
Public Utilities Commission of the State of California

***Public Agenda 3034
Thursday, March 2, 2000, 10 a.m.
San Francisco, California***

**Commissioners
Richard A. Bilas, President
Henry M. Duque
Josiah L. Neeper
Carl W. Wood
Loretta M. 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, February 28	Thursday, March 2
✓Monday, March 13	Thursday, March 16
Monday, April 3	Thursday, April 6
Monday, April 17	Thursday, April 20
Monday, May 1	Thursday, May 4

**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.
- CA-18

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-18921** - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
- CA-2** **Res ALJ-176-3034** - 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** **C99-05-033 - Country Place Homes, Inc. vs. Pacific Bell.**
This decision dismisses Country Place Homes, Inc.'s complaint with prejudice. This proceeding is closed.
(Com Neeper - ALJ DeUlloa)
(Section 311(g)(1))
- CA-4** **A99-09-044 - Pacific Bell, 13 Small Local Exchange Carriers.**
For approval of settlement transition agreement and implementation of replacement funding for small local exchange carriers. Order approving Assigned Commissioner's Ruling changing the preliminary determination on need for hearing from no to yes.
(Com Wood - ALJ Jones)
(Rule 6.5(b))
(Section 311(g)(1))

CA-5 C98-03-005 - Enron Corporation (Enron) vs. Southern California Gas Company (SoCalGas), Pacific Gas and Electric Company, and San Diego Gas & Electric Company.

This decision denies petition of SoCalGas for Clarification and/or Modification and affirms dismissal of complaint challenging SoCalGas' operation of Energy Marketplace website. This proceeding is closed.
(Com Neeper – ALJ Thomas)
(Section 311(g)(1))

CA-6 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. This decision grants The Utility Reform Network an award of \$109,086.30 in compensation for its contribution to D97-03-017 and D97-12-044 in PG&E's 1996 General Rate Case proceeding. The first of these decisions covered marginal cost issues; the second addressed the remaining revenue allocation and rate design issues. This proceeding is closed.

(Rev.)
(3/1/00)

(Com Neeper - ALJ Patrick)
(Section 311(g)(1))

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

CA-7 Moved to item C-4 on the agenda.

(Rev.)
(2/24/00) This revision was not listed on the agenda distributed to the public.

CA-8 A99-10-013 - Angelito N. David, dba Babes Airporter.

This decision authorizes Angelito N. Davis to transfer his certificate to operate as a passenger stage corporation to Dennis A. Delosreyes and Richardo Vargas, a partnership. This proceeding is closed.
(Exam Koss)

- CA-9 A99-08-028 - Aman Shuttle, Inc.**
This decision authorizes Aman Shuttle, Inc.'s request to operate as a passenger stage corporation between points in the counties of Santa Clara, Alameda, and San Mateo, and Oakland, San Francisco and San Jose International Airports. This proceeding is closed.
(Exam Koss)
- CA-10 C99-03-070 - Terril L. Graham vs. Atascadero Mutual Water Company.**
This decision extends the 12-month statutory deadline until further notice.
(Com Duque - ALJ Ryerson)
- CA-11 A99-07-028 - Citizens Utilities Company of California (Citizens), and Arcade Water District (Arcade).**
This decision authorizes Citizens' request to sell its Sierra Oaks water system to Arcade, and relieves Citizens of its associated public utility obligations when the transfer is complete. This proceeding is closed.
(Com Duque - ALJ McVicar)
- CA-12 A99-11-026 - City of Sacramento (City).**
This decision authorizes the City's request to construct a bikeway, at separated grade, beneath the mainline Union Pacific tracks in said City, County of Sacramento. The PUC crossing number will be identified as 001D-133.70-BD. This proceeding is closed.
(Exam Koss)
- CA-13 A99-08-024 - State of California, Department of Transportation (Caltrans).**
This decision grants Caltrans' request to close the Imperial Avenue/State Route 15 Interchange in the southwest portion of the City of San Diego (City), and construct a vehicular overcrossing at 36th Street above the tracks of the San Diego and Arizona Eastern Railway Company's main line by means of a grade separation, in the City, San Diego County. This proceeding is closed.
(Exam Koss)

