
Public Utilities Commission of the State of California

*Public Agenda 2993
Thursday, May 21, 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, 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
Monday, August 31	Thursday, September 3

**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.

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-18846** - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374 (b) of the Public Utilities Code.

CA-2 **Res TL-18847** - 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 **Res T-16075 - Camnh Enterprises (Camnh).**
This resolution grants the request of Camnh to revoke its certificate of public convenience and necessity.
(Advice Letter 2, filed January 27, 1995)

CA-4 **Res T-16127 - Popp Telecom Incorporated (Popp).**
This resolution grants the request of Popp to revoke its certificate of public convenience and necessity .

CA-5 **Res T-16136 - Digital Services Corporation dba Virginia Digital Services Corporation.**
This resolution grants the request by Virginia Digital Services Corporation to revoke its certificate of public convenience and necessity.
(Advice Letter 2, filed January 30, 1998)

- CA-6 Res T-16141 - US One Communications (US1).**
This resolution grants the request of US1 to revoke its certificate of public convenience and necessity.
- CA-7 C93-06-051 - Michael and Kathleen Lyon (The Lyons) vs. Matrix Telecom. I94-03-020 - Related matter.**
This decision grants the Lyons' request for compensation in part. These proceedings are closed.
(Com Duque - ALJ Hale)
- CA-8 A97-08-012 - S.A. Karim Sghaseyedali.**
This decision authorizes applicant to operate as a passenger stage corporation between certain points in the Counties of Los Angeles and Orange, on the one hand and the Los Angeles International, John Wayne, and Long Beach Airports, and Los Angeles and Long Beach Harbors, on the other. This proceeding is closed.
(Exam Koss)
- CA-9 C97-09-019 - Pacific Bell (Pacific) vs. AT&T Communications of California, Inc. (AT&T).**
Pacific alleges that AT&T violated a Commission order by prematurely stopping payments to Pacific for certain telephone services offered by AT&T. Pacific seeks recovery of \$5.2 million. This decision finds that the complaint is time-barred by the two-year statute of limitations set forth in Public Utilities Code § 735 and that, in any event, the complaint substantively is without merit. Dismissed. This proceeding is closed.
(Com Conlon - ALJ Walker)
- CA-10 A96-08-058 - Wild Goose Storage, Inc. (Wild Goose).**
For a certificate of public convenience and necessity (CPCN) to construct facilities for gas storage operations. In D97-06-091, the Commission granted Wild Goose a CPCN to construct a gas storage facility. This decision closes the proceeding by resolving the last two pending issues. A proposed policy statement that would set broad parameters for the allocation of costs related to future upgrades to Pacific Gas & Electric Company's system needed to serve the Wild Goose facilities is rejected. However, D97-06-091 is modified to relieve the company of its responsibility to file a cost justification for the lower end of its tariffed rates. This proceeding is closed.
(Com Conlon - ALJ Weissman)
- CA-11 Res T-16143 - Desert Telecom, Inc. dba Automated Telecom.**

This resolution grants the request of Automated Telecom for cancellation of The Wireless Identification Registration Numbers issued by the Commission.

CA-12 Res W-4100 - Watertek, Inc (WI).

This resolution authorizes WI to implement a one-time surcharge for recovery of unanticipated repair expenses producing \$5,373 of additional revenue.

CA-13 A87-01-033 - Southern California Gas Company.

For authority to revise its rates pursuant to D86-12-009 and D86-12-010. This proceeding was closed on December 18, 1991 by D91-12-044 and erroneously reopened on January 3, 1992, when the docket number was listed in the caption heading of a procedural ruling in R86-06-006 and I86-06-005. This proceeding is closed.
(Com Bilas - ALJ Malcolm)

CA-14 A97-07-053 - Pacific Bell (Pacific).

This decision grants Pacific's application to detariff registered telephone jacks as authorized in 1993. This proceeding is closed.
(Com Neeper - ALJ Ramsey)

CA-15 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 Code, including Section 394.25, or Commission orders.

