
Public Utilities Commission of the State of California

Public Agenda 3035
Thursday, March 16, 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.) Closed to the Public	<i>Commission Meeting</i> Auditorium (10 a.m.) Open to the Public
✓Monday, March 13	Thursday, March 16
✓Monday, April 3	Thursday, April 6
Monday, April 17	Thursday, April 20
Monday, May 1	Thursday, May 4
Monday, May 15	Thursday, May 18

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered. A "✓" next to the date indicates that the meeting will be held. A "✓" next to the item number on the Agenda indicates that the matter will be considered during the Ratesetting Deliberative Meeting.*

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

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-18922** - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
- CA-2** **Res ALJ-176-3035** - 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** **A92-11-017 - Southern California Gas Company (SoCalGas).**
For authority to increase rates charged for gas service based on test year 1994 and to include an attrition allowance for 1995 and 1996. I93-02-026 - Related matter. This decision grants The Utility Reform Network an award of \$15,361.18 in compensation for D95-05-005, which required SoCalGas to remove from its rates the costs associated with the conservation-related litigation known as the "Angelus" case. This proceeding is closed.
(Com Bilas - ALJ Patrick)
(Section 311(g)(1))

- CA-4 A99-05-045 - City of Vista (City).**
This decision authorizes City's request to construct Main Street at grade across the railroad tracks of the North San Diego County Transit Development Board, and to close the existing West Broadway grade crossing. This decision also affirms the assigned Commissioner's ruling denying a motion to accept a late-filed protest. This proceeding is closed.
(Com Bilas - ALJ McVicar)
(Section 311(g)(1))
- CA-5 C99-07-005 - Samuel Anderson, PRO Engineering and Oasis Nuclear, Inc., vs. Pacific Gas and Electric Company.**
This decision dismisses the complaint for failure to state a claim upon which relief may be granted. This proceeding is closed.
(Com Wood - ALJ Bushey)
(Section 311(g)(1))
- CA-6 A99-03-027 - Citizens Telecommunications Company of California, Inc. (CTC).**
For authority to review its New Regulatory Framework. This decision approves a settlement between the Office of Ratepayer Advocates and CTC addressing changes to CTC's New Regulatory Framework. The changes include modification of reporting requirements, elimination of depreciation filings and the Service Quality Assurance Mechanism, elimination of all new Z-Factors, and continued suspension of the price indexing formula. This proceeding is closed.
(Com Neeper - ALJ O'Donnell)
(Section 311(g)(1))
- CA-7 A99-08-005 - Cannery Row Marketplace, LLC.**
For a certificate of public convenience and necessity to construct a public utility water system in the City of Monterey, Monterey County and to establish rates for service. Order approving Assigned Commissioner's Ruling changing the preliminary determination on need for hearing from no to yes.
(Com Duque - ALJ McVicar)
(Rule 6.5(b)).
(Section 311(g)(1))

- CA-8 A98-05-038 - Pacific Bell.**
For authority for pricing flexibility and to increase prices of certain operator services, to reduce the number of monthly Directory Assistance call allowances, and adjust prices for four Centrex Optional features. This interim order grants The Utility Reform Network, Office of Ratepayer Advocates, and County of Los Angeles joint emergency motion to make Pacific Bell's rate increase approved in D99-11-051 subject to refund.
(Com Duque - ALJ Galvin)
(Section 311(g)(1))
- CA-9 Res T-16337 - Diversified Solutions, Inc.**
This resolution revokes the certificate of public convenience and necessity of Diversified Solutions, Inc., as requested by the company.
- CA-10 Res T-16382 - Paetec Communications, Inc.**
This resolution cancels The Utility Identification Number U-6097-C, assigned to Paetec Communications, Inc. in D98-12-083, certificate of public convenience and necessity under U-6051-C, remains active.
- CA-11 Res T-16383 - DeltaTel, Inc.**
This resolution revokes the certificate of public convenience and necessity held by DeltaTel, Inc., as requested by the company.
- CA-12 Res T-16384 - Peak Communications.**
This resolution revokes the certificate of public convenience and necessity held by Peak Communications, as requested by the company.
- CA-13 Res T-16386 - Premio, Inc.**
This resolution revokes the certificate of public convenience and necessity held by Premio, Inc., as requested by the company.

