
Public Utilities Commission of the State of California

***Public Agenda 3030
Thursday, January 6, 2000, 10 a.m.
San Francisco, California***

**Commissioners
Richard A. Bilas, President
Henry M. Duque
Josiah L. Neeper
Carl W. Wood
Loretta Lynch**

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Monday, January 3	Thursday, January 6
✓Tuesday, January 18	Thursday, January 20
✓Monday, January 31	Thursday, February 3
Monday, February 14	Thursday, February 17
Monday, February 28	Thursday, March 2

**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
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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-18916** - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
- CA-2** **Res ALJ-176-3030** - 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** **C99-09-023 - Michael B. Dashjian vs. Pacific Gas and Electric Company.**
This decision dismisses complaint for failure to state a claim under Public Utilities Code Section 1702. The Fiscal Office is directed to return to the complainant all funds on deposit. This proceeding is closed.
(Com Wood - ALJ Ryerson)
(Section 311(g))

CA-4 A99-06-004 - Evans Telephone Company, Happy Valley Telephone Company, Hornitos Telephone Company, Kerman Telephone Co., Pinnacles Telephone Company, The Siskiyou Telephone Company, and The Volcano Telephone Company.

For authority under Section 251(f)(2) of the Telecommunications Act of 1996 granting a limited suspension of IntraLATA presubscription requirements. A99-06-009 - Related matter. Pursuant to 47 U.S.C. Section 251(f)(2), this decision grants a temporary suspension of the requirement that applicants, all small local exchange telephone companies, implement dialing parity for local toll calls. The date for compliance with the dialing parity requirement will be 30 days after the Commission's decision in A99-09-044, in which applicants seek approval of a settlement transition agreement with Pacific Bell to terminate financial pooling arrangements for local toll calls. These proceedings are closed.

(Rev.) (Com Lynch - ALJ Walker)

(1/3/00) (Section 311(g))

This revision was not listed on the agenda distributed to the public.

CA-5 A99-06-052 - Pacific Bell.

For authority pursuant to Public Utilities Code Section 851 to lease space to affiliates. Order approving Assigned Commissioner's Ruling changing the preliminary determination on need for hearing from no to yes.

(Rev.)1/4/00

(Rev.)1/3/00 (Com Lynch - ALJ O'Donnell)

(Rule 6.5(b)).

(Section 311(g))

This revision was not listed on the agenda distributed to the public.

CA-6 C99-02-011 - Gene H. Whitmore vs. Pacific Bell.

This decision dismisses complaint with prejudice for want of prosecution. This proceeding is closed.

(Com Neeper - ALJ Ryerson)

(Section 311(g))

CA-7 A91-11-024 - San Diego Gas & Electric Company (SDG&E).

For authority to increase rates and charges for electric, gas, and steam service, effective January 1, 1994. A95-10-006 - Related matter. This decision modifies D96-06-033 authorizing SDG&E to continue executing Flexible Contract Option Agreements under its Electric Rule 4.D until further order from the Commission. These proceedings are closed.

(Com Neeper - ALJ Barnett)

(Section 311(g))

- CA-8** **I98-09-007 - Investigation on the Commission's Own Motion into the Operations and Practices of Pacific Gas and Electric Company in Connection with Public Utilities Code Section 451, General Order 95, and Other Applicable Standards Governing Tree-Line Clearances.**
This decision grants James Weil an award of \$51,529.78 in compensation for his contribution to D99-07-029.
(Coms Duque/Neeper - ALJ Patrick)
(Section 311(g))
- CA-9** **I98-09-007 - Investigation on the Commission's Own Motion into the Operations and Practices of Pacific Gas and Electric Company in Connection with Public Utilities Code Section 451, General Order 95, and Other Applicable Standards Governing Tree-Line Clearances.**
This decision grants William Adams an award of \$27,460.15 in compensation for his contribution to D99-07-029.
(Coms Duque/Neeper - ALJ Patrick)
(Section 311(g))
- CA-10** **Res W-4178 - California American Water Company (Cal-am), Monterey District.**
This resolution authorizes Cal-am's request to establish a memorandum account for tracking costs related to the State Water Resources Control Board Order No. WR95-10 on the Carmel River Water Rights and formulation of solutions to long-term water supply issues for up to \$125,000.
- CA-11** **I93-04-008 - Investigation on the Commission's own motion into the operations and practices of Deborah Ann Scarcelli, dba as Scarcelli Limousines.**
Respondent is no longer operating. This proceeding is closed.
(Com Duque - ALJ Cooke)
(Section 311(g))

CA-12 I93-03-020 - Order Instituting Investigation for notice of revocation of Transportation Charter-Party permit of Mehrdad Pourtakin, Bijan Niakian, Babak Monir and Florence Tambour, dba Excellency Limousine Service.