- CA-14** **A99-08-017 - Sacramento Regional Transit District (District).**
This decision authorizes District's request to construct one at-grade crossing and modify fourteen at-grade crossings as part of its South Sacramento Corridor Extension Project. All crossings are within the City of Sacramento, County of Sacramento. Three crossings are exclusive to the District's light rail transit system, while twelve crossings involve joint usage with the Union Pacific Railroad 4-line. The new corridor will be identified as the District's S-line. This proceeding is closed.
(Exam Koss)
- CA-15** **A99-10-035 - Santa Clara Valley Transportation Authority (VTA).**
This decision grants VTA's request to construct two at-grade crossings through the intersections of Cisco Way and Morgridge Way in the center median of Tasman Drive in the City of San Jose in the County of Santa Clara, to be identified as PUC crossing numbers 82C-5.32 and 82C-5.07, respectively. This proceeding is closed.
(Exam Koss)
- CA-16** **A99-09-018 - City of Oceanside (City).**
This decision grants City's request to construct a bicycle/pedestrian undercrossing of Pier View Way at separated grades under two existing freight/commuter tracks of the San Diego Northern Railway main line, owned and operated by North County Transit District in Oceanside, San Diego County. This proceeding is closed.
(Exam Koss)
- CA-17** **A99-10-028 - City of Vasalia (City).**
This decision grants City's request to construct Bridge Street at-grade across the Union Pacific Railroad Company/San Joaquin Valley Railroad Company track and rights-of-way, make safety improvements at eleven at-grade crossings, and permanently close and vacate the existing Stevenson Street public at-grade crossing in the City, Tulare County. This proceeding is closed.
(Exam Koss)

- CA-18** **(ECP) C99-10-002 - Dean L. Cobb vs. San Diego Gas & Electric Company.**
This decision dismisses the complaint. This proceeding is closed.
(Com Neeper - ALJ Ryerson)
- CA-19** **A99-12-006 - Gerry K. Robertson, dba Bay and Delta Charters and Sausalito Taxi and Tours.**
This decision grants Gerry K. Robertson's request to operate as a vessel common carrier to provide a tour and ferry service between points in Sausalito and Angel Island, and Sausalito and the San Francisco Giants New Stadium in San Francisco. This proceeding is closed.
(Exam Koss)
- CA-20** **A97-04-043 - Pacific Gas and Electric Company (PG&E).**
For a permit to construct the Vasona Substation pursuant to General Order 131-D. This proceeding is closed because no issues remain to be addressed.
(Com Bilas - ALJ Patrick)
- CA-21** **R98-12-015 - Rulemaking on the Commission's Own Motion to solicit Comments and Proposals on Distributed Generation and Competition in Electric Distribution Service.**
This decision grants Utility Consumers' Action Network and James Weil an award of \$28,980.95 and \$6,250.55, respectively, in compensation for their contribution to Decision 99-10-065.
(Com Duque - ALJ Cooke)

CA-22 R92-03-050 - Order Instituting Rulemaking on the Commission's own motion to consider the line extension rules of electric and gas utilities. A91-06-016 - Related matter.

This decision denies three requests filed by Utility Design, Inc. (UDI) for awards of compensation for its participation in R92-03-050 and A91-06-016. The three requests are as follows: 1) June 9, 1997, for an award of compensation for contribution to D94-12-026; 2) February 17, 1998, for an award of compensation for contributions to D95-12-013 and D97-12-099; 3) August 23, 1999, for an award of compensation for contribution to D99-06-079. A91-06-016 is closed.

(Com Duque - ALJ DeUlloa)

(Section 311(g)(1))

(Agenda 3033, Item CA-7, 2/17/00; Req - Commission)

CA-23 I96-02-043 - Investigation on the Commission's own motion into the operations, practices, and conduct of Communications TeleSystems International and Edward S. Soren, President of Communications TeleSystems International, to determine whether they have complied with the laws, rules, regulations and applicable tariff provisions governing the manner in which California consumers are switched from one long-distance carrier to another, and other requirements for long-distance carriers.

