
Public Utilities Commission of the State of California

***Public Agenda 2996
Thursday, July 2, 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 29 ✓	Thursday, July 2
Monday, July 20	Thursday, July 23
Monday, August 3	Thursday, August 6
Monday, August 31	Thursday, September 3
Monday, September 14	Thursday, September 17

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered. A "✓" next to the date indicates that the meeting will be held. A "✓" next the item number on the Agenda indicates that the matter will be considered during the Ratesetting Deliberative Meeting.*

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.

For further information contact the Public Advisor
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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-2, CA-3, CA-11, CA-13, CA-14, CA-32

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.

ORDERS AND RESOLUTIONS

- CA-1** **Res TL-18853** - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
- CA-2** **(ECP) C96-08-052 - Gregory Stechenko vs. Pacific Gas and Electric Company.**
This fraudulent billing complaint is denied due to a lack of evidence. The impound amount, \$1,068.99 is disbursed to defendant. This proceeding is closed.
(Com Duque - ALJ Bennett)
- CA-3** **C96-11-029 - Nancy M. Horner and Vertec International, Inc., dba Vitosha, Ltd. Vs. GTE of California, Incorporated (GTE).**
This decision dismisses complaint due to lack of evidence that GTE's system is defective. This proceeding is closed.
(Com Neeper - ALJ Bushey)
(Section 311)

- CA-4 A97-07-058 - Ambler Park Water Utility (Ambler) and California American Water Company (CalAm).**
For an order authorizing Ambler to sell and transfer and CalAm to purchase and receive the water utility assets of Ambler, including the properties used in its water utility business, and (B) Ambler to withdraw from the water utility business, and (C) CalAm, Monterey Division, to engage in and carry on the water utility business of Ambler, and (D) the commencement of service in the Ambler service area by CalAm, and (E) CalAm, Monterey Division, to amortize the acquisition adjustment by reason of this transaction adjustment pursuant to the methodology authorized previously by the Commission for CalAm. This decision authorizes Ambler to sell its water system to CalAm and to be relieved of its public utility responsibility. This proceeding is closed.
(Com Conlon - ALJ Garde)
(Section 311)
- CA-5 C97-05-024 - Lena Humber vs. North Gualala Water Company.**
This decision orders the dispensing of funds held in deposit by the Commission. This proceeding is closed.
(Com Bilas - ALJ Rosenthal)
- CA-6 A97-12-021 - Pacific Bell (Pacific).**
This decision grants Pacific authority to lease space at its Mount Wilson, California, facility to its affiliate Cross Country Wireless, Inc. Authority to lease the same space to Cross Country Wireless, Inc., if it is sold, is also granted. This proceeding is closed.
(Com Knight - ALJ O'Donnell)
- CA-7 A98-03-011 - LCI International Telecom Corp. (LCI Telecom) and LCI International Management Services, Inc. (LCIM).**
This decision grants LCI Telecom and LCIM the authority to merge with LCI Telecom as survivor. Pro forma change only with no changes in operation or rates of service. Merger only eliminates LCIM from LCI's corporate family. This proceeding is closed.
(Com Knight - ALJ Ramsey)

