
Public Utilities Commission of the State of California

***Public Agenda 3037
Thursday, April 20, 2000, 10 a.m.
San Francisco, California***

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

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

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

Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Monday, April 17	Thursday, April 20
✓Monday, May 1	Thursday, May 4
Monday, May 15	Thursday, May 18
Monday, June 5	Thursday, June 8
Monday, June 19	Thursday, June 22

**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-18928** - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
- CA-2** **Res ALJ-176-3037** - 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** **R94-02-003 - Rulemaking on the Commission's own motion to establish a simplified registration process for nondominant telecommunications firms. I94-02-004 - Related matter.**
This decision grants The Utility Reform Network an award of \$56,134.75 in compensation for its contribution to D98-08-031. These proceedings are closed.
(Com Bilas - ALJ Maloney)
(Section 311(g)(1))

- CA-4 A99-01-011 - Pacific Gas and Electric Company (PG&E).**
For authority to recover costs recorded in the Catastrophic Event Memorandum Account (CEMA) effective January 1, 2000. Based on a settlement reached in this proceeding, the Commission authorizes PG&E to recover \$69.8 million of PG&E's CEMA revenue requirement. This revenue requirement, comprising \$59.3 million in electric revenue requirement and \$10.5 million in gas distribution revenue requirement will be collected in the year 2000. There will be no change in gas transmission rates. PG&E's request was for \$85.1 million. This decision modifies Resolution E-3238 to limit the time period for interest payable on any CEMA project to 18 months. This proceeding is closed.
(Com Duque - ALJ Patrick)
(Section 311(g)(1))
- CA-5 Res T-18927 -** This resolution gives vessel common carriers temporary authority to adjust their fares without specific approval of the Commission.
(Section 311(g)(1))
- CA-6 A99-12-031 - Burlington Northern and Santa Fe Railway Company.**
For authority to construct a crossing at separated grades across its mainline and proposed lead track at a new alignment of Mariposa Road in an unincorporated portion of San Joaquin County C.P.U.C. Crossing No. 2-1114.65-A: D.O.T. No. 27-498-G. Granted. This proceeding is closed.
(Exam Koss)
- CA-7 A00-01-032 - Constantino Fourniotis, dba Acropolis Airport Shuttle.**
For authority to operate as a passenger stage corporation between points in San Francisco, Alameda, Solano, and Contra Costa Counties and the San Francisco and the Oakland International Airports and to establish a Zone of Rate Freedom. Granted. This proceeding is closed.
(Exam Koss)
- CA-8 A00-01-040 - Ajmer Singh, dba Avon Airporter Shuttle Service.**
For authority to operate as a passenger stage corporation between points in San Francisco, Alameda, Santa Clara and Contra Costa Counties and the San Francisco, Oakland and San Jose International Airports and to establish a Zone of Rate Freedom. Granted. This proceeding is closed.
(Exam Koss)

- CA-9 A00-02-030 - Tahry Ros, dba My Shuttle.**
For certificate of public convenience and necessity to operate as a passenger stage corporation between points in San Francisco, Santa Clara, San Mateo, and Alameda counties and the San Francisco, Oakland, and San Jose International Airports and to establish a Zone of Rate Freedom. Granted. This proceeding is closed.
(Exam Koss)
- CA-10 Res T-16333 - Bittel Telecommunications Corp.**
This resolution revokes Bittel Telecommunications Corp.'s certificate of public convenience and necessity, as requested by the company.
(Advice Letter 20, filed June 30, 1999)
- CA-11 Res T-16334 - ALD Communications, Inc.**
This resolution revokes ALD Communications, Inc.'s certificate of public convenience and necessity, as requested by the company.
(Advice Letter 5, filed June 30, 1999)
- CA-12 Res T-16335 - Brooks Fiber Communications LD, Inc.**
This resolution revokes Brooks Fiber Communications LD, Inc.'s certificate of public convenience and necessity, as requested by the company.
(Advice Letter 9, filed June 28, 1999)
- CA-13 A99-10-008 - Lukacs Enterprises, LLC, dba Independent Royal Express Shuttle.**
For authority to operate an on-call, door-to-door, passenger stage between points in Los Angeles (LA) County, on the one hand, LA, and Ontario International Airports, Burbank Airport, LA Amtrak Station, LA/Long Beach Harbors, Westchester and Downtown LA, on the other hand, pursuant to the provisions of Public Utilities (PU) Code Section 1031, et seq., and to establish a Zone of Rate Freedom under PU Code Section 454.2, et seq. Granted. This proceeding is closed.
(Exam Koss)