This decision approves the proposed Stipulation for Settlement, providing for revocation of respondents' charter-party operating authority. This proceeding is closed.

(Com Duque - ALJ Cooke)

(Section 311(g))

CA-13 A99-05-011 - Los Angeles County Metropolitan Transportation Authority (LACMTA).

This decision grants LACMTA's request to construct pedestrian grade crossing at Artesia Light Rail Station across a spur track and Wilmington Branch track of Union Pacific Railroad Company, and also across two light rail train tracks of the Los Angeles-Long Beach Blue Line being operated by LACMTA in the City of Compton, County of Los Angeles. This proceeding is closed.

(Exam Koss)

(Section 311(g))

CA-14 Moved to item 4 on the agenda.

(1/3/00) This revision was not listed on the agenda distributed to the public.

- CA-15** **A99-08-016 - Ideas-for-Business.**
This decision grants Ideas-for-Business's request for a certificate of public convenience and necessity to resell local exchange service. This proceeding is closed.
(Rev.) (Com Lynch - ALJ O'Donnell)
(1/3/00) (Section 311(g))
This revision was not listed on the agenda distributed to the public.
- CA-16** **Res W-4179 - Geyserville Water Works (GWW).**
This resolution grants GWW's request for a general increase in rates producing \$12,700 or 14.0% additional annual revenue.
- CA-17** **A99-09-036 - Pacific Gas and Electric Company (PG&E).**
For approval to permit Electric Lightwave, Inc. to use certain PG&E transmission facilities for fiber optic communication equipment. The Office of Ratepayer Advocates (ORA) filed comments urging that the Commission requires safeguards if and when approval of the application is granted. This decision approves PG&E's request with conditions addressing ORA's concerns. This proceeding is closed.
(Rev.) (Com Lynch - ALJ Walker)
(1/3/00) (Section 311(g))
This revision was not listed on the agenda distributed to the public.
- CA-18** **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 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; Agenda 3028, Item CA-9, 12/2/99; Agenda 3029, Item CA-24, 12/16/99; Req - Commission)

- CA-19** **A94-12-018 - Santa Clara Valley Transportation Authority (VTA).**
For authority to construct an at-grade crossing with installation of two flashing lights and gates and two cantilever flashing lights and gates across Central Expressway by the Light Rail Transit line of the Tassman Corridor Project in the City of Mountain View, County of Santa Clara. This decision authorizes VTA, formerly the Santa Clara County Transit District, to modify the heavy-rail crossing of Central Expressway (Crossing 001E-36.90-C) in the City of Mountain View, County of Santa Clara. Said modification will reconstruct the crossing to accommodate light rail transit operations, to be identified as Crossing 082B-13.08. This decision also authorizes the installation of a positive-barrier gate system at said crossing on a trial/demonstration basis for a period of one year. This proceeding is closed.
(Exam Koss)
(Section 311(g))
- CA-20** **Res W-4183 - Arroyo Center Water Company (ACWC).**
This resolution authorizes ACWC's request for a general rate increase producing \$2,585 or 7.7% additional annual revenue.
- CA-21** **Res W-4182 - Garrapata Water Company, Inc. (GWC).**
This resolution authorizes GWC's request for an interim general rate increase producing additional annual revenue of \$5,028 or 30% in the year 2000.