- CA-14** **I87-11-033 - In the matter of alternative regulatory frameworks for local exchange carriers. A85-01-034, A87-01-002, I85-03-078, C86-11-028, I87-02-025, C87-02-025 and C87-07-024 - Related matters.**
This decision grants The Utility Reform Network (TURN) an award of \$9,048.00 in compensation for its contribution to D97-02-049 but denies TURN's request for a 50% enhancement.
(Com Duque - ALJ Jones)
(Section 311(g)(1))
- CA-15** **A98-07-058 - Pacific Gas and Electric Company (PG&E).**
For authority to recover 1997 and 1998 non-nuclear General Capital Additions Costs in the Competition Transition Charge pursuant to Public Utilities Code Section 367. This decision denies The Utility Reform Network \$9,440.27 in intervenor compensation for failure to file Notice of Intent until nine months after it was due. This proceeding is closed.
(Com Bilas – ALJ Thomas)
(Section 311(g)(1))
- CA-16** **Res TL-18923 -** This resolution extends the temporary authority granted to Passenger Stage Corporations by Resolution TL-18904 to adjust their fares without specific approval of the Commission.
(Section 311(g)(1))
- CA-17** **Res SX-30 -** This resolution apportions railroad crossing protection maintenance costs between the railroads and the cities and counties.
- CA-18** **Res T-16322 - Intouch America.**
This resolution revokes the certificate of public convenience and necessity held by Intouch America, as requested by the company.
- CA-19** **Res T-16323 - Encino Cellular, Inc.**
This resolution revokes the certificate of public convenience and necessity held by Encino Cellular, Inc., as requested by the company.

- CA-20 Res T-16324 - All Pacific Cellular, Inc.**
This resolution revokes the certificate of public convenience and necessity held by All Pacific Cellular, Inc., as requested by the company.
- CA-21 Res T-16325 - Capital Cellular.**
This resolution revokes the wireless registration identification of Capital Cellular, as requested by the company.
- CA-22 Res SX-28 -** This resolution authorizes the Executive Director to grant updated costs for maintenance of automatic grade crossing warning devices for the previous calendar year and apportioning railroad crossing warning device maintenance costs between the railroads and the cities and counties. (Section 311(g)(1))
- CA-23 199-04-022 - Order Instituting Investigation into the operations and practices of the Southern California Gas Company, concerning the accuracy of information supplied to the Commission in connection with its Montebello Gas Storage Facility.**
This decision extends the 12-month statutory deadline imposed by Public Utilities Code Section 1701.2(d) until further notice.
(Com Duque - ALJ Econome)
- CA-24 A96-08-041 - AT&T Communications of California, Inc. (AT&T).**
For arbitration pursuant to Section 252 of the Federal Telecommunications Act of 1996 to establish an Interconnection Agreement with GTE California, Incorporated (GTE). A96-08-068, A96-09-012 - Related matters. This decision adopts an all-party settlement entered into by AT&T, GTE, and MCI WorldCom, Inc. The adopted agreement resolves the remote switching modules collocation issue remanded to the Commission by a U.S. District Court. A96-08-041 is closed.
(Com Duque - ALJ Kenney)

CA-25 (Rev.) (3/7/00) **Res ST-48** - This resolution grants approval of San Francisco Municipal Railway's February 3, 2000 submittal, "Response to California Public Utilities Commission Triennial Audit of September 1999: MUNI Corrective Action Plans for CPUC Findings", and consolidates requirements from paragraphs of the earlier Resolutions ST-41 and ST-46 into this Resolution ST-48.
This revision was not listed on the agenda distributed to the public.

