
Public Utilities Commission of the State of California

***Public Agenda 3024
Thursday, October 7, 1999, 11 a.m.★
Los Angeles, California***

Commissioners

Richard A. Bilas, President
Henry M. Duque Joel Z. Hyatt
Josiah L. Neeper Carl W. Wood

★ A Town Hall Meeting will begin at 10 a.m.; the Commission Meeting will begin immediately following the Town Hall Meeting but not later than 11 a.m.

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> <i>Room 5305</i> <i>(1:30 p.m.)</i> <i>Closed to the Public</i>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <i>Open to the Public</i>
✓Monday, October 4	Thursday, October 7**
✓Monday, October 18	Thursday, October 21
Monday, November 1	Thursday, November 4
Monday, November 15	Thursday, November 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 may 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.

**Will be held at Junipero Serra State Building at 320 West 4th Street, First Floor Auditorium, Los Angeles, CA 90013.

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.

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

NOTE: Ex Parte Communications are prohibited on Item CA-8 and Item 3 from the day of the Ratesetting Deliberative Meeting through the conclusion of the Business Meeting at which a vote on the Proposed Decisions is scheduled. (Rule 7(c)(4)).

CA-1 Res TL-18903 - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.

CA-2 Res ALJ-176-3024 - 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.

CA-3 A97-06-002 - Pacific Gas and Electric Company (PG&E), and Richard L. Wills and Donna M. Wills.
For authority to sell and convey to the latter two parcels of land in Alameda County pursuant to Public Utilities Code Section 851. This decision authorizes PG&E to establish a memorandum account to track proceeds of gains and losses from sales of non-generation-related land pending resolution of ratemaking treatment of proceeds from such sales, which issue is deferred to A98-11-023. This proceeding is closed.
(Com Bilas - ALJ Wright)
(Section 311(g))

- CA-4 C92-02-032 - W. Victor vs. GTE California Incorporated, GTE Corporation, and Does 2001 through 2010.**
This decision finds the petition to modify D98-07-021 is without merit and is denied. This proceeding is closed.
(Com Duque - ALJ Walker)
(Section 311(g))
- CA-5 A99-01-008 - Palomar Aviara Transportation.**
For authority to operate as a passenger service throughout San Diego County and the cities of Oceanside and Carlsbad. This decision dismisses the application for failure to prosecute. This proceeding is closed.
(Com Bilas - ALJ Rosenthal)
(Section 311(g))
- CA-6 I98-04-010 - Investigation into the operations and practices of the San Diego Gas and Electric Company in connection with its compliance with requirements to maintain proper clearance between power lines and vegetation.**
This decision grants William Adams an award of \$3,031.20 in compensation for his contribution to D98-12-025. This proceeding is closed.
(Com Duque - ALJ DeUlloa)
(Section 311(g))
- CA-7 A99-07-045 - Southern California Edison Company (Edison).**
This decision confirms Daniel P. Garcia to serve on the committee of Edison's Nuclear Decommissioning Trust Funds. This proceeding is closed.
(Exam Clanon)
(Section 311(g))

- ✓**CA-8** **A98-07-046 - Sereno Del Mar Water Company (Sereno) and Russian River Utility.**
For authority to sell and Russian River Utility, a California Corporation to buy the water system in Sonoma County. This decision authorizes Russian River Utility, a management company well experienced in operating district and mutual systems (and Court appointed receiver for Sereno since 1995) to acquire all stock and control of Sereno from former owner's estate trust. This decision further approves Sereno Advice Letter 21 to regularize an unauthorized deviation from Sereno's tariff main extension rule to allow Sereno to retain \$161,500 received from 19 willing contributors to pay for Department of Health Services mandated water supply/storage facilities now under construction; this additional plant at no cost to the presently connected 108 customers allows 19 additional customers to receive water. This decision also recognizes the probability of conversion to Operating Ratio Method for return in view of meager rate base, and future use of low cost state loan to finance anticipated Department of Health Services requirement of a filtration plant. This proceeding is closed.
(Com Duque - ALJ Weiss)
(Section 311(d))
- CA-9** **A99-06-003 - Pacific Centrex Services, LLC.**
For authority to provide resold local exchange services in California. This decision grants Pacific Centrex Services, LLC a certificate of public convenience and necessity to resell local exchange telecommunications services. This proceeding is closed.
(Com Hyatt - O'Donnell)
(Section 311(g))
- CA-10** **A99-06-015 - Pacific Fiber Link, L.L.C.**
For approval of a pro forma change of control and transfer of a certificate of public convenience and necessity (CPCN) under Section 854 of the Public Utilities Code. This decision grants Pacific Fiber Link, L.L.C.'s, a facilities-based nondominant interexchange carrier, request of a change in control and approval of a transfer of Pacific Fiber Link's CPCN to its successor organization, Worldwide Fiber Networks, Inc. This proceeding is closed.
(Com Hyatt - ALJ Walker)
(Section 311(g))

