
Public Utilities Commission of the State of California

***Public Agenda 3008
Wednesday, January 20, 1999, 10 a.m.
San Francisco, California***

**Commissioners
Richard A. Bilas, President
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>
Tuesday, January 19	Wednesday, January 20
Monday, February 1	Thursday, February 4
Tuesday, February 16	Thursday, February 18
Monday, March 1	Thursday, March 4
Monday, March 15	Thursday, March 18

**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 to the item number on the Agenda indicates that the matter will be considered during the Ratesetting Deliberative Meeting.*

A "◆" next to the item number on the Agenda indicates that the matter will be considered during Closed Session pursuant to Public Utilities Code Section 1701.2(c); thereafter the Commissioners will reconvene in Public Session to vote on the item.

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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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.

CONSENT AGENDA

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

ORDERS AND RESOLUTIONS

- CA-1** **Res TL-18880** - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
(Section 311(g))
- CA-2** **A97-12-046 - Washington Water Power Company (WWP).**
This decision grants WWP's unopposed application for exemption from the Commission's Affiliate Transaction Rules, adopted by the Commission in D97-12-088, as modified in D98-08-035. This proceeding is closed.
(Com Bilas - ALJ Econome)
(Section 311(g))
- CA-3** **A98-06-050 - Pacific Bell (Pacific).**
To modify certain affiliate transaction rules as contained D92-07-072 and D86-01-026 to facilitate the post-merger consolidation of support services. This decision grants, with conditions, the authority to permit netting of intellectual property and proprietary assets between Pacific and affiliates and to allow the use of fully distributed costs for pricing service to SBC Communications and centralized support service organizations of Pacific. This proceeding is closed.
(Com Conlon - ALJ Rosenthal)
(Section 311(g))
(Agenda 3006, Item CA-17, 12/17/98; - Req Commission)

- CA-4 C97-03-018 - William Alan Fabricius (complainant) vs. Ducor Telephone Company (Ducor Telephone).**
This decision finds in favor of complainants in the mountain community of Ducor, and it directs that the toll-free calling area for the community be extended to include nearby Porterville. Residential subscribers will pay \$1.35 a month more and businesses \$4 a month more for this extended service. This proceeding is closed.
(Com Duque - ALJ Walker)
(Section 311(g))
- CA-5 C97-08-060 - Reba Edwards (complainant) vs. Pacific Bell.**
This decision grants, in part, a petition to modify D98-06-010 filed by complainant on September 16, 1998. This proceeding is closed.
(Com Knight - ALJ Bushey)
(Section 311(g))
- CA-6 A98-08-001 - Airporter, Inc., dba Santa Rosa Airporter.**
For authority to amend and modify its passenger stage certificate #9023, by removing the “reservation only restrictions” for five listed cities in Marin County, and to expand its authorized service to all points in the cities of Novato, Marinwood, Terra Linda, San Rafael, Corte Madera, and Mill Valley for both routes 1 (SFO) and 2 (OAK), with retention of the current “Half-Mile proximity restriction” within these cities.
Order approving Assigned Commissioner’s Ruling changing the preliminary determination on need for hearing from yes to no.
(Com Neeper - ALJ DeUlloa)
(Rule 6.5(b)).
(Section 311(g))
- CA-7 A98-08-001 - Airporter, Inc., dba Santa Rosa Airporter (SRA).**
This decision grants SRA’s request to amend its existing passenger stage certificate by removing the “By Reservation Only” restriction for the six cities of Novato, Marinwood, Terra Linda, San Rafael, Corte Madera, and Mill Valley and replacing the specific location within a City requirement for those six cities with a Full-City description. This proceeding is closed.
(Com Neeper - ALJ DeUlloa)
(Section 311(g))

CA-8 C97-12-036 - Charles Poley and Karen Poley (Complainants) vs. GTE California Incorporated (GTE).

This decision orders extended area service from Gaviota to Santa Barbara, within the service area of GTE. It identifies specific costs as Commission-mandated costs. GTE may seek recovery of these costs in GTE's next new regulatory framework price cap filing, subject to further review using the Commission's adopted criteria for such recovery. This proceeding is closed.
(Com Duque - ALJ Mattson)
(Section 311(g))

CA-9 A96-11-020 - Pacific Gas & Electric Company.