- CA-22 A96-03-053 - San Diego Gas & Electric Company (SDG&E).**
For authority to (1) issue, sell, and deliver one or more series of Debt Securities, to use credit enhancements, and to enter into interest rate caps, collars and swaps and to guarantee the obligations of others with respect to the issuance of certain tax-exempt Debt Securities, all for the sole purpose of refunding or rolling over at maturity previously issued Debt Securities, the total aggregate principal amount of such indebtedness and guarantees not to exceed \$300,000,000; to execute and deliver one or more indentures; to sell, lease, assign, mortgage, or otherwise dispose of or encumber utility property; and for an exemption from the Commission's Competitive Bidding Rule; (2) extend the expiration date of \$138,480,000 of Debt Securities and \$100,000,000 of Preferred Stock previously authorized as "new money" by the Commission; and (3) provide for an "evergreen provision" for redemptions, repurchases and maturities of Debt Securities and Preferred Stock. This decision grants SDG&E extension of certain periods of time related to the authority granted in D96-05-066 and to increase the refunding authority provided therein from \$300 million to \$500 million. This proceeding is closed.
(Exam Clanon)
(Section 311(g))
- CA-23 Res W-4180 - Suburban Water Systems (SWS).**
This resolution approves SWS's request for acquisition of West Covina's Water System, and requiring SWS to file a general rate application.
(Advice Letter 226-W, filed November 24, 1999)
- CA-24 Res W-4181 - Southern California Water Company (SCWC).**
This resolution grants SCWC's request to establish a memorandum account to record costs associated with two water contamination lawsuits recently filed by SCWC for its Arden-Cordova District.
(Advice Letter 1066-W, filed November 23, 1999)

- CA-25 Res W-4184 - Sonora Water Company (SWC).**
This resolution grants SWC's request for a general rate increase producing \$22,440 or 27.02% additional annual revenue.
- CA-26 Res T-16371 - Pacific Bell (Pacific).**
This resolution approves three Interconnection Agreements between Pacific and Omniplex Communications Group, LLC; between Pacific and Net-tel Corporation; and between Pacific and Intermedia Communications, Inc., submitted under provisions of Resolution ALJ-174 and General Order 96-A.
(Advice Letter (AL) 20698, filed November 3, 1999; AL 20710, filed November 5, 1999; AL 20717, filed November 9, 1999)
- CA-27 A96-07-001 - Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company.**
Joint application for ex parte interim approval of a loan guarantee and trust mechanism to fund the development of an Independent System Operator and a Power Exchange pursuant to D95-12-063, et al. This decision awards The Utility Reform Network, on behalf of itself and Utility Consumers' Action Network, \$197,028 in compensation for the joint intervenors' substantial contribution to D99-04-045. This proceeding is closed.
(Com Duque - ALJ Minkin)
(Section 311(g))
- CA-28 Res W-4185 - Bass Lake Water Company (BLW).**
This resolution grants BLW's request for a general increase in rates producing \$66,025 or 32.7% additional annual revenue and reducing surcharges for the repayment of its Safe Drinking Water Bond Act loan by 65%.
- CA-29 Res TL-18912 - Tova Levy, dba Classic Limousine Service.**
This resolution grants Tova Levy's request for voluntary suspension of its certificate of public convenience and necessity to operate as a passenger stage corporation.
(Section 311(g))

- CA-30** **A99-07-016 - Gerald V. Wedel and Linda J. Wedel, dba Pine Mountain Water Company (Pine Mt.) and Del Oro Water Co., Inc. (Del Oro).**
For authority to sell, and Del Oro to acquire Pine Mt. in Tulare County.
A99-07-017 - Related matter. This decision grants applications for authorization for Del Oro Water Co., Inc. to acquire the public utility water systems at Pine Mt. and Pine Flat Water Company, both owned or controlled by the Wedels. The “fair market value” purchase price mandated by Public Utilities Code Sections 2718 et seq. as the new rate base for each system involves a premium over the rate base determined in the most recent rate proceeding for each, but imposition of this “fair market value” rate base will not result in unjust or unreasonable impacts on rates.
(Com Duque - ALJ Weiss)
(Section 311(g))

REGULAR AGENDA**UTILITY AND TRANSPORTATION ORDERS****ORDERS HELD OVER****H-1 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; Agenda 3028, Item H-5, 12/2/99; Agenda 3029, Item H-2, 12/16/99; Req - Commission)

H-1a ALTERNATE ORDER TO ITEM H-1. 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; Agenda 3028, Item H-5a, 12/2/99; Agenda 3029, Item H-2a, 12/16/99; Req - Commission)

H-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 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;

Agenda 3028, Item H-6, 12/2/99; Agenda 3029, Item H-3, 12/16/99;

Req - Commission)

H-2a ALTERNATE ORDER TO ITEM H-2. This alternate order restructures our regulatory oversight of public purpose programs to protect consumer and ratepayer interests. It dissolves the California Board for Energy Efficiency and the Low Income Governing Board in favor of processes that will promote participation by the widest range of individuals and organizations. This decision emphasizes our continuing need for substantial regulatory oversight of utility administrators to protect ratepayer interests and consumer interests. It identifies a number of mechanisms that the Commission will implement on a case-by-case basis, depending upon which is the most effective and efficient mechanism to maximize public participation, develop a useful record, and promote due process.