This decision grants Consumer Services Division's motion to close proceeding because continued investigation will conflict with California Attorney General's pending civil investigation.
This proceeding is closed.
(Com Neeper - ALJ Bushey)

- CA-16** **R87-02-022 - Rulemaking on the Commission's own motion to revise General Order 77K.**
This decision closes docket that is no longer active or necessary. This proceeding is closed.
(Com Bilas - ALJ Weismehl)
- CA-17** **Res T-16124 - Executone Information Systems, Inc. (EIS).**
This resolution grants the request of EIS to revoke its certificate of public convenience and necessity.
- CA-18** **Res T-16151 - TW Communications, Inc. (TWC).**
This resolution grants the request of TWC to revoke its certificate of public convenience and necessity.
- CA-19** **Res T-16149 - Chadwick Telecommunications Corporation (Chadwick).**
This resolution grants the request of Chadwick to revoke its certificate of public convenience and necessity.
- CA-20** **Res T-16125 - Hospitality Telecom Solutions (HTS).**
This resolution grants the request of HTS to revoke its certificate of public convenience and necessity.
- CA-21** **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.**
The petition to modify D97-12-048 filed by Applied Metering Technologies, Inc. is granted. D97-12-048 is modified to permit meter service providers to post a licensing bond of \$100,000 or to provide proof of liability insurance in the format described in an amount no less than \$1 million.
(Coms Knight/Neeper - ALJ Wong)
- CA-22** **Res T-16107 - Teleconcepts, Inc. (Teleconcepts).**
This resolution grants the request of Teleconcepts to revoke its certificate of public convenience and necessity.

- CA-23 Res T-16153 - 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.
(Advice Letter (AL) 8676, filed by GTE California, Inc. on March 17, 1998, AL 227, filed by Sierra Telephone Company on March 13, 1998, and AL 244, filed by Ponderosa Telephone Company on March 9, 1998)
- CA-24 Res T-16147 - GTE California (GTEC).**
This decision approves two local interconnection agreements, one between GTEC and CONXUS Network, Inc. and another between GTEC and Inland Valley Internet & Computers, pursuant to Rule 4.3 of ALJ-174 and Section 252 of the 1996 Telecommunications Act.
(Advice Letter (AL) 8675, filed March 17, 1998 and AL 8685, filed March 30, 1998)
- CA-25 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 denies the Office of Ratepayer Advocates' (ORA) motion to apply the transition cost rate of return to credit balances in the Interim Transition Cost Balancing Account. ORA's concerns are addressed by actions taken in D97-11-074 and D97-06-060.
(Coms Conlon/Bilas - ALJ Minkin)
- CA-26 R94-04-031 - Order instituting rulemaking on the Commission's proposed policies governing restructuring California's electric services industry and reforming regulation. I94-04-032 - Related matter.**
This decision addresses three petitions to modify D96-12-077, on the utilities' cost recovery plans. Denies petitions of Pacific Gas and Electric Company and Southern California Edison Company as moot. Partially grants petition of the Office of Ratepayer Advocates.
(Coms Conlon/Duque - ALJ Cragg)

- CA-27 A98-02-046 - Simple Phone .**
This decision grants applicant a certificate of public convenience and necessity to provide resold local exchange telecommunications services as a competitive local carrier. This proceeding is closed.
(Com Knight - ALJ O'Donnell)
- CA-28 C96-12-005 - Lew A. Garbutt (Garbutt) vs. Pacific Gas and Electric Company (PG&E).**
This decision concludes that under Tariff Rule 20C, Garbutt, not PG&E, should bear the entire cost to replace his existing electric overhead service line with an underground line. The economic argument proffered by Garbutt does not justify rerouting the line at ratepayer expense. This proceeding is closed.
(Com Duque - ALJ Patrick)
- CA-29 C95-04-010 - Acorn Supply Company, Inc. vs. Industrial Freight System, Inc. (IFS). C95-04-030, C95-05-005, C95-05-006, C95-05-066, C95-06-067, C95-07-037, C95-08-043, C95-08-064, C95-08-065, C95-09-033, C95-09-045, C95-09-049, C95-09-051, C95-10-053, C95-10-057, C95-11-010, C95-11-022, C95-11-033, C95-11-041, C95-11-048, C95-11-050, C95-12-013, C95-12-019, C95-12-023, C95-12-036, C95-12-041, C95-12-057 - Related matters.**
This decision dismisses as moot 28 cases filed with this Commission by shippers protesting claims for alleged tariff undercharges brought by the bankruptcy trustee for IFS, because the underlying Bankruptcy Court proceedings in these matters have been dismissed. These proceedings are closed.
(Com Neeper - ALJ Walker)
- CA-30 A97-09-025 - Airport Limousine Service of Sunnyvale, Inc. dba Airport Connection.**
For authority to transfer control of the passenger stage corporation to Bay Area Airport Connection Passenger Transportation Inc. This decision dismisses the application for failure to pay filing fee. This proceeding is closed.
(Com Bilas - ALJ Rosenthal)