For authority to sell certain generating plants for related assets pursuant to Public Utilities Code Section 851. This decision grants Southeast Alliance for Environmental Justice an award of \$67,045.95 in compensation for its contribution to D97-09-046.
(Com Conlon - ALJ DeUlloa)
(Section 311(g))

CA-10 A98-10-010 - Advanced TelCom Group, Inc.

This decision dismisses applicant's request for a certificate of public convenience and necessity to operate as local exchange service reseller because authority to do so was granted in D98-12-083. Applicant's request to file information under seal is granted. This proceeding is closed.
(Com Knight - ALJ O'Donnell)
(Section 311(g))

CA-11 A97-10-037 - Pacific Gas & Electric Company (PG&E).

This decision, pursuant to General Order (GO) 131-D, grants PG&E a Permit to Construct an electric substation to be known as the Corona Substation, located in Petaluma. The permit is granted subject to PG&E undertaking certain mitigation measures described in the Final Mitigated Negative Declaration issued for the project, which it has agreed to do. This proceeding is closed.
(Com Bilas - ALJ Patrick)
(Section 311(g))

- CA-12 Res W-4129 - Fulton Water Company (FWC).**
This resolution authorizes FWC's request for a general rate increase producing additional annual revenues of \$61,590 or 21.5% in 1999.
- CA-13 Res O-0031 - Chevron Pipeline Company (CPL).**
This resolution approves CPL's request to withdraw from service its pipeline which originates from Chevron U.S.A.'s middle station (Kern County) to its junction with private carrier's 12-inch area gathering pipeline in Sec. 34, T.27S, R.20E, (Kern County).
(Advice Letter 21, filed November 16, 1998)
(Section 311(g))
- CA-14 Res T-16264 - Pacific Bell (Pacific).**
This resolution approves three Resale Agreements between Pacific and Westcoast Associates, between Pacific and Universal Pacific Communications, Inc., and between Pacific and MVX Communications, L.L.C., submitted under provisions of Resolution ALJ-174 and General Order 96-A.
(Advice Letters 19818, 19827, 19835, filed November 10, 12 and 16, 1998 respectively)
- CA-15 Res W-4130 - Slide Inn/Snobowl Water Company (SIWC).**
This resolution authorizes SIWC's request for an offset rate increase producing an additional annual revenue of \$3,202 or 5.72%.
(Advice Letter 8-W, filed November 16, 1998)
- CA-16 A98-05-002 - Intellicall Operator Services, Inc.**
This decision grants a certificate of public convenience and necessity to operate as a local exchange reseller. This proceeding is closed.
(Com Neeper - ALJ O'Donnell)
(Section 311(g))

- CA-17 A98-08-001 - Airporter, Inc. dba Santa Rosa Airporter.**
For authority to amend and modify its passenger stage certificate #9023, by removing the “reservation only restrictions” for five listed cities in Marin County, and to expand its authorized service to all points in the cities of Novato, Marinwood, Terra Linda, San Rafael, Corte Madera, and Mill Valley for both routes 1 (SFO) and 2 (OAK), with retention of the current “Half-Mile proximity restriction” within these cities. This decision denies the appeal of Marin Airporter and affirms the categorization of this proceeding as a “ratesetting” proceeding, as previously determined in Scoping Memo and Ruling of Assigned Commissioner.
(Com Neeper - ALJ DeUlloa)
(Section 311(g))
- CA-18 A98-10-009 - Tel West Communications, L.L.C..**
This decision grants a certificate of public convenience and necessity to resell local exchange services. This proceeding is closed.
(Com Neeper - ALJ O’Donnell)
(Section 311(g))
- CA-19 A97-06-002 - Pacific Gas & Electric Company (PG&E), Richard L. Wills and Donna M. Wills.**
PG&E and Richard L. Wills and Donna M. Wills jointly apply for authority to transfer two parcels of unimproved land located in Alameda County pursuant to a Standard Purchase and Sale Agreement dated July 30, 1996 and for approval of the ratemaking treatment proposed for the transfer. Granted with modifications of proposed ratemaking treatment.
(Com Bilas - ALJ Wright)
(Section 311(g))
- CA-20 C98-01-025 - Pacific Coast Volvo & GMC Trucks vs. Southern California Gas Company.**
This decision extends the statutory deadline of January 29, 1999 if an Appeal or Request for Review is filed on or before. This proceeding is closed.
(Com Duque - ALJ Bennett)
(Section 311(g))