- CA-11** **C99-01-042 - Southern California Gas Company vs. Pacific Gas and Electric Company, and Southwest Gas Corporation (SWG).**
This complaint involves a dispute over the effective date of a SWG tariff. The parties have settled their dispute and request dismissal of the complaint. Granted. This proceeding is closed.
(Com Bilas - ALJ Barnett)
(Section 311(g))
- CA-12** **Res T-16330 -** This resolution adopts the 1997 claim reporting requirements for telecommunications carriers seeking reimbursement from the California Teleconnect Fund Program for discounts given to qualified schools and libraries, government owned and operated hospitals and health clinics, and community-based organizations offering health care, job training, job placement or education instruction.
(Section 311(g))
- CA-13** **A99-03-037 - Saeid Vakili, dba Atlas Express.**
For authority to expand existing service areas to operate a passenger stage service between points within the counties of Alameda and Santa Clara, San Mateo, to Oakland (OAK), San Francisco (SFO) and San Jose (SJC) International Airports. This decision grants Saeid Vakili request to extend his operations as a passenger stage corporation between points in the counties of Alameda, Santa Clara and San Mateo, on the one hand, and OAK, SFO, and SJC, on the other hand. This proceeding is closed.
(Exam Koss)
(Section 311(g))
- CA-14** **A99-06-018 - Northstate Airport Shuttle, Inc.**
This decision grants Northstate Airport Shuttle, Inc.'s request to operate as a scheduled passenger stage corporation between the cities of Redding, Anderson, Red Bluff, Corning, Orland, and Willows, on the one hand, and Sacramento International Airport, on the other hand. This proceeding is closed.
(Exam Koss)
(Section 311(g))

- CA-15 A99-06-044 - Essam A. Mahgoub, dba Horizon Airporter.**
This decision grants Essam A. Mahgoub's requests to operate as a passenger stage corporation between points in the counties of San Francisco, Alameda, and Contra Costa, on the one hand, and San Francisco, Oakland and San Jose International Airports, on the other hand, and to establish a Zone of Rate Freedom. This proceeding is closed.
(Exam Koss)
(Section 311(g))
- CA-16 Res T-16349 - GTE California Incorporated (GTEC).**
This resolution grants GTEC's request to remove the provisional authority granted in Resolution T-16061 and give GTEC permanent authority allowing changes in tariffed product names to become effective on five-day notice until such time that the General Order No. 96-A is modified by the Commission. The Commission authorizes GTEC by Resolution T-16061 on August 1, 1997 on a provisional basis for a two-year period, to make such changes effective on a five-day notice. This authority does not change any rates, charges, terms or conditions of such products and services.
(Advice Letter 9082, filed July 6, 1999)
- CA-17 A96-08-035 - California Water Service Company (CWS).**
For authority to issue and/or sell on or before December 31, 1999 not exceeding in aggregate amount \$115,000,000 of any combination of shares of its common stock; shares of its preferred stock; debt securities consisting of any combination of senior notes, medium term notes, project specific financing, monthly income preferred securities or first mortgage bonds; and/or debt securities relating to participation in governmental or agency tax free debt financing; and exempting the issuance and sale of said debt from the competitive bidding rule set forth in Decision 38614, as amended. This decision grants CWS's Petition for Modification of D96-10-062 to extend the period of authorization to December 31, 2001. This proceeding is closed.
(Exam Evans)

- CA-18** **A99-04-025 – E & E Airport Shuttle, Inc. and Luis Limo, dba Glendale-La Crescenta Air Van.**
For authority to acquire the operating authority of Luis Limo, dba Glendale-La Crescenta Air Van, and to enlarge operating authority to include portions of the San Gabriel and San Fernando Valleys and selected points in Los Angeles, Orange, Ventura, San Bernardino and Riverside Counties, on the one hand, and Burbank Airport, Ontario Airport and Los Angeles International Airport, Long Beach Airport, AMTRAC and Los Angeles Harbor, on the other hand and establish a Zone of Rate Freedom. Granted. This proceeding is closed.
(Com Bilas - ALJ Rosenthal)
(Section 311(g))
- CA-19** **A99-04-027 - BellSouth BSE, Inc.**
For authority to operate as a resale provider of local exchange and interexchange service within the State of California. This decision grants BellSouth BSE, INC. a certificate of public convenience and necessity to resell local and interexchange telecommunications services. This proceeding is closed.
(Com Neeper - ALJ O'Donnell)
(Section 311(g))
- CA-20** **Res T-16348 - Deaf and Disabled Telecommunications Program Administrative Committee (DDTPAC).**
This resolution approves DDTPAC's request for MCI WorldCom Network Services, Inc. (MCI) to continue to provide Speech-to-Speech Service as a part of the California Relay Service under the current Master Agreement between DDTPAC and MCI.
(Section 311(g))
(Agenda 3023, Item CA-25, 9/16/99; Req - Commission)