This decision approves a settlement agreement provided that the amount remaining in the reparations fund be contributed to the Consumer Education Trust Fund established in D98-12-084. This proceeding is closed.

(Com Neeper - ALJ Bushey)

(Section 311(g)(1))

(Agenda 3032, Item CA-6, 2/3/00; Agenda 3033, Item CA-27, 2/17/00; Req - Commission)

CA-24 A99-08-040 - Harbor Bay Maritime, Inc. (Harbor Bay).

This decision grants Harbor Bay's request to modify its fares for transporting passengers in vessel common carrier service between the Harbor Bay Ferry Terminal in Alameda and the vicinity of the Ferry Building in San Francisco. The new fares may be made effective on less than 30 days' notice.

(Com Wood - ALJ McVicar)

REGULAR AGENDA

UTILITY AND TRANSPORTATION ORDERS

ORDERS HELD OVER

- H-1** **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 and 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. A98-05-022 is closed.
(Com Duque - ALJ Patrick)
(Rev.)
(2/29/00) (Section 311(g)(1))
(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; Agenda 3030, Item H-3, 1/6/00; Agenda 3031, Item H-6, 1/20/00; Req - Commission; Agenda 3032, Item H-6, 2/3/00, Req - Commission)
This revision was not listed on the agenda distributed to the public.
- H-2** **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)(1))
(Agenda 3029, Item 5, 12/16/99; Agenda 3030, Item H-8, 1/6/00; Agenda 3031, Item H-10, 1/20/00; Req - Commission; Agenda 3032, Item H-8, 2/3/00, 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 modification 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)(1))

(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;

Agenda 3031, Item H-1, 1/20/00; Agenda 3033, Item H-1, 2/17/00;

Req - Commission)

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

I95-04-044 - Related matter.

This decision adopts 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.

(Com Lynch - ALJ Pulsifer)

(Section 311(g)(1))

(Agenda 3030, Item 2, 1/6/00; Agenda 3031, Item H-16, 1/20/00;

Agenda 3032, Item H-14, 2/3/00; Agenda 3033, Item H-10, 2/17/00;

Req - Commission)

H-5 A98-12-005 - GTE Corporation (GTE) and Bell Atlantic Corporation (Bell Atlantic).

For authority to transfer control of GTE's California utility subsidiaries to Bell Atlantic, which will occur indirectly as a result of GTE's merger with Bell Atlantic. This decision approves the application. Net benefits of \$84.1 million (net present value) calculated over a five year long-term period shall be allocated to ratepayers, with \$19.8 million used to fund the Community Collaborative Agreement (CCA). GTE California Incorporated shall reduce revenues by \$19.0 million per year for five years, beginning with the first October 1 new regulatory framework price cap advice letter filing made after merger consummation. The billing base shall include the amount of both the California High Cost Fund-B and residential exchange service access charges. Applicants shall implement the CCA subject to several clarifications. Applicants shall file a report showing applicants' success in serving customers in San Francisco, Los Angeles, and San Diego.

Applicants shall serve additional service quality reports. Applicants shall file written notices of their agreement with the terms of this order, and the date the merger is consummated. The authority to transfer control and merger expires in 365 days if not exercised. Applicants shall file a report within 30 days of any decision by another jurisdiction that materially changes the terms of the proposed merger. Eligible intervenors may file a request for an award of intervenor compensation. The order is effective immediately. The proceeding is closed.

The Commission's President at the February 17, 2000 Commission Meeting, announced that this matter should be removed from the Ratesetting Deliberative Agenda.

(Com Neeper - ALJ Mattson)

(Section 311(d))

(Agenda 3032, Item 1, 2/3/00; Agenda 3033, Item H-11, 2/17/00;

Req - Commission)

H-5a **ALTERNATE ORDER TO ITEM H-5.** This alternate order approves of the proposed merger with conditions set forth in the ALJ's proposed decision with the exception that the Commission leaves open the proceeding. In the next phase of the proceeding the Commission will consider whether and how to use \$64.3 million associated with ratepayer benefits to fund programs that would promote access to advanced telecommunications services by unserved communities.

