

Public Utilities Commission of the State of California

*Public Agenda 3000
Thursday, September 17, 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.) Closed to the Public	<i>Commission Meeting</i> Auditorium (10 a.m.) Open to the Public
(Rev.) Monday, September 14 ✓	Thursday, September 17
Monday, October 5	Thursday, October 8**
Monday, October 19	Thursday, October 22
Monday, November 2	Thursday, November 5
Monday, November 16	Thursday, November 19

**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.*

***Open Forum/Town Hall Meeting with Commissioners 10 a.m. - 11 a.m.: Commission Meeting begins at 11 a.m. at the Leisure World, Club House 3, 23822 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
(415) 703-2074 E-mail: public.advisor@cpuc.ca.gov



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-3, CA-6, CA-31

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-18861** - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
- CA-2** **Res TL-18862** - 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** **I96-09-003 - Order Instituting Investigation into the operations and practices of Lev Gamer, an individual doing business as JET Shuttle.**
This decision revokes with prejudice the operating authority of Lev Gamer for serious and continuing violations of rules and regulations. This proceeding is closed.
(Com Conlon - ALJ Stalder)
(Section 311)

- CA-4 C96-05-049 - Florsheim Brothers (Florsheim) vs. Pacific Gas and Electric Company (PG&E).**
Florsheim allege that PG&E, since July 1, 1995, violated PG&E Gas Rule No. 15 by failing to give refunds to line extension applicants for gas trenching costs incurred by applicants who provide the trench used in joint utility installations. PG&E contends that a developer is not entitled to a refund unless installation of the gas facilities adds a cost to the already dug standard electric trench. The Commission concludes that, as set forth in PG&E Gas Rule No. 15, PG&E cannot change the terms and conditions for providing such refunds to developers, without prior Commission approval. The relief requested by Florsheim is granted. This proceeding is closed.
(Com Neeper - ALJ Patrick)
(Section 311)
- CA-5 A96-05-001 - City of San Diego.**
This decision denies without prejudice the City's request for an order authorizing the re-opening of the existing at grade pedestrian crossing at 54th Street (between Market Street and Naranja Street) to vehicular traffic in the City and County of San Diego. This proceeding is closed.
(Com Neeper - ALJ Rosenthal)
(Section 311)
- CA-6 A98-01-020 - Dino Bozzetto (Bozzetto) dba the Los Guilicos Water Works (Los Guilicos) and Glen Ellen Water Company, LLC (Glen Ellen).**
This decision authorizes sale and transfer of Los Guilicos owned by Bozzetto to Glen Ellen. The transfer will result in no increase to the customers but will add the resort (with 3 swimming pools), also being sold by Bozzetto to the buyers of Los Guilicos, as a customer to Glen Ellen, and consolidate the resort's water system together with Los Guilicos system into Glen Ellen. This proceeding is closed.
(Com Duque - ALJ Weiss)
- CA-7 Res T-16174 - National Teleservice, Inc. (NTI).**
This resolution revokes the certificate of public convenience and necessity of NTI, as requested by the company.
- CA-8 Res T-16173 - Central Payphone Services, Inc. (CPS).**
This resolution revokes the certificate of public convenience and necessity of CPS, as requested by the company.