- CA-21 Res T-16342 - Pacific Bell (Pacific).**
This resolution approves three Interconnection Agreements between Pacific and CCCA, Inc., dba CONNECT!; between Pacific and JATO Operating Two Corporation; and between Pacific and HTC Communications, Inc., submitted under provisions of Resolution ALJ-174, and General Order 96-A.
(Advice Letter (AL) 20414, filed July 12, 1999; AL 20463, filed August 5, 1999; AL 20481, filed August 12, 1999)
(Section 311(g))
- CA-22 Res T-16343 - Pacific Bell (Pacific).**
This resolution approves two CMRS Interconnection Agreements between Pacific and AB Cellular Holding, LLC; and between Pacific and AT&T Wireless Services of California, Inc., submitted under provisions of Resolution ALJ-174, and General Order 96-A.
(Advice Letter (AL) 20439, filed July 23, 1999; AL 20440, filed July 23, 1999)
(Section 311(g))
- CA-23 Res T-16350 - GTE California Incorporated (GTEC).**
This resolution approves two Interconnection Agreements between GTEC and DSLnet Communications LLC; and between GTEC and RSN Telecom Services of California, Inc., submitted under provisions of Resolution ALJ-174, and General Order 96-A.
(Advice Letter (AL) 9107, filed August 13, 1999; Supplement AL 9107A, filed August 16, 1999; AL 9108, filed August 12, 1999; Supplement AL 9108A, filed August 16, 1999)
(Section 311(g))
- CA-24 Res T-16351 - Pacific Bell (Pacific).**
This resolution approves a Conformed Paging Interconnection Agreement between Pacific and DSI Technology, Inc., submitted under provisions of Resolution ALJ-174, and General Order 96-A.
(Advice Letter 20467, filed August 6, 1999)
(Section 311(g))

- CA-25** **A99-07-033 - KN Energy, Inc.**
KN Energy, Inc. seeks authority pursuant to Public Utilities Code Section 854 to acquire control of SFPP, L.P., a public utility that owns and operates a pipeline system for the transportation of refined petroleum products. The application is unopposed. The application is granted. This proceeding is closed.
(Com Hyatt - ALJ Walker)
(Section 311(g))
- CA-26** **A99-04-009 - Pacific Gas and Electric Company (PG&E).**
For expedited and ex parte approval of Termination of Standard Offer No. 2 Power Purchase Agreement between PG&E and San Joaquin Cogen Limited, L.P. This decision approves Termination Agreement between PG&E and San Joaquin Limited.
(Com Neeper - ALJ Wright)
(Section 311(g))
- CA-27** **Res W-4167 - Arrowhead Manor Water Company, Inc. (AMWC).**
This resolution authorizes AMWC an interim rate increase producing additional annual revenues of \$91,342 or 57.5% in 1999.
- CA-28** **A99-03-058 - Pacifico Transportation LLC.**
This decision authorizes Pacifico Transportation, LLC's request to operate as a scheduled passenger stage corporation between San Ysidro, on the one hand, and Huntington Park and East Los Angeles, on the other hand. This proceeding is closed.
(Exam Koss)
(Section 311(g))

- CA-29** **A99-06-025 - Aguilas Del Desierto, LLC.**
Aguilas Del Desierto, LLC is authorized to operate as a passenger stage corporation between: (1) Calexico, on the one hand, and Los Angeles, Disneyland, Santa Ana, on the other hand, through certain intermediate points; (2) San Ysidro or Tecate, on the one hand, and El Monte and Baldwin Park, on the other hand, through certain intermediate points; and (3) San Ysidro and San Bernardino through certain intermediate points. This proceeding is closed.
(Exam Koss)
(Section 311(g))
- CA-30** **A99-05-026 - Union Pacific Railroad Company (UP).**
This decision grants UP's request to reconstruct the Bluff Road Overpass and the Rio Hondo Channel Bicycle and Equestrian Trail Underpass bridge adjacent to the Rio Hondo Channel in the City of Montebello, Los Angeles County. This proceeding is closed.
(Exam Koss)
(Section 311(g))
- CA-31** **A98-12-007 - City of Belmont (Belmont).**
This decision grants Belmont's request to construct the pedestrian undercrossing at F Street under the tracks of the Peninsula Corridor Joint Powers Board in Belmont, San Mateo County. This proceeding is closed.
(Exam Koss)
(Section 311(g))
- CA-32** **A98-12-017 - City of San Carlos (San Carlos).**
This decision grants San Carlos' request to construct a pedestrian undercrossing at Arroyo Avenue in San Carlos under the Peninsula Corridor Joint Powers Board mainline tracks. This proceeding is closed.
(Exam Koss)
(Section 311(g))