CA-26 **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 petitions for certificates of public convenience and necessity as competitive local carriers to offer resale and limited facilities-based local exchange services within the territories of Pacific Bell, GTE California Incorporated, Roseville Telephone Company, and Citizens Telephone Company, for those petitioners as set forth in Appendix B herein, subject to the terms and conditions included herein. Petitioners' requests for intrastate interLocal Access and Transport Areas (interLATA) and intraLATA authority on a statewide basis are also granted as designated.
(Com Bilas - ALJ Pulsifer)

CA-27 **A99-11-030 - Southern California Edison Company (Edison).**
For order approving contract termination agreement between Edison and Gas Recovery Systems, Inc. Order approving Assigned Commissioner's Ruling changing the preliminary determination on need for hearing from yes to no.
(Com Wood - ALJ Cooke)
(Rule 6.5(b)).

CA-28 **Res TL-18926 - Timothy A. Wyman and Julia E. Wyman, dba WY'S GUIDES TOURS.**
This resolution grants Timothy A. Wyman and Julia E. Wyman's request for amendment to its passenger stage corporation certificate PSC-10631.

- CA-29 Res E-3653 - Pacific Gas and Electric Company (PG&E).**
This resolution approves PG&E's request to mutually terminate the Agreement for Attracting Manufacturing Business and Electric Load between Genentech, Incorporated and PG&E without penalty to either party.
(Advice Letter (AL) 1932-E, filed November 3, 1999; AL 1932-E-A, filed February 3, 2000)
- CA-30 A99-12-028 - Sierra Pacific Power Company (Sierra Pacific).**
For an order exempting its securities issuance transactions from Commission authorization pursuant to Sections 829 and 853 of the Public Utilities (PU) Code or, in the alternative, for an order authorizing it to issue securities having an aggregate principal amount not to exceed \$200,000,000, consisting of one or more series of debt securities (including debt securities issued in connection with a tax advantaged preferred security arrangement); to execute and deliver one or more indentures; and to guarantee securities. This decision grants Sierra Pacific's request for exemption from the provisions of the PU Code relating to stocks and securities transactions and the encumbrance of utility property. This proceeding is closed.
(Exam Clanon)
- CA-31 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)
(Agenda 3034, Item CA-13, 3/2/00; Req - Commission)

- CA-32 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)
(Agenda 3034, Item CA-21, 3/2/00; Req - Commission)
- CA-33 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; Agenda 3034, Item CA-22, 3/2/00; Req - Commission)
- CA-34 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; Agenda 3034, Item CA-23, 3/2/00; Req - Commission)

REGULAR AGENDA

UTILITY AND TRANSPORTATION ORDERS

ORDERS HELD OVER

- H-1 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)(1))
(Agenda 3029, Item 3, 12/16/99; Agenda 3030, Item H-7, 1/6/00; Agenda 3031, Item H-9, 1/20/00; Agenda 3033, Item H-2, 2/17/00; Req - Commission)
- H-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.
(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; Agenda 3034, Item H-4, 3/2/00; Req - Commission)

H-3**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; Agenda 3034, Item H-6, 3/2/00;

Req - Commission)

H-3a

ALTERNATE PAGES TO ITEM H-3. These alternate pages would not adopt the proposed Sempra-wide EG rate.

(Com Neeper)

- H-4 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; Agenda 3034, Item H-7, 3/2/00;
Req - Commission)

- H-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 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))
(Agenda 3034, Item 1, 3/2/00; Req - Commission)

H-6 R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.

I95-04-044 - Related matter.

This decision 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))

(Agenda 3034, Item 4, 3/2/00; Req - Commission)

H-7 R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.

I95-04-044 - Related matter.

