
Public Utilities Commission of the State of California

*Public Agenda 2998
Thursday, August 6, 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 505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Monday, August 3	Thursday, August 6
Monday, August 31	Thursday, September 3
Monday, September 14	Thursday, September 17
Monday, October 5	Thursday, October 8**
Monday, October 19	Thursday, October 22

**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.*

***Will be held at the Leisure World, Club House 3, 23833 Avenida Savilla, Laguna Hills, CA 92653*

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-7, CA-8

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-18857** - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
- CA-2** **Res TL-18858** - 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 W-4105 - Sea Ranch Water Company (SRWC).**
This resolution authorizes SRWC to impose a one-time surcharge producing \$8,238.93 for the recovery of a catastrophic event memorandum account balance.

- CA-4 A97-08-059 - City of Los Angeles (City).**
This decision grants the request of the City to construct one public railroad crossing at-grade across Knox Street immediately west of Normandie Avenue and to upgrade and convert two existing private at-grade crossings to public at-grade crossings of the proposed Francisco Street immediately west of Normandie Avenue and the proposed Francisco Street approximately 1,400 feet east of Western Avenue across Union Pacific Railroad Company's Torrance Branch Line tracks and spur tracks in Los Angeles, Los Angeles County. The proposed at-grade public crossings are necessary to provide public access to the proposed Harbor Gateway Center, which is to consist of approximately three million square feet of retail, office and industrial park development on the site. This proceeding is closed.
(Exam Koss)
- CA-5 C93-07-024 - Donna Matthews vs. Meadows Management Company, a partnership, James M. Krueger and Rondell B. Hanson, its partners, all dba Plantation-On-The-Lake Mobilehome Park.**
D97-10-068 is modified to clarify that while the assessment of an individual water meter fee against each customer is improper, the aggregate cost to install meters generally is an authorized expense for ratemaking purposes. This proceeding is closed.
(Com Conlon - ALJ Bennett)
- CA-6 C98-02-043 - Morrie E. Hurley vs. SBC Communications, Inc. and Pacific Bell (Pacific).**
Complainant seeks sanctions against Pacific for a privacy violation, alleging that Pacific permitted third parties to re-record voice mail messages and use such re-recorded transcriptions in court proceedings. Pacific moves to dismiss the complaint on grounds, among others, that complainant states no violation of law, rule or Commission order. Pacific's motion is granted. The complaint is dismissed. This proceeding is closed.
(Com Duque - ALJ Walker)
- CA-7 C94-10-042 - Steven M. Karp vs. Fulton Water Company.**
This decision denies the complaint for increased water pressure. This proceeding is closed.
(Com Conlon - ALJ Henderson)

- CA-8** **(ECP) C97-10-077 - Whiskey Run Homeowners Association vs. Kirkwood Gas and Electric Company.**
This complaint is denied due to failure to prove any violations of tariff by defendant. This proceeding is closed.
(Com Bilas - ALJ Bennett)
- CA-9** **A97-10-021 - Citizens Telecommunications Company of California, Inc. (Citizens).**
Application to review Citizens' new regulatory framework (NRF) for the regulation of telecommunications services provided in the State of California. This decision dismisses all but Issue No. 2 specified in Attachment A to Citizens' NRF review application. New application containing dismissed issues to be refiled 150 days after order in Pacific Bell and GTE California Incorporated NRF review (R98-03-040) is issued. Issue No. 2 (review of Citizens' service quality experience both in general and in reference to the Service Quality Assurance Mechanism and improvements) to be decided on current documentation.
(Com Knight - ALJ Ramsey)
- CA-10** **A98-03-010 - Riverside County Transportation Commission (RCTC).**
This decision grants the request of RCTC to construct a pedestrian overcrossing above the main line tracks of The Burlington Northern and Santa Fe Railway Company at the existing Riverside La Sierra Metrolink Station in Riverside, Riverside County. This proceeding is closed.
(Exam Koss)
- CA-11** **Res W-4106 - Elk Grove Water Works (EGWW).**
This resolution authorizes the establishment of two separate rate areas within the EGWW service area and separate, temporary rates for one of these areas.

