
Public Utilities Commission of the State of California

***Public Agenda 3028
Thursday, December 2, 1999, 10 a.m.
San Francisco, California***

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

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
✓Monday, November 29	Thursday, December 2
Monday, December 13	Thursday, December 16
Monday, January 3, 2000	Thursday, January 6, 2000
Tuesday, January 18	Thursday, January 20

**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.

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 Items CA-6, and CA-8 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-18913 - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.

CA-2 Res ALJ-176-3028 – 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 A98-02-017 - Pacific Bell.**
For authority to categorize Business Inside Wire Repair (BIWR), Interexchange Carrier Directory Assistance (IECDA), Operator Assistance Service Billing Alternatives (OASBA) and Inmate Call Control Service as Category III Services. A98-04-048 - Related matter.
This decision awards The Utility Return Network (TURN) \$37,533 in compensation for its substantial contribution to D99-06-053. That decision authorized Pacific Bell to re-categorize its IECDA, OASBA, BIWR, and Residential inside Wire Repair services from Category II to Category III. These proceedings are closed.
(Com Duque - ALJ Galvin)
(Section 311(g))
- CA-4 A97-12-048 - Southern California Gas Company (SoCalGas).**
For authority for unbundle core interstate pipeline transportation. This decision summarily denies the Petition to Modify D98-12-071, filed by Utilicorp Energy Solutions, Inc. and California Utility Buyers. Rather than reopening or modifying D98-12-071, the Commission will address the unbundling of SoCalGas's core interstate pipeline transportation function in I99-07-003. This proceeding is closed.
(Com Bilas - ALJ Biren)
(Section 311(g))
- CA-5 C92-08-031 - Philip Ortega vs. AT&T Communications of California, Inc. (AT&T).** C92-09-009 – Related matter.
This decision grants Philip Ortega an award of \$33,601.00 in compensation for contributions to D94-11-026, D97-09-060, D97-12-052, and D98-10-023. These decisions addressed issues raised in the complaint filed by Ortega challenging the procedure by which AT&T filed new payphone rates in Advice Letter 254.
(Com Duque - ALJ Maloney)
(Section 311(g))

- ✓**CA-6** **A99-09-028 - Gary Skowron and Patricia Skowron.**
Gary Skowron and Patricia Skowron, owners of a home in Moss Beach, California, where a well apparently is going dry, seek an exemption from the Commission-imposed moratorium on new water connections in the Montara-Moss Beach District of Citizens Utilities Company of California. The supply of water in this district continues to be inadequate, and applicants' showing of economic hardship does not justify the kind of broad-based exemption to the moratorium that would result. The application is denied. This proceeding is closed.
(Com Duque - ALJ Walker)
(Section 311(d))
- CA-7** **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 pipeline expansion service. I95-02-015 - Related matter. This decision awards The Utility Reform Network \$44,796.00 in compensation for its substantial contribution to D99-06-080. It directs PG&E to pay the award, with interest commencing on May 15, 1997, given the unusual delay in processing this phase of the proceeding.
(Com Neeper - ALJ Hale)
(Section 311(g))
- ✓**CA-8** **A99-01-037 - Mountain Utilities (MU).**
This decision resolves the application of MU for authority, among other things, to more precisely define its revenue requirement and increase rates and charges for electric service. This decision also approves with slight modification the settlement agreement as being reasonable. This proceeding is closed.
(Com Duque - ALJ DeUlloa)
(Section 311(d))

- CA-9 A98-05-014 - Southern California Edison Company (Edison).**
For authority to report on the valuation process for certain generation-related assets pursuant to D97-11-074. This decision orders Edison to file, by December 1, 1999, an application to value remaining generation and generation related assets pursuant to Sections 216(h) and 377 of the Public Utilities Code. This proceeding is closed.
(Com Duque - ALJ Patrick)
(Section 311(g))
(Agenda 3026, Item CA-9, 11/4/99; Req - Commission)
- CA-10 A99-08-015 - Coronado Livery, Inc.**
For authority to transfer control of its passenger stage certificate (PSC-0914) to its subsidiary San Diego Direct Transportation Services LLC, under Section 851, et seq., of the Public Utilities (PU) Code on the one hand, and to establish a zone-of-rate-freedom under Section 454.2 of the PU Code, on the other hand. Granted. This proceeding is closed.
(Com Bilas - ALJ Rosenthal)
(Section 311(g))
(Agenda 3026, Item CA-22, 11/4/99; Req - Commission)
- CA-11 Res W-4174 - Great Oaks Water Company (GOWC).**
This resolution grants GOWC's request for an offset rate increase producing \$657,249 or 9.8% additional annual revenue.
(Advice Letter 148, filed October 4, 1999)
- CA-12 Res W-4173 - Southern California Water Company (SCWC), Simi Valley District.**
This resolution grants SCWC's request for an offset rate increase producing \$152,475 or 2.33% additional annual revenue.
(Advice Letter 1062-W, filed September 13, 1999)