- CA-31 A97-01-052 - Southern California Edison Company (Edison).**
For an order approving agreement for termination of power purchase agreement between Edison and Mammoth-Pacific, L.P. (Mammoth). This decision finds that Edison acted reasonably in accepting Mammoth's claim of force majeure to excuse its performance under its existing contract, and accordingly the request for approval of the Termination Agreement, as modified by the Waiver Agreement, is granted. This proceeding is closed.
(Com Duque - ALJ Wright)
- CA-32 A97-10-025 - Edward A. and Kimberly A. Hanline dba Quick Silver Shuttle Service.**
This decision grants certificate for passenger stage corporation providing service from City of San Diego to San Diego Lindbergh Field International Airport. This proceeding is closed.
(Com Duque - ALJ Bennett)
- CA-33 A96-10-038 - Pacific Enterprises (PE), Enova Corporation (Enova), Mineral Energy Company (MES), B Mineral Energy Sub and G Mineral Energy Sub.**
For approval of a plan of merger of PE and Enova with and into B Energy Sub (Newco Pacific Sub) and G Energy Sub (Newco Enova Sub), the wholly-owned subsidiaries of a newly created holding company, MES. This decision grants the petition of PE and Enova to modify D98-03-073 to confirm that merger savings are to be refunded to ratepayers within 90 days after the merger closes. This proceeding is closed.
(Coms Neeper/Duque - ALJ Barnett)
- CA-34 A97-10-051 - Watertek Inc. (Watertek).**
The decision grants Watertek the authority to acquire and operate the Spreckels Sewer System in the town of Spreckels in Monterey County. This proceeding is closed.
(Com Duque - ALJ Garde)
(*Section 311*)

CA-35

A97-08-007 - California Western Railroad, Inc. (CWRR).

For authority to modify scheduled commuter passenger service and seek relief from regulated excursion passenger scheduling and fares. In response to a motion filed by CWRR, this decision dismisses without prejudice the remaining issues in this proceeding. This proceeding is closed.

(Com Conlon - ALJ Garde)

(Section 311)

This item appeared as Item 2 on the agenda distributed to the public.

REGULAR AGENDA

UTILITY AND TRANSPORTATION ORDERS

ORDERS HELD OVER

H-1 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)
(Agenda 2990, Item 9, 4/9/98; Req - Commission)

H-1a ALTERNATE ORDER TO ITEM H-1. 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)
(Agenda 2990, Item 9a, 4/9/98; Req - Commission)

H-2 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; Agenda 2992, Item H-1, 5/7/98; Req - Commission)

- H-3 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; Agenda 2992, Item H-2, 5/7/98; Req - Commission)
- H-4 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; Agenda 2992, Item H-3, 5/7/98; Req - Commission)
- H-5 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)
(Agenda 2992, Item 1, 5/7/98; Req - Commission)