- CA-14 A99-12-034 - Red & White Ferries, Inc.**
For authority to temporarily suspend scheduled vessel common carrier service between the aircraft carrier USS Hornet docked in Alameda, on the one hand, and San Francisco on the other hand. Granted. This proceeding is closed.
(Exam Koss)
- CA-15 A87-08-008 - Pacific Gas and Electric Company (PG&E).**
For authority (i) (a) modifying D83597 dated October 16, 1974 (as modified by D90847 dated October 10, 1979, D91196 dated January 8, 1980, and D93788 dated December 1, 1981) authorizing it to issue short-term debt securities in an aggregate principal amount of \$1,292,638,219 in excess of that authorized by Public Utilities Code Section 823(c); and (b) to refund previously-issued short-term debt securities; and (ii) modifying D92555 dated December 30, 1980 (as modified by D82-04-077 dated April 21, 1982 and D84-08-021 dated August 1, 1984) authorizing it to enter into a nuclear fuel financing arrangement. This decision grants PG&E's request to issue Extendible Commercial Notes under its short-term debt authority granted in D87-09-056. This proceeding is closed.
(Exam Clanon)
- CA-16 Res E-3665 - San Diego Gas & Electric Company (SDG&E).**
This resolution approves SDG&E's request for deviation from Schedule A, General Service, to effectuate an agreement with Metricom, Inc. for unmetered electric service and proposes to revise its existing schedule of contracts and deviations.
(Advice Letter 1210-E, filed January 21, 2000)
- CA-17 A99-11-030 - Southern California Edison Company (SCE).**
This decision approves SCE's proposed buyout and termination of a 1984 power purchase agreement with Gas Recovery Systems, Inc. Expected customer benefits from the buyout range from \$1.2 to \$9.8 million in net present value. Pursuant to an agreement with the Office of Ratepayer Advocates, SCE is entitled to a shareholder incentive of \$290,000. This proceeding is closed.
(Com Wood - ALJ Cooke)

- CA-18** **C99-04-037 - George M. Sawaya vs. Pacific Bell (Pacific) and Sprint Communications Company.**
This decision orders Pacific to comply with Public Utilities Code § 2890. Pursuant to Public Utilities Code § 2107, Pacific is ordered to pay a penalty of \$2,500 for five distinct violations of Public Utilities Code § 2890. This proceeding is closed.
(Com Duque - ALJ DeUlloa)
(Section 311(g)(1))
(Agenda 3036, Item CA-10, 4/6/00; Req - Commission)
- CA-19** **Res T-16383 - DeltaTel, Inc.**
This resolution revokes the certificate of public convenience and necessity held by DeltaTel, Inc., as requested by the company.
(Agenda 3035, Item CA-11, 3/16/00; Agenda 3036, Item CA-39, 4/6/00; Req - Commission)
- CA-20** **A00-02-020 - Sempra Communications (SC).**
For authority to provide competitive local exchange and interexchange services. This decision grants the application of SC for limited facilities-based authority, as a competitive local carrier. SC is bound by the same requirements and subject to the same exemptions as were applied to facilities-based carriers in D99-12-048. The joint motion of SC and the office of Ratepayer Advocates is also granted, including the two conditions proposed therein. This proceeding is closed.
(Com Bilas - ALJ Pulsifer)
(Agenda 3036, Item CA-58, 4/6/00; Req - Commission)
- 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 denies the appeal and protest of the Solar Development Cooperative (SDC) to the October 13, 1999 Administrative Law Judge's (ALJ) ruling which ruled that SDC and its President were ineligible to claim intervenor compensation in this proceeding. The ALJ's ruling is affirmed. This proceeding is closed.
(Com Duque - ALJ Wong)
(Section 311(g)(1))
(Agenda 3036, Item CA-3, 4/6/00; Req - Commission)

CA-22 Moved to H-11 on the agenda.
(4/17/00) This revision was not listed on the agenda distributed to the public.