CA-13 A98-10-030 - Pacific Gas and Electric Company (PG&E) and Mt. Poso Cogeneration Company, L.P. (Mt. Poso).

This decision approves PG&E and Mt. Poso's motion to withdraw their joint application for buyout and termination of a 1984 power purchase agreement between them. This proceeding is closed.

(Com Neeper - ALJ Gottstein)

(Section 311(g))

CA-14 A99-04-045 - Southern California Edison Company (Edison).

For authority to allow non-discriminatory access to its customer communication center. This decision grants Edison's motion to dismiss its application without prejudice. This proceeding is closed.

(Com Bilas - ALJ Econome)

(Section 311(g))

CA-15 A99-07-050 - Sphinx Shuttle & Limousine Service, LLC.

This decision grants Sphinx Shuttle & Limousine Service, LLC's request to operate as a passenger stage corporation between points in the counties of San Francisco, Alameda, Contra Costa, and Marin, and San Francisco, Oakland, and San Jose International Airports, and to establish a Zone of Rate Freedom. This proceeding is closed.

(Exam Koss)

(Section 311(g))

CA-16 A99-09-032 - Xe Do Hoang Transportation, LLC.

This decision grants Xe Do Hoang Transportation, LLC's request to operate as a passenger stage corporation between the cities of Santa Ana, Westminster, Los Angeles, and San Jose, and establish a Zone of Rate Freedom, on the other hand. This proceeding is closed.

(Exam Koss)

(Section 311(g))

- CA-17** **(ECP) C96-06-046 - Tom Horsley vs. Pacific Bell.**
This decision denies Tom Horsley's petition to modify D97-12-051. This proceeding is closed.
(Com Duque - ALJ Bennett)
- CA-18** **A99-04-033 - Jose Sergio Garrido and Noe Torres, dba Cal-Mex Tours.**
This decision grants Jose Sergio Garrido and Noe Torres request for a certificate of public convenience and necessity to operate as a scheduled passenger stage corporation between San Ysidro and Salinas through intermediate points of Oceanside, San Clemente, San Juan Capistrano, Santa Ana, Los Angeles, and Santa Maria. This proceeding is closed.
(Exam Koss)
(Section 311(g))
- CA-19** **A99-09-009 - Abdul Rahim Popal, dba Bay Transit Shuttle, Inc.**
This decision grants Abdul Rahim Popal's request for a certificate of public convenience and necessity to operate as a passenger stage corporation between points in the counties of San Francisco, Alameda, and Contra Costa, and the airports of San Francisco and Oakland and to establish a Zone of Rate Freedom. This proceeding is closed.
(Exam Koss)
(Section 311(g))
- CA-20** **A99-09-012 - David Smith, dba San Francisco Yellow Shuttle.**
This decision grants David Smith's request for a certificate of public convenience and necessity to operate as a passenger stage corporation between points in the counties of San Francisco, Alameda, and San Mateo, and the airports of San Francisco, Oakland, and San Jose, and to establish a Zone of Rate Freedom. This proceeding is closed.
(Exam Koss)
(Section 311(g))