This decision 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))

(Agenda 3034, Item 5, 3/2/00; Req - Commission)

ORDERS

NOTE: **Ex Parte Communications are prohibited on Items 1 and 3 from the day of the Ratesetting Deliberative Meeting through the conclusion of the Business Meeting at which a vote on the Proposed Decision is scheduled. (Rule 7(c)(4)).**

✓1 **A99-04-003 - California American Water Company (CalAm).**
For authority to increase its rates for water service in its Monterey Division. By this decision the Commission adopts an uncontested settlement covering all general rate case issues except rate design, proffered by CalAm, Ratepayer Representation Branch of the Commission's Water Division, Monterey Peninsula Water Management District and the US Department of Defense and Federal Executive Agencies. It authorizes CalAm a general rate increase in its Monterey Division of \$875,000 (3.9%) for test year 2000, \$444,500 (2.0%) for test year 2001 and \$508,300 (2.2%) for attrition year 2002. After considering the parties' positions and the Monterey Peninsula's critical water conservation needs, it orders increased rates be patterned on the current rate design but with additional high-usage blocks to discourage waste. For use during future periods during which CalAm is at imminent risk of violating State Water Resources Control Board water production limitations, the Commission authorizes a new, per capita rate structure intended to be implemented only after notice and an accelerated customer education campaign. This proceeding is closed.
(Com Duque - ALJ McVicar)
(Section 311(d))

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 rules to promote efficient number utilization relating to the use of sequential number assignments and minimum usage or "fill" rates that carriers must meet to obtain additional blocks of numbers. The Commission herein establishes a 75% fill rate for the 310 Number Plan Area (NPA). In a subsequent order, the Commission intends to formulate fill rate and sequential numbering requirements covering other NPAs.
(Com Wood - ALJ Pulsifer)
(Section 311(g)(1))

- ✓3 **A99-02-004 - California Water Service Company, Dominguez Water Company, Kern River Valley Water Company, and Antelope Valley Water Company.**
For approval of a Plan of Merger of CWS, Dominguez, Kern River, and Antelope. This decision concludes the merger, as revised by applicants' "enhanced guarantee," and subject to other conditions in the Ordering Paragraphs is not adverse to the public interest. The decision authorizes the transfer of control. This proceeding is closed.
(Rev.)
(3/9/00) (Com Duque - ALJ Vieth)
 (*Section 311(d)*)
 This revision was not listed on the agenda distributed to the public.

- 4 **I _____ - Order Instituting Investigation on the Commission's own motion into the operations, practices, water quality of the Arrowhead Manor Water Company and further, to evaluate whether the utility has improperly handled its Safe Drinking Water Bond Act surcharge revenues. This investigation should be consolidated with the pending general rate case application, A99-10-027.**
(Com Neeper - ALJ McVicar)

UTILITIES RESOLUTIONS

ENERGY MATTERS

- E-1 Res E-3656 - Southern California Edison Company (SCE).**
This resolution approves SCE's Performance-Based Rate-Making Base Rate Mechanism Final Report for 1997, which details revenue sharing calculations and performance rewards and penalties for the subject year. (Advice Letter (AL) 1302-E, filed March 31, 1998; AL 1302-E-A, filed June 1, 1999; AL 1302-E-B, filed July 16, 1999)
(Section 311(g)(1))
- E-2 Res E-3658 - Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (SCE).**
This resolution authorizes PG&E and SCE to include the costs of participation in the expanded Block-Forward market in the Power Exchange Energy Charge. PG&E and SCE also request an increase in the authorized megawatt quantity limit and a term extension of Block-Forward Market participation. Approved with modifications.
(SCE Advice Letter (AL) 1429-E, filed January 6, 2000; PG&E AL 1960-E, filed January 19, 2000)
(Section 311(g)(1))
- E-3 Res E-3650 - Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (SCE).**
This resolution approves, with modification, PG&E and SCE's request to offer new demand responsiveness programs to pay large customers to curtail energy use during periods of high energy prices.
(SCE Advice Letter (AL) 1418-E, filed November 8, 1999; PG&E AL 1934-E filed November 10, 1999)
(Section 311(g)(1))

E-3a **ALTERNATE RESOLUTION TO ITEM E-3.** This alternate resolution authorizes with modifications the requests of PG&E and SCE to offer new demand responsiveness programs to pay large customers to curtail energy use during periods of high energy prices. The alternate would allow interruptible customers to be included in the program and invites the utilities to file demand responsiveness programs for the summer of 2001 but only if the Commission has not reached a decision in its Post-Transition Ratemaking proceeding by December 31, 2000.