- CA-8** **A98-03-019 - Pacific Bell (Pacific).**
This decision grants Pacific, pursuant to Public Utilities Code § 851, to transfer assets used for research and development projects to a research subsidiary of Pacific's parent company. Pacific states that the transfer arrangements comply with affiliate transaction rules of the Commission and of the federal government. The application has been reviewed by the Commission's Office of Ratepayer Advocates. This proceeding is closed.
(Com Knight - ALJ Walker)
- CA-9** **Res W-4102 - Peerless Water Company.**
This resolution authorizes an interim increase in rates producing an additional \$20,798, or 3% in annual revenue.
(Advice Letter 78, filed November 10, 1997)
- CA-10** **A97-12-009 - Tin Can Communications, L.L.C.**
This decision grants applicant a certificate of public convenience and necessity to operate as a competitive local carrier and non-dominant interexchange carrier reseller. This proceeding is closed.
(Com Knight - ALJ O'Donnell)
- CA-11** **C92-07-018 - Jacqueline Garrett, Elijah Hogan III, De Garrett, Robert Garrett, dba Neat & Clean by Jacqueline vs. GTE California Incorporated (GTEC).**
This decision dismisses the complaint with prejudice, and directs the Commission's Fiscal Office to release the impounded funds to GTEC. This proceeding is closed.
(Com Neeper - ALJ Reed)
- CA-12** **C94-01-012 - Communications Workers of America, AFL-CIO, Local 9400 (CWA) vs. GTE California Incorporated (GTEC).**
The decision dismisses a complaint filed by CWA arising out of the closure of the Torrance, California customer representative center of defendant GTE California Incorporated (GTEC). This decision also concludes that the allegations of harm to CWA's members arising from the closure are governed by the GTEC-CWA collective bargaining agreement, and that the allegations of harm to the public are so general and vague that they fail to state a claim under either §§ 451 or 453 of the Public Utilities Code. Accordingly, GTEC's motion to dismiss the complaint is granted. This proceeding is closed.
(Com Neeper - ALJ McKenzie)

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- CA-13** **C97-07-054 - Herber Raditsch vs. Yosemite Spring Park Utility Company.**
This decision requires defendant to notify its customers regarding any significant developments which could affect the quality of water it provides. This proceeding is closed.
(Com Neeper - ALJ Garde)
- CA-14** **(ECP) C96-06-028 - C. David Stephan vs. GTE California Incorporated.**
Complainant seeks foreign exchange flat rate telephone service. Held-relief denied. Defendant's tariff provides for measured rate foreign exchange service. The fact that defendant may have erroneously told complainant that flat rate service was available does not authorize a deviation from defendant's tariff. This proceeding is closed.
(Com Neeper - ALJ Barnett)
- CA-15** **A96-07-009 - Southern California Edison Company (Edison).**
For authority to adopt the performance based ratemaking and incentive based ratemaking mechanisms specified in D95-12-063, as modified by D96-01-009, and related changes. A96-07-018 - Related matter. The Commission finds that all substantive issues in this consolidated proceeding have been resolved or should be addressed in other proceedings. Accordingly, the proceeding is ordered closed once pending intervenor compensation requests are resolved.
(Com Duque - ALJ Wetzell)
- CA-16** **C97-10-082 - Southern California Utility Power Pool and Imperial Irrigation District vs. Southern California Gas Company (SoCalGas).**
This decision grants motion for summary judgment and finds that SoCalGas' customer contracts which were executed prior to the effective date of the 489.1 Rules are not subject to those rules. This proceeding is closed.
(Com Duque - ALJ Bushey)
- CA-17** **A98-03-026 - Cynthia Sanders dba The Link Shuttle Service.**
This decision authorizes applicant to operate as a passenger stage corporation between certain points in the County of San Diego. This proceeding is closed.
(Exam Koss)

- CA-18** **A98-04-011 - Michael G. Magner dba Valle Vista Traveler.**
This decision authorizes applicant to operate as a passenger stage corporation between points in Ojai, Ventura, on the one hand and Santa Barbara Municipal, Burbank, and Los Angeles International Airports, on the other. This proceeding is closed.
(Exam Koss)
- CA-19** **A96-12-050 - Tel-Save, Inc. of Pennsylvania dba The Phone Company.**
The decision grants a certificate of public convenience and necessity to applicant, to operate as a facilities-based and resale competitive local carrier. This proceeding is closed.
(Com Neeper - ALJ Garde)
- CA-20** **C92-02-032 - W. Victor vs. GTE California Incorporated, GTE Corporation, and Does 2001 through 2010. C90-09-066, C90-09-067, C90-10-066, C90-10-067, C90-10-068, C90-11-050, C91-01-004, C91-01-005, C91-01-041, C91-02-090, C.91-02-102, C91-02-103, C91-03-067, C91-04-045, C91-04-046, C91-07-017, C91-07-018, C91-07-019, C91-07-048, C91-08-062, C91-08-063, C91-10-021, C91-10-052, C91-11-014, C91-11-016, C91-12-030, C92-01-019, C92-01-020, C92-02-005 - Related matters.**
This decision dismisses 30 formal complaints, 50 supplemental complaints, and 2 informal complaints that complainant has filed against this telephone utility. We release to the utility the remainder of the \$19,606.52 in disputed billing amounts impounded in connection with these and earlier complaints. We acknowledge a settlement agreement between the parties in which complainant agrees to restrict his use of the Commission's complaint and impound procedures. In view of the settlement, we decline at this time to consider sanctions against complainant on grounds that he has engaged in frivolous and vexatious litigation. These proceeding are closed.
(Com Duque - ALJ Walker)
- CA-21** **A98-02-040 - United States Telecommunications, Inc.**
This decision grants applicant a certificate of public convenience and necessity to operate as a reseller of local exchange service. This proceeding is closed.
(Com Knight - ALJ O'Donnell)