- H-5a** **ALTERNATE ORDER TO ITEM 5.** 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)
(Agenda 2992, Item 1a, 5/7/98; Req - Commission)
- H-5b** **ALTERNATE ORDER TO ITEM 5.** This alternate order conditionally grants the application of Pacific Gas and Electric Company (PG&E) for approval of an agreement to sell a portion of its distribution system to Modesto Irrigation District (MID) provided that; 1) the gain-on-sale is allocated 50% to ratepayers and 50% to shareholders if PG&E requests and the Commission approves a modification of D97-09-047 to ensure that there is a symmetrical assignment of risks. Otherwise 75% of the gain-on-sale would be allocated to ratepayers; 2) PG&E shorten the duration and make other modifications to its Second Service Agreement with MID and 3) PG&E ensures that its customers who are being transferred to MID enjoy a comparable level of direct access opportunities that they would have enjoyed had they remained with PG&E. The proceeding shall remain open.
(Coms Bilas/Conlon)
- H-6** **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)
(Agenda 2992, Item 3, 5/7/98; Req - Commission)
- H-7** **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)
(Agenda 2992, Item 6, 5/7/98; Req - Commission)

- H-7a** **ALTERNATE ORDER TO ITEM H-7.** This alternate order would approve the settlement between the Office of Ratepayer Advocates and Southwest Gas.
(Com Neeper)

ORDERS

- 1** **A95-12-043 - Pacific Bell (Pacific).**
For authority to increase and restructure certain rates of its integrated services digital network services. C96-02-002 - Related matter. This order finds that Pacific failed to comply with Ordering Paragraph 4 of D97-03-021 and continued to provide inadequate Integrated Services Digital Network (ISDN) service during most of 1997. We fine Pacific \$515,000 pursuant to Public Utilities Code Section 2107 for its failure to comply with D97-03-021. We also find that Pacific shall, in certain cases, waive installation fees for ISDN service if during any three consecutive months its customer service falls below certain minimum levels. These proceedings are closed.
(Com Duque - ALJ Malcolm)
(Section 311)
- 2 (Rev.)** Moved to CA-35 on the consent agenda.
This revision was not listed on the agenda distributed to the public.
- 3** **(I&S) C97-08-004 - 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 the San Jose Water Company in Santa Clara County.**
San Jose Water Company's proposed raw water tariff is found to be reasonable and not unlawful. AL 287 and 287-A are accepted as filed. This proceeding is closed.
(Com Duque - ALJ McVicar)
(Section 311)
- 4** **A97-12-005 - Pacific Gas and Electric Company (PG&E).**
This decision grants conditional authority to PG&E to use natural gas-based financial instruments to manage the impact of natural gas prices on the cost of electricity purchased pursuant to existing power purchase contracts. This authority ends no later than December 31, 1999. This proceeding is closed.
(Com Conlon - ALJ Minkin)

- 5 C95-09-030 - Loretta and Selwyn Vos (the Voses) vs. Pacific Gas and Electric Company (PG&E).**
In D97-01-043, the Commission found that PG&E had failed to comply with certain mitigation measures required as part of the natural gas pipeline extension project. Specifically, PG&E failed to notify the Voses of its plans to construct a natural gas compressor station directly across the street from the Voses' property and failed to work with the Voses to resolve any potential land use conflicts. Eventually PG&E constructed the compressor station on the corner of its one hundred acre parcel that is closest to the Voses' property. The Commission identified a potential penalty of \$752,000 for these violations and directed the Consumer Services Division (CSD) to investigate the existence of further violations of these mitigation measures in conjunction with property owners elsewhere along the pipeline. CSD found no further violations. Nonetheless, this decision imposes a \$752,000 penalty on PG&E. This proceeding is closed.
(Com Conlon - ALJ Weissman)
- 5a ALTERNATE PAGES TO ITEM 5.** These alternate pages would impose a fine of \$376,000 on PG&E.
(Com Neeper)
This item was not listed on the agenda distributed to the public.
- 6 A97-10-014 - Pacific Gas and Electric Company (PG&E).**
For recovery of 1996 non-nuclear generation capital additions costs. A97-10-015 - Related matter. This decision adopts revenue requirements for capital additions added to rate base in 1996 by PG&E and San Diego Gas & Electric Company (SDG&E). We herein adopt the joint recommendations of PG&E, Office of Ratepayer Advocates (ORA), James Weil and The Utility Reform Network and the joint recommendations of SDG&E and ORA. The amounts adopted in this decision for capital additions will be included in each utility's Transition Cost Balancing Account for recovery pursuant to Public Utilities Code Section 367. These proceedings are closed.
(Coms Conlon/Bilas - ALJ Malcolm)