(Com Bilas)

(Section 311(g)(1))

E-4 **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, Agenda 3034, Item E-3, 3/2/00; Req - Commission)

TELECOMMUNICATIONS MATTERS

- C-1** **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, Agenda 3034, Item C-2, 3/2/00;
Req - Commission)
- C-2** **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, Agenda 3034, Item C-3, 3/2/00;
Req - Commission)
- C-3** **Res T-16388 - Greenlining Institute (Greenlining), GTE-California (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))
(Agenda 3034, Item C-4, 3/2/00; Req - Commission)

LEGAL DIVISION MATTERS

LEGISLATIVE MATTERS

- LEG-1** **HR 2420**, the Internet Freedom and Broadband Deployment Act of 1999, exempts Bell companies from local access and transport area (LATA) restrictions including resale and network unbundling requirements for the deployment of advanced services. It also allows Bell companies to provide in-region interLATA data services without having to satisfy the market-opening mandates outlined in Section 271 of the Telecommunications Act of 1996.

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

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Dean J. Evans, Director
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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 - 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).)
(Agenda 3034, Item EX-7, 3/2/00; 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; Agenda 3034, Item HEX-2, 3/2/00; 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**
A99-05-013 - Disposition of Application for Rehearing of D99-11-043 filed by Alisal Water Company alleging that the decision was in error because the Commission used the wrong standard of proof in determining that the application should be dismissed without prejudice pending of certain issues before the Superior Court of Monterey County.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-5 Conference with Legal Counsel - Applications for Rehearing**
R95-04-043, I95-04-044 - Disposition of Applications for Rehearing of D99-12-051 filed by Pacific Bell and by RCN Telecom Services of California Inc., which suspends the currently scheduled implementation dates for opening of the overlay area codes in the 408, 415, 510, 650, 714, and 909 NPAs, and the related 1+10-digit dialing requirement.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-6 Conference with Legal Counsel - Application for Rehearing**
A98-07-062 - Disposition of Application for Rehearing of D99-11-020 filed by Ray and Juanita Fox. D99-11-020 resolved an application of the Ponderosa Community Services District and declared a 1991 deed of trust held by the Foxes to be void regarding the property of Rosella Water Company. The Foxes allege that the evidence does not support the conclusion that the assets in question were transferred to Rosella prior to the Foxes' encumbrance. In addition, the Foxes request that an earlier deed of trust be reinstated if the 1991 deed of trust is void.
(Gov. Code Sec. 11126(e)(2)(B)(i).)

- EX-7** **Conference with Legal Counsel - Applications for Rehearing**
A99-01-016, A99-01-019, A99-01-034 -Disposition of Applications for Rehearing of D99-10-057 filed by Pacific Gas and Electric Company (PG&E). Among other things, this decision addresses how the Commission will determine when transition costs have been recovered, how the transition period rate freeze will end, whether certain rate mechanisms now in use will be extended into the post-transition period, and how overcollected CTC should be refunded.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-8** **Conference with Legal Counsel - Initiation of Enforcement Proceeding**
Deliberation on institution of proceeding or disciplinary actions against person 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 and disclosure could also jeopardize the ability to effect personal service on the Respondent.)
(Gov. Code Secs. 11126(d)(2), 11126(e)(2)(C)(i).)
- EX-9** **Conference with Legal Counsel - Personnel Matters**
Consideration of evaluation of performance of public employee(s).
(Gov. Code Sec. 11126(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).)

FEX-2 Conference with Legal Counsel – Existing Litigation
FERC Docket No. ER99-3603-000 – Pacific Gas and Electric Company.
(Gov. Code Sec. 11126(e)(2)(A).)

FEX-3 Conference with Legal Counsel – Existing Litigation
FERC Docket No. ER98-441-000 – Southern California Edison Company.
(Gov. Code Sec. 11126(e)(2)(A).)

FEX-4 Conference with Legal Counsel – Existing Litigation
FERC Docket No. ER00-555-001 – California Independent System
Operator Corp.
(Gov. Code Sec. 11126(e)(2)(A).)

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