REGULAR AGENDA

UTILITY AND TRANSPORTATION ORDERS

ORDERS HELD OVER

- H-1** **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 rejects the June 10, 1998 joint motion of Southern California Edison Company (Edison), Pacific Gas and Electric Company, San Diego Gas & Electric Company, Independent Energy Producers Association, California Cogeneration Council, NRG Energy, Inc., and Enron Capital & Trade Resources (Enron) proposing the adoption of a settlement agreement on qualifying facility (QF) contract restructuring and modification issues. This decision also individually addresses the issues of (1) the standard of reasonableness for the Commission to apply to a QF contract restructuring or modification; (2) whether QF contract restructurings should be voluntary for both the utility and the QF; (3) whether a utility's decisions in QF contract restructuring negotiations should be subject to reasonableness review; (4) whether to retain and how to implement the 10% shareholder incentive to renegotiate QF contracts, as well as other QF-related issues raised by the parties. This decision also denies the Office of Ratepayer Advocates' Petition for Modification of D96-12-077, and dismisses without prejudice Enron's Motion Requesting an Order to Show Cause against Edison, dated July 22, 1997.
(Com Neeper - ALJ Econome)
(Section 311(g))
(Agenda 3004, Item 2, 11/19/98; Agenda 3005, Item H-10, 12/3/98; Agenda 3006, Item H-9, 12/17/98; Req - Commission)
- H-1a** **ALTERNATE PAGES TO ITEM H-1.** These alternate pages retain the current Commission policies regarding the standard of reasonableness for ratepayer benefits.
(Com Neeper)

H-2 R98-06-029 - Order instituting rulemaking on the Commission's own motion into the service quality standards for all telecommunications carriers and revisions to General Order 133-B.

This decision adopts revised General Order 133-C applicable primarily to incumbent local exchange carriers. This proceeding is closed.

(Com Conlon - ALJ O'Donnell)

(Section 311(g))

(Agenda 3006, Item 4, 12/17/98; Req - Commission)

**H-3 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 denies the motion of the Association of Directory Publishers, to terminate further hearings on the issue of whether the provision of ILEC directory listings to third-party publishers is an essential service. The original determination set forth in D97-05-091 that parties should be given an opportunity to be heard on the issue of whether the provision of directory listings is an "essential service" has not been rendered moot by any subsequent Commission actions. We direct the assigned ALJ to issue a new ruling reinstating the previous determination that hearings are required, and setting a schedule for such hearings to be conducted.

(Com Conlon - ALJ Pulsifer)

(Section 311(g))

(Agenda 3006, Item 5, 12/17/98; Req - Commission)

H-4 R95-01-020 - Order instituting rulemaking on the Commission's own motion into universal service and to comply with the mandates of Assembly Bill 3643. I95-01-021 - Related matter.

This decision denies intervenor compensation to Public Advocates, Inc. (PA) for failure to follow the Commission's intervenor compensation filing requirements. PA has been repeatedly admonished for such filings in the past but continues to make inadequate filings.

(Com Knight - ALJ O'Donnell)

(Section 311(g))

(Agenda 3006, Item 7, 12/17/98; Req - Commission)

- H-5** **A96-03-007 - Pacific Bell Communications (PB Com)**.
This order grants a motion by applicant for an amendment to its application to substitute Southwestern Bell Communication Services (SBCS) as the applicant in this proceeding, subject to the same commitments made by PB Com and the same obligations placed upon PB Com. This decision grants a certificate of public convenience and necessity to SBCS to provide long distance service in California upon attaining approval to do so from the Federal Communications Commission (FCC). This decision also grants applicant's request to withdraw that part of its application seeking authority to operate as a local exchange carrier in competition with Pacific Bell. Applicant also is granted authority to provide local toll service, with some restrictions on its request to be authorized to construct facilities for local toll service. While the FCC permits Bell operating companies to joint market the services of their long distance affiliates, our order today requires that joint marketing by Pacific Bell be done through a separate group of customer service representatives. This proceeding is closed.
(Com Neeper - ALJ Walker)
(Section 311(d))
(Agenda 3007, Item 2, 1/7/99; Req - Commission)
- H-6** **A97-10-024 - Southern California Edison Company (Edison)**.
This decision adopts revenue requirements for non-nuclear capital additions added to rate base in 1996 by Edison. The amounts adopted in this decision for capital additions will be included in Edison's Transition Cost Balancing Account for recovery pursuant to Public Utilities Code Section 367. This proceeding is closed.
(Coms Bilas/Conlon - ALJ Malcolm)
(Section 311(d))
(Agenda 3002, Item 2, 10/22/98; Agenda 3003, Item H-9, 11/5/98; Agenda 3004, Item H-3, 11/19/98; Agenda 3005, Item H-5, 12/3/98; Agenda 3006, Item H-6, 12/17/98; Agenda 3007, Item H-2, 1/7/99; Req - Commission)
- H-6a** **ALTERNATE ORDER TO ITEM H-6**. This alternate order adopts a seven-year time horizon in assessing the cost-effectiveness of Edison's fossil capital additions.
(Com Duque)
(Agenda 3005, Item H-5a, 12/3/98; Agenda 3006, Item H-6a, 12/17/98; Agenda 3007, Item H-2a, 1/7/99; Req - Commission)