- CA-9** **Res SR-99** - This resolution recommends to the California Transportation Commission for increased funding to be set aside for maintaining automatic grade-crossing protection devices under Public Utilities Code Section 1231.1.
- CA-10** **Res T-16179 - National Communications Association, Inc. (NCA).**
This resolution revokes the certificate of public convenience and necessity of NCA, as requested by the company.
- CA-11** **Res T-16180 - GCC Telecom, Inc. (GCCT).**
This resolution revokes the certificate of public convenience and necessity of GCCT, as requested by the company.
- CA-12** **Res T-16182 - Community Telecom Corporation (CTC).**
This resolution revokes the certificate of public convenience and necessity of CTC, as requested by the company.
- CA-13** **Res T-16188 - Sprint Spectrum L.P. (Sprint).**
This resolution revokes the certificate of public convenience and necessity of Sprint, as requested by the company.
- CA-14** **Res T-16189 - Cox Communications PCS, L.P. (Cox).**
This resolution revokes the certificate of public convenience and necessity of Cox, as requested by the company.
- CA-15** **Res T-16190 - Desert Mobilephone dba Desert Comm Center.**
This resolution revokes the certificate of public convenience and necessity of Desert Mobilephone, as requested by the company.
(Advice Letter 5, filed October 3, 1997)
- CA-16** **Res T-16183 - U.S. Voice, Inc., dba Pacific Voice (U.S. Voice).**
This resolution revokes the certificate of public convenience and necessity of U.S. Voice, as requested by the company.

- CA-17 Res T-16175 - LCF, Inc. (LCF).**
This resolution revokes the certificate of public convenience and necessity of LCF, as requested by the company.
- CA-18 Res W-4113 - Big Hill Water Company.**
This resolution authorizes a twelve-month rate surcharge for recovery of unanticipated water treatment expenses producing an annual increase of \$27,889.41 or 26.27% in 1998.
- CA-19 Res W-4114 - Citizens Utilities Company of California, Montara District.**
This resolution authorizes a rate base offset revenue increase of \$210,500 or 20.4% additional annual revenue for 1998.
(Advice Letter 320, filed April 6, 1998)
- CA-20 Res T-16181 - This resolution adopts the budget, the surcharge, and the Charter for the Payphone Service Providers Enforcement Committee. This resolution also adopts the Charter for the Telecommunications Devices for Deaf Interim Placement Committee pertaining to teletypewriters on the public telephones.**
- CA-21 A94-04-028 - City of Woodland (City).**
This decision authorizes the City to convert to public use one existing at-grade crossing, where Hanson Way crosses the tracks of the Yolo Shortline Railroad Company in Woodland, Yolo County. This proceeding is closed.
(Exam Koss)
- CA-22 Res W-4115 - Agate Bay Water Company (ABWC).**
This resolution authorizes ABWC an offset rate increase producing an additional annual revenue of \$15,130 or 12.09%.
(Advice Letter (AL) filed July 21, 1998 and supplement AL 21-A filed August 28, 1998.)

- CA-23 Res T-16171 - GTE West Coast Incorporated (GTE West Coast).**
This resolution approves GTE West Coast's request for permanent revisions to its Rules and Regulations Section of the General Exchange Tariff reflecting the offering of new or optional services during promotional periods with waived or discounted tariffed non-recurring charges. (AL 453, filed June 29, 1998. Supplemented by ALs 453A and 453B, filed July 8, 1998, and August 20, 1998, respectively).
- CA-24 Res TL-18863 - Airporter, Inc. dba Santa Rosa Airporter (Airporter).**
This resolution grants Airporter Route Revision Docket #505 request to add one new stop.
- CA-25 C97-02-015 - Utility Audit Company, Inc. (complainant) vs. Southern California Gas Company (SoCalGas).**
This decision concludes that complainant has established that the assignment of incorrect baseline allowances to five multi-family dwellings was the result of utility billing error by SoCalGas. The decision grants the requested relief. SoCalGas is ordered to backbill these accounts for three years from date of notification by customer. This proceeding is closed.
(Com Bilas - ALJ Garde)
- CA-26 A98-01-012 - Southern California Gas Company (SoCalGas).**
This decision dismisses this application with prejudice because the Commission addressed the same issue raised by SoCalGas in this proceeding in D98-08-035. This proceeding is closed.
(Com Knight - ALJ Econome)
- CA-27 A98-07-042 - North San Diego County Transit Development Board (NSDCTDB).**
This decision grants request of NSDCTDB for authority to construct a vehicular overcrossing and a pedestrian overcrossing above its main line tracks, in the City of Solana Beach, San Diego County. This proceeding is closed.
(Exam Koss)