The Commission's President at the February 17, 2000 Commission Meeting, announced that this matter should be removed from the Ratesetting Deliberative Agenda.

(Coms Lynch/Wood)

(Agenda 3033, Item H-11a, 2/17/00; Req - Commission)

H-6 A98-10-012 - Southern California Gas Company (SoCalGas).

For authority to revise its rates effective August 1, 1999, in its Biennial Cost Allocation Proceeding (BCAP). A98-10-031 - Related matter. This decision approves a Joint Recommendation sponsored by SoCalGas, Office of Ratepayer Advocates (ORA) and others which adopts, among other issues: (1) a three-year BCAP period, (2) a throughput forecast of 950.3 MMdth, (3) 75/25 balancing account protection for noncore throughput variation, (4) a transmission resource plan of \$32.5 million, (5) the new customer only (NCO) marginal cost method, (6) 50/50 balancing account protection for storage, and (7) a delay in core deaveraging. Rates are reduced by \$159.5 million for the core and \$48.4 million for the noncore. It also approves a Joint Recommendation sponsored by San Diego Gas & Electric Company (SDG&E), ORA, and UCAN which adopts, among other issues: (1) a throughput forecast of 480 million therms for former UEG customers, (2) a \$31 million gas transmission resource plan, (3) the NCO marginal cost method for customer costs, (4) a single tariff schedule for core commercial and industrial customers, and (5) elimination of schedule XGTS. Core rates are reduced \$18 million; noncore rates are reduced \$20.4 million. The interstate transition cost surcharge is found to be \$59.894 million and allocated \$11.559 million to the core and \$48.335 million to the noncore. The core fixed cost account is found to be overcollected by \$132 million, to be amortized in rates over a one-year period. (This \$132 million is included in the overall \$159.5 million core rate reduction.) It finds that it is in the public interest to adopt a Sempra-wide electric generation (EG) tariff, that is, one that is the same for SoCalGas' EG customers and SDG&E's EG customers. It continues in effect SoCalGas' residual load service tariff for not more than three years. These proceedings are closed.

The Commission's President at the February 17, 2000 Commission Meeting, announced that this matter should be removed from the Ratesetting Deliberative Agenda.

(Com Duque - ALJ Barnett)

(Section 311(d))

(Agenda 3033, Item 3, 2/17/00; Req - Commission)

H-7 R98-09-005 - Order Instituting Rulemaking on the Commission's own motion to consider modifications to the Universal Lifeline Telephone Service (ULTS) Program and General Order (GO) 153.

This decision adopts the following revisions to the ULTS program and GO 153. First, GO 153 is revised to incorporate all changes to the ULTS program that have occurred since GO 153 was issued in 1984. Second, the ULTS program is revised to conform with specific aspects of the Federal Lifeline and Link Up programs. Third, ULTS program benefits are expanded to provide more low-income households with access to affordable basic telephone service. Finally, ULTS program administrative procedures are revised to make the program more efficient and effective. This decision also orders the Telecommunications Division to convene a workshop to develop a comprehensive proposal for using CMRS to provide ULTS. This proceeding is closed.

(Com Neeper - ALJ Kenney)

(Section 311(g)(1))

(Agenda 3033, Item 5, 2/17/00; Req - Commission)

ORDERS

- 1** **R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.**
I95-04-044 - Related matter.
This decision denies the Petition to modify D98-10-058 filed by the California Cable Television Association and Daniels Cablevision Inc. D98-10-058 adopted rules for the nondiscriminatory access to utility poles, ducts, conduits, and rights-of-way (ROW) applicable to competitive local carriers and cable television corporations. D98-10-058 excluded transmission facilities from the scope of the adopted ROW rules due to unresolved concerns in terms of logistics, system reliability, and safety associated with mandatory access to transmission facilities. The Petition seeks to extend the commission's regulation of transmission facilities but fails to provide adequate support for generic modifications.
(Com Bilas - ALJ Pulsifer)
(Section 311(g)(1))
- 2** **I98-03-013 - Investigation on the Commission's own motion into whether existing standards policies of the Commission regarding drinking water quality adequately protect the public health and safety with respect to contaminants such as Volatile Organic Compounds, Perchlorate, MTBE, and whether those Standards and policies are being Uniformly compiled with by Commission regulated utilities.**
This final order in this investigation of water quality finds state requirements adequate and closes this docket. Suggestions in this proceeding for supplemental water quality rules will be the subject of new OIR if workshops fail and further investigation of compliance of one utility is possible. This proceeding is closed.
(Com Duque - ALJ Bennett)
(Section 311(g)(1))