H-6b **ALTERNATE PAGES TO ITEM H-6.** These alternate pages conclude that cost-effective conservation measures are necessary to maintain generating facilities and therefore meet the threshold requirement of Section 367 that capital additions be "necessary to maintain (utility) facilities through December 30, 2001."

(Com Conlon)

(Agenda 3005, Item H-5b, 12/3/98; Agenda 3006, Item H-6b, 12/17/98; Agenda 3007, Item H-2b, 1/7/99; Req - Commission)

H-6c **ALTERNATE ORDER TO ITEM H-6.** This alternate order grants Edison recovery of capital additions costs with respect to spare parts and projects that are under \$100,000.

(Com Bilas)

(Agenda 3007, Item H-2c, 1/7/99; Req - Commission)

ORDERS

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 denies the Public Advocates' request for compensation for its participation in D96-10-076.
(Com Conlon - ALJ Hale)
(Section 311(g))

2 R98-07-037 - Order Instituting Rulemaking on the Commission's Proposed Policies and Programs Governing Energy Efficiency, Low-Income Assistance, Renewable Energy and Research Development and Demonstration.

This decision addresses the issue of how energy efficiency programs and low-income assistance programs should be administered (1) between now and the end of 2001 and (2) after 2001. We determine that energy efficiency and low-income assistance programs should continue to be administered by investor-owned utilities, subject to our oversight, through 2001. Beyond 2001, however, we are opposed to continuing with utility administration of energy efficiency programs and will actively pursue creating an organizational alternative for the administration of these programs. Our current preference is to establish a Legislatively-mandated nonprofit organization, assuming that funding for energy efficiency is authorized beyond 2001. For the administration of low-income assistance programs after 2001, we will explore a variety of organizational options, including continuing with utility administration.
(Com Neeper - ALJ Gottstein)
(Section 311(g))

3 R _____ - Rulemaking for Purposes of Implementing Certain Statutory Requirements Regarding Public Review and Comment for Specified Commission Decisions.

This order opens a new rulemaking to develop rules and procedures to implement certain provisions of SB 779 (effective January 1, 1999). The provisions pertain to public review and comment regarding specified Commission decisions.

(Com Neeper - ALJ Kotz)

UTILITIES RESOLUTIONS

ENERGY MATTERS

- E-1 Res E-3580 - Pacific Gas and Electric Company (PG&E).**
This resolution denies PG&E's request to establish Reallocated Residual Administrative and General Memorandum Account for the period between July 1, 1998 and December 31, 1998.
(Advice Letter 1784-E, filed June 30, 1998)
(Section 311(g))
(Agenda 3006, Item E-11, 12/17/98; Req - Commission)
- E-2 Res E-3582 - Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E).**
This resolution approves with modifications PG&E, SCE, and SDG&E's filed tariffs in response to ordering paragraph 2 of D98-09-070 to establish service fees applicable to Energy Service Providers offering consolidated billing.
(PG&E Advice Letter (AL) 1811-E, and SCE AL 1338-E, filed on October 7, 1998; SDG&E AL 1129-E, PG&E AL 1811-E-A, and SCE AL 1338-E-A, all filed on October 21, 1998)
(Section 311(g))
(Agenda 3006, Item E-12, 12/17/98; Req - Commission)
- E-3 Res E-3586 - Pacific Gas & Electric Company (PG&E), Southern California Edison Company (SCE), San Diego Gas & Electric Company (SDG&E), and Southern California Gas Company (SoCal).**
This resolution conditionally approves PG&E, SCE, SDG&E and SoCal's request for approval for the 1999 California Alternative Rates for Energy and the Low Income Energy Efficiency Programs.
(Advice Letters 2106-G/1089-E, 1337-E, 1124-E/1119-G, and 2748, filed October 1, 1998)
(Section 311(g))