- CA-21 A97-02-049 - Southwest Gas Corporation (Southwest).**
For authority to issue one or more types of Debt Securities in principal amount of up to \$251,000,000; issue one or more series of Preferred Securities in principal amount of up to \$60,000,000; issue up to 6,000,000 shares of its \$1 par value Common Stock; and refinance previously issued short-term debt securities. This decision grants Southwest's petition for modification of D97-05-037 to issue debt and equity securities until December 31, 2000. This proceeding is closed.
(Exam Clanon)
(Section 311(g))
- CA-22 A92-11-037 - Southwest Gas Corporation (Southwest).**
For authority to issue and sell one or more series of Debt Securities not to exceed \$250,000,000; issue and sell one or more series of Preferred and/or Preference Securities not to exceed \$50,000,000; and issue and sell up to 3,000,000 shares of its \$1 par value Common Stock. This decision grants Southwest's petition for modification of D93-02-008 as modified to extend the period of authorization to December 31, 2000. This proceeding is closed.
(Exam Clanon)
(Section 311(g))
- CA-23 Res W-4175 - Southern California Water Company (SCWC), Bay Point District.**
This resolution grants SCWC's request for an offset rate increase producing \$279,085 or 6.95% additional annual revenue.
(Advice Letter 1063-W, filed September 13, 1999)
- CA-24 Res G-3270 - Southern California Gas Company (SoCalGas).**
This resolution approves SoCalGas's request for its Performance-Based Ratemaking mechanism sharable earnings filing for 1998, which details revenue sharing calculations and performance rewards and penalties for 1998.
(Advice Letter 2825, filed July 9, 1999)
(Section 311(g))

- CA-25 Res T-16367 - Pacific Bell (Pacific).**
This resolution approves three Interconnection Agreements between Pacific and DSLnet Communications, LLC, and between Pacific and INFONXX, and between Pacific and Qwest Communications Corp., submitted under provisions of Resolution ALJ-174, and General Order 96-A.
(Advice Letter (AL) 20562, filed September 13, 1999; AL 20629, filed October 13, 1999; AL 20636, filed October 14, 1999)
(Section 311(g))
- CA-26 Res T-16368 - Pacific Bell (Pacific).**
This resolution approves one-way paging and narrowband PCS CMRS Interconnection Agreement between Pacific and AirTouch Communications, Inc., dba AirTouch Paging, submitted under provisions of Resolution ALJ-174, and General Order 96-A.
(Advice Letter 20667, filed October 26, 1999)
(Section 311(g))
- CA-27 Res T-16369 - GTE California (GTE).**
This resolution approves two Wireless Service Interconnection Agreements between GTE and AB Cellular Holding, LLC, and between GTE and AT&T Wireless Services, Inc., submitted under provisions of Resolution ALJ-174, and General Order 96-A.
(Advice Letter (AL) 9154, AL 9155, both filed October 19, 1999)
(Section 311(g))
- CA-28 Res T-16370 - GTE California (GTE).**
This resolution approves three Interconnection Agreements between GTE and HTC Communications, LLC, and between GTE and MCI WorldCom, and between GTE and MediaOne Telecommunications of California, Inc., submitted under provisions of Resolution ALJ-174, and General Order 96-A.
(Advice Letter (AL) 9126, filed September 15, 1999; AL 9144, filed October 4, 1999; AL 9146, filed October 8, 1999)
(Section 311(g))

- CA-29 Res E-3643 - Pacific Gas and Electric Company (PG&E).**
This resolution approves the agreement reached between Calpine Gilroy L.P. and PG&E regarding the termination and buy-out of an Interim Standard Offer 4 power purchase contract. This resolution also approves recovery of all payments PG&E will make pursuant to the agreement and recovery of shareholder incentives.
(Advice Letter 1906-E, filed September 1, 1999)
(Section 311(g))
- CA-30 R92-03-050 - Order Instituting Rulemaking on the Commission's own motion to consider the line extension rules of electric and gas utilities.**
In this decision, the Commission declines to adopt a proposal that would require new customers to pay up front for their meters. The Commission removes from the line and service extension allowances the credits for meter services, meter reading and billing, and payment services. The meter ownership credit is deferred until the Commission addresses meter policy issues in other pending proceedings.
(Com Duque - ALJ Patrick)
(Section 311(g))
(Agenda 3027, Item CA-3, 11/18/99; Req - Commission)
- CA-31 A99-07-015 - Pacific Gas and Electric Company (PG&E) and City of Sonoma.**
This decision authorizes PG&E's request to sell and convey a certain parcel of land in Sonoma County to the City of Sonoma pursuant to Public Utilities Code Section 851. This proceeding is closed.
(Com Wood - ALJ Wright)
(Section 311(g))
(Agenda 3027, Item CA-16, 11/18/99; Req - Commission)

REGULAR AGENDA

UTILITY AND TRANSPORTATION ORDERS

ORDERS HELD OVER

NOTE: Ex Parte Communications are prohibited on Items H-1, H-8, H-10 and H-10a from November 29, 1999 at 12:00 noon through the end of the Commission meeting on December 2, 1999. (Rule 7(c)(4)).