- 7 **R_____ - Order instituting rulemaking on the Commission's own motion into the statewide expansion of public policy pay telephones.**
A Rulemaking is opened to assess the adequacy of our public policy pay telephone program, the need to expand the program statewide, charge the payphone enforcement program, and funding of the programs on a fair and equitable basis.
(Com Bilas - ALJ Galvin)
- 8 **A96-09-012 - MCI Telecommunications.**
For arbitration pursuant to Section 252(b) of the Telecommunications Act of 1996 to establish an interconnection agreement with GTE California, Incorporated (GTEC). This decision denies the petition of GTEC to modify D97-01-045 so as to remove GTEC's obligation to recombine unbundled network elements. This decision denies the proposed modification on the basis that the issue is not properly before the Commission in this proceeding. This proceeding is closed.
(Com Duque - ALJ Kenney)
- 9 **R98-03-040 - Rulemaking on the Commission's own motion into the third triennial review of the regulatory framework adopted in D89-10-031 for GTE California Incorporated and Pacific Bell.**
A98-02-003 - Related matter.
This decision grants the appeals of category, re-categorizes the proceeding from quasi-legislative to ratesetting, waives Rule 6.5(b) if hearing is later found necessary by the Assigned Commissioner, and dismisses A98-02-003.
(Com Knight - ALJ Mattson)
- 10 **NOT USED.**
- 11 **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 approves an extension of the Electric Education Call Center (EECC) for an additional six months. At the end of the six months, or as soon thereafter as possible, the Consumer Services Division is to take over the EECC's activities and operations.
(Coms Knight/Neeper - ALJ Wong)
This revision was not listed on the agenda distributed to the public.
- (Rev.)

12

A97-08-015 - Southern California Edison Company (Edison).

This decision grants the application of Edison for *ex parte* approval of a proposed settlement of certain disputes through the amendment of four firm-capacity power purchase agreements (PPAs) based on Interim Standard Offer No. 4. The PPAs relate to wind energy small power production facilities located in Riverside County near Palm Springs, California (Projects). The disputes concern a provision in the PPAs providing Edison the right to require the Projects to demonstrate annually the ability to deliver contract capacity. This proceeding is closed.
(Com Conlon - ALJ Patrick)

UTILITIES RESOLUTIONS

ENERGY MATTERS

- E-1 Res E-3536 - Southern California Edison Company (Edison).**
This resolution approves with modifications Edison's request for approval of its 1998 hydroelectric generation revenue requirement.
(Advice Letter 1277-E, filed December 23, 1997)
- E-2 Res E-3539 - Southern California Edison Company (Edison).**
Edison transmits its affiliate transactions compliance plan in accordance with Ordering Paragraph (OP 2) of D97-12-088. Edison's compliance plans were effective upon filing. This resolution rejects portions of Edison's filings and approves other portions. Edison is ordered to file a new Advice Letter to comply with OP 2 of the Decision.
(Advice Letter (AL) 1278-E, filed December 31, 1997 and AL 1278-E-A, filed January 30, 1998)
- E-3 Res E-3538 - Pacific Gas and Electric Company (PG&E), Southern California Edison Company (Edison), and San Diego Gas & Electric (SDG&E).**
This resolution approves with modifications PG&E, Edison, and SDG&E's request for approval of transition cost balancing account tariffs and several memorandum accounts in compliance with D97-06-060, D97-11-074, D97-12-039. In addition, pursuant to D97-12-096, PG&E's request for approval of must run hydroelectric/goothermal memorandum account.
(Advice Letters (AL) 1720-E (PG&E), 1275-E (Edison), 1061-E (SDG&E), filed December 15, 1997. In addition by AL 1723-E (PG&E), filed December 22, 1997 and supplemented by ALs 1723-E-A and 1723-E-B on December 31, 1997 and January 30, 1998, respectively)
- E-4 Res E-3531 - Pacific Gas and Electric Company (PG&E).**
This resolution denies PG&E's request to add a special condition to Schedule E-Exempt that would allow electric customers who select certain irrigation districts as their energy service provider and who take direct access service from PG&E, to be exempt from paying the competition transition charge.
(Advice Letter 1738-E, filed January 29, 1998)