CA-33

Res G-3269 - Southwest Gas Corporation (Southwest).

This resolution approves Southwest's request of its Refund Plan No. 29 which would distribute refunds received from Pacific Gas and Electric Company and El Paso Natural Gas Company to Southwest's gas customers. (Advice Letter 594, filed July 27, 1999)
(Section 311(g))

REGULAR AGENDA

UTILITY AND TRANSPORTATION ORDERS

ORDERS HELD OVER

- H-1** **R97-10-049 - Commission Order Instituting Rulemaking on the Commission's own motion to set rules and to provide guidelines for the privatization and excess capacity as its relates to investor owned water companies.**
This decision adopts with modifications proposals to allow water companies to provide goods and services to unregulated operations priced at incremental cost. This proceeding is closed.
(Coms Duque/Neeper - ALJ Bushey)
(Section 311(g))
(Agenda 3022, Item 2, 9/2/99; Req - Commission)
- H-2** **R93-04-003 - Rulemaking on the Commission's own motion to govern open access to bottleneck services and establish a framework for network architecture development of dominant carrier networks. I93-04-002, R95-04-043, I95-04-044 - Related matters.**
This decision denies The Utility Reform Network's request for compensation for its contribution to D98-12-069.
(Com Neeper - ALJ Maloney)
(Section 311(g))
(Agenda 3020, Item CA-7, 7/22/99; Agenda 3021, Item CA-24, 8/5/99; Agenda 3023, Item H-2, 9/16/99; Req - Commission)
- H-2a** **ALTERNATE ORDER TO ITEM H-2.** This alternate order denies the request of The Utility Reform Network (TURN) for an award of compensation for its contribution to D98-12-069. However, the issues addressed in TURN's presentation will be considered in a future phase of this proceeding pertaining to Public Utilities Code Section 709.2. TURN may renew its current request for compensation once there is a final decision in that phase.
(Com Neeper)

H-3 R93-04-003 - Rulemaking on the Commission's own motion to govern open access to bottleneck services and establish a framework for network architecture development of dominant carrier networks. I93-04-002 - Related matter.

This decision establishes prices for unbundled network elements (UNEs) offered by Pacific Bell (Pacific). Among other things, the decision (1) concludes that prices for all of Pacific's UNEs should be set at the applicable Total Element Long Run Incremental Costs adopted in D98-02-106 plus a markup of 19% to cover shared and common costs, (2) rejects arguments by AT&T Communications of California, Inc. and MCI Telecommunications Corporation that Yellow Page revenues and Pacific's draw from the California High Cost Fund-B should be used to lower UNE prices for residential loops, (3) requires Pacific to continue providing UNE combinations in accordance with the terms of existing interconnection agreements until the Federal Communications Commission has completed its work on the issues remanded to it by the Supreme Court in *AT&T Corp. v. Iowa Utilities Bd. (AT&T – Iowa)*, 119 S.Ct. 721 (1999), (4) concludes that Pacific should not be required to file tariffs applicable to UNEs, and (5) establishes price floors for the local exchange services specified in D96-03-020. The decision acknowledges that several issues related to UNE pricing remain unsettled in light of the Supreme Court's decision in *AT&T – Iowa*, including the nature of the geographic deaveraging that will be required, and the identity of the network elements that Pacific and other incumbent local exchange carriers will ultimately be required to offer under the Telecommunications Act. The decision concludes that notwithstanding this uncertainty, the most appropriate course of action here is to set prices for the UNEs covered in existing interconnection agreements, and not to attempt to set geographically-deaveraged prices at this time.