CA-23 Moved to H-12 on the agenda.
(4/17/00) This revision was not listed on the agenda distributed to the public.

CA-24 Moved to H-13 on the agenda.
(4/17/00) This revision was not listed on the agenda distributed to the public.

REGULAR AGENDA

UTILITY AND TRANSPORTATION ORDERS

ORDERS HELD OVER

- H-1** **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))
(Agenda 3034, Item 2, 3/2/00; Agenda 3036, Item H-1, 4/6/00;
Req - Commission)
- H-2** **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.
(Coms Duque/Neeper - ALJ Bushey)
(Section 311(g)(1))
(Agenda 3034, Item 3, 3/2/00; Agenda 3036, Item H-2, 4/6/00;
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 \$158.9 million for the core and \$50.7 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 \$18.7 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. The Sempra-wide EG tariff is segmented by level of customer volumes. This decision continues in effect SoCalGas' residual load service tariff for not more than one year. 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; Agenda 3035, Item H-3, 3/16/00; Agenda 3036, Item H-4, 4/6/00;

Req - Commission)

- H-3a** **ALTERNATE PAGES TO ITEM H-3.** These alternate pages would not adopt the proposed Sempra-wide EG rate.
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)
(Agenda 3035, Item H-3a, 3/16/00; Agenda 3036, Item H-4a, 4/6/00; Req - Commission)
- H-3b** **ALTERNATE PAGES TO ITEM H-3.** These alternate pages modify language regarding the RLS tariff to: 1) defer opinion on whether the RLS tariff should be market-based or cost-based, and 2) to provide additional flexibility regarding the timing of eliminating the tariff.
The Commission's President at the February 17, 2000 Commission Meeting, announced that this matter should be removed from the Ratesetting Deliberative Agenda.
(Com Bilas)
(Agenda 3036, Item H-4b, 4/6/00; Req - Commission)
- H-3c** **ALTERNATE PAGES TO ITEM H-3.** These alternate pages do not adopt the segmented EG rate for SoCalGas and SDG&E.
The Commission's President at the February 17, 2000 Commission Meeting, announced that this matter should be removed from the Ratesetting Deliberative Agenda.
(Com Wood)
(Agenda 3036, Item H-4c, 4/6/00; Req - Commission)

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; Agenda 3035, Item H-4, 3/16/00; Agenda 3036, Item H-5, 4/6/00;

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; Agenda 3035, Item H-5, 3/16/00;

Agenda 3036, Item H-6, 4/6/00; Req - Commission)

- H-5a** **ALTERNATE ORDER TO ITEM H-5.** This alternate decision grants in part the Petition to Modify D98-10-058. D98-10-058 is modified to clarify that the Commission did not carve out a regulatory exemption for transmission poles. This alternate decision further reaffirms the Commission's commitment to ensuring non-discriminatory access to poles, ducts, conduits and ROWs for both CLCs and cable television corporations. (Com Duque)
(Section 311(g)(1))
(Agenda 3036, Item H-6a, 4/6/00; Req - Commission)
- H-6** **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. This decision authorizes the transfer of control. This proceeding is closed.
The Commission's President at the March 16, 2000 Commission Meeting, announced that this matter should be removed from the Ratesetting Deliberative Agenda.
(Com Duque - ALJ Vieth)
(Section 311(d))
(Agenda 3035, Item 3, 3/16/00; Agenda 3036, Item H-8, 4/6/00; Req - Commission)
- H-7** **A98-11-012 - Lodi Gas Storage, LLC (LGS).**
By this application LGS seeks a certificate of public convenience and necessity to develop, construct, and operate an underground natural gas storage facility and ancillary pipeline and to provide firm and interruptible storage services at market-based rates. This decision certifies the Environmental Impact Report for LGS's project. It also denies this application after weighing the need for the project against the factors set forth in Public Utilities Code Section 1002. This proceeding is closed.
The Commission's President at the April 6, 2000 Commission Meeting, announced that this matter should be removed from the Ratesetting Deliberative Agenda.
(Com Bilas - ALJ Econome)
(Section 311(d))
(Agenda 3036, Item 1, 4/6/00; Req - Commission)