- CA-22** **C97-08-054 - Carl Bradstetter vs. Holiday Retreats, et al, Paul Derebery, Surinder S. Dang, Gurinder Singh.**
The defendants are found not to be a public utility subject to the jurisdiction, control and regulation of the Commission. This complaint is dismissed. This proceeding is closed.
(Com Duque - ALJ McVicar)
- CA-23** **C95-12-001 - The CMS Group, Inc. vs. Pacific Bell (PacBell).**
This decision grants PacBell's motion to dismiss complaint alleging violation of Public Utilities Code § 453 (Discrimination) and § 8.11 of General Order 156 (WMDVBE outreach) in bidding process involving upgrade of PacBell's central offices switching equipment. This complaint fails to state a claim upon which relief may be given. This proceeding is closed.
(Com Neeper - ALJ Ramsey)
- CA-24** **Res T-16154 - Pacific Bell (Pacific).**
This resolution approves interconnection agreements between Pacific and Optel (California) Telecom, Inc., between Pacific and Frontier Local Services, Inc., and between Pacific and North County Communications, Inc. pursuant to Section 252 of the Telecommunications Act of 1996.
(Advice Letter (AL) 19351, filed April 2, 1998, AL 19377, filed April 16, 1998, and AL 19398, filed April 24, 1998, respectively)
- CA-25** **Res T-16156 - GTE California (GTEC).**
This resolution approves an interconnection agreement between Airbank USA, Inc. and GTEC pursuant to Section 252 of the Telecommunication Act of 1996.
(Advice Letter 8703, filed April 13, 1998)
- CA-26** **A97-02-005 - Pacific Gas and Electric Company (PG&E).**
For authority to change core procurement rates on a monthly basis. PG&E's petition to modify D97-10-065 to permit core procurement rate changes to become effective on the first day of the month when transportation rates for core customers are to be changed on the first of the month is granted. This proceeding is closed.
(Com Bilas - ALJ Careaga)
SB 960 Experiment: Ratesetting Category

- CA-27** **Res E-3543 - Pacific Gas and Electric Company (PG&E).**
This resolution approves PG&E's request for deviation from Schedule A-1—agreement with Metricom, Inc for unmetered electric service.
(Advice Letter 1722-E, filed December 22, 1997)
- CA-28** **A97-02-020 - Pacific Bell.**
For approval of its statement of generally available terms for interconnection and access. This decision dismisses the application. This proceeding is closed.
(Com Duque - ALJ Reed)
- CA-29** **A93-07-051 - Gibbs Ranch Water Company.**
For authority to increase rates by \$63,540 (30%) in 1993 and an additional \$5,450 (2.0%) in 1994. A93-10-004 - Related matter. Petition for modification of D94-09-068 is denied because petitioner is no longer under Commission jurisdiction. These proceedings are closed.
(Com Conlon - ALJ Mattson)
- CA-30** **Res T-16155 - Citizens Telecommunications Company of California (Citizens).**
This resolution approves an interconnection agreement between Airtouch Cellular and Citizens pursuant to Section 252 of the Telecommunications Act of 1996.
(Advice Letter 626, filed April 14, 1998 and Supplement A, filed April 29, 1998)
- CA-31** **A98-01-023 - Choctaw Communications.**
This decision grants applicant a certificate of public convenience and necessity to operate as a reseller of local and interexchange service. This proceeding is closed
(Com Knight - ALJ O'Donnell)
- CA-32** **(ECP) C96-11-035 - Chryl Pittman vs. Pacific Bell.**
This complaint alleging unlawful refusal to reconnect service is denied because complainant has not paid the bill of a resident who established telephone service in her home. This proceeding is closed.
(Com Knight - ALJ Bennett)

