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## ***Public Utilities Commission of the State of California***

***Public Agenda 3038  
Thursday, May 4, 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.*

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### **Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <b><i>Closed to the Public</i></b>	<i>Commission Meeting</i> Auditorium (10 a.m.) <b><i>Open to the Public</i></b>
Monday, May 1	Thursday, May 4
Monday, May 15	Thursday, May 18
Monday, June 5	Thursday, June 8
Monday, June 19	Thursday, June 22
Monday, July 3	Thursday, July 6

*\*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-18929** - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
- CA-2**      **Res ALJ-176-3038** - 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**      **A99-12-041 - Sierra Pacific Power Company (Sierra).**  
For approval of a proposed distribution Performance-Based Ratemaking (PBR) mechanism. This decision dismisses without prejudice Sierra's request because it is unworkably incomplete. Sierra may refile an application for a PBR mechanism when the necessary documentation is available. This proceeding is closed.  
(Com Wood - ALJ Stalder)  
(Section 311(g)(1))

- CA-4**            **A99-08-030 - Southern California Edison Company.**  
For authority to take certain actions necessary to transfer certain generation-related employees and assets to a nonutility operation and maintenance affiliate. Order approving Assigned Commissioner's Ruling changing the preliminary determination on need for hearing from yes to no.  
(Com Wood - ALJ Brown)  
(Rule 6.5(b)).  
(Section 311(g)(1))
- CA-5**            **Res CSD-5 -** This resolution delegates to the Director of the Consumer Services Division the authority to require utilities and other entities under the jurisdiction of this Commission to make changes to specified documents when the changes pertain only to providing consumers with information on how to contact the Consumer Affairs Branch.  
(Section 311(g)(1))
- CA-6**            **A99-03-020 - Southern California Edison Company (Edison).**  
For approval of further guidelines for evaluation and reporting requirements on the distribution Performance Based Ratemaking mechanism. This decision grants The Utility Reform Network (TURN) \$15,776.06 in intervenor compensation for substantial contribution to Edison's midterm PBR proceeding. It denies as premature TURN's \$3,143.25 request related to Edison's Advice Letters 1302-E and 1373-E. This proceeding is closed.  
(Com Bilas - ALJ Thomas)  
(Section 311(g)(1))
- CA-7**            **A00-02-046 - Pacific Gas and Electric Company (PG&E).**  
This decision confirms John E. Hulse's nomination to serve on the Committee of PG&E's Nuclear Decommissioning Trust Funds. This proceeding is closed.  
(Exam Clanon)

- CA-8           A99-12-013 - Southern California Edison Company (Edison).**  
For authority under Public Utilities Code Section 851 to sell transmission facilities or for an Order confirming that the Commission lacks jurisdiction under Section 851 and dismissal this application. This decision grants Edison's request to sell and transfer to Anaheim certain electrical metering and metering-related facilities. This proceeding is closed.  
(Com Duque - ALJ Brown)
- CA-9           A99-12-009 - Liza Jondahl, dba Dove Airport Shuttle.**  
For certificate of public convenience and necessity to operate as a passenger stage corporation between Lindbergh Field and San Diego. Granted. This proceeding is closed.  
(Com Neeper - ALJ Rosenthal)
- CA-10          A99-12-040 - FONES4ALL, Corp.**  
For a certificate of public convenience and necessity to provide resold competitive local carrier service in California. Granted. This proceeding is closed.  
(Com Wood - ALJ O'Donnell)
- CA-11          Res T-16410 - GTE California Incorporated (GTEC).**  
This resolution approves one Wireless Service Interconnection Agreement between GTEC and AirTouch Cellular, submitted under provisions of Resolution ALJ-174 and General Order 96-A.  
(Advice Letter 9406, filed March 24, 2000)
- CA-12          Res T-16414 - GTE California Incorporated (GTEC).**  
This resolution approves one Interconnection Agreement between GTEC and U.S. West Interprise America, Inc., submitted under provisions of Resolution ALJ-174 and General Order 96-A.  
(Advice Letter 9386, filed February 29, 2000)