H-8 C95-08-039 - Bayside Village, The Fillmore Center and North Point Apartments vs. Pacific Bell (Pacific).

This decision orders Pacific to refile its implementation proposal in the local competition docket for resolution of generic issues regarding control of cross connects. Pacific has regained control of cross connects at complainants' buildings. This proceeding is closed.

(Com Neeper - ALJ Bushey)

(Section 311(g)(1))

(Agenda 3036, Item 2, 4/6/00; Req - Commission)

H-9 A99-05-002 - San Diego Gas & Electric Company.

For authority to increase its gas and electric revenue requirements to reflect its accomplishments for Demand-Side Management Program Years (PY) 1994 and 1997, Energy Efficiency PY 1998, Low Income PY 1998, and to address policy and procedural issues for future PY 1999 through PY 2001 in the 1999 Annual Earning Assessment Proceeding. A99-05-005, A99-05-007, A99-05-008 - Related matters. This interim decision adopts a performance incentive cap at 7% of the energy efficiency program budget for each of Program Year (PY) 2000 and PY 2001. These incentives for electric programs will continue to be funded from public goods charges, while those for gas programs will continue to be funded through rates. The Joint Recommendations of many of the parties are approved in concept, setting market assessment and evaluation budget amounts, and associated requirements. A California Measurement Advisory Council will be developed to oversee measuring and evaluating costs and benefits from energy efficiency programs.

The Commission's President at the April 6, 2000 Commission Meeting, announced that this matter should be removed from the Ratesetting Deliberative Agenda.

(Com Neeper - ALJ Stalder)

(Section 311(d))

(Agenda 3036, Item 3, 4/6/00; Req - Commission)

H-10 A98-07-020 - Pacific Bell (Pacific).

For authority to categorize Centrex as a Category III Service.

A98-07-029 - Related matter. This decision authorizes Pacific to move its Category II Basic Centrex Line, Centrex Basic Features, Centrex Optional Station Features, Centrex Optional System Features, Toll-Free, and Business MTS IntraLATA Toll Services services to Category III. The ceiling rate for these Centrex services may be increased up to ten percent of the currently effective ceiling rate. All services being moved from Category II to Category III shall continue to be accounted for as above-the-line services for ratemaking purposes. These proceedings are closed.

The Commission's President at the April 6, 2000 Commission Meeting, announced that this matter should be removed from the Ratesetting Deliberative Agenda.

(Com Duque - ALJ Galvin)

(Section 311(d))

(Agenda 3036, Item 5, 4/6/00; Req - Commission)

H-10a ALTERNATE ORDER TO ITEM H-10. This alternate order authorizes Pacific to move its Category II Centrex Basic Features, Centrex Optional Station Features, Centrex Optional System Features, Toll-Free, and business MTS IntraLATA Toll Services services to Category III. The ceiling rate for Centrex Basic Features, Centrex Optional Station Features, and Centrex Optional System Features may be increased up to ten percent of the currently effective ceiling rate. This proceeding is closed.

The Commission's President at the April 6, 2000 Commission Meeting, announced that this matter should be removed from the Ratesetting Deliberative Agenda.

(Com Lynch)

This alternate order is not being circulated for comments pursuant to Public Utilities Code Section (311)(e) because it is the original proposed decision (PD), modified to incorporate a comment of the Office of Ratepayer Advocates in their comments to the PD.