- CA-28** **A98-06-009 - PCSTC, Inc. dba Pacific Coast Sightseeing Tours and Charters.**
This decision grants the request for extension of a passenger stage certificate. \$500.00 filing fee under Public Utilities Section 1036(a) waived. \$75.00 filing fee under PU Code Section 1904 (a) assessed. This decision also constitutes the Ruling pursuant to Rule 6.5(b) that hearings are not necessary in this matter. This proceeding is closed.
(Com Conlon - ALJ Rosenthal)
- CA-29** **A98-03-051 - Associated Limousine Operators of San Francisco.**
This decision grants applicant authority to transfer its certificate of public convenience and necessity and certain of its assets and liabilities to Associated Limousines, Inc. This proceeding is closed.
(Com Conlon - ALJ Rosenthal)
- CA-30** **A98-04-030 - SuperShuttle International, Inc.**
This decision grants applicant's request to acquire Preferred Transportation and Tamarack Transportation. The request for *nunc pro tunc* order is denied. This proceeding is closed.
(Com Conlon - ALJ Rosenthal)
- CA-31** **(ECP)C98-05-042 - Doreen Charles vs. GTE California, Inc.**
Complainant seeks \$365 because of an alleged overpayment of her telephone bill. Held: Relief denied. Complainant did not prove an overpayment; but if she had, she still owed over \$1,190 on her telephone bill which would offset any overpayment. This proceeding is closed.
(Com Conlon - ALJ Barnett)

CA-32 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 petitions for certificates of public convenience and necessity to operate as facilities-based competitive local carriers and to offer resold local exchange services within the territories of Pacific Bell, GTE California Incorporated, Roseville Telephone Company, and Citizens Telephone Company, for those petitioners as set forth in Appendix B of this decision, subject to the terms and conditions included herein. We also grant petitioner's requests for intrastate, inter-Local Access and Transport Areas (interLATA) and intraLATA authority on a statewide basis as designated in Appendix B.

(Com Conlon - ALJ Pulsifer)

CA-33 A98-06-041 - The Ponderosa Telephone Company.

This decision grants authority to issue notes in an amount not exceeding \$20,445,000 to any or all of the agencies involved in the U.S. Department of Agriculture program for financing rural utilities. This proceeding is closed.

(Exam Evans)

CA-34 C87-12-022 - Independent Energy Producers Association, California Manufacturers Association, Toward Utility Rate Normalization vs. Pacific Gas and Electric Company (PG&E).

This complaint is dismissed because the record is stale. The complaint raises constitutional issues regarding facts occurring in 1987, and which may not occur again. We should refrain from deciding constitutional issues on a stale record. This proceeding is closed.

(Com Conlon - ALJ Barnett)

REGULAR AGENDA**UTILITY AND TRANSPORTATION ORDERS****ORDERS HELD OVER****H-1 A95-12-043 - Pacific Bell (Pacific).**

For authority to increase and restructure certain rates of its Integrated Services Digital Network (ISDN) 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 ISDN service during most of 1997. We fine Pacific \$309,000 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.

(Rev.)

(Com Duque - ALJ Malcolm)

(Section 311)

(Agenda 1993, Item 1, 5/21/98; Agenda 1995, Item H-1, 6/18/98; Agenda 1997, Item H-1, 7/23/98; Req - Commission)

[This revision was not listed on the agenda distributed to the public.](#)

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 1997, Item CA-3, 7/23/98; Agenda 1998, Item H-2, 8/6/98; Req - Commission)

H-2a ALTERNATE PAGES TO H-2. These alternate pages would impose a penalty on MCI for its failure to comply with Resolution T-15782.
(Com Duque)