- CA-13      Res T-16415 - Pacific Bell (Pacific).**  
This resolution approves one Operator Services and Support System Services Agreement between Pacific and Cyber Net Communications, Inc., submitted under provisions of Resolution ALJ-174 and General Order 96-A.  
(Advice Letter 21007, filed February 17, 2000)
- CA-14      Res T-16416 - Pacific Bell (Pacific).**  
This resolution approves two Resale Agreements between Pacific and Competitive Communications, Inc., submitted under provisions of Resolution ALJ-174 and General Order 96-A.  
(Advice Letter (AL) 21010, filed February 24, 2000; AL 21012, filed February 22, 2000)
- CA-15      Res T-16417 - Pacific Bell (Pacific).**  
This resolution approves one CMRS Interconnection Agreement between Pacific and Nextel of California, Inc., submitted under provisions of Resolution ALJ-174 and General Order 96-A.  
(Advice Letter 21044, filed March 9, 2000)
- CA-16      Res T-16418 - Pacific Bell (Pacific).**  
This resolution approves one Interconnection Agreement between Pacific and American Fiber Networks (Pending), submitted under provisions of Resolution ALJ-174 and General Order 96-A.  
(Advice Letter 21022, filed February 24, 2000)
- CA-17      Res W-4192 - Penngrove Water Company (PWC).**  
This resolution grants PWC's request for an offset rate increase producing an additional annual revenue of \$14,544 or 5% in its Penngrove Service District, and \$27,874 or 111% in its Canon Manor Service District, spread over a 3-year period in increments of approximately 78%, 16.5%, and 16.5% per year.  
(Advice Letter 41, filed March 15, 2000)

- CA-18**      **Res W-4193 - Southern California Water Company (SCWC).**  
This resolution authorizes SCWC's request for a rate base offset revenue increase of \$68,045 or 1.03% additional annual revenue for 2000 in its Simi Valley District.  
(Advice Letter 1076-W, filed March 24, 2000)
- CA-19**      **A00-03-025 - Red & White Ferries, Inc. (Red & White).**  
This decision grants Red & White's request to amend its certificate of public convenience and necessity to establish and operate scheduled vessel common carrier service between the City of Richmond and China Basin Ferry Terminal in San Francisco. Red & White's motion for a limited protective order for financial information submitted with the application is also granted. This proceeding is closed.  
(Com Duque - ALJ McVicar)
- CA-20**      **A00-01-014 - Central Valley Telephone and Telegraph Company.**  
For a certificate of public convenience and necessity to offer local exchange access and interexchange services. Granted. This proceeding is closed.  
(Com Wood - ALJ O'Donnell)
- CA-21**      **A00-01-007 - Integrated TeleService, Inc.**  
For a certificate of public convenience and necessity to offer resold local exchange services. Granted. This proceeding is closed.  
(Com Wood - ALJ O'Donnell)
- CA-22**      **A00-01-034 - Pacific Bell Telephone Company (Pacific).**  
**(Rev.)**  
(4/25/00)  
For arbitration of an Interconnection Agreement with Roseville Telephone Company pursuant to Section 252(b) of the Telecommunications Act of 1996. This decision grants the parties' joint motion to withdraw this application without prejudice to a later filing. This proceeding is closed.  
(Com Wood - ALJ Walker)  
This revision was not listed on the agenda distributed to the public.

- CA-23**      **A99-08-019 - NuStar Telephone Co., Inc.**  
For a certificate of public convenience and necessity to offer local exchange, access and interexchange services. Granted. This proceeding is closed.  
(Com Wood - ALJ O'Donnell)
- CA-24**      Moved to item 8 on the agenda.  
**(Rev.)**      This revision was not listed on the agenda distributed to the public.  
(5/3/00)
- CA-25**      **A99-11-028 - Foxtel, Inc. (Foxtel) and AMI Telecommunications Acquisition Corporation.**  
This decision grants under Section 854 of the Public Utilities Code a transfer of control of Foxtel from Vacation Technology Services, Inc. to AMI Telecommunications Acquisition Corporation. This proceeding is closed.  
(Com Neeper - ALJ Thomas)
- CA-26**      **Res E-3666 - Southern California Edison Company (SCE).**  
This resolution approves with modifications SCE's request for recovery of costs associated with its participation in the California Power Exchange Corporation forward market for ancillary services.  
(Advice Letter 1443-E, filed March 21, 2000)
- CA-27**      **R92-03-050 - Order Instituting Rulemaking on the Commission's own motion to consider the line extension rules of electric and gas utilities.**  
This decision grants The Utility Reform Network an award of \$16,872.17 for its substantial contribution to D99-12-046, which addressed revenue cycle service credits in the calculation of electric line and service extension allowances.  
(Com Duque - ALJ Patrick)