- H-11** **A99-11-007 - Pacific Gas and Electric Company.**
(4/17/00) For authority to sell and convey to Southern Energy, Inc., certain Emission Reduction Credits issued by the “Bay Area Air Quality Management District” or “Monterey Bay Unified Air Pollution Control District” or “Monterey Bay Unified Air Pollution Control District” pursuant to Public Utilities Code § 851. Granted. This proceeding is closed.
(Com Duque - ALJ Brown)
(Agenda 3036, Item CA-22, 4/6/00; Req - Commission)
This revision was not listed on the agenda distributed to the public.
- H-12** **A99-11-008 - Pacific Gas and Electric Company.**
(4/17/00) For authority to sell and convey to Calpine Corporation, certain Emission Reduction Credits issued by the “Bay Area Air Quality Management District” or “Monterey Bay Unified Air Pollution Control district” pursuant to Public Utilities Code § 851. Granted. This proceeding is closed.
(Com Duque - ALJ Brown)
(Agenda 3036, Item CA-23, 4/6/00; Req - Commission)
This revision was not listed on the agenda distributed to the public.
- H-13** **A99-11-006 - Pacific Gas and Electric Company.**
(4/17/00) For authority to sell and convey to Duke Energy Moss Landing, LLC, certain Emission Reduction Credits issued by the “Bay Area Air Quality Management District” or “Monterey Bay Unified Air Pollution Control District” pursuant to Public Utilities Code § 851. Granted. This proceeding is closed.
(Com Duque - ALJ Brown)
(Agenda 3036, Item CA-24, 4/6/00; Req - Commission)
This revision was not listed on the agenda distributed to the public.

ORDERS

1 R96-11-004 - Order Instituting Rulemaking for Electric Distribution Facility Standard Setting.

This decision adopts major outage restoration and call center standards for electric utilities. The standards were proposed jointly by the Office of Ratepayer Advocates, The Utility Reform Network, San Diego Gas and Electric Company, and Southern California Edison Company. This proceeding is closed.

(Com Neeper - ALJ O'Donnell)

(Section 311(g)(1))

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A99-01-016 - Pacific Gas and Electric Company (PG&E).

For authority to establish Post-Transition Period Electric Ratemaking Mechanisms. A99-01-019, A99-01-034, A99-02-029 - Related matters. This decision provides guidance on policies regarding the end of the rate freeze and associated post-transition ratemaking for PG&E, Southern California Edison Company (Edison), and San Diego Gas & Electric Company (SDG&E). The Commission takes incremental steps designed to ensure a more level playing field in order to promote competition and provide consumers with more options. It considers and rejects the settlement regarding a procurement PBR mechanism presented to the Commission by SDG&E, the Office of Ratepayer Advocates, the Utility Consumers Action Network, the California Power Exchange (CalPX) and several other parties. It also rejects PG&E's proposal to either adopt a procurement PBR or to establish guidelines for procurement. Instead, it continues the requirement that all three utilities continue to procure their energy from the CalPX (also known as the mandatory buy requirement) until PG&E, Edison, and SDG&E have all ended the rate freeze. It does not adopt PG&E's rate capping proposal. It prefers that customers understand the impact of the market and the accompanying price signals. It calls for the utilities and energy service providers to provide the necessary customer education and information and recommend that hourly interval meters be installed whenever feasible. It also continues the balanced payment plan for residential and small commercial customers. It does not require that such plans be expanded to street lighting customers, rather, it sees this as an opportunity for the marketplace to offer solutions. It makes several findings related to cost allocation after the rate freeze ends for each utility. It finds that ongoing transition costs, restructuring implementation costs, and nuclear decommissioning costs should be allocated according to a cents-per-kilowatt methodology. Energy efficiency public purpose costs should continue to be allocated according to a system average percent change methodology. It also addresses issues related to SDG&E's rate reduction bonds. The unrealized savings resulting from the excess rate reduction bond proceeds must be refunded to ratepayers at SDG&E's authorized pre-tax rate of return over the remaining life of the bonds. Finally, it addresses other issues related to our post-rate freeze policies. These proceedings are closed.
(Com Duque - ALJ Minkin)
(Section 311(d))