✓**H-1** **A99-03-065 - Southern California Water Company (SCWC).**
In the Matter of the Application of the Southern California Water Company (U 133 W) for an Order Authorizing it to Increase Rates For Water Service in its Wrightwood Customer Service Area. A99-03-066, A99-03-067, A99-03-068 - Related matters. This decision approves a settlement between SCWC and the active parties in this consolidated general rate case proceeding for the Wrightwood, Claremont, Barstow, and Calipatria-Niland districts. A significant part of the rate increase requested by SCWC for all four districts relates to proposed plant additions to meet water quality regulations. This decision defers recognition in rates of these costs pending issuance of new standards by United States Environmental Protection Agency and the California Department of Health Services for radon and arsenic. This proceeding is closed.
(Com Neeper - ALJ Patrick)
(Section 311(d))
(Agenda 3027, Item CA-6, 11/18/99; Req - Commission)

H-2 **A95-08-038 - San Jose Water Company (SJWC).**
For authority to increase rates charged for water service. The stipulation between SJWC, California Water Service Company, and the Large Water Branch is adopted. SJWC is ordered to reduce its ratebase by a net amount of \$1,784,510. SJWC is authorized to record in ratebase 10% of the pre-1996 capitalized interest during construction in the memorandum account ordered by D96-07-036. This proceeding is closed.
(Com Duque - ALJ Stalder)
(Section 311(d))
(Agenda 3015, Item CA-3, 5/13/99; Agenda 3016, Item H-13, 5/27/99; Agenda 3017, Item H-8, 6/10/99; Agenda 3018, Item H-3, 6/24/99; Agenda 3020, Item H-1, 7/22/99; Agenda 3023, Item H-1, 9/16/99; Agenda 3025, Item H-1, 10/21/99; Agenda 3027, Item H-1, 11/18/99; Req - Commission)

H-3 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; Agenda 3024, Item H-1, 10/7/99;

Agenda 3025, Item H-2, 10/21/99; Agenda 3027, Item H-2, 11/18/99;

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 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))

(Agenda 3024, Item 7, 10/7/99; Agenda 3025, Item H-4, 10/21/99;

Agenda 3026, Item H-2, 11/4/99; Agenda 3027, Item H-4, 11/18/99;

Req - Commission)

H-5 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; Agenda 3024, Item H-7, 10/7/99; Agenda 3025, Item H-6, 10/21/99; Agenda 3026, Item H-3, 11/4/99; Agenda 3027, Item H-5, 11/18/99; Req - Commission)

H-5a ALTERNATE ORDER TO ITEM H-5. This alternate rejects the April 1998 proposal for determining the responsibility of certain utilities for payment of intervenor compensation awards. Instead, in quasi-legislative rulemaking proceedings affecting an industry or multiple industries, this alternate requires all energy, telecommunications and water utilities in the affected industry to pay any compensation award, regardless of whether that utility participated in the proceeding. It states an intent to establish an intervenor compensation program fund from which awards in quasi-legislative rulemaking proceedings where no specific respondents are named will be paid. The program will be funded through the fees collected on an annual basis from regulated energy, telecommunications, and water utilities under Public Utilities Section 401 et seq. D98-04-059 is modified to remove the requirement that utilities file a revenue report with the Public Advisor.

(Com Neeper)

(Agenda 3023, Item H-12a, 9/16/99; Agenda 3024, Item H-7a, 10/7/99; Agenda 3025, Item H-6a, 10/21/99; Agenda 3026, Item H-3a, 11/4/99; Agenda 3027, Item H-5a, 11/18/99; Req - Commission)

H-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))

(Agenda 3024, Item 6, 10/7/99; Agenda 3025, Item H-11, 10/21/99;

Agenda 3026, Item H-5, 11/4/99; Agenda 3027, Item H-6, 11/18/99;

Req - Commission)

H-7 A98-05-014 - Southern California Edison Company (Edison).