3 R97-10-049 - 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 holds that the gross revenue sharing proposal put forward by California Water Association fails to sufficiently protect ratepayers. It allows water utilities to submit advice letters to obtain Commission approval of accounting for sales of non-tariffed goods and services. This proceeding is closed.

(Comms Duque/Neeper - ALJ Bushey)

(Section 311(g)(1))

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 orders the implementation of number conservation measure to address the exhaustion of numbers in the 925 area code (or "Numbering Plan Area (NPA)"). As a backup plan for these area code relief measures, the Commission adopts the geographic split proposed as Alternate 3A by the North American Numbering Plan Administrator. It defers adopting an implementation date for the 925 NPA split until and unless the Commission determines that number conservation measures have failed to provide enough number resources to prevent code exhaustion in the 925 area.

(Com Wood - ALJ Pulsifer)

(Section 311(g)(1))

5 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 conservation program for the 562 Numbering Plan Area (NPA) to address impending NXX code exhaustion projected to occur in the third quarter of 2001. A backup relief plan (Alternative 3B) is adopted as a contingency that would provide for a geographic split of the 562 NPA, if it becomes necessary.

(Com Wood - ALJ Pulsifer)

(Section 311(g)(1))

6 I_____ - Order Instituting Investigation on the Commission's Own Motion into the Deaveraging of Unbundled Network Element Rates within at Least three Geographic Regions of the State Of California Pursuant to Federal Communications Commission Rule 47 C.F.R. § 51.507(f).

This order institutes an investigation into the geographic deaveraging of unbundled Network Elements in California pursuant to Federal Communications Commission Rule 47 C.F.R. § 51.507(f).
(Com Wood)

UTILITIES RESOLUTIONS

ENERGY MATTERS

- E-1 Res E-3654 - Pacific Gas & Electric (PG&E).**
This resolution approves PG&E's request for an extension of its Schedule ED until the end of the rate freeze or the date that a decision in A99-03-014 becomes effective, whichever is later. Approved with conditions.
(Advice Letter 1846-E-A, filed November 22, 1999)
(Section 311(g)(1))
- E-2 Res G-3273 - Southern California Gas Company (SoCalGas).**
This resolution rejects SoCalGas' request to offer a newspaper subscription service. This resolution also rejects SoCalGas' Advice Letter 2812, filed 06/07/99, and requires SoCalGas to file a new advice letter and serve it on the newspaper and telemarketing industries should it desire to offer the service.
(Advice Letter 2812, filed June 7, 1999)
(Section 311(g)(1))
(Agenda 3032, Item E-2, 2/3/00, Req - Commission)
- E-2a ALTERNATE RESOLUTION TO ITEM E-2.** This alternate resolution authorizes Southern California Gas Company (SoCalGas) to offer a newspaper subscription service. This resolution approves SoCalGas' Advice letter 2812, filed 06/07/99, given certain conditions, and requires SoCalGas to file an amendment to its advice letter.
(Com Bilas)
(Section 311(g)(1))
(Agenda 3032, Item E-2a, 2/3/00, Req - Commission)

E-3 Res E-3646 - Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), San Diego Gas & Electric Company (SDG&E), and Southern California Gas Company (SoCalGas).

This resolution is a continuation of Res E-3601 and conditionally approves PG&E, SCE, SDG&E and SoCalGas' request to conduct a needs assessment study. The Energy Division will conduct a needs assessment workshop and will have supervisory and facilitation responsibilities of the study.