(Com Duque)

H-3 A98-05-014 - Southern California Edison Company.

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 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; Agenda 3028, Item H-7, 12/2/99;

Agenda 3029, Item H-4, 12/16/99; Req - Commission)

- H-4** **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 D94-12-022 and D95-04-075 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))
(Agenda 3028, Item 1, 12/2/99; Agenda 3029, Item H-7, 12/16/99;
Req - Commission)
- H-4a** **ALTERNATE ORDER TO ITEM H-4.** 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)
(Agenda 3028, Item 1a, 12/2/99; Agenda 3029, Item H-7a, 12/16/99;
Req - Commission)
- H-5** **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))
(Agenda 3028, Item 3, 12/2/99; Agenda 3029, Item H-9, 12/16/99;
Req - Commission)

- H-6** **I92-03-052 - Order Instituting Investigation on the Commission's own motion to consider policies and procedures applicable to the possible over-assessment by the State Board of Equalization of property owned by Commission regulated utilities.**
Pacific Bell and GTE California Incorporated (GTEC) cost impacts from the property tax settlement agreement are not eligible for Z-factor treatment. Accordingly, it is no longer necessary for Pacific Bell and GTEC to collect rates subject to refund or to maintain a California Property Tax Memorandum Account for the purpose of flowing through property tax savings to their ratepayers. This proceeding is closed.
(Com Duque - ALJ Galvin)
(Section 311(g))
(Agenda 3029, Item 2, 12/16/99; Req - Commission)
- H-7** **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 eliminates two outdated rules from General Order 133-B. This proceeding is closed.
(Com Bilas - ALJ O'Donnell)
(Section 311(g))
(Agenda 3029, Item 3, 12/16/99; Req - Commission)
- H-8** **R97-08-001 - Rulemaking on the Commission's own motion to consider adoption of rules applicable to interexchange carriers for the transfer of customers including establishing penalties for unauthorized transfer. I97-08-002 - Related matter.**
This decision prohibits disconnection of local telephone service for non-payment of long distance, requires all entities which bill through local exchange carriers to have unique identifier, requires all interexchange carriers to use U# in bills and customer transfers, requires presentation of customer transfer documents to local exchange carriers within 90 days, and adopts complaint reporting rules.
(Com Neeper - ALJ Bushey)
(Section 311(g))
(Agenda 3029, Item 5, 12/16/99; Req - Commission)

- H-9** **I _____ - Order Instituting Investigation on the Commission's own motion into the Total Element Long Run Incremental Costs for unbundled switching elements and for local call termination.**
This order institutes a formal investigation to accomplish two goals: 1) to implement lower rates for Pacific Bell's unbundled switching elements, which reflect current costs of switching investment, and 2) since local switching rates are also used for termination of local calls under reciprocal compensation arrangements, this will lead to a decrease in the rates paid for local traffic between Pacific's network and the networks of its competitors.
(Com Bilas - ALJ Kenney)
(Agenda 3029, Item 8, 12/16/99; Req - Commission)
- H-10** **R _____ - Order Instituting Rulemaking on the Commission's own motion into reciprocal compensation for telephone traffic transmitted to Internet Services Providers (ISP) modems.**
This order institutes a rulemaking (OIR) into reciprocal compensation for telephone traffic originating from customers' telephone stations and transmitted to ISPs' modems. Current policy on reciprocal compensation adopted by the Commission in D98-10-057 as modified by D99-07-047 and D99-09-029 will continue to be in effect unaffected by this OIR until such time as the Commission determines otherwise. The OIR will examine several aspects of reciprocal compensation for ISP traffic including, but not limited to the following: (1) the basis and justification for reciprocal compensation, (2) alternative compensation arrangements such as bill and keep, (3) and if warranted, the level and make up of a proper reciprocal compensation for ISP bound traffic.
(Com Neeper)
(Agenda 3029, Item 9, 12/16/99; Req - Commission)
- H-11** **R _____ - Order Instituting Rulemaking on the Commission's own motion to establish consumer rights and consumer protection rules applicable to all telecommunications utilities.**
This order initiates a proceeding to establish rules for protecting consumer rights in today's competitive telecommunications services marketplace. Interested parties are invited to file comments on the analyses and recommendations contained in a report prepared by our Telecommunications Division, and to present alternative ideas and proposals they may have to promote consumer protection in the telecommunications industry
(Com Wood - ALJ McVicar)
(Agenda 3029, Item 10, 12/16/99; Req - Commission)