REGULAR AGENDA

UTILITY AND TRANSPORTATION ORDERS

ORDERS HELD OVER

H-1 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; Agenda 2993, Item H-4, 5/21/98; Agenda 2994, Item H-5, 6/4/98; Req - Commission)

H-2 I95-05-047 - Investigation on the Commission's own motion into the second triennial review of the operations and safeguards of the incentive-based regulatory framework for local exchange carriers.

This decision authorizes the August 1996 audit plan that the Office of Ratepayer Advocates proposed for Pacific Bell and GTE California Incorporated. This proceeding is closed.

(Com Conlon - ALJ Reed)

(Agenda 2995, Item CA-24, 6/18/98; Req - Commission)

H-3 A96-06-049 - Southern California Gas Company (SoCalGas).

This decision adopts SoCalGas' proposals to modify the requirements that contractors must meet to install customer-owned automatic earthquake gas shut-off valves on SoCalGas' side of the meter. The valve installation requirements adopted in D96-09-044 are modified to: (1) designate the type of contractor's license required; (2) specify insurance requirements; (3) increase training requirements; (4) implement a quality assurance and recordkeeping system; (5) address compliance with Department of Transportation rulings; and (6) prescribe operating parameters for contractors working on SoCalGas' side of the meter. This proceeding is closed.

(Com Conlon - ALJ Patrick)

(Agenda 2995, Item CA-30, 6/18/98; Req - Commission)

- H-4** **C93-07-046 - Utility Audit Company, Inc. (UA) vs. Southern California Gas Company (SoCalGas). C94-02-009 - Related matter.**
UA represents the owners of seven apartment complexes, alleges that SoCalGas deprived the owners of the opportunity to make full use of available baseline allowances. Essentially, UA requests that the Commission order SoCalGas to backbill these customers for three years prior to the date the Commission issued Resolution G-3063. This decision concludes that since SoCalGas billed these customers in accordance with its then applicable tariffs, there is no billing error and UA's request for backbillings should be denied. These proceedings are closed.
(Com Conlon - ALJ Patrick)
(Agenda 2995, Item CA-31, 6/18/98; Req - Commission)
- H-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 rules governing the nondiscriminatory access to the poles, ducts, conduits, and right-of-way of public utilities among all telecommunications carriers competing in the local exchange market within California.
(Com Conlon - ALJ Pulsifer)
(Agenda 2991, Item 1, 4/23/98; Agenda 2994, Item H-1, 6/4/98; Agenda 2995, Item H-2, 6/18/98; Req - Commission)
- 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; Agenda 2993, Item H-6, 5/21/98; Agenda 2994, Item H-7, 6/4/98; Agenda 2995, Item H-4, 6/18/98; Req - Commission)
- H-6a** **ALTERNATE ORDER TO ITEM H-6.** This order would approve the Settlement between California Water Service Company and the Ratepayer Representative Branch.
(Com Bilas)

- H-7** **A96-11-046 - Southern California Edison Company (Edison).**
This decision approves application of Edison for authority, pursuant to Public Utilities Code Section 851, to sell the Ormond Beach plant to Houston Industries Power Generation, Inc. (HIPG), and the terms and conditions of the sale, including a condition that Edison sell an additional 50 acres of real property adjacent to the Cool Water generating station previously sold by Edison to HIPG. This proceeding is closed.
(Coms Bilas/Conlon - ALJ Careaga)
(Agenda 2994, Item 1, 6/4/98; Agenda 2995, Item H-6, 6/18/98; Req - Commission)
- H-8** **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; Agenda 2993, Item H-7, 5/21/98; Agenda 2994, Item H-8, 6/4/98; Agenda 2995, Item H-7, 6/18/98; Req - Commission)
- H-8a** **ALTERNATE ORDER TO ITEM H-8.** This alternate order rejects the proposed settlement by applicant and the Office of Ratepayer Advocates on the ground that the proposed settlement is not in the public interest. The application is set for hearing to give applicant the opportunity to show that the application to modify D95-04-075 is in the public interest.
(Com Conlon)
(Agenda 2995, Item H-7a, 6/18/98; Req - Commission)