(PG&E Advice Letter (AL) 2140-G/1854-E; SCE AL 1370-E; SDG&E AL 1156-E/1141-G; SoCalGas AL 2792; all filed March 12, 1999)

(Section 311(g)(1))

(Agenda 3033, Item E-1, 2/17/00, Req - Commission)

TELECOMMUNICATIONS MATTERS

- C-1** **Res T-16372 - Pacific Bell (Pacific).**
(Rev.) This resolution accepts one Interconnection Agreement between Pacific and
(2/29/00) SBC Advanced Solutions, Inc. (Pending), submitted under provisions of
Resolution ALJ-174, and General Order 96-A.
(Advice Letter 20785, filed December 3, 1999)
(Section 311(g)(1))
This revision was not listed on the agenda distributed to the public.
- C-2** **Res T-16362 -** This resolution adopts a budget of \$1,228,318 for the TDD
Interim Placement Committee for year 2000 and reduces the incremental
surcharge from 0.012% to 0.005%.
(Section 311(g)(1))
(Agenda 3033, Item C-1, 2/17/00, Req - Commission)
- C-3** **Res T-16379 - The Deaf and Disabled Telecommunications Program**
(DDPT) Administrative Committee.
This resolution adopts an interim annual budget for 2000 of \$57,802,130 for
the DDPT pursuant to Public Utilities Code Sec. 2881. This amount is
about \$4.3 million more than the adopted budget for 1999. The surcharge
will increase from the current 0.18% to 0.28%.
(Section 311(g)(1))
(Agenda 3033, Item C-2, 2/17/00, Req - Commission)
- C-4** **Res T-16388 - Greenlining Institute (Greenlining), GTE-California**
(2/24/00) **(GTEC), Latino Issues Forum (LIF), and the Consumer Services**
Division (CSD).
This resolution addresses a set of proposed bylaws filed by the Greenlining,
GTEC, LIF and the CSD (collectively referred to as “Parties” or “settling
parties”) to implement a Telecommunications Consumer Protection Fund
(Fund). The Fund is to be established for the benefit of limited-English and
non-English speaking customers in the service areas most affected by the
allegedly abusive marketing practices of GTEC.
(Section 311(g)(1))
This item appeared as CA-7 on the agenda distributed to the public.

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**
C99-03-016 - Disposition of Application for Rehearing of D99-10-051 filed by Marcella Beagle (Complainant). The decision granted Pacific Bell's (Pacific) motion to dismiss two of three charges alleged by Complainant regarding a billing dispute, while ordering Pacific to adjust Complainant's account for one day she was without service.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
(Agenda 3031, Item EX-5, 1/20/00; Agenda 3032, Item HEX-3, 2/3/00;
Req - Commission)

HEX-2 **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; Agenda 3030, HEX-1, 1/6/00; Agenda 3031, Item HEX-1, 1/20/00; Agenda 3032, Item HEX-1, 2/3/00; Agenda 3033, Item HEX-1, 2/17/00; Req - Commission)

HEX-3 **Conference with Legal Counsel - Application for Rehearing**
I98-08-004 - Disposition of Application for Rehearing of D99-08-017 (in I98-08-004, an investigation into allegations of cramming by Coral Communications, Inc. (Coral)) filed by OAN, Services, Inc. (OAN) and Telephone Billing Services, Inc. (TBS). In this decision, the Commission ordered five billing agents, including OAN and TBS, to submit an accounting of all amounts billed for Coral, and to turn over to the Commission, or provide security for, funds in their possession that they had collected on behalf of Coral. OAN and TBS contend that the Commission lacks authority under recently enacted Public Utilities Code Sections 2889.9 and 2890 to require billing agents to make payments or to provide financial security to the Commission. They contend also that the portions of the order directed at OAN and TBS are not supported by adequate findings and subject them to an unreasonable search and seizure and a taking of property without due process of law, in violation of the Fourth and Fifth Amendments to the U.S. Constitution.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
(Agenda 3033, Item EX-5, 2/17/00; Req - Commission)