- 3 A99-10-009 - SBC Advanced Solutions, Inc.**
For a certificate of public convenience and necessity to provide advanced data services as both an interexchange carrier and a competitive local exchange carrier telephone corporation pursuant to the provisions of Public Utilities Code Section 1001. Granted. This proceeding is closed.
(Com Duque - ALJ O'Donnell)
(Section 311(g)(1))
- 4 A99-12-017 - Pacific Bell Telephone Company (Pacific).**
Petition for arbitration of Advice Letter (AL) No. 58 filed by TCG-San Francisco on November 29, 1999, regarding TCG-San Francisco's request to adopt Section 18 of the Interconnection Agreement (ICAs) between AT&T Communications of California, Inc. and Pacific. A99-12-018, A99-12-019 - Related matters. This decision affirms the Final Arbitrator's Report, and approves the resulting arbitrated ICAs submitted by AL Nos. 56A, 58A, and 63A. The ICAs are effective November 29, 1999. These proceedings are closed.
(Com Duque - ALJ Mattson)
- 5 A99-03-065 - Southern California Water Company (SCWC).**
For authority to increase rates for water service in its Wrightwood customer service area. A99-03-066, A99-03-067, A99-03-068 - Related matters. This decision approves a settlement between SCWC and the active parties in this consolidated general rate case proceeding for the Wrightwood, Claremont, Barstow, and Calipatria-Niland districts. A significant part of the rate increase requested by SCWC for all four districts relates to proposed plant additions to meet water quality regulations. This decision defers recognition in rates of these costs pending issuance of new standards by EPA and DOHS for radon and arsenic. **The Commission's President at the January 20, 2000 Commission Meeting, announced that this matter should be removed from the Ratesetting Deliberative Agenda.** These proceedings are closed.
(Com Neeper - ALJ Patrick)
(Agenda 3027, Item CA-6, 11/18/99; Agenda 3028, Item H-1, 12/2/99; Agenda 3029, Item H-1, 12/16/99; Agenda 3031, Item H-3, 1/20/00; Agenda 3032, Item H-3, 2/3/00; Agenda 3033, Item H-6, 2/17/00; Item Withdrawn; Req - Commission)
(Section 311(d))

- 6 A98-09-040 - Southern California Water Company (SCWC).**
SCWC seeks authority to introduce single tariff pricing for eight water districts that comprise the company's Region III, located primarily in the Los Angeles area. The region-wide tariff would be phased in over three years and would replace stand-alone rates in the eight districts. The application is opposed by the Ratepayer Representation Branch of the Commission's Water Division as inimical to traditional ratemaking based on cost of service within a district. The proposal, if adopted, would constitute the first time that the Commission has permitted single tariff pricing for non-contiguous water districts. Based on the compelling need for rate relief in some of the smaller districts in the company's Region III, and on the demonstrated minimal impact of single tariff pricing in the other districts of Region III, as well as on the record as a whole, this decision grants the application. However, it directs the Water Division to monitor this pricing practice and to make recommendations for change, if any, at the time of the next general rate case for this region. **The Commission's President at the January 20, 2000 Commission Meeting, announced that this matter should be removed from the Ratesetting Deliberative Agenda.** This proceeding is closed.

(Com Duque - ALJ Walker)

(Section 311(d))

(Agenda 3027, Item 3, 11/18/99; Agenda 3028, Item H-8, 12/2/99; Agenda 3029, Item H-5, 12/16/99; Agenda 3031, Item H-4, 1/20/00; Agenda 3032, Item H-4, 2/3/00; Agenda 3033, Item H-7, 2/17/00; Item Withdrawn; Req - Commission)

- 7 R _____ - Order Instituting Rulemaking (OIR) into implementation of Senate Bill 669, regarding the Deaf and Disabled Telecommunications Program (DDTP).**

The Commission is opening an OIR into the program and fiscal administration of the DDTP on its own motion.