- CA-28      Res W-4194 - Del Oro Water Company, Paradise Pines District (DOWCPP).**  
This resolution grants DOWCPP's request for a one-time rebate of \$1.12 to each customer and authorizes an adjustment and extension of its established water quantity surcharge producing an increase in revenue of \$94,114 or 8.43% to offset costs of purchased water.  
(Advice Letter 87, filed March 14, 2000)
- CA-29      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)  
(Agenda 3037, Item CA-17, 4/20/00; Req - Commission)
- CA-30      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; Agenda 3037, Item CA-19, 4/20/00; Req - Commission)
- CA-31      A98-12-037 - Williams Communications, Inc., dba Vyvx, Inc.**  
For a certificate of public convenience and necessity to provide InterLATA and IntraLATA telecommunications services within the State of California. This decision modifies D99-12-062 to allow construction of a fiber optic system between Point Arena in Mendocino County and the community of Robbins in Sutter County, and between Point Arena and the City of Sacramento. This proceeding is closed.  
(Com Neeper - ALJ O'Donnell)



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## REGULAR AGENDA

### UTILITY AND TRANSPORTATION ORDERS

#### *ORDERS HELD OVER*

**H-1            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;

Agenda 3037, Item H-2, 4/20/00; Req - Commission)

**H-1a            ALTERNATE ORDER TO ITEM H-1.** This alternate order approves a process for water utilities to offer non-tariffed products and services that is similar in structure to the method adopted by the Commission in D99-06-021 for Southern California Edison Company. The method allows sharing of gross revenues. Shareholders would receive 90% of gross revenues for active investments and 70% for passive investments. Shareholders would pay all costs. A threshold revenue assumption is also included. This alternate requires advice letters for products and services proposed as active investments.

(Coms Neeper/Duque)

- H-2            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; Agenda 3037, Item H-4, 4/20/00; Req - Commission)
- H-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. 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; Agenda 3037, Item H-6, 4/20/00; Req - Commission)

**H-4**

**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; Agenda 3037, Item H-7, 4/20/00;  
Req - Commission)

**H-5           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))

(Agenda 3037, Item 2, 4/20/00; Req - Commission)

**H-5a**            **ALTERNATE ORDER TO ITEM H-5.** This alternate order allows utilities to procure from CalPX or any qualified exchange during the transition period. Exchanges are qualified through an advice letter process. Post transition period the buy requirement is totally eliminated. Utilities must file a new application with a methodology based on generation costs by class and time of use for the allocation of transition costs which extend past the end of the transition period. SDG&E ratepayers will receive a one time credit or check for unrealized savings from excess rate reduction bond proceeds. The line item for interruptible discounts is not adopted.

**(Rev.)**  
(4/28/00)

(Coms Neeper/Bilas)

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

**H-6**            **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. These proceedings are closed.  
**The Commission's President at the January 20, 2000 Commission Meeting, announced that this matter should be removed from the Ratesetting Deliberative Agenda.**

(Com Neeper - ALJ Patrick)

*(Section 311(d))*

(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; Agenda 3037, Item 5, 4/20/00; Req - Commission)

- H-7           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. This proceeding is closed. **The Commission's President at the January 20, 2000 Commission Meeting, announced that this matter should be removed from the Ratesetting Deliberative Agenda.**  
(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; Agenda 3037, Item 6, 4/20/00; Req - Commission)

- H-8           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)  
(Agenda 3037, Item 7, 4/20/00; Req - Commission)

**H-8a**            **ALTERNATE ORDER TO ITEM H-8.** SB 669 of 1999 gave the Deaf and 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)  
(Agenda 3037, Item 7a, 4/20/00; 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; Agenda 3037, Item H-9, 4/20/00;  
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; Agenda 3037, Item H-10, 4/20/00;

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.**

(Agenda 3037, Item H-10a, 4/20/00; Req - Commission)



**H-11           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))  
(Agenda 3037, Item 3, 4/20/00; Req - Commission)

**H-12           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))  
(Agenda 3037, Item 1, 4/20/00; 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 resolves the issues for which rehearing was granted as prescribed in D99-04-072. The decision concludes that Pacific Bell (Pacific) and GTE California Incorporated (GTEC) have failed to rebut the presumption that their end-user toll aggregation restrictions are unreasonable, and likewise, that they have failed to rebut the presumption that the resale restrictions on Centrex and Centranet service are unreasonable. Pacific and GTEC are directed to file amended tariffs removing these restrictions on the resale of the applicable services within 30 days of the effective date of this decision.