- CA-12 C98-02-036 - Nova Cellular West, Inc. (Nova) dba San Diego Wireless vs. AirTouch Cellular of San Diego (AirTouch).**
Nova, a cellular reseller operating in the San Diego area, complains that AirTouch refuses to supply it with four promotional plans at lower rates that would reflect electronic billing efficiencies. AirTouch moves to dismiss on grounds that the Commission lacks jurisdiction to adjudge the lawfulness of rates charged by cellular telephone carriers. The motion is granted. The complaint is dismissed. This proceeding is closed.
(Com Neeper - ALJ Walker)
- CA-13 A98-05-026 - LDI Solutions, Inc.**
This decision grants applicant a certificate of public convenience and necessity to operate as a local exchange service reseller. This proceeding is closed.
(Com Knight - ALJ O'Donnell)
- CA-14 Res T-16178 - GTE California (GTEC).**
This resolution approves interconnection agreements between GTEC and Central Wireless Partnership, a provider of two-way wireless service, and between GTEC and Winstar Wireless of California, Inc., a provider of local dial-tone service, submitted under provisions of Resolution ALJ-174 and G.O. 96-A.
(Advice Letter (AL) 8742, filed June 2, 1998 and AL 8745, filed June 5, 1998)
- CA-15 Res W-4107 - Bidwell Water Company.**
This resolution authorizes a general rate increase producing additional annual revenues of \$10,964 or 7.93% in 1998.
- CA-16 Res W-4108 - North Gualala Water Company, Inc. (NGWC).**
This resolution authorizes NGWC to borrow additional funds under the California Safe Drinking Water Bond Law of 1984, as amended, and accordingly adjust the existing surcharge to repay the additional amount of principal and interest.

- CA-17 A97-05-053 - Farid Salem Dabit of San Bruno, dba Reliable Airport Shuttle.**
This decision authorizes applicant to operate as a passenger stage corporation between points in the Counties of San Mateo and Santa Clara, on the one hand, and San Francisco, San Jose, and Oakland International Airports, on the other. This proceeding is closed.
(Exam Koss)
- CA-18 A98-03-045 - Manjit Singh and Sukhvir Singh.**
This decision authorizes applicants to operate as a passenger stage corporation between points in the Counties of Riverside, San Bernardino, Orange, on the one hand, and Los Angeles and Ontario International and John Wayne Airports, Los Angeles/Long Beach Harbors, Santa Ana and Fullerton AMTRAK stations, Disneyland, Knotts Berry Farm, Anaheim Convention Center and Stadium, on the other hand. This proceeding is closed.
(Exam Koss)
- CA-19 A97-12-047 - Southern California Edison Company (Edison).**
This decision finds that Edison's alternate proposed maintenance, repair, and replacement performance-based ratemaking (PBR) mechanism complies with the requirements of D96-11-021 on an interim basis. Edison will report performance information during the term of the existing PBR without a reward or penalty structure for the maintenance, repair, and replacement PBR mechanism. This proceeding is closed.
(Com Duque - ALJ Minkin)
- CA-20 A95-06-002 - Southern California Gas Company.**
For authority to adopt performance based regulation for base rates to be effective January 1, 1997. This decision awards The Utility Reform Network (TURN) \$247,476 and the Natural Resources Defense Council \$11,380 in compensation for their substantial contributions to D97-07-054. This decision also awards TURN \$6,769 in compensation for its substantial contribution to D98-01-040.
(Com Duque - ALJ Hale)

