation rate design phase of the Commission's NRF proceeding.
- EX-4** **R95-01-020, I95-01-021** - Disposition of Applications for Rehearing on D98-01-023, filed by Los Angeles Cellular Telephone Company and jointly by California Association of Competitive Telecommunications Companies and Cellular Carriers Association of California (CALTEL/CCAC), alleging the following legal errors: (1) the Commission ordered telecommunication carriers to remit interest earned on surcharge revenues collected and held prior to the issuance of D98-01-023, without giving interested parties notice and an opportunity to be heard, as required by Public Utilities Code Section 1708; and (2) the Commission's decision does not contain separately stated findings of fact supported by evidence in the record, in violation of Public Utilities Code Section 1705. CALTEL/CCAC's joint application raises additional arguments: (3) by ordering carriers to pay interest on revenues collected and held prior to the issuance of D98-01-023, the Commission engaged in retroactive rulemaking in violation of Public Utilities Code Section 728; and (4) the Commission violated Public Utilities Code Section 1709 since its collateral order is contrary to the Commission's order in D96-10-066.
- EX-5** Discussion of legal issues related to State Personnel Board determination in CSEA et al. vs. SPB et al., Sacramento Superior Court, No. 978CS03024.

EX-6 **I _____** - Order instituting investigation into the San Diego Gas & Electric Company's operations and practices in connection with maintaining required tree-line clearances, and whether the utility violated applicable provisions of the Public Utilities Code, General Orders and/or Commission decisions by not meeting requirements.

FEDERAL SECTION ITEMS

HFEX-1 FERC Docket No. ER98-211-00, Application of the Independent System Operator for authorization of a grid management charge, FERC Docket No. ER98-210-000, Application of the California Power Exchange for authorization of an Administrative Charge, and FERC Docket No. ER98-462-000, FERC Docket No. ER98-556-000 and FERC Docket No. ER98-557-000, Applications of Southern California Edison Company and Pacific Gas and Electric Company for passthrough of ISO and PX charges to existing contracts customers.
(Agenda 2989, Item FEX-2, 3/26/98; Req - Commission)

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.

CLOSED SESSION - INTERNAL AGENDA

IMPORTANT NOTICE

The Closed Session - Internal Agenda is NOT mailed or available to the public. It is only distributed internally within the Commission. The contents of the Internal Agenda, the memoranda or discussion relating to these matters shall not be disclosed to anyone outside the Commission.

**SUBSCRIPTION NOTICE FOR AGENDA
AND
DRAFT AGENDA ITEMS**

If you wish to subscribe to the *agenda*, please send your request with a check payable to the Public Utilities Commission; Attention: Poly Arca, Room 1003; 505 Van Ness Avenue; San Francisco, CA 94102; or by calling (415) 703-1798. The cost for a one-year subscription to the agenda is \$75.

If you wish to receive *draft agenda items*, please send your request with a check payable to the Public Utilities Commission; Attention: Poly Arca, Room 1003; 505 Van Ness Avenue; San Francisco, CA 94102; or by calling (415) 703-1798. The cost for a one-year subscription to the entire public agenda package (which excludes Executive session materials) is \$1000. The cost for energy agenda items only or telecommunication agenda items only is \$500 per year. The package you receive via mail will include only those agenda items available at the time of the agenda distribution date, which is usually 10 to 12 days prior to the Commission meeting. If agenda items (including revisions) are not ready on the distribution date, they will be made available at no charge in the lobby outside the Commission Auditorium at 9:00 a.m. on the morning of the Commission meeting, but not earlier. In addition, the Commission will make draft agenda items available for viewing and photocopying (at 20 cents per page) at the Commission's Central Files Office (Room 2002), 505 Van Ness Avenue, San Francisco, and in the Commission offices in Los Angeles, San Diego, and the following field offices: El Centro, Eureka, Sacramento, and San Bernardino. Since the agenda package will be mailed to these locations, it will be available at these locations a day or two after the distribution date. These locations will not receive agenda items that are not ready on the distribution date.

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