
Public Utilities Commission of the State of California

Public Agenda 2002
Thursday, May 7, 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, May 18	Thursday, May 21
Monday, June 1	Thursday, June 4
Monday, June 15	Thursday, June 18
Monday, June 29	Thursday, July 2
Monday, July 20	Thursday, July 23
Monday, August 3	Thursday, August 6

**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.
- 2

CONSENT AGENDA

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

- CA-1** **Res TL-18845** - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374 (b) of the Public Utilities Code.
- CA-2** **R87-11-012 - Order instituting rulemaking to revise the time schedule for the rate case plan and fuel offset proceedings.**
The petition for modification of the rate case plan filed by Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company to change the schedule for developing the unbundled cost of capital for 1999 is denied in part. A prehearing conference is scheduled for June 8, 1998 at which time scheduling changes will be considered.
(Com Neeper - ALJ Stalder)
- CA-3** **I92-04-008 - In the matter of petitions by interexchange telephone companies to provide intraLATA services.**
This decision closes docket that is no longer active or necessary. This proceeding is closed.
(Com Conlon - ALJ Weismehl)

- CA-4 A98-02-011 - GTE California Incorporated (GTEC).**
This decision denies GTEC's petition to modify Resolution T-16090 so as to reimburse GTEC for \$57,169 in Management Incentive Program costs from monies earmarked for the Deaf and Disabled Telecommunications Program. This proceeding is closed.
(Com Duque - ALJ Kenney)
- CA-5 A98-02-016 - TransAmerican Telephone, Inc.**
This decision grants a certificate of public convenience and necessity to applicant to operate as a competitive local carrier and nondominant interexchange carrier. This proceeding is closed.
(Com Knight - ALJ O'Donnell)
- CA-6 A97-08-069 - MiComm Services, Inc.**
This decision grants applicant a certificate of public convenience and necessity to operate as a competitive local carrier and nondominant interexchange carrier reseller. This proceeding is closed.
(Com Knight - ALJ O'Donnell)
- CA-7 A97-09-040 - Catalina Channel Express, Inc. (Express).**
This decision grants the application of Express for authority to institute service between Dana Point, on the one hand, and Avalon/Two Harbors (Santa Catalina Island), on the other hand. Our decision clarifies the status of Applicant's authority to serve this route, and carries out directives and expectations we expressed with regard to startup of this service in D97-06-052 and D97-11-027. This proceeding is closed.
(Com Duque - ALJ Ryerson)
- CA-8 Res W-4099 - Southern California Water Company, Orange County District.**
This resolution authorizes a rate base offset revenue increase of \$53,903 or 0.30% additional annual revenue for 1998.
(Advice Letter 1023-W, filed February 10, 1998)

- CA-9** **Res SX-15** - Pursuant to Section 12.2 of General Order 75-C this resolution authorizes the City of Vallejo and California Northern Railroad to construct one Std. No. 8-A highway crossing signal modified with two traffic signal head assemblies and one illuminated street name sign, to be installed on the eastbound approach of the Redwood Street crossing, identified as 108AAB-66.10, in said City, Solano County.
- CA-10** **Res T-16142 - The Ponderosa Telephone Company.**
This resolution approves the request to make permanent the provisional promotional pricing tariff, tariff schedule CAL P.U.C. No. A-36. (Advice Letter (AL) 243, filed February 17, 1998, as supplemented by ALs 243-A, B and C, filed February 24, March 13, and April 6, 1998, respectively)
- CA-11** **Res T-16144** - This resolution approves a local interconnection agreement between Citizens Telecommunications Company of California and United States Cellular Corp. pursuant to Rule 4.3 of ALJ-174 and Section 252 of the 1996 Telecommunications Act.
(Advice Letter 621, filed February 11, 1998)
- CA-12** **NOT USED.**
- CA-13** **Res 16146 - GTE California Incorporated (GTEC).**
This resolution approves a local interconnection agreement between GTEC and Cox Communications PCS, L.P. pursuant to Rule 4.3 of ALJ-174 and Section 252 of the 1996 Telecommunications Act.
(Advice Letter 8664, filed March 4, 1998)
- CA-14** **Res T-16145 - Pacific Bell (Pacific).**
This resolution approves a local interconnection agreement between Pacific and Justice Technology Corporation pursuant to Rule 4.3 of ALJ-174 and Section 252 of the 1996 Telecommunications Act.
(Advice Letter (AL) 19260, filed February 6, 1998, as supplemented by AL's 19260A and 19260B)