(Com Duque - ALJ McKenzie)

(Section 311(d))

(Agenda 3017, Item 1, 6/10/99; Agenda 3018, Item H-6, 6/24/99; Agenda 3019, Item H-3, 7/8/99; Agenda 3020, Item H-2, 7/22/99; Agenda 3021, Item H-2, 8/5/99; Agenda 3022, Item H-3, 9/2/99; Agenda 3023, Item H-4, 9/16/99; Req - Commission)

- H-4** **A98-07-062 - Ponderosa Community Services District.**
This decision grants applicant's request to declare purported transfer of well and related facilities void pursuant to Section 851. This proceeding is closed.
(Com Duque - ALJ Bushey)
(Section 311(g))
(Agenda 3021, Item 8, 8/5/99; Agenda 3022, Item H-7, 9/2/99;
Agenda 3023, Item H-6, 9/16/99; Req - Commission)
- H-5** **R99-02-001 - Rulemaking for purposes of implementing certain statutory requirements regarding public review and comments for specified Commission decisions.**
This decision adopts Rules of Practice and Procedure to implement certain statutory requirements, enacted in Senate Bill 779 (Calderon), regarding public review and comment for specified Commission decisions. This proceeding is closed.
(Com Neeper - ALJ Kotz)
(Section 311(g))
(Agenda 3022, Item 1, 9/2/99; Agenda 3023, Item H-7, 9/16/99;
Req - Commission)
- H-5a** **ALTERNATE ORDER TO ITEM H-5.** This alternate order proposes two changes to the Commission's original proposal for rules implementing SB 779.
(Com Neeper)
(Agenda 3022, Item 1a, 9/2/99; Agenda 3023, Item H-7a, 9/16/99;
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 approves an area code split for the 818 Numbering Plan Area to relieve NXX code exhaustion. The schedule for the split will be determined at a later date.
(Com Duque - ALJ Pulsifer)
(Section 311(g))
(Agenda 3022, Item 4, 9/2/99; Agenda 3023, Item H-9, 9/16/99;
Req - Commission)

- H-6a** **ALTERNATE ORDER TO ITEM H-6.** This alternate order approves an area code overlay for the 818 Numbering Plan Area to relieve NXX code exhaustion. The schedule for the overlay will be determined at a later date.
(Com Neeper)
(Agenda 3022, Item 4a, 9/2/99; Agenda 3023, Item H-9a, 9/16/99;
Req - Commission)
- H-6b** **ALTERNATE ORDER TO ITEM H-6.** This order sets in motion a variety of number conservation measures for the 818 area code, consistent with Federal Communication Commission authority granted on September 15, 1999 in CC Docket 96-98. It would adopt as a "back-up" plan the geographic area code split as proposed by the North American Numbering Plan Administrator.
(Com Hyatt)
- H-7** **R97-01-009 - Order Instituting Rulemaking on the Commission's intervenor compensation program. I97-01-010 - Related matter.**
This decision adopts, with two changes, the Commission's proposal for determining responsibility of certain utilities for payment of intervenor compensation awards in quasi-legislative or rulemaking proceedings, first announced in D98-04-059. Specifically, when participation of California-jurisdictional utilities occurs through an association, the Commission will direct the association - and not the member utilities - to pay any award. Second, the Commission modifies D98-04-059 to remove the requirement that utilities file a revenue report with the Public Advisor.
(Com Neeper - ALJ Hale)
(Section 311(g))
(Agenda 3022, Item CA-5, 9/2/99; Agenda 3023, Item H-12, 9/16/99;
Req - Commission)
This revision was not listed on the agenda distributed to the public.
- (Rev.)**
(9/30/99)

- H-7a** **ALTERNATE ORDER TO ITEM H-7.** This alternate adopts, with two changes, the Commission's proposal for determining responsibility of certain utilities for payment of intervenor compensation awards in quasi-legislative or rulemaking proceedings, first announced in D98-04-059. Specifically, when participation of California-jurisdictional utilities occurs through an association, the Commission will direct only those California-jurisdictional member utilities that support the association position taken in the proceeding to pay any award. It also modifies D98-04-059 to remove the requirement that utilities file a revenue report with the Public Advisor.
(Com Neeper)
(Agenda 3023, Item H-12a, 9/16/99; Req - Commission)
- H-8** **C95-01-038 - Strawberry Property Owners Association vs. Conlin-Strawberry Water Company, Inc.**
This decision assesses Conlin-Strawberry Water Company, Inc. a fine totaling \$400,000 for failure to comply with past Commission orders. The total fine or a portion thereof may be stayed if past orders for system repairs and improvement are completed. This proceeding is closed.
(Com Neeper - ALJ Bennett)
(Section 311(g))
(Agenda 3023, Item 1, 9/16/99; Req - Commission)
- H-9** **A98-12-038 - Southern California Edison Company (Edison).**
For approval of power purchase agreement between Edison and Colmac Energy, Inc. This decision approves Edison's proposed buyout and termination of a 1985 power purchase agreement with Colmac Energy, Inc. Expected customer benefits from the buyout are \$58.8 million in net present value. This proceeding is closed.
(Com Neeper - ALJ Gottstein)
(Section 311(g))
(Agenda 3023, Item 3, 9/16/99; Req - Commission)