- H-12** **A99-03-047 - Pacific Bell (Pacific).**
For arbitration of an Interconnection Agreement with MFS/Worldcom pursuant to Section 252(b) of the Telecommunications Act of 1996. This decision grants the motion of Pacific for a Commission order directing MFS Worldcom to identify and maintain a memorandum account of its ISP-bound traffic and associated reciprocal compensation payments received from Pacific pursuant to the Interconnection Agreement mandated by D99-09-069. Pacific is likewise directed to identify and maintain a similar memorandum account for its own ISP terminating traffic. Pacific is also directed to pay MFSW for reciprocal compensation for ISP traffic under its prior interconnection contract. This proceeding is closed.
(Com Duque - ALJ Pulsifer)
(Section 311(g))
(Agenda 3029, Item 11, 12/16/99; Req - Commission)
- H-12a** **ALTERNATE ORDER TO ITEM H-12.** This alternate order grants the motion of Pacific for an order requiring MFS/Worldcom to establish and maintain a memorandum account for all disputed payments made by Pacific pursuant to the arbitrated interconnection agreement mandated by the Commission in D99-09-069. As a condition of granting Pacific's motion, Pacific is required to track traffic it terminates to ISPs and establish and maintain a memorandum account for the associated reciprocal compensation payments it receives from MFSW pursuant to the Interconnection Agreement mandated by D99-09-069. No other conditions are imposed.
(Com Neeper)
- H-13** **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 without prejudice the motion of Cox California Telcom (Cox) for the appointment of an Administrative Law Judge to mediate its dispute with Pacific Bell (Pacific) concerning Pacific's claimed breach of contract over directory deliveries to Cox's customers.
(Com Bilas - ALJ Pulsifer)
(Section 311(g))
(Agenda 3029, Item CA-5, 12/16/99; Req - Commission)

H-14

A99-08-021 - Pacific Fiber Link, L.L.C.

Pacific Fiber Link, L.L.C., now operating as Worldwide Fiber Networks, Inc., seeks modification of its operating certificate in order to obtain environmental approval for installation of a fiber optic conduit and cable project from the Oregon border to Sacramento, and later to Los Angeles. The Commission's Executive Director on July 6, 1999, had issued a stop work notice based on complaints that applicant had begun the project without required approvals and without proper environmental review. The application to modify the operating authority was protested by two parties, but one protest has been withdrawn and the other protest did not seek hearing after applicant agreed to measures to mitigate environmental impact of its project. The Commission's staff has conducted an environmental review and proposed a mitigated negative declaration that would permit applicant to resume work on its project. This decision approves the mitigated negative declaration, lifts the stop work order, and permits work to resume, provided that stringent mitigation measures are observed. This proceeding is closed.

(Com Duque - ALJ Walker)

(Section 311(g))

(Agenda 3029, Item 7, 12/16/99; Req - Commission)