(Com Bilas - ALJ Pulsifer)

(Section 311(g)(1))

**2 A99-08-013 - AT&T Corp. (AT&T), Meteor Acquisition Inc. (Meteor), and MediaOne Group, Inc. (MediaOne Group).**

This decision grants joint Applicants AT&T, Meteor, and MediaOne Group's request to transfer control of MediaOne Telecommunications of California, Inc. (MediaOne Telecom) from MediaOne Group to AT&T. The transfer of control of MediaOne Telecom being authorized by this opinion is exempt from Public Utilities Code Sections 854(b) and (c) pursuant to Section 853 and is in the public interest pursuant to Section 854 (a). Pursuant to Section 853, it also exempt from Section 852 the indirect ownership change in MediaOne TWE Holdings, Inc.'s minority interest in Time Warner Telecom Inc., whose subsidiary Time Warner Telecom of California L.P. provides facilities based telecommunications services in California, from MediaOne Group to AT&T. This proceeding is closed.

(Com Bilas - ALJ Galvin)

(Section 311(g)(1))

**3 R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service. I95-04-044 - Related matter.**

This decision grants in part Pacific Bell's (Pacific) motion for the establishment of memorandum accounts for the tracking of reciprocal compensation payments for Internet Service Provider (ISP) traffic. Pacific's request for an order that certain carriers post financial security is denied. Pacific's request for an order that ISP payments be subject to refund is denied.

(Com Bilas - ALJ Pulsifer)

(Section 311(g)(1))

**4 A98-11-003 - Southern California Water Company (SCWC).**

For a Certificate of Public Convenience and Necessity (CPCN) pursuant to California Public Utilities Code Section 1001 to extend its West Orange County System to the Bolsa Chica Planned Community.

A98-11-015 - Related matter. This decision finds that while the City of Huntington Beach is "able," it is not "ready and willing" at this time to provide the needed water and sewer services for the developer of a planned residential community to be built on a segment of an unincorporated area of Orange County called Bolsa Chica even though the City surrounds the area on three sides, thus leading the developer to contract with SCWC for the services. This decision grants SCWC's request for a CPCN to make a non-contiguous extension of SCWC's local district to include the development, provide water and sewer services, and to construct a 6.75 mile underground 18 inch pipeline to transport water from the district to the development. It approves SCWC's proposed rates as just and reasonable. As the Lead Agency under CEQA for the "pipeline" project, it relates that the Commission has conducted the requisite CEQA environmental review, and following issuance of a draft Supplemental Environmental Impact Report (SEIR) received and considered comments before issuing the Commission's Final SEIR. This Final SEIR identifies significant environmental effects and mitigation requirements where feasible, examines and evaluates alternate routes, before concluding that the specific overriding economic, legal, social, technological and other benefits of the project outweigh the significant unmitigated impacts. Finally, it finds that the Final SEIR complies with CEQA and represents the Commission's independent judgment, this decision certifies the Final SEIR. These proceedings are closed.

(Com Duque - ALJ Weiss)

(Section 311(d))

**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 of the City of San Diego to modify D00-01-023 to reinstitute permissive dialing of the 858 area code on an "open-season" basis and to impose an interim seven-digit overlay. The Emergency Motion of the City of San Diego is granted, in part, to the extent that it seeks a deferral of the second phase implementation of the 619 NPA relief plan. The Commission shall issue a subsequent decision or assigned Commissioner's ruling following receipt and review of the code utilization study for the 619 NPA, scheduled for release on June 1, 2000, further addressing subsequent measures for dealing with the NXX code shortage in the 619 NPA.