H-10**A98-05-038 - Pacific Bell.**

For authority for pricing flexibility and to increase prices of certain operator services, to reduce the number of monthly Directory Assistance (DA) call allowances, and adjust prices for four Centrex optional features. This decision authorizes Pacific Bell to increase its DA price floor from \$0.25 to \$0.35, tariff price from \$0.25 to \$0.46, and ceiling rate to \$0.46. Pacific Bell's monthly DA allowance call for residential customers is decreased from five to three calls, for business customers is decreased from two to zero, and Centrex business customers is decreased from one to zero. Pacific Bell's Busy Line Verification (BLV) and Emergency Interrupt (EI) service price floors are increased to cover costs as set forth in sealed Exhibit G. The tariff price is increased from \$0.50 to \$1.20 for BLV and from \$1.00 to \$1.25 for EI. The ceiling rate is capped at \$1.20 for BLV and at \$1.25 for EI. Concurrent with the above-mentioned changes, Pacific Bell is authorized to change its DA, BLV, and EI resale prices to maintain a 17% margin between its retail and resale prices for these services. This proceeding is closed.

(Com Duque - ALJ Galvin)

(Section 311(d))

(Agenda 3023, Item 5, 9/16/99; Req - Commission)

ORDERS

- 1** **A99-04-010 - Western Gas Resources-California, Inc. (WGRC).**
For a certificate of public convenience and necessity to provide public utility gas transmission and distribution services through the use of certain existing facilities and to construct additional interconnection facilities. This decision dismisses without prejudice WGRC's application refiled at this time after substantial amendment so that the request conforms to the Commission current policy, or its refiled at a later date if the Commission ongoing investigation into restructuring the natural gas industry reaches a conclusion with regard to local transmission and distribution competition that would allow the type of competition in which WGRC wishes to engage. This proceeding is closed.
(Com Bilas - ALJ Biren)
(Section 311(g))
- 2** **C99-04-004 - Western Gas Resources-California, Inc. vs. Pacific Gas and Electric Company (PG&E).**
This decision dismisses the complaint as moot. A companion application for a certificate of public convenience and necessity is also dismissed, which makes this complaint regarding PG&E's alleged anti-competitive activity moot. This proceeding is closed.
(Com Bilas - ALJ Biren)
(Section 311(g))
- ✓3** **A99-01-016 - Pacific Gas and Electric Company (PG&E).**
For authority to establish post-transition period electric ratemaking mechanisms. A99-01-019, A99-01-034 - Related matters. This decision resolves issues in Phase 1 of these applications of PG&E, Southern California Edison Company and San Diego Gas & Electric Company addressing ratemaking, accounting, and other regulatory concerns arising with the end of the "transition period" and rate freeze prescribed by Assembly Bill 1890 for each utility.
(Com Duque - ALJ Malcolm)
(Section 311(d))

- 4 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 grants the motion of Independent Energy Producers Association, et al., on an interim basis and subject to true-up, regarding the election by Qualifying Facilities to receive energy payments based on the Power Exchange market-clearing price.
(Com Neeper - ALJ Minkin)
(Section 311(g))
- 5 A94-12-005 - Pacific Gas and Electric Company (PG&E).**
For authority, among other things, to decrease its rates and charges for electric and gas service, and increase rates and charges for pipe expansion service. I95-02-015 - Related matter. PG&E's petition to modify D99-06-080 to allow it to maintain Note 7 is denied. The Commission clarifies D99-06-080 to state that the General Order (GO) 95, Rule 44.2 wood pole loading minimum safety factor, as interpreted in D98-10-058, applies to PG&E, and that loading a pole until it reduces the safety factor to not less than 2/3 without taking deterioration of the pole into account is not in compliance with GO 95, Rule 44.2.
(Com Neeper - ALJ Hale)
(Section 311(g))
- 6 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 structure and operating procedures of the California Board for Energy Efficiency and the Low-Income Governing Board.
(Com Neeper - ALJ Gottstein)
(Section 311(g))

7 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 in part the Petition to Modify D96-03-020 filed by GTE California Incorporated (GTEC). The modification lifts the restriction on Category II pricing flexibility until price floors are adopted for GTEC in Open Access and Network Architecture Development (OANAD). GTEC is authorized to file an advice letter to establish interim Category II price floors for particular services using its cost studies filed in OANAD.