- CA-21 A98-04-034 - California Western Railroad, Inc. (CWR).**
This decision grants the application of CWR for retroactive approval of previous stock issues, and for prospective approval of a transaction which would merge California Western Land Associates, Inc. into the applicant, split applicant's currently outstanding shares of common stock 2.407 for 1, and make a new public offering of an additional 614,000 common shares, approximately. Upon conclusion of this transaction, the applicant's present shareholders will have a 50.5% share ownership of CWR, and the newly offered shares will constitute the remaining 49.5%. This proceeding is closed.
(Com Bilas - ALJ Ryerson)
- CA-22 R94-04-031 - Order instituting rulemaking on the Commission's proposed policies governing restructuring California's electric service industry and reforming regulation. I94-04-032 - Related matter.**
This decision grants Pacific Gas and Electric Company's (PG&E) petition to modify D96-12-025 and allow PG&E to change the authorized calculation methodology used to provide refunds of the 1998 Electric Deferred Refund Account in order to allow customers to receive refunds beginning October 1998.
(Com Conlon - ALJ Minkin)
- CA-23 A98-05-017 - Red & White Ferries, Inc. (Red & White).**
This decision grants authority for Red & White to establish and operate scheduled vessel common carrier service between the aircraft carrier USS Hornet docked in Alameda on the one hand and San Francisco Ferry Building Pier ½ and Fisherman's Wharf Ferry Terminal Pier 43½ on the other hand, and to revise its currently-effective tariffs for nonscheduled service between those points (SF/Hornet ferry service). Red & White's Certificate of Public Convenience and Necessity (CPCN) is amended to reflect scheduled SF/Hornet ferry service. No CPCN amendment is needed for Red & White to provide nonscheduled SF/Hornet ferry service. Red & White shall file tariffs including rates and timetables. Red & White's Motion to Dismiss the application is denied; its Motion for Limited Protective Order is granted. This proceeding is closed.
(Com Duque - ALJ McVicar)

- CA-24** **A98-06-046 - Sierra Pacific Power Company.**
For authority to sell, assign or encumber transition property; authority to service rate reduction bonds; authority to establish charges sufficient to recover fixed transition amounts; and such further authority necessary for the company to carry out the transactions described in this application. Order approving Assigned Commissioner's Ruling changing the preliminary determination on need for hearing, from yes to no.
(Com Duque - ALJ Careaga)
(Rule 6.5(b)).
- CA-25** **A97-09-042 - Koushan M. Ashia dba Monterey Bay Super Shuttle.**
This decision grants applicant certificate of public convenience and necessity between points in Santa Cruz and Santa Clara counties and San Francisco, Oakland and San Jose International Airports. This proceeding is closed.
(Com Duque - ALJ Bennett)
- CA-26** **A92-07-035 - Contel of California, Inc. (Contel).**
This decision dismisses as moot the radiotelephone utility (RTU) interconnection tariff filed by Contel in response to D92-01-016. The decision concludes that Contel's application has become moot because (1) Contel has merged into GTE California, Incorporated, (2) the RTU interconnection tariffs filed in response to D92-01-016 were superseded by the wireless interconnection tariffs filed in 1994 in the Open Access and Network Architecture Development (OANAD) proceeding (R93-04-003/I93-04-002), and (3) the wireless interconnection tariffs filed in OANAD have in turn been rendered moot by interconnection agreements negotiated pursuant to the provisions of the Telecommunications Act of 1996. This proceeding is closed.
(Com Bilas - ALJ McKenzie)
- CA-27** **Res T-16176 -** This resolution adopts a 1998 annual budget of \$2,912,600 for the Universal Lifeline Telephone Service Marketing Board (ULTSMB). This resolution also adopts a Charter for the ULTSMB, and approves First Amendment to the Charter of the Universal Lifeline Telephone Service Trust Administrative Committee, pursuant to D97-12-105.

- CA-28** **A98-06-012 - City of Sacramento (City).**
This resolution authorizes the City to construct the 19th/20th Street Bikeway (Class I) at separated grades, beneath the A-line and 4-line tracks of the union Pacific Railroad, in said City, County of Sacramento. This application was amended on June 16, 1998, which incorporated the specifications of and request for the crossing beneath the 4-line tracks. This proceeding is closed.
(Exam Koss)
- CA-29** **A92-06-012 - GTE California Incorporated (GTEC).**
This decision dismisses as moot the radiotelephone utility (RTU) interconnection tariff filed by GTEC in response to D92-01-106. The decision concludes that, like a similar application filed by Pacific Bell and dismissed in D98-05-011, GTEC's RTU interconnection tariff should be dismissed because it has been rendered moot by two events. It was first rendered moot by developments in the OANAD docket (R93-04-003/I93-04-002), and then by the interconnection agreements negotiated pursuant to the provisions of the Telecommunications Act of 1996. This proceeding is closed.
(Com Bilas - ALJ McKenzie)
- CA-30** **A98-03-041 - Armando Nava dba Transportes Nava.**
This decision authorizes applicant to operate as a scheduled passenger stage corporation between Lynwood and San Ysidro. This proceeding is closed.
(Exam Koss)
- CA-31** **A98-03-044 - Rasmi B. Assaf and Ayman Fadlalla dba Citywide Shuttle and Limousine Service.**
This decision authorizes applicants to operate as a passenger stage corporation between points in the Counties of San Francisco, Alameda, Contra Costa, and Santa Clara, on the one hand, and San Francisco, San Jose, and Oakland International Airports, on the other and establish a Zone of Rate Freedom. This proceeding is closed.
(Exam Koss)