- ✓ **H-9** **A97-11-004 - Pacific Gas and Electric Company (PG&E).**
For authority to identify cost savings for revenue cycle services provided by other entities and to propose credits for end-use customers in such circumstances for implementation no later than January 1, 1999.
A97-11-011, A97-12-012 - Related matters. This decision resolves outstanding matters in Phase I of the applications of PG&E, Southern California Edison Company, and San Diego Gas & Electric Company, to unbundle portions of metering, billing and related services which we have referred to as “revenue cycle services.” In this decision, we determine appropriate specific categories of revenue cycle services and address bill formatting issues. We also authorize PG&E to defer the offering of revenue cycle services credits on customer bill and instead to offer checks to customers subscribing to revenue cycle services of competitors.
(Com Duque - ALJ Malcolm)
(Section 311)
(Agenda 2995, Item 2, 6/18/98; Req - Commission)
- ✓ **H-9a** **ALTERNATE ORDER TO ITEM H-9.** This alternate order seeks comment on the issue of whether revenue cycle credits should be reflected directly on end-use consumer bill or paid directly to the ESP that actually provides the revenue cycle service in question.
(Com Knight)
- H-10** **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 D96-03-020, Conclusion of Law 49, to exclude the portion of the California High Cost Fund-B subsidy payment due to shared or common costs in determining whether the price of a bundled package offered by the incumbent local exchange carrier (i.e., Pacific Bell or GTE California, Inc.) is above the price floor.
(Com Conlon - ALJ Pulsifer)
(Agenda 2995, Item 8, 6/18/98; Req - Commission)

ORDERS

- 1** **A97-03-004 - Pacific Bell (Pacific).**
For approval of rate reductions to offset the explicit subsidy support ordered in D96-10-066. This decision adopts \$305.2 million in price reductions for Pacific as a permanent offset for its receipt of universal service funds from the California High Cost Fund. This proceeding is closed.
(Com Knight - ALJ Walwyn)
(Section 311)
SB 960 Experiment: Ratesetting Category

- 2** **A98-01-008 - Pacific Gas & Electric Company.**
This decision grants PG&E authority to commence an auction of the Hunters Point Power Plant, Potrero Power Plant, Pittsburg Power Plant, Contra Costa Power Plant, Sonoma County Geysers units, and Lake County Geysers units, subject to the terms and conditions set forth in this decision.
(Coms Bilas/Conlon - ALJ Careaga)
(Section 311)

- 3** **R._____ - Order instituting rulemaking on proposed revisions to General Order 96-A, which governs filing of informal matters such as advice letters.**
(Com Duque - ALJ Kotz)

- 4** **R95-04-043 - Order instituting rulemaking on the Commission's own motion into competition for local exchange service. I95-04-044 - Related matter.**
This decision approves the Petition of Citizens Telecommunications Company, dba Citizens Long Distance Company, for a certificate of public convenience and necessity to resell local exchange service within the territory of its incumbent local exchange carrier affiliate, Citizens Telephone Company of California, pursuant to Decision 97-09-115. The protest of AT&T to require dominant carrier regulation is denied.
(Com Conlon - ALJ Pulsifer)

- 5** **R98-05-031 - Order instituting rulemaking on the Commission's own motion into the statewide expansion of public policy pay telephones.**
This decision denies California Payphone Association's appeal of the categorization of this proceeding as quasi-legislative. This matter is added to the agenda pursuant to Government Code § 11125.3(a)(2) and Public Utilities Code § 306(b).
(Com Bilas - ALJ Galvin)
This item was not listed on the agenda distributed to the public.
- 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.**
This decision takes further action regarding the implementation of the energy efficiency Request for Proposal conditionally approved in D98-04-063 and regarding the roles of the Commission's advisory boards on public purpose programs. This matter is added to the agenda pursuant to Government Code § 11125.3(a)(2).
(Coms Neeper/Knight - ALJ Gottstein)
This item was not listed on the agenda distributed to the public.