TELECOMMUNICATIONS MATTERS

- C-1** **Res T-16148 - Pacific Bell (Pacific).**
This resolution approves provisionally with conditions Pacific's request to offer anonymous call rejection service.
(Advice Letter (AL) 19265, filed February 11, 1998, as supplemented by AL 19265A, filed February 26, 1998, as supplemented by AL 19265B, filed March 10, 1998)
- C-2** **Res T-16150 - GTE California, Incorporated (GTEC).**
(Rev.) This resolution approves GTEC's request to voluntarily provide compensation to customers affected by GTEC's 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)
(Agenda 2992, Item C-1, 5/7/98; Req - Commission)
- C-2a** **ALTERNATE RESOLUTION TO C-2.** This resolution approves GTEC's advice letter request by directing it to file a supplemental advice letter to offer caller ID to all customers affected by GTEC's listing of their information in its Street Address Directories.
(Com Neeper)

ADMINISTRATIVE LAW JUDGE DIVISION RESOLUTIONS

HALJ-1 **Res ALJ-177** - To adopt, in final form, the two generally applicable protocols for closed deliberation of ratesetting proposed decisions that the Commission published for comment in the California Regulatory Notice Register, as described in Res. ALJ-175 (adopted February 4, 1998). (Agenda 2991, Item ALJ-2, 4/23/98; Req - Commission)

ALJ-1 **Res ALJ-176-2993** - 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; Agenda 2992, Item HLEG-1, 5/7/98; Req - Commission)
- HLEG-2** 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; Agenda 2992, Item HLEG-5, 5/7/98; Req - Commission)
- HLEG-3** 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; Agenda 2992, Item HLEG-6, 5/7/98; Req - Commission)
- HLEG-4** 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; Agenda 2992, Item HLEG-8, 5/7/98; Req - Commission)

- HLEG-5 (Rev.)** SB 2038 Technological Infrastructure (Polanco) amended on April 23, 1998. Would create an Interagency Commission on Technological Infrastructure for the 21st Century.
(Agenda 2991, Item LEG-2, 4/23/98; Agenda 2992, Item HLEG-9, 5/7/98; Req - Commission)
- HLEG-6** 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.
(Agenda 2992, Item LEG-2, 5/7/98; Req - Commission)
- HLEG-7** 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.
(Agenda 2992, Item LEG-3, 5/7/98; Req - Commission)

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

DIRECTOR'S REPORTS

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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** **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.
(Agenda 2992, Item EX-7, 5/7/98; Req - Commission)
- HEX-2** **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.
(Agenda 2992, Item EX-8, 5/7/98; Req - Commission)

HEX-3 **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.
(Agenda 2992, Item EX-9, 5/7/98; Req - Commission)

HEX-4 **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.
(Agenda 2992, Item EX-10, 5/7/98; Req - Commission)

HEX-5 **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.
(Agenda 2992, Item EX-11, 5/7/98; Req - Commission)

ORDERS

- EX-1** Compilation of Applications for Rehearing filed with the Commission and Petitions filed with the California Supreme court since the last Commission Conference.
- EX-2** 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** **I92-03-052** - Disposes of Applications for Rehearing of D95-06-053 filed by Pacific Bell and GTE California, Inc. (State Board of Equalization property tax settlement and Z factor treatment). Also disposes of Petition to Set Aside Submission by GTEC.
- EX-5** **A95-12-043** - Disposition of application for rehearing of D97-12-012 filed by Utility Consumers' Action Network (UCAN). The Decision adopts a lesser award than that sought by UCAN as compensation for its contribution to D97-03-021. UCAN alleges that D97-12-012 contains legal and factual errors, specifically in its determination that UCAN's contributions to the decision were substantially duplicated by other parties and were out of proportion to the impact of this proceeding on most residential ratepayers.
- EX-6** **R84-12-028** - Disposes of applications for rehearing by The Utility Reform Network and the Southern California Edison Company of D97-12-043, which adopted final rules under SB 960.

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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