To report on the valuation process for certain generation-related assets pursuant to D97-11-074. A98-05-022 - Related matter.

This decision orders Pacific Gas and Electric Company to file, by November 15, 1999, an application to value remaining generation and generation related assets pursuant to Sections 216(h) and 377 of the Public Utilities Code. A98-05-022 is closed.

(Com Duque - ALJ Patrick)

(Section 311(g))

(Agenda 3025, Item 1, 10/21/99; Agenda 3026, Item H-7, 11/4/99;

Agenda 3027, Item H-8, 11/18/99; Req - Commission)

- ✓H-8** **A98-09-040 - Southern California Water Company (SCWC).**
SCWC seeks authority to introduce single tariff pricing for eight water districts that comprise the company's Region III, located primarily in the Los Angeles area. The region-wide tariff would be phased in over three years and would replace stand-alone rates in the eight districts. The application is opposed by the Ratepayer Representation Branch of the Commission's Water Division as inimical to traditional ratemaking based on cost of service within a district. The proposal, if adopted, would constitute the first time that the Commission has permitted single tariff pricing for non-contiguous water districts. Based on the compelling need for rate relief in some of the smaller districts in the company's Region III, and on the demonstrated minimal impact of single tariff pricing in the other districts of Region III, as well as on the record as a whole, our order today grants the application. However, the Commission directs the Water Division to monitor this pricing practice and to make recommendations for change, if any, at the time of the next general rate case for this region. This proceeding is closed.
(Com Duque - ALJ Walker)
(Section 311(d))
(Agenda 3027, Item 3, 11/18/99; Req - Commission)

- H-9** **A97-12-039 - San Diego Gas & Electric Company (SDG&E).**
For authority to sell electrical generation facilities and power contracts. This decision approves SDG&E's proposal to auction its qualifying facility contracts, except that SDG&E must absorb the costs of the auction. SDG&E is entitled to receive a 10% shareholder incentive.
(Com Bilas - ALJ Barnett)
(Section 311(g))
(Agenda 3027, Item 4, 11/18/99; Req - Commission)

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- ✓**H-10** **A97-12-020 - Pacific Gas and Electric Company (PG&E).**
For authority, among other things, to increase rates and charges for electric and gas service effective on January 1, 1999. I97-11-026, A94-12-005, I95-02-015 - Related matters. This decision authorizes PG&E's gas and electric revenue requirements for test year 1999. Authorized electric revenues are increased by \$180 million (9.4%). Gas revenues are increased by \$63 million (7.9%). PG&E's request for attrition rate adjustments for 2000 and 2001 is denied. Several ancillary requests re considered and resolved. The proceeding remains open pending disposition of ratemaking issues raised by the out-of-service status of PG&E's El Dorado Hydroelectric Project.
(Com Bilas - ALJ Wetzell)
(Section 311(d))
(Agenda 3027, Item 5, 11/18/99; Req - Commission)
- ✓**H-10a** **ALTERNATE PAGES TO ITEM H-10.** These alternate pages, in conjunction with Administrative Law Judge Wetzell's proposed decision, authorize PG&E's gas and electric revenue requirements for test year 1999. The alternate pages authorize increases of \$202 million (10.5%) for electric service and \$63 million (7.9%) for gas service. The alternate pages grant PG&E's request to include \$20.384 million in the vegetation management forecast for a supplemental four-year tree removal/replacement program.
(Com Bilas)
(Agenda 3027, Item 5a, 11/18/99; Req - Commission)
- H-11** **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 a number pooling trial and related measures, and also approves, as a back up contingency, a three-way area code split for the 707 Numbering Plan Area to relieve NXX code exhaustion. The implementation schedule will be addressed in a later order following further inquiry into efficient number utilization.
(Com Hyatt - ALJ Pulsifer)
(Section 311(g))
(Agenda 3027, Item 6, 11/18/99; Req - Commission)

H-12

A99-02-002 - Pac-West Telecommunications, Inc.

For Arbitration of an interconnection agreement with Citizens Telecommunications Company of California, Inc. This decision adopts the findings of the Final Arbitrator's Report and approves the executed arbitrated interconnection agreement. This proceeding is closed.