- CA-15 A98-02-037 - Pacific Gas and Electric Company (PG&E), Kramer Junction Company (Kramer) and LUZ Solar Partnerships III through VII (LUZ).**
For approval of the reserved portion of the applicants' settlement agreement. In D97-05-074, the Commission adopted a settlement agreement between PG&E, Kramer and LUZ. The Commission reserved for later any ratemaking adjustment resulting from the settlement. Since the instant application was served on the service list for PG&E's current Biennial Cost Adjustment Proceeding, A97-03-002, and no protests have been filed, the Commission now makes the finding that there will no disallowances imputed to PG&E resulting from the settlement. This proceeding is closed.
(Com Neeper - ALJ Patrick)
- CA-16 A95-07-021 - Kristyna D. Gibson dba Precious Cargo.**
For authority to operate as a passenger stage corporation to transport children. Dismissed. This proceeding is closed.
(Exam Koss)
- CA-17 A95-11-047 - k.a.r.t., Inc. dba kart.**
For authority to operate as a passenger stage corporation to transport children. Dismissed. This proceeding is closed.
(Exam Koss)
- CA-18 A98-02-008 - Sacramento Regional Transit District (District).**
This decision authorizes the District to construct, maintain and operate a light rail passenger system and Union Pacific Railroad freight line on a grade separated structure above Power Inn Road in the City of Sacramento, County of Sacramento. This proceeding is closed.
(Exam Koss)
- CA-19 A92-06-009 - Pacific Bell (Pacific).**
This decision concludes that the instant application for a radiotelephone utility (RTU) tariff was mooted by the wireless interconnection tariff filed in R93-04-003/I93-04-002 on September 2, 1994, which in turn has been mooted by the provisions concerning interconnection agreements in the Telecommunications Act of 1996. This proceeding is closed.
(Com Conlon - ALJ McKenzie)

CA-20 (Rev.) A97-10-003 - Pacific Gas and Electric Company (PG&E) and Village Builders, L.P. (Village)

This decision approves the sale by PG&E of two parcels of vacant land (totaling approximately 11 acres) located in the City of San Rafael, Marin County and ancillary personal property described in the application to Village, Fair Isaac and Company, Inc., Lindaro Office Park, Inc., or North America Lease Plan, Inc., and the ratemaking treatment requested by applicant for this transfer. This proceeding is closed.

(Com Bilas - ALJ Careaga)

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

CA-21 (Rev.) A96-06-053 - Southern California Gas Company.

For authority to close its branch offices located in Fullerton and Irvine, California. The Save Our Services Coalition is awarded \$6,205.85 of its requested \$7,835.85 costs of participation for its substantial contribution to D97-04-031. This proceeding is closed.

(Com Duque - ALJ Hale)

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

CA-22 A95-12-043 - Pacific Bell.

For authority to increase and restructure certain rates of its integrated services digital network services. C96-02-002 - Related matter. The request for compensation of Dr. Hughes-Hartogs and Mr. McWilliams is granted in part.

(Com Duque - ALJ Hale)

CA-23 A97-07-042 - Red & White Ferries, Inc. (Red & White).

For a certificate of public convenience and necessity to establish and operate unscheduled vessel common carrier service between navigable points on the San Francisco Bay, San Pablo Bay, the Oakland Estuary, Suisun Bay and all navigable tributaries up to the Sacramento and Stockton areas and for interim operating authority. A97-07-042 - Related matters. This decision grants Red & White's Motion to Withdraw Request for Authority to Provide Water Taxi Service and to Transport Property by Vessel. These proceedings are closed.

(Com Duque - ALJ McVicar)

CA-24 A97-10-046 - City of Bakersfield.