- H-3 A98-04-050 - Southern California Edison Company (Edison).**
For an order approving agreements restructuring the negotiated parallel generation agreement (Contract) between Edison and Sunlaw Cogeneration Partners I (Sunlaw). This ex parte decision approves the restructuring of the Contract between Edison and Sunlaw, including the errata to the application. The requested withdrawals of earlier protests by the Office of Ratepayer Advocates and Southern California Gas are approved. This proceeding is closed.
(Com Neeper - ALJ Stalder)
(Agenda 2999, Item CA-26, 9/3/98; Req - Commission)
- H-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 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; Agenda 2998; Item H-1, 8/6/98; Agenda 2999, Item H-2, 9/3/98; Req - Commission)
- H-5 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; Agenda 2998, Item H-6, 8/6/98; Agenda 2999, Item H-4, 9/3/98; Req - Commission)

H-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 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)

(Agenda 2998, Item 5, 8/6/98; Agenda 2999, Item H-5, 9/3/98; Req - Commission)

H-6a ALTERNATE ORDER TO ITEM H-6. This alternate order terminates further Commission inquiry into the resale of voice mail services provided that Pacific Bell and GTE California, Inc. file a proposed schedule within 60 days for implementing the necessary tariff changes needed to make voice mail services available to end users of a Competitive Local Carrier when the end-user's service is provided on a resold line of the incumbent carrier.
(Com Duque)

H-7 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 imposes a penalty of \$336,000 against Pacific Gas and Electric Company for 18 separate violations of Rule V.F.1 of the Affiliate Transaction Rules. This penalty consists of \$17,500 for each of the four publications of the March 16, 1998, "High Voltage" advertisement and \$19,000 for the publication of each of the fourteen remaining advertisements. The factors we consider in determining the amount of the penalty for each violation include the appropriateness of such a penalty to the size of the business, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance after having received notification of the violation.

(Coms Bilas/Knight - ALJ Econome)

(SB 960 Experiment: Quasi-legislative Category)

(Agenda 2999, Item 4, 9/3/98; Req - Commission)

H-7a ALTERNATE ORDER TO ITEM H-7. This alternate order would impose a penalty against Pacific Gas and Electric Company for 90 violations of Rule V.F.1 of the Affiliate Transaction Rules.

(Com Bilas)

[This item was not listed on the agenda distributed to the public.](#)

ORDERS

- 1 ✓ 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 II 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.” This decision determines how the applicants should price their revenue cycle services and resolve other related issues. These proceedings are closed.
(Com Duque - ALJ Malcolm)
(Section 311)
- 2 ✓ A97-11-007 - Citizens Utilities Company of California (Citizens).**
For authority to increase rates and charges for water service in its Felton District. A97-11-008, A97-11-009 - Related matters.
This decision approves a settlement agreement between Citizens and Ratepayer Representation Branch of Water Division (RRB) in Citizens’ test years 1998 and 1999 water general rate cases. The adopted settlement sets the test year revenue requirements for the Felton District, Larkfield District, and Sacramento District. These proceedings are closed.
(Com Duque - ALJ McVicar)
(Section 311)
- 3 ✓ A97-12-043 - Southern California Edison Company (Edison).**
This decision approves Edison’s proposed buyout and termination of a 1985 power purchase agreement with Harbor Cogeneration Company. Expected customer benefits from the buyout are \$27.4 million in net present value. Edison agrees to forego any shareholder incentives for this application. This decision also finds no merit to Southern California Gas Company’s arguments that public necessity requires Commission intervention on behalf of gas ratepayers in this case. This proceeding is closed.
(Com Duque - ALJ Gottstein)
(Section 311)
This revision was not listed on the agenda distributed to the public.
- (Rev.)