- CA-32** **A98-04-053 - Kevin Fonseca and Sharon Fonseca dba Friendship Transportation Service.**
This decision authorizes applicants to operate as a scheduled passenger state corporation between points Temecula and Murrieta, on the one hand, and City of San Diego, on the other hand. This proceeding is closed.
(Exam Koss)
- CA-33** **A92-10-017 - San Diego Gas & Electric (SDG&E).**
For authority to establish an experimental performance-based ratemaking mechanism. This decision awards Utility Consumers' Action Network \$24,820 for its substantial contributions to D97-04-085 and D97-12-041.
- (Rev.)** SDG&E is directed to pay the award, with interest.
(Com Knight - ALJ Hale)
This revision was not listed 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 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; Agenda 2996, Item H-5, 7/2/98; Req - Commission)

H-2 C97-02-027 - Pacific Bell (Pacific) vs. MCI Telecommunications Corporation (MCI).

This decision grants the complaint of Pacific against MCI regarding MCI's alleged failure to remit the Pay Station Service Charge (PSSC) as required by Pacific's tariff and Resolution T-15782. MCI is ordered to pay the PSSC to Pacific in the amount of \$2,097,432 for the period of April 12, 1996, through June 9, 1997. MCI is also ordered to pay the PSSC to the Intervenors in the amount of \$24.63 for each payphone the Intervenors had in service for the period of April 12, 1996 through November 6, 1996. In addition, this decision orders MCI to pay a late payment charge to Pacific and the Intervenors assessed in accordance with Pacific's tariffs. Finally, MCI is ordered to file a new PSSC tariff within 30 days. This proceeding is closed.

(Com Bilas - ALJ Kenney)

(Section 311)

(Agenda 2997, Item CA-3, 7/23/98; Req - Commission)

H-3 R98-01-011 - Rulemaking on the Commission's own motion to assess and revise the regulatory structure governing California's natural gas industry.

This is an interim order in the Gas Strategy Rulemaking procedure directing the utilities to modify existing core aggregation programs and file cost and rate unbundling applications. The Commission expresses its intention to issue a proposed market structure policy decision and to analyze the applicability of the California Environmental Quality Act to that decision before considering the adoption of a final policy. Prior to issuing the proposed order the Commission will review the market conditions reports and working group reports that are due to be submitted this summer as well as considering a record that would be developed in any limited evidentiary hearings, as needed. The Commission also directs the Energy Division to develop a proposed program in which a gas service provider could volunteer to register on a providers list. Appearance on that list would provide assurance that the provider complies with certain consumer protection requirements.

(Coms Bilas/Knight - ALJ Weissman)

(Agenda 2997, Item 7, 7/23/98; Req - Commission)

H-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)

(Agenda 2996, Item CA-4, 7/2/98; Agenda 2997, Item H-3, 7/23/98; Req - Commission)

H-5 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; Agenda 2996, Item H-1, 7/2/98; Agenda 2997, Item H-4, 7/23/98; Req - Commission)

H-6 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; Agenda 2996, Item H-2, 7/2/98; Agenda 2997, Item H-5, 7/23/98; Req - Commission)

H-7 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; Agenda 2996, Item H-3, 7/2/98; Agenda 2997, Item H-6, 7/23/98; Req - Commission)

H-8

**C97-04-025 - ARCO Products Company, Mobil Oil Corporation, and
Texaco Refining and Marketing, Inc. vs. SFPP, L.P.**

Defendant is ordered to file a tariff for its gathering enhancement system at
Watson station. In all other respects the complaint is dismissed. This
proceeding is closed.