This decision grants request of City of Bakersfield for authority to construct "N" Street Pedestrian Overhead at separated grades over the tracks of The Burlington Northern and Santa Fe Railway Company's Fresno-Bakersfield Main Line in Bakersfield, Kern County. This proceeding is closed.
(Exam Koss)

REGULAR AGENDA

UTILITY AND TRANSPORTATION ORDERS

ORDERS HELD OVER

- H-1** **R95-01-020 - Rulemaking on the Commission's own motion into Universal Service and to comply with the Mandates of Assembly Bill 3643. I95-01-021 - Related matter.**
This decision grants intervenor compensation of \$232,225 to The Utility Reform Network for its contribution to D96-10-066.
(Com Knight - ALJ O'Donnell)
(Agenda 2991, Item CA-22, 4/23/98; Req - Commission)
- H-2** **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; Agenda 2990, Item H-1, 4/9/98; Agenda 2991, Item H-2, 4/23/98; Req - Commission)
- H-3** **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; Agenda 2990, Item H-2, 4/9/98; Agenda 2991, Item H-3, 4/23/98; Req - Commission)

H-4

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 extends the term for interim utility administration of energy efficiency and low-income assistance programs until December 31, 1998 and December 31, 1999, respectively.

(Com Neeper - ALJ Gottstein)

(Agenda 2990, Item 6, 4/9/98; Agenda 2991, Item H-6, 4/23/98;

Req - Commission)

ORDERS

- 1** **A97-07-030 - Pacific Gas and Electric Company (PG&E).**
This decision conditionally grants the application PG&E for approval of an agreement to sell a portion of its distribution and transmission system to Modesto Irrigation District. This decision also approves the application with the condition that PG&E allocate to its ratepayers 75% of the gains from the sale of facilities and that the parties remove from the agreement provisions which would restrict competition between them for 25 years.
(Com Conlon - ALJ Malcolm)
(Section 311)
- 1a** **ALTERNATE ORDER TO ITEM 1.** This alternate order would deny the application of Pacific Gas and Electric Company for approval of an agreement to sell a portion of its distribution and transmission system to Modesto Irrigation District, because the agreement would restrict competition.
(Com Neeper)
This item was not listed on the agenda distributed to the public.
- 2** **197-01-028 - Order instituting investigation into why the passenger stage corporation certificate and the charter-party carrier certificate issued to North Shuttle Service, Inc. (North Shuttle), dba Yellow Airport Express, should not be revoked. A97-04-002 - Related matter.**
This decision revokes the operating authorities held by North Shuttle, based on findings of numerous violations of the Public Utilities Code and of the Commission's general orders that pertain to regulated passenger carrier operations. This decision further determines that respondent Martin B. Smith should be prohibited from participating in regulated passenger operations for a period of one year from the effective date of this order. The application of Eugene Yen and North Shuttle for authority to transfer control of North Shuttle to Eugene Yen is dismissed as moot. These proceedings are closed.
(Com Duque - ALJ Wetzell)
(Section 311)

- 3** **A97-09-009 - California Water Service Company (CWS).**
For an order authorizing it to increase rates charged for water service in the South San Francisco district. A97-09-010, A97-09-011, A97-09-014 - Related matters. This decision authorizes general rate increases for CWS's Marysville, Oroville, Selma, and South San Francisco Districts. These proceedings are closed.
(Com Bilas - ALJ Garde)
(Section 311)
- 4** **C97-04-008 - MCI Telecommunications Corporation (MCI) vs. Pacific Bell (Pacific) and GTE California Incorporated (GTEC).**
MCI requests that the Commission find that the existing intrastate switched access rates of Pacific and GTEC are unreasonable and discriminatory in today's local competition environment and should be reduced to economic cost. This decision grants the motions of Pacific and GTEC to dismiss the complaint on the grounds that MCI does not have standing under Sections 1702 and 1707 of the Public Utilities Code and Rule 9(a) of the Commission's Rules of Practice and Procedure to bring a complaint on the reasonableness of the rates or charges of a telephone utility and, even if it had standing, MCI fails to state a cause of action for which relief can be granted in a complaint proceeding. This proceeding is closed.
(Coms Knight/Duque - ALJ Walwyn)
- 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 adopts an overlay relief plan for the 310 Numbering Plan Area (NPA) in accordance with the statewide policy adopted in D96-12-086 and related decisions. The overlay shall take effect in July 1999 concurrently with the adoption of mandatory 1+10-digit dialing for all calls within the 310 NPA and within the new overlay NPA. A customer education program is instituted to alert the public to the new plan.
(Com Conlon - ALJ Pulsifer)
- 6** **A97-07-015 - Southwest Gas Corporation (Southwest).**
This decision dismisses the application of Southwest to modify D95-04-075 and applicant is ordered to proceed with all deliberate speed to fulfill its obligations set forth in D95-04-075 and D94-12-022. This proceeding is closed.
(Com Duque - ALJ Wright)