(Com Duque - ALJ Reed)

(Section 311(g))

(Agenda 3027, Item 9, 11/18/99; Req - Commission)

ORDERS

- 1** **A93-12-042 - Southwest Gas Corporation (Southwest).**
For a certificate of public convenience and necessity under Section 1001 of the California Public Utilities (PU) Code to extend its service area to provide natural gas service in Placer County, California and into portions of El Dorado and Nevada Counties, California, all of which are located contiguous to Southwest's existing certificated service area. A94-01-021 - Related matter. Joint Petition of Southwest and Town of Truckee for Modification of Decision (D.) 94-12-022 and D.95-04-075 is denied. Commission staff is requested to investigate Southwest for evident violations of Commission orders, pursuant to PU Code Section 2107. These proceedings are closed.
(Com Wood - ALJ Wright)
(Section 311(g))
- 1a** **ALTERNATE ORDER TO ITEM 1.** This alternate order approves the joint petition by Southwest and The Town of Truckee, California to modify D94-12-072 and D95-04-075.
(Com Neeper)
- 2** **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 serves notice of the Commission's plan to revise the administrative process for the filing and review of facilities-based competitive local carriers (CLCs) for Certificate of Public Convenience and Necessities (CPCN). The quarterly cycles of CPCN review in the local competition docket as established in D96-12-020 shall be discontinued and replaced with individual applications. Currently pending CLC petitions shall be notified of their new application numbers.
(Com Bilas - ALJ Pulsifer)
(Section 311(g))

- 3** **R98-04-009 - Rulemaking to establish rules for enforcement of the standards of conduct governing relationships between energy utilities and their affiliates adopted by the Commission in D97-12-088.**
This decision determines that the Commission shall not establish a formal advisory ruling process for the Affiliate Transaction Rules. This proceeding is closed.
(Com Bilas - ALJ Econome)
(Section 311(g))
- 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 grants the Petition of the Office of Ratepayer Advocates asking the Commission to halt implementation of the currently pending area code overlays that were previously approved by various Commission decisions. The Commission suspends the currently scheduled implementation dates for the institution of mandatory 1+10-digit dialing and for the opening of the overlay area code in each of the affected Numbering Plan Areas (NPAs) (i.e., in the 408, 415, 510, 650, 714, and 909 NPAs). The decision likewise grants the City of Berkeley's "Petition to Modify D99-04-024," to halt start-up of the 510/324 NPA overlay and the related 1+10-digit dialing requirement, and the City and County of San Francisco's and the County of Marin's jointly filed Petition to Modify D99-04-025, to halt start-up of the 415 NPA overlay and the related 1+10-digit dialing requirement. A number pooling trial plan and related measures are instituted to address impending code exhaustion.
(Com Hyatt - ALJ Pulsifer)
(Section 311(g))

UTILITIES RESOLUTIONS

ENERGY MATTERS

- E-1 Res E-3639 - Southern California Edison Company (Edison).**
This resolution conditionally approves Edison's request to continue offering its existing products and services. This resolution also requires Edison to file an advice letter if it desires to continue its newspaper subscription service.
(Advice Letter 1286-E, filed January 30, 1998)
(Section 311(g))
(Agenda 3027, Item E-1, 11/18/99; Req - Commission)
- E-2 Res E-3642 - Pacific Gas and Electric Company (PG&E).**
This resolution rejects PG&E's request for approval of sample billing forms submitted under General Order 96-A, Section II.C(5).
(Advice Letter 2180-G/1913-E, filed September 15, 1999)
(Section 311(g))
(Agenda 3027, Item E-2, 11/18/99; Req - Commission)

TELECOMMUNICATIONS MATTERS

- C-1 Res T-16363 - Payphone Service Providers Enforcement Committee (PSPE).**
This resolution adopts the year 2000 budget for PSPE.
(Section 311(g))
- C-2 Res T-16365 - All Telecommunications Carriers.**
This resolution approves the year 2000 budget amount of \$447.801 million and a surcharge rate of 2.4% for the California High Cost Fund-B.
(Section 311(g))
- C-3 Res T-16366 - Universal Lifeline Telephone Service (ULTS).**
This resolution adopts a program budget of \$268.6 million for the ULTS program for 2000 calendar year. It also revises the ULTS surcharge rate from 0.0% to 0.50% for the 2000 calendar year. This resolution also adopts for the 2000 calendar year an operating budget of \$1.0 million for the ULTS Administrative Committee and \$6.6 million for the ULTS Marketing Board.
(Section 311(g))
- C-4 Res T-16361 - Pacific Bell (Pacific).**
This resolution grants Pacific's request to offer basic exchange services in the Sandy Valley exchange.
(Advice Letter (AL) 20051, filed February 19, 1999; Supplement AL 20051A, filed March 12, 1999; Supplement AL 20051B, filed April 6, 1999)
(Section 311(g))