(Com Duque - ALJ Pulsifer)

(Section 311(g))

8 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 authority to thirteen competitive local carriers as identified in Appendix B of the Order to provide resold local exchange services, and where requested to provide inter and intraLATA interexchange services. Facilities-based authority is deferred pending resolution of outstanding environmental impact issues.

(Com Duque - ALJ Pulsifer)

(Section 311(g))

UTILITIES RESOLUTIONS

ENERGY MATTERS

- E-1 Res G-3265 - San Diego Gas & Electric Company (SDG&E).**
This resolution approves in part as modified, and denied in part as moot SDG&E's request to transfer unspent Research, Development and Demonstration funds to the Transition Revenue Account.
(Advice Letters 1158-E/1142-G, filed April 1, 1999)
(Section 311(g))
- E-2 Res E-3637 - Southern California Edison Company (Edison).**
This resolution approves with conditions Edison's request for a new memorandum account, the Block-Forward Market Memorandum Account.
(Advice Letter 1393-E, filed July 16, 1999)
(Section 311(g))
- E-3 Res E-3546 - Pacific Gas and Electric Company (PG&E).**
This resolution approves with modification PG&E's request to revise residential time-of-use rate schedules to include new charges and rates for meters.
(Advice Letter 1728-E, filed January 2, 1998)
(Section 311(g))
- E-4 Res O-0035 - SFPP, L.P. (SFPP).**
This resolution denies without prejudice SFPP's request for approval of its tariff for its Watson Facilities Gathering Enhancement System.
(Advice Letter 10, filed October 6, 1998)
(Section 311(g))
- E-5 Res G-3261 - San Diego Gas & Electric Company (SDG&E).**
This resolution approves SDG&E's request of a revision to its Schedule GP-SUR to clarify how franchise fees should be determined once SDG&E has sold its South Bay and Encina power plants.
(Advice Letter 1144-G, filed April 14, 1999)
(Section 311(g))

E-6

Res E-3591 - San Diego Gas & Electric Company (SDG&E).

This resolution denies without prejudice SDG&E's request to add to its list of sample forms two Summary Bill Forms which allow customers with multiple accounts at multiple service addresses to receive one bill instead of individual bills for each account.

(Advice Letter 1140-E/1129-G, filed December 16, 1998)

(Section 311(g))

(Agenda 3022, Item E-3, 9/2/99; Agenda 3023, Item E-1, 9/16/99;

Req - Commission)

RAIL SAFETY AND CARRIERS RESOLUTIONS

- T-1** **Res ST-43 - Rail Safety and Carriers Division.**
(Rev.) This resolution grants approval of Rail Safety and Carriers Division's
(10/4/99) request for a final report of an on-site safety audit of the Sacramento
 Regional Transit District.
 (Section 311(g))
 This revision was not listed on the agenda distributed to the public.

MANAGEMENT

- M-1** **Res M-4797** - This resolution approves an annual fee of \$100 for registered Electric Service Providers for the year beginning September 1, 1999.
(Section 311(g))
(Agenda 3023, Item CA-36, 9/16/99; Req - Commission)

COMMISSIONERS' REPORTS

Commissioner Duque

- Electric Matters
- Water Matters
- Legislative

Commissioner Neeper

- Telecommunications Matters
- Legal/Administrative Law Judge

President Bilas

- Administrative Matters
- Natural Gas Matters
- Transportation Matters
- Strategic Planning Matters

Advocates Trust Fund action memo changing the Trustee Bank

Commissioner Hyatt

- Administrative Matters
- Strategic Planning Matters

Commissioner Wood

- Consumer Protection Matters
- Legislative

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

Director
Office of Ratepayer Advocates

William Schulte, Director
Consumer Services Division

Maxine Harrison, Acting 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). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). 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).

NON-FEDERAL ITEMS

ORDERS HELD OVER

- HEX-1** **Conference with Legal Counsel - Application for Rehearing R95-04-043, I95-04-044** - Disposition of Applications for Rehearing of D98-10-058 filed by Building Owners Managers Association of California, Real Estate Coalition, League of California Cities, et al., GTE California Incorporated, Pacific Gas and Electric Company, and the California Cable Television Association, and petition for modification filed by Cox California Telcom, L.L.C. D98-10-058 adopted rules governing nondiscriminatory access to poles, ducts, conduits, and rights-of-way applicable to competitive local carriers competing in the service territories of the large and mid-sized incumbent local exchange carriers. (Gov. Code Sec. 11126(e)(2)(B)(i).) (Agenda 3013, Item EX-7, 4/1/99; Agenda 3014, Item HEX-3, 4/22/99; Agenda 3016, Item HEX-1, 5/27/99; Agenda 3018, Item HEX-1, 6/24/99; Agenda 3020, Item HEX-1, 7/22/99; Req - Commission)