(Com Duque - ALJ Careaga)

(*Section 311*)

(Agenda 2997, Item 1, 7/23/98; Req - Commission)

ORDERS

- 1** **A95-09-010 - San Gabriel Valley Water Company (San Gabriel).**
This decision concludes that San Gabriel's plan for installing wellhead water treatment facilities should be adopted. Accordingly, the general rate increase authorized by D96-07-057 is no longer subject to refund. This proceeding is closed.
(Com Conlon - ALJ Patrick)
(Section 311)

- 2** **R97-04-011 - Order instituting rulemaking to establish standards of conduct governing relationships between energy utilities and their affiliates. I97-04-012 - Related matter.**
This decision addresses the following Petitions for Modification of D97-12-088: San Diego Gas & Electric Company's (SDG&E) January 15, 1998 petition seeking modification of Affiliate Transaction Rule (Rule) V.G regarding the temporary use of utility employees by affiliates; Southern California Gas Company's (SoCalGas) January 15, 1998 petition seeking modification of Rule V.G regarding the temporary use of utility employees by affiliates; Southern California Edison Company's (Edison) January 30, 1998 petition seeking modification of many of the Rules on various issues; Edison and SoCalGas's January 30, 1998 petition seeking modification of Rule VII regarding utility products and services; SoCalGas and SDG&E's March 16, 1998 petition seeking various modifications of the Rule VI.C regarding the affiliate audit, and IV.C regarding service provider information.
(Coms Bilas/Knight - ALJ Econome)

- 3** **A98-05-008 - California American Water Company.**
For an order allowing immediate implementation of changes to Phase IV of mandatory water conservation plan and creation of related balancing account, and for order to expedite processing of all applications. A98-05-009, A98-05-010, A98-05-011 - Related matters. This decision disposes of four consolidated applications. The applicant is authorized to establish a memorandum account in which to record any fines incurred as a result of excessive withdrawals from the Carmel River system during the water years ending September 20, 1998 or September 30, 1999. In all other respects, the applications are dismissed without prejudice. These proceedings are closed.
(Com Duque - ALJ Kotz)

- 4** **A97-12-010 - WorldCom, Inc. (WorldCom) and MCI Communications Corporation (MCI).**
This decision disposes of application of WorldCom to acquire MCI. This proceeding is closed.
(Coms Conlon/Knight - ALJ Watson)
- 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 addresses the issue of whether the voice mail services offered by Pacific Bell through its affiliate Pacific Bell Information Services and offered by GTE California, Inc. should be offered to Competitive Local Carriers for resale. This decision also addresses whether an avoided cost wholesale discount should be required for voice mail subject to resale.
(Com Conlon - ALJ Pulsifer)
- 6** **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 initiates industry measures to promote the conservation and efficient utilization of NXX codes. Specific measures addressed include number pooling, rate center consolidation, lottery reform, and NXX code forecasting tools.
(Com Conlon - ALJ Pulsifer)
- 7** **A97-09-049 - San Diego Gas & Electric (SDG&E).**
For authority to establish a permanent gas procurement performance-based ratemaking mechanism. The Commission approves a settlement agreement reached by three of the four active parties in this proceeding. SDG&E is authorized to implement a modified performance-based ratemaking (PBR) mechanism for its gas procurement activities in place of its currently effective gas procurement PBR experiment. The Commission finds that the settlement agreement's provisions for monitoring and evaluating the PBR mechanism would be enhanced by certain additional reporting requirements. Provision is made for the settling parties to accept or reject these requirements or to request other relief. While most of the issues in this proceeding are resolved by this decision, the proceeding shall remain open pending disposition of the Commission's proposed enhancements to the settlement agreement's monitoring and evaluation program.
(Com Conlon - ALJ Wetzell)