TELECOMMUNICATIONS MATTERS

- C-1 Res T-16123 - GTE California, Incorporated (GTEC).**
For authority to add services to GTEC's resale tariff in compliance with D97-08-059. This filing has been protested.
(Advice Letters 8561, 8561-A, 8561-B, filed September 24, October 30, and December 10, 1997 respectively)
(Agenda 3006, Item C-2, 12/17/98; Req - Commission)
(Section 311(g))
- C-2 Res T-16265 - Pacific Bell (Pacific).**
For order applying the adopted price cap mechanisms in compliance with D89-10-031 and D94-09-065 through adjustments to surcharges/surcredits to be effective February 1, 1999. This resolution orders Pacific to reduce its annual revenue by \$244.22 million effective February 1, 1999 in order to implement its 1998 annual price cap index filing. This decrease in revenue is due entirely to the application of the Z-factor since the productivity-less-inflation factor has been suspended.
(Advice Letter 19761, filed October 21, 1998)
(Section 311(g))
- C-3 Res T-16263 - GTE California Incorporated (GTEC).**
For order applying the adopted price cap mechanism in compliance with Decisions 89-10-031, 94-09-065, 95-12-052 and 98-10-026 through adjustments to surcharge/surcredits to be implemented on February 1, 1999. This resolution orders GTEC to decrease its annual revenue by \$47.166 million effective February 1, 1999.
(Advice Letters 8871, 8871-A, filed October 21, 1998, and November 12, 1998 respectively)
(Section 311(g))

WATER MATTERS

W-1

Res W-4127 - San Jose Water Company, Inc. (SJWC).

This resolution denies SJWC's appeal of staff's rejection of Advice Letters 278 and 278-A and orders a rate decrease of \$44,000.

(Agenda 3007, Item CA-9, 1/7/99; Req - Commission)

RAIL SAFETY AND CARRIERS RESOLUTIONS

- T-1** **Res TL-18878** - This resolution adjusts the rates in Maximum Rate Tariff 4 on January 20, 1999, pursuant to Public Utilities Code Section 5191.
(Section 311(g))

ADMINISTRATIVE LAW JUDGE DIVISION RESOLUTIONS

- ALJ-1** **Res ALJ-176-3008** - 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 Proposal for 1999 CPUC-sponsored state legislation.
(Agenda 3007, Item LEG-1, 1/7/99; Req - Commission)

LEG-1 California Law Revision Commission study on condemnation by Privately Owned Public Utility. CPUC consideration of issues to be considered at early February meeting of the Law Revision Commission.

RESOLUTIONS AND MEMORANDUMS

L-1 **Res L-276** - This resolution authorizes Interagency Memorandum of Understanding concerning responsibilities related to the electricity industry between the California Public Utilities Commission and the California Electricity Oversight Board.
(Section 311(g))

COMMISSIONERS' REPORTS

Commissioner Duque

- Water Matters
- Administrative Matters

Commissioner Neeper

- Electric Matters
- Telecommunications Matters
- Consumer Protection Matters

President Bilas

- Natural Gas Matters
- Transportation Matters

EXECUTIVE DIRECTOR'S REPORT

Wesley M. Franklin, Executive Director

GENERAL COUNSEL'S REPORT

Peter Arth, Jr., General Counsel

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Office of Ratepayer Advocates

William Schulte, Director
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Michael A. Doyle, Representative
Southern California

Robert T. Feraru
Public Advisor

CLOSED SESSION

This notice is furnished under Government Code Sections 11125 and 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 personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). 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 Sections 11125.2 and 11126.3(f).

APPELLATE SECTION ITEMS**ORDERS HELD OVER**

HEX-1 **R97-01-009, I97-01-010** - Disposes of applications for rehearing by the Consumers Alliance for Utility Safety and Education, et al., and the California Association of Competitive Telecommunications Companies/MCI, of D98-04-059, which adopted revisions to the Commission's intervenor compensation program.
(Agenda 3004, Item EX-4, 11/19/98; Agenda 3005, Item HEX-2, 12/3/98; Agenda 3006, Item HEX-3, 12/17/98; Agenda 3007, Item HEX-1, 1/7/99; Req - Commission)