(Com Lynch - ALJ Thomas)

- 7a** **ALTERNATE ORDER TO ITEM 7.** SB 669 of 1999 gave the Deaf and
(4/17/00) Disabled Telecommunications Program Administrative Committee
 (DDTPAC) a statutory basis, vested it with the responsibility to “carry out”
 the program, required inclusion of consumer representatives from the deaf
 and disabled community on the DDTPAC, and ordered a change in the
 financial administration of the program. This alternate order initiates a
 rulemaking into how the Commission should implement these provisions.
 (Com Duque)
 This item was not listed on the agenda distributed to the public.

UTILITIES RESOLUTIONS

ENERGY MATTERS

E-1

Res E-3660 - Southern California Edison Company (Edison).

This resolution denies Edison's request to offer customer premises electrical repair service (Edison OnCall) on a nontariffed basis without prejudice, and allows the utility to file an application with the Commission if it wishes to provide this service.

(Advice Letter 1425-E, filed December 16, 1999)

(Section 311(g)(1))

(Agenda 3036, Item E-1, 4/6/00; 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; Agenda 3035, Item C-1, 3/16/00; Agenda 3036, Item C-1, 4/6/00;
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 § 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; Agenda 3035, Item C-2, 3/16/00; Agenda 3036, Item C-2, 4/6/00;
Req - Commission)
- C-2a** **ALTERNATE RESOLUTION TO ITEM C-2.** This resolution adopts the organization structure proposed by the DDPT in comments responding to the draft resolution and clarifies that salary ranges are set by the DDTPAC.
(Com Duque)
(Agenda 3036, Item C-2a, 4/6/00; 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; Agenda 3035, Item C-3, 3/16/00;
Agenda 3036, Item C-3, 4/6/00; Req - Commission)

ADMINISTRATIVE LAW JUDGE DIVISION RESOLUTIONS

- ALJ-1** **Res ALJ-180** - This resolution adopts a new protocol for closed session deliberations regarding proposed decisions in ratesetting proceedings (ratesetting deliberative meetings) and the related prohibition on ex parte communications (quiet time) imposed by Rule 7(c)(4) of the Commission Rules of Practice and Procedure. Under this resolution, a ratesetting deliberative meeting would no longer automatically be set in all ratesetting proceedings in which a proposed decision has been filed and served, but would be scheduled upon the request of any Commissioner. The Commission would also liberally construe Rule 7(c)(4) so that the associated quiet time would be imposed in ratesetting proceedings only when a ratesetting deliberative meeting is held or as otherwise determined by the Commission in its discretion.
(Section 311(g)(1))

LEGAL DIVISION MATTERS

LEGISLATIVE MATTERS

HLEG-1 **AB 2757 (Committee on Utilities and Commerce)**, to amend Sections 278 and 2881 of the Public Utilities Code, relating to telecommunications: telephonic reading system.
(Agenda 3036, Item LEG-1, 4/6/00; Req - Commission)

HLEG-2 **SB 1712 (Polanco)**, to amend Sections 871, 873, 874, 875, 876, and 878 of, to add Section 883 to, to repeal and add Section 871.5 of, and to amend the heading of Article 8 of Chapter 4 of part 1 of Division 1 of, the Public Utilities Code, relating to Universal Telephone Service.
(Agenda 3036, Item LEG-2, 4/6/00; Req - Commission)

HLEG-3 **SB 1491 (Leslie)**, to amend Sections 7604 and 7678 of the Public Utilities Code, relating to railroad crossings: automated warning devices.
(Agenda 3036, Item LEG-3, 4/6/00; Req - Commission)

LEG-1 Proposed legislation to amend Division 1, Part 1, Article 5 of the Public Utilities Code, relating to stocks and securities transactions.

LEG-2 **AB 2198 (Pescetti)**, relating to telecommunications: local telephone service competition.

LEG-3 **AB 2762 (Committee on Utilities and Commerce)**, to amend Section 422 of the Public Utilities Code, relating to common carriers: annual fee.

LEG-4 **SB 1939 (Alarcon)**, to amend Section 385 of, and add Section 9607 to, the Public Utilities Code, relating to electric power.

LEG-5 **SB 2127 (Bowen)**, to add Section 1940.8 to the Civil Code, relating to landlord and tenant: water and sewer services.