ORDERS

- 1** **I87-11-033 - In the matter of Alternative Regulatory Frameworks of local exchange carriers.**
 The June 10, 1999 Petition for Modification of D94-06-011 filed by Pacific Bell requesting reassignment of oversight responsibility for a compliance audit from the Office of Ratepayer Advocates (ORA) to the Telecommunications Division is granted. The Commission concurs with the assessment of the Executive Director's letter of August 6, 1999 that the scope of the audit proposed by ORA failed to comply with the orders in D96-05-036. The audit oversight responsibility is reassigned from the ORA to the Telecommunications Division. The Telecommunications Division is directed to ensure that the audit scope includes the modifications identified by the Executive Director's letter of August 6, 1999.
 (Com Duque)
 (Section 311(g))
- 1a** **ALTERNATE ORDER TO ITEM 1.** This order denies the June 10, 1999 Petition for Modification of D94-06-011 filed by Pacific Bell as being untimely and presenting no basis on which a modification should be granted. The Office of Ratepayer Advocates is directed to modify some of the scope elements in its audit contract.
 (ALJ Weismehl)
- 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 adopts a back-up contingency plan to address the need for number resources in the 310 Numbering Plan Area pursuant to D99-09-067, and as required by the Federal Communications Commission. The Commission hereby adopts as the back-up plan Alternative 1A, the geographic split originally proposed by the industry as described in D98-05-021. It also adopts a contingency plan under which the implementation of the back-up plan would be triggered.
 (Rev.) (Com Lynch - ALJ Pulsifer)
 (1/3/00) (Section 311(g))
This revision was not listed on the agenda distributed to the public.

3 R_____ - Order Instituting Rulemaking into implementation of Assembly Bill 1149, regarding underground electric and communications facilities.

By this order, the Commission institutes a rulemaking for the purpose of implementing Assembly Bill 1149, (Stats. 1999, Ch. 844), (AB 1149) which requires the Commission to conduct a study as to ways to amend, revise, and improve the rules for the conversion of existing overhead electric and communications lines to underground service and to submit a report on the study to the legislature by January 1, 2001.

(Com Duque - ALJ Brown)

4 R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.

(1/3/00)

I95-04-044 - Related matter.

This decision denies the Petition for Modification of D98-06-018 to suspend the three-way geographic split of the 619 area code and to consider a seven-digit overlay instead. This decision leaves open the possibility of deferring the second phase of the three-way split to study the feasibility of using number pooling or other conservation measures to extend the 619 Number Plan Area remaining life.

(Rev.)

(Com Lynch - ALJ Pulsifer)

(Section 311(g))

This revision was not listed on the agenda distributed to the public.

This item appeared as CA-14 on the agenda distributed to the public.

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; Agenda 3028, Item E-1, 12/2/99;
Req - Commission)
- E-1a ALTERNATE RESOLUTION TO ITEM E-1.** This resolution conditionally approves Edison's AL 1286-E and allows Edison to continue its newspaper subscription service as a pilot program pending disposition of a further advice letter filing by the company.
(Com Bilas)
- E-2 Res G-3256 - Pacific Gas and Electric Company (PG&E).**
This resolution approves with modifications PG&E's request to revise its Tariff Rule 11 – Discontinuance and Restoration of Service, Section O, Termination of Service for Fumigations.
(Advice Letter (AL) 2089-G, filed June 9, 1998; Supplement
Als 2089-G-A, 2089-G-B, 2089-G-C, filed September 10, 1998,
February 10, 1999 and August 12, 1999, respectively)
(Section 311(g))

- E-3 Res E-3649 - Southern California Edison Company (Edison).**
This resolution approves in part, denies in part Edison's request to record fuel oil inventory carrying costs in its Power Exchange Revenue Memorandum Account (PXRMA); and gains and losses on the sale of fuel oil inventory in its Transition Cost Balancing Account (TCBA) commencing February 1, 2000. Edison shall not record fuel oil inventory carrying costs in the PXRMA, as it is an inappropriate account for this purpose. Edison shall not record any of its fuel oil inventory costs into the TCBA since D97-11-074 precludes booking any of these costs to this account after January 1, 1998. To avoid creation of a "regulatory gap" Edison may continue to book fuel oil related costs to its existing Fuel Oil Inventory Memorandum Account (FOIMA). The termination date of the FOIMA is extended from January 31, 2000 to January 31, 2001.
(Advice Letter 1412-E, filed October 25, 1999)
(Section 311(g))
- E-4 Res G-3274 - Sempra Energy, on behalf of Southern California Gas Company (SoCalGas).**
This resolution approves, as modified, SoCalGas' request for a Settlement Agreement with McKittrick Limited, et al and the recording of funds from the Settlement Consideration in certain accounts.
(Advice Letter 2848-G, filed September 20, 1999)
(Section 311(g))