- 4** **A98-06-046 - Sierra Pacific Power Company.**
For authority to sell or assign transition property to one or more financing entities; 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. This decision authorizes applicant to issue up to \$25,000,000 aggregate principal amount of rate reduction bonds. This proceeding is closed.
(Com Duque - ALJ Careaga)
- 4a** **ALTERNATE PAGES TO ITEM 4.** These alternate pages reverse the Administrative Law Judge's denial of the Office of Ratepayer Advocate's (ORA) motion to accept a late filed response to urge the Commission to adopt a balancing account alternative. Because statutory time limits prevent a remand for consideration of ORA's response in this docket, applicant is invited to file a new application to request the balancing account treatment which should be processed on an expedited basis with a shortened protest period.
(Com Bilas)
[This item was not listed on the agenda distributed to the public.](#)
- 5** **A97-05-019 - Santa Fe Pipeline Partners, L.P. (Santa Fe).**
This decision approves Santa Fe's application to issue promissory notes, with the proceeds to be used to construct new pipeline facilities between Carson and Norwalk, to meet increased demand for liquid petroleum products. The Final Environmental Impact Report is certified for the project.
(Com Bilas - ALJ Stalder)
- 6** **C92-08-031 - Philip Ortega vs. AT&T Communications of California, Inc. (AT&T). C92-09-009 - Related matter.**
This decision orders AT&T to refund \$4.5 million rather than \$27 million due to evidence that the larger refund would cause serious dislocations in coin-paid payphone industry. Refund is due because D94-11-026 found rates to be invalid.
(Com Duque - ALJ Bushey)

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; Agenda 2996, Item E-1, 7/2/98; Agenda 2997, Item E-2, 7/23/98; Agenda 2999, Item E-1, 9/3/98; Req - Commission)
- E-1a ALTERNATE PAGES TO RESOLUTION E-1.** These alternate pages allow the utility to share the company cafeteria with its affiliates as a corporate support function.
(Agenda 2999, Item E-1a, 9/3/98; Req - Commission)
- E-2 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)
(Agenda 2996, Item E-6, 7/2/98; Agenda 2997, Item E-4, 7/23/98; Agenda 2999, Item E-2, 9/3/98; Req - Commission)
- E-2a ALTERNATE PAGES TO RESOLUTION E-2.** These alternate pages allow the utility to share the company cafeteria with its affiliates as a corporate support function.
(Agenda 2999, Item E-2a, 9/3/98; Req - Commission)

- E-3 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, AL 2068-G-A/1725-E-A, filed January 30, 1998, AL 2058-G-B/1725-E-B, filed April 20, 1998, and AL 2058-G-C/1725-E-B, filed June 16, 1998)
(Agenda 2996, Item E-7, 7/2/98; Agenda 2997, Item E-5, 7/23/98; Agenda 2999, Item E-3, 9/3/98; Req - Commission)
- E-4 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)
(Agenda 2996, Item E-8, 7/2/98; Agenda 2997, Item E-6, 7/23/98; Agenda 2999, Item E-4, 9/3/98; Req - Commission)
- E-4a ALTERNATE PAGES TO RESOLUTION E-4.** These alternate pages allow the utility to share the company cafeteria with its affiliates as a corporate support function.
(Agenda 2999, Item E-4a, 9/3/98; Req - Commission)
- E-5 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; Agenda 2998, Item E-2, 8/6/98; Agenda 2999, Item E-5, 9/3/98; Req - Commission)