- HEX-4** **Conference with Legal Counsel - Initiation of Enforcement Proceeding I_____** - This order institutes a formal investigation of whether Qwest Communications Inc. violated the California Environmental Quality Act or Commission rules and orders in the manner in which it constructed or installed telecommunications facilities in various locations around the state.
(Gov. Code Secs. 11126(d)(2), 11126(e)(2)(C)(i).)
(Com Lynch)
(Agenda 3033, Item EX-6, 2/17/00; 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**
C95-01-038 - Disposition of Application for Rehearing of D99-11-044 filed by Conlin-Strawberry Water Company, Inc., which ordered the water utility to make numerous system improvements ordered by the Commission and the Department of Health Services (DHS), and ordered it to pay a fine in the amount of \$10,000 for violation of past Commission and DHS orders. (Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-5 Conference with Legal Counsel - Application for Rehearing**
A99-02-002 - Disposition of Application for Rehearing of D99-12-021 filed by Citizens Telecommunications Company of California Inc.'s (Citizens), which approved arbitrated provisions of the Interconnections Agreement between Citizens and Pac-West Telecomm, Inc. (Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-6 Conference with Legal Counsel - Applications for Rehearing**
R95-04-043, I95-04-044 - Disposition of Applications for Rehearing of D99-12-018 filed by the California Telecommunications Coalition, which granted GTEC's Petition to Modify D96-03-020, permitting GTEC to have interim pricing flexibility for Category II services (Gov. Code Sec. 11126(e)(2)(B)(i).)

- EX-7** **Conference with Legal Counsel - Applications for Rehearing R93-04-003/I93-04-002, and R95-04-043/I95-04-044** - Disposition of Applications for Rehearing of D99-11-028 filed jointly by Sprint Communications Co., L.P., MCI Worldcom, and AT&T Communications of California, Inc. This matter concerns the Commission's order authorizing the routing to Pacific Bell of all "foreign numbering plan" directory assistance calls in using an area code plus 555-1212. The directory assistance calls in question are those seeking a number within the local telecommunications region, the "intraLATA," where the applicants are competitive carriers for the provision of toll service. (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 No. RP99-507-000 - Amoco Energy Trading Corporation,
et al. v. El Paso Natural Gas Company.
(Gov. Code Sec. 11126(e)(2)(A).)

FEX-3 Conference with Legal Counsel - Existing Litigation
FERC Docket No. ER00-555-001 - California Independent System
Operator Corp.
(Gov. Code Sec. 11126(e)(2)(A).)

**SUBSCRIPTION NOTICE FOR AGENDA
AND
DRAFT AGENDA ITEMS**

If you wish to subscribe to the *agenda*, please send your request with a check payable to the Public Utilities Commission; Attention: Poly Arca, Room 1003; 505 Van Ness Avenue; San Francisco, CA 94102; or by calling (415) 703-1798. The cost for a one-year subscription to the agenda is \$75.

If you wish to receive *draft agenda items*, please send your request with a check payable to the Public Utilities Commission; Attention: Poly Arca, Room 1003; 505 Van Ness Avenue; San Francisco, CA 94102; or by calling (415) 703-1798. The cost for a one-year subscription to the entire public agenda package (which excludes Executive session materials) is \$1000. The cost for energy agenda items only or telecommunication agenda items only is \$500 per year. The package you receive via mail will include only those agenda items available at the time of the agenda distribution date, which is usually 10 to 12 days prior to the Commission meeting. If agenda items (including revisions) are not ready on the distribution date, they will be made available at no charge in the lobby outside the Commission Auditorium at 9:00 a.m. on the morning of the Commission meeting, but not earlier. In addition, the Commission will make draft agenda items available for viewing and photocopying (at 20 cents per page) at the Commission's Central Files Office (Room 2002), 505 Van Ness Avenue, San Francisco, and in the Commission offices in Los Angeles, San Diego, and the following field offices: El Centro, Sacramento, and San Bernardino. Since the agenda package will be mailed to these locations, it will be available at these locations a day or two after the distribution date. These locations will not receive agenda items that are not ready on the distribution date.

Those intervenors who have financial hardship determination pending or granted shall be eligible to receive draft agenda item packets at no charge.