TELECOMMUNICATIONS MATTERS

- C-1 Res T-16352 - Deaf and Disabled Telecommunications Program (DDTP) Administrative Committee.**
This resolution approves DDTP's request for a call center contract subject to the submittal: 1) a contract amendment deleting language relating to the application of the concept of billable minutes to special projects and expanding the definition of billable minutes to clarify conversation time between the consumer service representatives and consumers; and 2) monitoring reports to the Director of the Telecommunications Division. This resolution also adopts a total of \$3,789,411 budget associated with the call center only for Year 2000.
(Section 311(g))
- C-2 Res T-16364 - This resolution adopts the year 2000 budget and surcharge for the Public Policy Payphone Program.**
(Section 311(g))
(Agenda 3029, Item C-2, 12/16/99; Agenda 3030, Item C-2, 1/6/00; Req - Commission)

RAIL SAFETY AND CARRIERS RESOLUTIONS

- T-1** **Res ST-46** - This resolution approves Rail Safety and Carriers Division, Rail Transit Safety Section's final report of an on-site safety audit of the San Francisco Municipal Railway.
(Section 311(g))

LEGAL DIVISION MATTERS

LEGISLATIVE MATTERS

- HLEG-1** Proposal for year 2000 California Public Utilities Commission-Sponsored State Legislation.
(Agenda 3029, Item LEG-1, 12/16/99; Req - Commission)

COMMISSIONERS' REPORTS

Commissioner Duque

- Water Matters
- Legislative Matters

Commissioner Neeper

- Telecommunications Matters
- Legal/Administrative Law Judge Matters

President Bilas

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

Commissioner Wood

- Consumer Protection Matters
- Legislative Matters
- Electric Matters

Commissioner Lynch

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, 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; Agenda 3028, Item HEX-1, 12/2/99; Agenda 3029, Item HEX-1, 12/16/99; Req - Commission)

HEX-2 **Conference with Legal Counsel – Applications for Rehearing**
A98-05-022 - Disposition of Application for Rehearing of D99-07-031 filed by Pacific Gas and Electric Company, who challenges that portion of the decision which deals with the disposition of generation lands that will not remain with the power plants. D99-07-031 requires the filing of Public Utilities Code Section 851 filings for these lands following market valuation of the related power plant.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
(Agenda 3029, Item EX-5, 12/16/99; Req - Commission)

HEX-3 **Conference with Legal Counsel - Applications for Rehearing**
A98-01-015 - Disposition of Application for Rehearing by Southern California Gas Company (SoCalGas) of D99-09-068. That decision dismissed without prejudice SoCalGas' application to sell its Montebello Gas Storage Facility, because of the need to further consider the proposed sale, and to review information that may be brought forward in the Commission's Order Instituting Investigation 99-04-022.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
(Agenda 3029, Item EX-7, 12/16/99; 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 - Application for Rehearing**
R94-04-031, I94-04-032 - Disposition of Application for Rehearing filed by Southern California Edison Company (Edison) of D99-10-066 regarding the denial of Edison's petition for a declaratory order on the sale of certain facilities to the City of Anaheim.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-5 Conference with Legal Counsel - Application for Rehearing**
R95-04-043, I95-04-044 - Disposition of Application for Rehearing filed by the Cellular Carriers Association of California of D99-10-022, which orders the implementation of number conservation measures in the 818 area code.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-6 Conference with Legal Counsel - Application for Rehearing**
A97-04-001 - Disposition of Application for Rehearing of D99-06-089 filed by Pacific Gas and Electric Company (PG&E). In D99-06-089, the Commission declined to award PG&E shareholder incentives for 1996, based upon PG&E's renegotiation of power purchase contracts with Qualifying Facilities prior to the date the Commission authorized PG&E to establish a memorandum account to book these incentives.
(Gov. Code Sec. 11126(e)(2)(B)(i).)

EX-7

Conference with Legal Counsel - Application for Rehearing

R92-03-050 - Disposition of Application for Rehearing of D99-06-079 filed by Southern California Edison, Pacific Gas & Electric Company, San Diego Gas & Electric Company, Southern California Gas Company and Southwest Gas Corporation (collectively Joint Utility Respondents or JURs). In D99-06-079, the Commission adopted various changes to the rules governing the extension of gas and electric service to new customers. JURs allege that the Commission erroneously adopted the rule change which requires utilities to provide the first inspection of each section of trench at no charge to the line extension applicant.
(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. ER99-2326-000, et al. - Pacific Gas and Electric
Company.
(Gov. Code Sec. 11126(e)(2)(A).)

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