- E-5a** **ALTERNATE RESOLUTION TO E-5.** 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; Agenda 2998, Item E-2a, 8/6/98; Agenda 2999, Item E-5a, 9/3/98; Req - Commission)
- E-5b** **ALTERNATE RESOLUTION TO E-5.** Pacific Gas and Electric Company must track the Competition Transition Charge payments of customers of those irrigation districts which have a petition for an interconnection agreement pending at the Federal Energy Regulatory Commission (FERC) until FERC renders its decision. If FERC approves a district's petition, the amount tracked plus interest will be refunded to each customer. If FERC denies a district's petition, the tracking account will be eliminated and no refunds will be made.
(Agenda 2999, Item E-5b, 9/3/98; Req - Commission)
- E-5c** **ALTERNATE RESOLUTION TO E-5.** Approves conditionally, with modifications, a special condition to Tariff Schedule E-Exempt. It is applicable only to customers of those irrigation districts which are diligently pursuing plans for distribution facilities, and which have approval from the Federal Energy Regulatory Commission (FERC) for an interconnection agreement with Pacific Gas and Electric Company (PG&E). Applicability to customers of districts whose petition for interconnection is approved by the FERC is contingent on their actually being served by the district's distribution facilities. The tariff is applicable to master-metered customers which are currently eligible for this type of service under PG&E's tariffs until the end of the rate freeze. Since this Resolution is modifying PG&E's request, implementation of Tariff Schedule E-Exempt is subject to PG&E's acceptance, otherwise, PG&E's request is denied.
[This item was not listed on the agenda distributed to the public.](#)

TELECOMMUNICATIONS MATTERS

- C-1 Res T-16191 - Pacific Bell (Pacific).**
This resolution approves Pacific's proposed asymmetrical digital subscriber line (ADSL) service requested in Advice Letter (AL) No. 19543 as a provisional Category III service. Pacific is required to file a supplement to AL No. 19543 within 15 days from the effective date of this Resolution to reflect ADSL as a provisional offering.
(AL 19543, filed July 7, 1998)
- C-2 Res T-16120 - GTE California - CLEC (GTEC-CLEC).**
This resolution orders GTEC-CLEC to pay a penalty in the amount of \$3,580.00, based on revenues earned, for a customer specific contract. The utility provided service under contract without obtaining Commission approval, which is required in General Order 96-A.
(Advice Letter 8548, filed August 25, 1997)
- C-3 Res T-16164 - AT&T California.**
Request to provide to low usage customers bi-monthly and quarterly billing and backbilling up to three months before the beginning of the billing period.
(Advice Letter 1357, filed March 20, 1998)
- C-4 Res T-16152 - All Competitive Local Exchange Carriers (CLC).**
This resolution directs all CLC's to comply with the requirements of D95-07-054 when offering rate reductions for existing services.

RAIL SAFETY AND CARRIERS RESOLUTIONS

- T-1** **Res ST-39** - This resolution grants approval of the Los Angeles County Metropolitan Transportation Authority's security portion of the System Safety Program Plan.
- T-2** **Res TL-18864** - This resolution grants Route Revision Docket 502 request of Marin Airporter to add one new stop.

ADMINISTRATIVE LAW JUDGE DIVISION RESOLUTIONS

ALJ-1 **Res ALJ-176-3000** - 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.)

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** **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; Agenda 2996, Item HEX-6, 7/2/98; Agenda 2999, Item HEX-1, 9/3/98; 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; Agenda 2998, Item HEX-2, 8/6/98; Agenda 2999, Item HEX-2, 9/3/98; Req - Commission)