LEG-6 **AB 995 (Wright) and SB 1194 (Sher)**, related to reliable electric service through prudent investments in the electric distribution grid, energy efficiency, renewable energy, and new technology.

FEDERAL RULEMAKING

FED-1 **FCC CC Docket 99-200** - Comments on Further Notice of Proposed Rulemaking on numbering issues-request for staff to prepare comments and assign a lead Commissioner.

COMMISSIONERS' REPORTS

President Lynch

Commissioner Duque

- Water Matters
- Legislative Matters

Commissioner Neeper

- Telecommunications Matters
- Legal/Administrative Law Judge Matters

Commissioner Bilas

- Natural Gas Matters
- Transportation Matters
- Strategic Planning Matters

Commissioner Wood

- Consumer Protection Matters
- Legislative Matters
- Electric Matters

EXECUTIVE DIRECTOR'S REPORT

Wesley M. Franklin, Executive Director

GENERAL COUNSEL'S REPORT

Peter Arth, Jr., General Counsel

DIRECTORS' REPORTS

Lynn T. Carew, Chief
Administrative Law Judge Division

Paul Clanon, Director
Energy Division

Jack Leutza, Director
Telecommunications Division

Dean J. Evans, Director
Water Division

Kenneth L. Koss, Director
Rail Safety and Carriers Division

William Meyer, Director
Strategic Planning Division

Director
Office of Ratepayer Advocates

William Schulte, Director
Consumer Services Division

Maxine Harrison, 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**
198-08-004 - Disposition of Application for Rehearing of D99-08-017 (in 198-08-004, 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; Agenda 3034, Item HEX-3, 3/2/00; Agenda 3036, Item HEX-1, 4/6/00; 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 - Applications for Rehearing**
R93-04-003, I93-04-002; R95-04-043, I95-04-044 - Disposition of the joint Applications for Rehearing of D99-11-028 filed by Sprint Communications Company, MCI WorldCom and AT&T Communications of California, Inc. D99-11-028 resolved the issue of how Foreign Numbering Plan Area Directory Assistance calls should be routed upon the implementation of intraLocal Access and Transport Area presubscription in Pacific Bell's territory.
(Gov. Code Sec. 11126(e)(2)(B)(i).)
- EX-5 Conference with Legal Counsel - Applications for Rehearing**
R.97-01-009, I.97-01-010 - Disposition of joint Applications for Rehearing by AT&T Communications of California, Inc. and MCI WorldCom Network Services, Inc. of D00-01-020. This interim decision rejects an earlier proposal of the Commission for determining the responsibility of certain utilities for payment of intervenor compensation awards. It now requires, for quasi-legislative rulemaking proceedings involving an industry or multiple industries, all energy, telecommunications and water utilities in the affected industry(ies) to pay any compensation awards, regardless of whether that utility participated in the proceeding. It also establishes an intervenor compensation program fund from which awards in quasi-legislative rulemaking proceedings where no specific respondents are named will be paid.
(Gov. Code Sec. 11126(e)(2)(B)(i).)

EX-6

Conference with Legal Counsel - Applications for Rehearing

R93-04-003, I93-04-002 - Disposition of Applications for Rehearing of D99-11-050 filed by AT&T Communications of California, Inc. and MCI WorldCom Network Services, Inc.; Pacific Bell (Pacific); California Cable Television Association; Time Warner Telecom of California, L.P. and Cox California Telcom, L.L.C.; and The Utility Reform Network. D99-11-050 set prices for unbundled network elements offered by Pacific. (Gov. Code Sec. 11126(e)(2)(B)(i).)

FEDERAL ITEMS

HFEX-1 **Conference with Legal Counsel - Existing Litigation.**
(Rev.) **FCC Docket No. 98-147 - SBC-Ameritech Merger.**
4/12/00 (Gov. Code Sec. 11126(e)(2)(A).)
 (Agenda 3036, Item FEX-2, 4/6/00; Req - Commission)
 This revision was not listed on the agenda distributed to the public.

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

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