UTILITIES RESOLUTIONS

ENERGY MATTERS

- E-1 Res G-3241 - Southern California Gas Company (SoCalGas).**
Request approval for tariff revisions to Preliminary Statement Part VIII to reflect the modifications adopted in D97-06-061 regarding its gas cost incentive mechanism. SoCalGas' request as supplemented is approved. (Advice Letter (AL) 2700 and AL 2700-A, filed April 6 and July 10, 1998 respectively)
- E-2 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)
(Agenda 2993, Item E-4, 5/21/98; Agenda 2994, Item E-4, 6/4/98; Agenda 2995, Item E-3, 6/18/98; Agenda 2997, Item E-1, 7/23/98; Req - Commission)
- E-2a ALTERNATE RESOLUTION TO E-2.** Approves, with modifications, 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 Pacific Gas and Electric Company, to be exempt from paying the competition transition charge.
(Agenda 2997, Item E-1a, 7/23/98; Req - Commission)

TELECOMMUNICATIONS MATTERS

C-1

Res T-16177 - GTE California, Incorporated.

This resolution approves GTEC's request to waive certain end user charges and provide additional compensation to customers.

(Advice Letter 8768, filed June 26, 1998)

CONSUMER SERVICES DIVISION RESOLUTIONS

- CSD-1** **Res SU-48** - This resolution authorizes deviation from Rule 34, Rule 54.7-A(3), B(2), and Rule 84.7-E of General Order No. 95, allowing Mr. Rick E. Thurber, a citizen of California to install 4"x6" vinyl plastic decals on utility poles within the City and County of San Francisco.
(Agenda 2997, Item CA-10, 7/23/98; Req - Commission)

ADMINISTRATIVE LAW JUDGE DIVISION RESOLUTIONS

- ALJ-1** **Res ALJ-176-2998** - Ratification of preliminary determinations of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure. (See also Rule 63.2(c) regarding notice of assignment.)

LEGAL DIVISION MATTERS

LEGISLATIVE MATTERS

HLEG-1 AB 284 (Baca), as amended June 22, 1998. Would amend existing law to require notification to the subscriber by mail of a change in the subscriber's residential telephone service provider and to require, if verification procedures are violated, a credit on the subscriber's bill for any excess charges.

(Agenda 2997, Item LEG-1, 7/23/98; Req - Commission)

HLEG-2 SB 378 (Peace), as amended June 22, 1998. Would establish provisions in the Public Utilities Code prohibiting the inclusion in the subscriber's telephone bill of unauthorized charges for products and services ("cramming") and governing the resolution of disputes over such charges.

(Agenda 2997, Item LEG-2, 7/23/98; 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; Agenda 2996, Item HEX-1, 7/2/98; Agenda 2997, Item HEX-1, 7/23/98; Req - Commission)

- HEX-2** **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; Agenda 2996, Item HEX-3, 7/2/98; Agenda 2997, Item HEX-2, 7/23/98; 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** **A95-12-043, C96-02-002** - Disposition of application for rehearing of D98-05-014 filed by Dr. Dirk Hughes-Hartogs and Mr. Thomas McWilliams. D98-05-014 awarded partial intervenor compensation to the applicants for their contribution to D97-03-021. Applicants allege insufficient findings of fact and law, and other errors of fact and law in the Commission's decision to reduce the award for duplicative participation, and excessive use of attorney time.
- EX-5** **198-04-033** - Disposition of application for rehearing of Order Instituting Investigation 98-04-033 filed by Alan Setlin, FutureNet, Inc. and FutureNet Online, Inc. The application alleges that the Commission lacks authority to subject respondents to an investigation and lacks authority to decide issues relating to registration under Public Utilities Code Section 394.
- EX-6** **I_____** - Order institutes an investigation on the Commission's own motion into the operations, practices, and conduct of Coral Communications, Inc. and its key officers and directors to determine whether the corporation or its principals have provided telecommunications services within California without having a certificate to operate from this Commission and whether they have charged California subscribers for telecommunications services the subscribers never authorized.

EX-7 **I_____** - Order institutes an investigation into whether the Pacific Gas and Electric Company has violated: Section 451 of the Public Utilities Code and General Order 95 by not maintaining required tree-line clearances; and, Rule One of the Commission's Rule of Practice and Procedure in that incomplete information was allegedly provided to agency staff in connection with reviewing program funding and expenditures. The Consumer Services Division has declarations which it advances as cause to open the investigative proceeding in order to provide the necessary forum to air the allegations and consider whether any fines are appropriate.

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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