7 A98-02-001 - AT&T Corporation (AT&T), Teleport Communications Group Inc. (TCG), and TA Merger Corporation.

(Rev.) This decision approves the proposed merger of AT&T and TCG. The decision concludes that the merger is in the public interest and should be approved pursuant to Section 854(a) of the Public Utilities (PU) Code. This decision also concludes that even though the revenues of AT&T's California subsidiary and affiliates cross the \$500 million threshold that would ordinarily trigger review under §§ 854 (b) and (c) of the PU Code, it is appropriate in this case for the Commission to exercise its powers under §§ 854(a) and 853(b) and exempt the transaction from review under §§ 854 (b) and (c). This proceeding is closed.

(Com Neeper - ALJ McKenzie)

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

UTILITIES RESOLUTIONS

ENERGY MATTERS

E-1

E-3535 - Pacific Gas and Electric Company.

This resolution approves a \$10 million increase in its 1998 base revenues to implement a settlement between itself, the County of San Luis Obispo, and the San Luis Coastal Unified School District.

(Advice Letter 1745-E, filed February 13, 1998)

TELECOMMUNICATION MATTERS

C-1 Res T-16150 - GTE California, Incorporated (GTEC).

This resolution approves GTEC's request to voluntarily provide compensation to customers affected by GTEC's inadvertent listing of non-published customer information in its Street Address Directories. The approval of Advice Letters 8706 and 8706A does not relieve GTEC from any liabilities for possible violation of tariff rules and/or Commission rules and regulations.

(Advice Letter (AL) 8706, filed April 17, 1998, as supplemented by AL 8706A, filed April 23, 1998)

ADMINISTRATIVE LAW JUDGE DIVISION RESOLUTIONS

- ALJ-1** **Res ALJ-176-2992** - 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** 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 from 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.
(Agenda 2990, Item LEG-10, 4/9/98; Req - Commission)
- HLEG-2 (Rev.)** SB 1986 (Haynes), as amended April 27, 1998. Would revise portions of the intervenor compensation program in the Public Utilities Code.
(Agenda 2989, Item LEG-8, 3/26/98; Agenda 2991, Item HLEG-1, 4/23/98; Req - Commission)
This revision was not listed on the agenda distributed to the public.
- HLEG-3** 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; Agenda 2990, Item HLEG-1, 4/9/98; Agenda 2991, Item HLEG-2, 4/23/98; Req - Commission)
- HLEG-4 (Rev.)** AB 1973 (Campbell) as amended on April 27, 1998. Would require that the Commission, in consultation with the Law Review Commission, prepare an annual report each year through 2003, on identified related to continuing deregulation of the telecommunications industry.
(Agenda 2990, Item LEG-1, 4/9/98; Agenda 2991, Item HLEG-5, 4/23/98; Req - Commission)
This revision was not listed on the agenda distributed to the public.
- HLEG-5** 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".
(Agenda 2990, Item LEG-3, 4/9/98; Agenda 2991, Item HLEG-6, 4/23/98; Req - Commission)

- HLEG-6** SB 2006 (Kelley), as introduced on February 20, 1998. Would repeal Public Resources Code Section 25542, regarding Energy Commission siting authority.
(Agenda 2990, Item LEG-8, 4/9/98; Agenda 2991, Item HLEG-7, 4/23/98; Req - Commission)
- HLEG-7** 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.
(Agenda 2990, Item LEG-9, 4/9/98; Agenda 2991, Item HLEG-8, 4/23/98; Req - Commission)
- HLEG-8** AB 554 (Papan) as amended on March 30, 1998. Would amend the Government Code to require the CPUC, upon the request of the Metropolitan Transportation Commission whenever an area code split within the San Francisco bay area is proposed, to order the permanent assignment of identified public transit and traffic information telephone numbers.
(Agenda 2991, Item LEG-1, 4/23/98; Req - Commission)
- HLEG-9** SB 2038 (Polanco) as amended on March 31, 1998. Would amend the Government Code to establish the Office of Telecommunications Policy in the Governor's office and to establish the Interagency Commission on Technological Infrastructure for the 21st Century.
(Agenda 2991, Item LEG-2, 4/23/98; Req - Commission)
- LEG-1** AB 2058 (Knox) as amended on April 14, 1988. Would require that 50% of any penalties collected for a violation of any provision of the Public Utilities Act be deposited in the Education Technology Strategic Trust Fund; would require moneys deposited in the Fund to be allocated to local education agencies to fund the Education Technology Staff Development Program.
- LEG-2** AB 2728 (Martinez), as amended. Would amend Public Utilities Code Section 453 to require the Commission to administer and develop consumer education or information programs.