UTILITIES RESOLUTIONS

ENERGY MATTERS

- E-1 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)
(Agenda 2993, Item E-2, 5/21/98; Agenda 2994, Item E-2, 6/4/98; Req - Commission)
- E-2 Res G-3240 - Pacific Gas and Electric Company, Southern California Gas Company, San Diego Gas & Electric, Southwest Gas Corporation, and WP Natural Gas Company.**
This resolution adopts a public utility gas corporation surcharge for mobilehome park safety inspection and enforcement program for fiscal year 1998-1999 and authorizes tariff filings.
- E-3 Res E-3544 - Southern California Edison Company (Edison), and San Diego Gas & Electric Company (SDG&E).**
This resolution rejects without prejudice Edison's and SDG&E's request to establish a transmission revenue requirement reclassification memorandum account.
(Edison Advice Letter 1298-E, filed March 20, 1998 and SDG&E Advice Letter 1088-E, filed March 31, 1998)
- E-4 Res E-3541 - Pacific Gas and Electric Company (PG&E).**
This resolution approves a generating facility operations and maintenance account for divested plants.
(Advice Letter 1731-E, filed January 14, 1998)
- E-5 Res E-3545 - Pacific Gas and Electric Company (PG&E).**
This resolution denies without prejudice PG&E's request to use billing percentages to calculate unbundled component charges for bundled service customers and direct access customers without interval meters.
(Advice Letter 1770-E, filed May 26, 1998)

- E-6 Res E-3548 - San Diego Gas & Electric Company (SDG&E).**
SDG&E transmits its affiliate transactions compliance plan in accordance with Ordering Paragraph (OP) 2 of D97-12-088. SDG&E's compliance plans were effective upon filing. This resolution rejects portions of SDG&E's filings and approves other portions. SDG&E is ordered to file a new Advice Letter to comply with OP 2 of the Decision.
(Advice Letter (AL) 1068-E/1078-G, filed December 31, 1997 and AL 1068-E-A/1078-G-A, filed January 30, 1998)
- E-7 Res E-3540 - Pacific Gas and Electric Company (PG&E).**
PG&E transmits its affiliate transactions compliance plan in accordance with Ordering Paragraph (OP) 2 of D97-12-088. PG&E's compliance plans were effective upon filing. This resolution rejects portions of PG&E's filings and approves other portions. PG&E is ordered to file a new Advice Letter to comply with OP 2 of the Decision.
(Advice Letter (AL) 2058-G/1725-E, filed December 31, 1997 and AL 2068-G-A/1725-E-A, filed January 30, 1998)
- E-8 Res G-3238 - Southern California Gas Company (SoCalGas).**
SoCalGas transmits its affiliate transactions compliance plan in accordance with Ordering Paragraph (OP) 2 of D97-12-088. SoCalGas' compliance plans were effective upon filing. This resolution rejects portions of SoCalGas' filings and approves other portions. SoCalGas is ordered to file a new Advice Letter to comply with OP 2 of the Decision.
(Advice Letter (AL) 2661, filed December 31, 1997 and AL 2661-A, filed January 30, 1998)

TELECOMMUNICATIONS MATTERS

C-1

Res T-16165 - All telecommunications carriers.

This resolution reduces the California Teleconnect Fund (CTF) All End User Surcharge from 0.41% to 0.05% effective August 1, 1998. This resolution also grant the request by the CTF Interim Administrative Committee for a reduction in the surcharge due to less-than-expected demand for CTF discounts.