- HEX-3** **A96-09-012** - Disposition of application for rehearing of D98-05-060, filed by GTE California Incorporated (GTEC). Applicant requests that the Commission grant rehearing of D98-05-060, the Commission's opinion denying GTEC's petition to modify D97-01-045. GTEC submits its application in part to preserve its statutory right to federal court review of the unbundled network elements (UNEs) recombination issue, addressed in D98-05-060, in its pending federal action. See, GTE California Inc. v. Conlon et al., Case No. C-97-1757 SI. GTEC also claims that in D98-05-060 the Commission erred in its conclusion that GTEC voluntarily agreed to rebundle UNEs. GTEC further alleges that it is legal error for a state commission to treat as a waiver an agreement by an incumbent local exchange carrier to rebundle UNEs if the agreement was made during the period when the Federal Communications Commission's rules requiring rebundling were still binding.
(Agenda 2999, Item EX-5, 9/3/98; Req - Commission)
- HEX-4** **A96-08-041** - Disposition of application for rehearing of D98-06-074, filed by GTE California Incorporated (GTEC). Applicant requests that the Commission grant rehearing of D98-06-074, the Commission's opinion denying GTEC's petition to modify D97-01-022. GTEC submits its application in part to preserve its statutory right to federal court review of the unbundled network elements (UNEs) recombination issue, addressed in D98-06-074, in its pending federal action. See, GTE California Inc. v. Conlon et al., Case No. C-97-1756 SI. GTEC also claims that in D98-06-074 the Commission improperly concluded that the UNEs issue was not properly presented by GTEC. GTEC further alleges that the Commission erred by failing to apply the futility doctrine in considering GTEC's petition to modify D97-01-022.
(Agenda 2999, Item EX-6, 9/3/98; Req - Commission)
- HEX-5** **R94-04-031, I94-04-032** - Disposition of Pacific Gas and Electric Company's (PG&E) application for rehearing of D96-12-025, in the Commission's electric restructuring docket. PG&E requests that the Commission reassign disallowances and settled amounts in reasonableness disputes to the Energy Cost Adjustment Clause and not the Electric Deferred Refund Account."
(Agenda 2999, Item EX-7, 9/3/98; 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** **I97-01-028, A97-04-002** - Disposition of application for rehearing filed by North Shuttle Service, Inc. seeking rehearing of D98-05-019, which orders the revocation of the charter-party carrier certificate issued to North Shuttle, and prohibits Martin B. Smith from participating in any regulated passenger stage or charter-party carrier for one year. Rehearing is sought on the bases of conflict of interest by legal staff; the evidence does not support the decision; inconsistent application of Commission standards; undue delay in resolving the proceeding.
- EX-3** **R97-04-011, I97-04-012** - Disposition of applications for rehearing of D97-12-088, filed by Wild Goose Storage, Inc.; Southern California Gas Company and San Diego Gas and Electric Company (jointly); Edison Electric Institute; and Washington Water Power Company. The applicants challenge the affiliate transaction rules for energy utilities and their affiliates that were adopted in D97-12-088. The main allegations of legal error include: the decision violates due process; the decision does not have legally sufficient findings of fact and conclusions of law; there is a lack of a record to support the decision; some of the rules constitute an unlawful and overbroad prior restraint on the truthful speech of utilities in violation of the 1st and 14th amendments to U.S. Constitution; and the decision places an unlawful restriction on the ability of the directors and officers of the parent holding companies in fulfilling their fiduciary duties.
- EX-4** **C87-07-033** - Disposes of application for rehearing of D98-06-059 filed by Alexander Gee alleging that Pacific Bell's telephone rates for the Rialto, Colton and Fontana calling rates are unjust, discriminatory and unreasonable because the toll-free calling rates in the three communities are not the same.

- EX-5** **A97-07-015** - Disposition of Motion of Southwest Gas Corporation (Southwest) for a stay of D98-07-031. D98-07-031 dismissed Southwest's application for a modification of D95-04-075 which granted Southwest a Certificate of Public Convenience and Necessity to expand its service territory in Northern California in the Lake Tahoe area, including the Town of Truckee. D98-07-031 also ordered Southwest to proceed with all deliberate speed to fulfill its obligations as set forth in D95-04-075 and D94-12-022.
- EX-6** **R95-01-020, I95-01-021** - Disposes of applications for rehearing of D96-10-066 filed by Pacific Bell, GTE of California Incorporated, The Utility Reform Network (TURN), and Roseville Telephone Company. D96-10-066 adopts universal service rules for basic residential local telephone service. Rehearing applicants take issue with the size of the California High Cost Fund B (CHCF- B) and with various calculations and assumptions which form the basis for determining the universal service subsidies. TURN also claims that the use of an end-user surcharge to fund the CHCF-B is in error.
- EX-7** Discussion of 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.

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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