HEX-2 **Conference with Legal Counsel - Application for Rehearing**
A98-01-014 - Disposition of Application for Rehearing of D99-05-030 filed by the National Resources Defense Council and Utility Consumers Action Network in which the Commission adopted a revised performance-based ratemaking mechanism for the electricity and natural gas distribution services of San Diego Gas & Electric Company.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
(Agenda 3021, Item EX-4, 8/5/99; Agenda 3022, Item HEX-2, 9/2/99; Req - Commission)

HEX-3 **Conference with Legal Counsel - Application for Rehearing**
I98-04-033 - Disposition of Application for the Rehearing of D99-06-055 filed by FutureNet Online, Inc. and Alan J. Setlin. That decision required that appellants pay a fine for offering electrical service to the public without first registering with the Commission as an Energy Service Provider as required by Public Utilities Code Sections 394-396. (Gov. Code Sec. 11126(e)(2)(B)(i).)
(Agenda 3023, Item EX-5, 9/16/99; Req - Commission)

ORDERS

- EX-1 Conference with Legal Counsel - Applications for Rehearing**
Compilation of applications for rehearing recently filed with the Commission. (Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-2 Conference with Legal Counsel - Threatened Litigation**
Significant exposure to litigation. (Gov. Code Sec. 11126(e)(2)(B).)
- EX-3 Conference with Legal Counsel - Initiation of Litigation**
Consideration of possible Commission initiation of, or intervention in, litigation. (Gov. Code Sec. 11126(e)(2)(C)(i).)
- EX-4 Conference with Legal Counsel - Initiation of Enforcement Proceeding**
I _____ - Order Instituting Investigation into whether
Commonwealth Energy Corporation supplied false information in its application for registration as an Electric Service Provider.
(Gov. Code Secs. 11126(d)(2), 11126(e)(2)(C)(i).)
- EX-5 Conference with Legal Counsel - Initiation of Enforcement Proceeding**
I _____ - Order Instituting Investigation into the operations and
practices of Edwards Moving and Storage, Inc. (San Francisco) and its president, Daniel F. Feeney. Respondents are directed to show cause why the operating authority should not be revoked for assertedly operating without public liability or cargo insurance, and for the conversion of shippers' goods entrusted for moving and ancillary storage.
(Gov. Code Secs. 11126(d)(2), 11126(e)(2)(C)(i).)

- EX-6** **Conference with Legal Counsel - Application for Rehearing**
A96-12-009, A96-12-011, A96-12-019 - Disposition of Application for Rehearing of D99-06-056, filed by Pacific Gas and Electric Company (PG&E). D99-06-056 addressed operational problems in PG&E's billing system, and found that the utility had failed to comply with D98-03-050 and D97-08-056. The decision deferred to a later date the issue of whether PG&E should be fined or otherwise penalized for failing to comply with these decisions. D.99-06-056 also granted PG&E's petition for modification of D98-03-050 and D97-08-056 to permit the utility to delay implementation of certain billing requirements.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-7** **Conference with Legal Counsel - Application for Rehearing**
A99-08-046 - Disposition of Application for Rehearing of Res. T-16302, which authorized Pacific Bell (Pacific) to provide Integrated Pathway Service, a New Service, as a Category III Service, filed by The California Cable Television Association, alleging that the Resolution is in error because Pacific failed to provide support for Category III treatment of the service, failed to make the required showing regarding unbundling and imputation, and Pacific's introduction of IPS is an attempt to circumvent Category II safeguards.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-8** **Conference with Legal Counsel - Application for Rehearing**
I99-09-001 - Disposition of Application for Rehearing of I99-09-001 filed by Telmatch Telecommunications, Inc. (Telmatch). In I99-09-001, the Commission ordered an investigation into the marketing and billing practices of Telmatch, a long-distance telephone service provider.
(Gov. Code Sec. 11126(e)(2)(B)(i).)

FEDERAL ITEMS

FEX-1 Conference with Legal Counsel - Initiation of Litigation
Consideration of possible Commission initiation of, or intervention in,
federal agency or court proceedings. (Gov. Code Sec. 11126(e)(2)(C)(i).)

FEX-2 Conference with Legal Counsel - Existing Litigation
FERC Docket Nos. ER99-3760, et al., California Independent System
Operator. (Gov. Code Sec. 11126(e)(2)(A).)

FEX-3 Conference with Legal Counsel - Existing Litigation
FERC Docket Nos. ER98-441-000, et al., Southern California Edison
Company. (Gov. Code Sec. 11126(e)(2)(A).)

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