ADMINISTRATIVE LAW JUDGE DIVISION RESOLUTIONS

ALJ-1 **Res ALJ-176-2996** - 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 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.
(Agenda 2990, Item LEG-10, 4/9/98; Agenda 2992, Item HLEG-1, 5/7/98; Agenda 2993, Item HLEG-1, 5/21/98; Agenda 2994, Item HLEG-1, 6/4/98; Agenda 2995, HLEG-1, 6/18/98; Req - Commission)
- HLEG-2** 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; Agenda 2993, Item HLEG-4, 5/21/98; Agenda 2994, Item HLEG-4, 6/4/98; Agenda 2995, Item HLEG-3, 6/18/98; Req - Commission)
- HLEG-3** 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; Agenda 2993, Item HLEG-6, 5/21/98; Agenda 2994, Item HLEG-6, 6/4/98; Agenda 2995, Item HLEG-5, 6/18/98; Req - Commission)
- HLEG-4** SB 2103 (Haynes), as amended May 19, 1998. Would add Section 13557 to the Water Code regarding establishment of rates for recycled water and resolution of disputes.
(Agenda 2994, Item LEG-1, 6/4/98; Agenda 2995, Item HLEG-6, 6/18/98; Req - Commission)

COMMISSIONERS' REPORTS

Commissioner Conlon

- Electric Matters
- Transportation Matters

Commissioner Knight

- Telecommunications Matters

Commissioner Duque

- Water Matters
- Administrative 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

DIRECTORS' 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** **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; Agenda 2993, Item HEX-1, 5/21/98; Agenda 2994, Item HEX-3, 6/4/98; Agenda 2995, Item HEX-2, 6/18/98; Req - Commission)
- HEX-2** **I93-12-007** - Disposes of applications for rehearing of D95-10-032 filed by Cellular Carriers Association of California, and AirTouch Cellular and its affiliates (Commercial Mobile Radio Service: certificates of public convenience & necessity and transfer of control).
(Agenda 2994, Item EX-5, 6/4/98; Agenda 2995, Item HEX-4, 6/18/98; Req - Commission)

- HEX-3** **R96-11-004** - Disposition of the application for rehearing of D98-03-036 filed by the California Municipal Utilities Association, with response in support filed by the City and County of San Francisco. The California Municipal Utilities Association challenges the Commission's jurisdiction to impose on publicly-owned utilities distribution facility maintenance and inspection standards initially proposed for investor-owned utilities in D97-03-070.
(Agenda 2994, Item EX-6, 6/4/98; Agenda 2995, Item HEX-5, 6/18/98; Req - Commission)
- HEX-4** **A96-03-031, A96-04-030** - Disposition of applications for rehearing of D97-04-082, filed by the City of Long Beach (Long Beach) and The Utility Reform Network (TURN). Long Beach claims legal error on the ground that D97-04-042 retroactively eliminates the core cap for Long Beach and changes the allocation of the Interstate Transition Cost Surcharge. TURN argues that D97-04-082: (1) results in the allocation of most surcharges to the core and all benefits to noncore, and thus, the decision is arbitrary, unduly discriminatory, and unsupported by either the record or past Commission decisions; (2) is arbitrary and violates Public Utilities Code Section 451 because it fails to require tracking of excess core procurement costs; and (3) adopts a core storage withdrawal reservation which is inconsistent with the record and within the decision itself.
(Agenda 2994, Item EX-7, 6/4/98; Agenda 2995, Item HEX-6, 6/18/98; Req - Commission)
- HEX-5** **A94-12-005** - Disposition of applications for rehearing of D97-12-044 by Pacific Gas and Electric Company, San Diego Gas & Electric and by The Utility Reform Network.
(Agenda 2995, Item EX-7, 6/18/98; Req - Commission)
- HEX-6** **C94-09-038** - Disposition of application for rehearing of D98-03-078 filed by the Larkfield Water Company challenging the imposition of installation costs for backflow prevention devices on it and not the ratepayers or the complainant herein.
(Agenda 2995, Item EX-9, 6/18/98; 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** C95-10-012 - Disposition of application for rehearing of D97-09-114 filed by Pacific Bell. D97-09-114 resolves the complaint of Wilson Ogg regarding inside wire charges incurred when a Pacific Bell technician installed a new line. Pacific Bell argues that the decision errs in concluding that Pacific Bell could not charge for the inside wire work, and in concluding that Pacific Bell charged for work it did not do.

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.

FEX-2 Recommendations regarding rate policy issues in Duke Energy Moss Landing, LLC, FERC Docket No. ER98-2668-000 and Duke Energy Oakland, LLC, FERC Docket No. ER98-2669-000.

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