ORDERS

- EX-1** Compilation of Applications for Rehearing filed with the Commission and Petitions filed with the California courts since the last Commission Meeting and a summary of recent developments in state courts and state agencies in cases in which the California Public Utilities Commission is a party or intervenor or intends to intervene.
- EX-2** **C92-09-009** - Disposition of Application for Rehearing of D98-10-023, which was a decision on rehearing of D94-11-026. In the later decision, the Commission held that AT&T Communications of California, Inc. should refund an overcollection collected prior to March, 1993 of \$3.1 million. The petition alleges that the decision is ambiguous regarding the minimum charge for a coin call and was based on erroneous evidence.
- EX-3** **A98-04-030** - Disposes of Application for Rehearing of D98-11-057 by Ground Systems, Inc. The decision granted the application of Supershuttle to acquire Preferred Transportation, Inc and Tammack Transportation, Inc. and ordered the Commission staff to investigate alleged wrong doings by Super Shuttle. The application alleges that the decision was based on misleading statements to the Commission and to the Securities and Exchange Commission.
- EX-4** **A97-07-008** - Disposition of application for rehearing of D98-11-054 filed by Landmark Communications, Inc. (Landmark). In D98-11-054, the Commission denied without prejudice Landmark's application for a certificate of public convenience and necessity to provide long distance telecommunications service. Landmark alleges the following legal errors: (1) the Commission admitted hearsay evidence which violated substantial rights of Landmark's president, William Kettle; (2) the Commission abused its discretion by ignoring four exhibits offered into evidence by Landmark; and (3) the decision is contrary to the State's telecommunications policy codified in Public Utilities Code Section 709(e).

- EX-5** **A92-10-017** - Order dismissing the application for rehearing of D97-12-041 filed by Utility Consumers' Action Network regarding San Diego Gas & Electric Company's Performance Based Ratemaking Mechanism. Dismissal is based on applicant's request to withdraw the application since the issues raised have been mooted by subsequent decisions of the Commission.
- EX-6** **C96-06-028** - Disposition of application for rehearing of D98-07-011 filed by C. David Stephan (Complainant). In D98-07-011, the Commission denied Complainant's request for relief. Complainant alleges that the Decision is incomplete and "action to restore equity is necessary."
- EX-7** **C97-02-027** - Disposition of Motion for Stay of D98-11-063 filed by MCI Telecommunications Corporation (MCI) in connection with its application for rehearing of D98-11-063. MCI alleges error in the decision and irreparable harm if D98-11-063 is not stayed. The California Payphone Association, Payphone Service Providers Group and San Diego Payphone Service Association, and Pacific Bell responded to MCI's motion asserting that MCI's allegations do not adequately demonstrate that a stay should issue.
- EX-8** **A97-07-015** - Disposition of application for rehearing of D98-07-031 filed by Southwest Gas Corporation (Southwest). In that decision the Commission dismissed Southwest's application requesting a modification of the terms and conditions of D95-04-075 and D94-12-022, 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. Southwest claims the Commission committed legal error on several grounds, including: (1) dismissing Southwest's application without an evidentiary hearing; (2) modifying the original settlement without a hearing; (3) failing to evaluate the settlement as an all-party settlement; and (4) failing to impose ex parte reporting requirements on the town of Truckee.

EX-9 **R95-01-020, I95-01-021** - Disposes of application for rehearing of D98-09-039 filed by Pacific Bell (Pacific). Pacific alleges that the three month delay in draws from the California High Cost Fund-B, as provided in the decision, is arbitrary and capricious.

EX-10 **I89-11-003** - Paula Karrison requests in an application for rehearing that D98-04-064 be suspended and that the Commission assert jurisdiction over her property rights to prevent a sale of goods held under a warehouseman's lien for failure to pay lawful charges.

EX-11 Discussion of Annual Performance Evaluation Process for Managers Reporting Directly to the Commission.

Wesley M. Franklin, Executive Director
Peter Arth, Jr., General Counsel
Lynn T. Carew, Chief Administrative Law Judge
William Meyer, Director of Strategic Planning Division
Rob Feraru, Public Advisor

FEDERAL SECTION ITEMS

- HFEX-1** **FERC Docket Nos. ER98-441-000, et al;** - Update on Reliability Must-Run settlement negotiations.
(Agenda 3007, Item FEX-2, 1/7/99; Req - Commission)
- 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** **FERC Docket No. EL99-23-000** - Discussion of the Western Systems Coordinating Council's ("WSCC") Petition for a Declaratory Order on the implementation of WSCC's Reliability Management System.

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