RAIL SAFETY AND CARRIERS RESOLUTIONS

- T-1** **Res ST-44** - This resolution amends General Order No. 164-A by introducing the changes presented in Appendix A. The amended general order is presented in Appendix B. It shall be designated as General Order No. 164-B.
(Section 311(g))

LEGAL DIVISION MATTERS

LEGISLATIVE MATTERS

LEG-1 Proposal for year 2000 California Public Utilities Commission-Sponsored State Legislation.

COMMISSIONERS' REPORTS

Commissioner Duque

- Electric Matters
- Water Matters
- Legislative Matters

Commissioner Neeper

- Telecommunications Matters
- Legal/Administrative Law Judge Matters

Report on the investigation of the early release of PG&E's General Rate Case decision.

President Bilas

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

Commissioner Hyatt

- Administrative Matters
- Strategic Planning Matters

Commissioner Wood

- Consumer Protection Matters
- Legislative 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

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; Agenda 3024, Item HEX-1, 10/7/99; Agenda 3025, Item HEX-2, 10/21/99; Agenda 3026, Item HEX-3, 11/4/99; Agenda 3027, Item HEX-1, 11/18/99; Req - Commission)

HEX-2 **Conference with Legal Counsel - Initiation of Enforcement Proceeding**
Deliberation on institution of proceedings or disciplinary actions against persons or entities under the Commission's jurisdiction. Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced.
(Gov. Code Secs. 11126(d)(2), 11126(e)(2)(C)(i).)
(Agenda 3025, Item EX-6, 10/21/99; Agenda 3026, Item HEX-7, 11/4/99; Agenda 3027, Item HEX-2, 11/18/99; Req - Commission)

HEX-3 **Conference with Legal Counsel - Application for Rehearing**
C87-12-022 - Disposition of Application for Rehearing of D99-05-032, filed by Pacific Gas and Electric Company (PG&E). The decision resolves a complaint, filed by Independent Energy Producers Association, California Manufacturers Association, and Toward Utility Rate Normalization, alleging that PG&E had violated Public Utilities Code Section 453(d), which prohibits a utility from using billing envelopes for political advocacy. In D99-05-032, the Commission determined that PG&E had violated this statutory provision, and ordered a refund, plus interest from April 1, 1998 and until the refund is made to the ratepayers.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
(Agenda 3026, Item EX-4, 11/4/99; Agenda 3027, Item HEX-3, 11/18/99; 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 - Applications for Rehearing**
R95-04-043, I95-04-025 – Disposition of Applications for Rehearing of D99-09-067, which continued the suspension of the 424 overlay in the 310 area code. A joint application was filed by the California Cable Television Association, MediaOne and Nextlink. A second joint application was filed by the Cellular Carriers Association of California, Air Touch Cellular Communications, Inc. dba Air Touch Cellular, AT&T Communications of California, Inc., Pacific Bell Wireless, and Sprint Communications LP, and Sprint Spectrum LP, dba Sprint PCS.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-5 Conference with Legal Counsel - Application for Rehearing**
A98-06-001 - Disposition of Application for Rehearing filed by Carramerica Corporation and Sony Corporation, Spieker Properties, Inc., Legacy Partners Commercial, Inc., Montague LLC, and The Redevelopment Agency of the City of San Jose and the City of San Jose of D99-08-023. The decision granted a Final Mitigated Negative Declaration and granted a Permit to Construct to Pacific Gas & Electric Company a substation and related transmission facilities in the North San Jose area.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-6 Conference with Legal Counsel - Application for Rehearing**
A98-11-024 - Disposition of Application for Rehearing filed by Pacific Bell of D99-06-088, which approved arbitrated provisions of the Interconnection Agreement between Pacific Bell and Pac-West Telecomm, Inc.
(Gov. Code Sec. 11126(e)(2)(A).)

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).)

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