LEG-3 AB 2662 (Martinez), as amended April 20, 1998. Would require an incumbent local exchange carrier to file with the Commission the interface protocols for order processing needed to access the incumbent local exchange carrier's operation support system.

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

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Administrative Law Judge Division

Paul Clanon, Director
Energy Division

Jack Leutza, Director
Telecommunications Division

Dean J. Evans, Director
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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** **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; Agenda 2990, Item HEX-2, 4/9/98; Agenda 2991, Item HEX-2, 4/23/98; 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** Discussion of legal issues related to State Personnel Board determination in CSEA et al. vs. SPB et al., Sacramento Superior Court, No. 978CS03024.
- EX-3** 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.
- EX-4** **A97-12-035** - Disposition of application for rehearing of Resolution G-3288 by Suncor Energy Inc. (Suncor). Suncor alleges that the Commission has broadened the scope of the commensurate discount rule. Suncor argues that the rule should be applied so that whenever Pacific Gas and Electric Company (PG&E) offers a discount for transportation service on the Malin path, PG&E must offer the same discount for the same transportation service on the Topock and California path.
- EX-5** **R95-04-043, I95-04-044** - Disposition of application for rehearing of D98-01-022 filed by Pacific Bell seeking rehearing of order requiring Pacific Bell and GTE California Incorporated to establish memorandum accounts to track billings for directory assistance services.
- EX-6** **A97-09-012** - Disposition of application for rehearing of D98-01-054 filed by GTE California Incorporated (GTE). In D98-01-054, the Commission approved the arbitrated Interconnection Agreement (Agreement) between Cox California Telcom, Inc. (Cox) and GTE. D98-01-054 adopted the same prices as those established in D97-01-022 with respect to the arbitrated interconnection agreement between GTE and AT&T. GTE alleges the following legal errors with respect to D98-01-54: (1) the prices adopted in the Agreement do not comport with the Telecommunications Act of 1996; and (2) the rates adopted in the Agreement violate state and federal law which require that rates be non-discriminatory.

- EX-7** **A97-05-011, A97-06-046, A97-07-005, A97-08-064** - Disposition of applications for rehearing of D97-12-093 filed by Sierra Pacific Power Corporation and PacifiCorp. D97-12-093 addresses the application of AB 1890 to smaller and multi-jurisdictional utilities including such matters as direct access, bill unbundling, transition cost recovery, the operation of transmission and public purpose programs. The applications allege a number of errors including claims that rates are unreasonable and that AB 1890 and/or D97-12-093 do not meet constitutional requirements relating to confiscation and equal protection.
- EX-8** **A95-05-030** - Disposition of application for rehearing of D96-12-074 filed by Roseville Telephone Company (Roseville). The application contends that the decision does not present adequate information to calculate the rates adopted by the Commission, thus denying Roseville due process, and that certain findings of fact are in error.
- EX-9** **C95-08-039** - Disposition of application for rehearing of D97-11-029 filed by Pacific Bell. D97-11-029 resolved the complaint of Bayside Village et al. 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.
- EX-10** **C96-01-016** - Disposition of application for rehearing of D97-11-069 filed by Pacific Bell. D97-11-069 resolved the complaint of Vista Montana Apartments. 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.
- EX-11** **C95-11-021** - Disposition of application for rehearing of D97-11-068 filed by Pacific Bell. D97-11-068 resolved the complaint of Ted Dietenhofer. 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.
- EX-12** **A97-03-045** - Disposition of application for rehearing of D97-12-024 filed by Sesco, Inc., which authorized Southern California Edison Company and Southern California Gas Company to enter into a contract for DMS Services.

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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AND
DRAFT AGENDA ITEMS**

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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.