(Com Wood - ALJ Pulsifer)  
(Section 311(g)(1))

**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 denies the Petition for Modification of D98-06-018 (Petition) filed by Robert M. Kuczewski on January 13, 2000 to consider a seven-digit overlay for the 619 area code. It finds that no new facts are raised in the Petition warranting a different outcome from that reached in D00-01-023 that denied essentially the same request filed previously. The existence of a seven-digit overlay in New York City does not provide a basis to consider a seven-digit overlay for the 619 area code.

(Com Wood - ALJ Pulsifer)  
(Section 311(g)(1))

**◆7                    C99-01-039 - The Greenlining Institute, Latino Issues Forum vs. Pacific Bell, Pacific Bell Information Services.**

This decision denies the complaint after concluding, among other things, that the preponderance of the evidence does not establish that defendants deceptively marketed and sold voicemail to business customers. This proceeding is closed.

(Com Neeper - ALJ Vieth)

- 8**                    **A99-11-031 - Country Estates Water Co., Inc. (Country Estates).**  
(5/3/00)            For authority to sell and Del Oro Water Co., Inc. for authority to buy  
Country Estates, in Kern County. Granted. This proceeding is closed.  
(Com Duque - ALJ Patrick)  
This item appeared as CA-24 on the agenda distributed to the public.

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**UTILITIES RESOLUTIONS**

***ENERGY MATTERS***

**E-1            Res E-3662 - Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (Edison).**

This resolution approves as modified PG&E and Edison's request for revisions of tariffs to comply with the requirements of Assembly Bill 811. (PG&E Advice Letter (AL) 1430-E, Edison AL 1953-E, both filed January 14, 2000)  
(Section 311(g)(1))

**E-2            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; Agenda 3037, Item E-1, 4/20/00;  
Req - Commission)

**E-2a            ALTERNATE PAGES TO ITEM E-2.** These alternate pages address Edison's AL 1425-E, which requests approval to offer the OnCall service as a nontariffed service. Denied. The Commission finds the proposal would not have the utility exploit its surplus capacity in order to develop this business, as the Commission envisions when it issued Rule VII of the Affiliate Transaction Rules. The Commission prefers that competitive products and services be offered through the utilities' affiliates, if possible. The proposed expanded use of Edison's Customer Communication Center for the marketing of this service would be an inappropriate and likely irritating use of this call center.

**(Rev.)            (Com Neeper)**  
**(4/24/00)        This revision was not listed on the agenda distributed to the public.**

**TELECOMMUNICATIONS MATTERS**

- C-1            Res T-16409 - All Telecommunications Carriers.**  
This resolution approves the first six-months of year 2001 budget of \$253.569 million and a surcharge rate of 2.1% for the California High Cost Fund-B program.  
(Section 311(g)(1))
- C-2            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; Agenda 3037, Item C-3, 4/20/00; Req - Commission)

## **ADMINISTRATIVE LAW JUDGE DIVISION RESOLUTIONS**

- HALJ-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))  
(Agenda 3037, Item ALJ-1, 4/20/00; Req - Commission)



**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; Agenda 3037, Item HLEG-1, 4/20/00; Req - Commission)
- HLEG-2**      **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; Agenda 3037, Item HLEG-3, 4/20/00; Req - Commission)
- HLEG-3**      **AB 2762 (Committee on Utilities and Commerce)**, to amend Section 422 of the Public Utilities Code, relating to common carriers: annual fee.  
(Agenda 3037, Item LEG-3, 4/20/00; Req - Commission)
- HLEG-4**      **SB 1939 (Alarcon)**, to amend Section 385 of, and add Section 9607 to, the Public Utilities Code, relating to electric power.  
(Agenda 3037, Item LEG-4, 4/20/00; Req - Commission)
- HLEG-5**      **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.  
(Agenda 3037, Item LEG-6, 4/20/00; Req - Commission)
- LEG-1**        **AB 1082 (Calderon)**, to amend Public Utilities Code Section 829, relating to stocks and securities transactions.

## **COMMISSIONERS' REPORTS**

President Lynch

Commissioner Duque

- Water Matters
- Legislative Matters

Commissioner Neeper

- Telecommunications Matters
- Legal/Administrative Law Judge Matters

Commissioner Bilas

- Administrative Matters
- 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

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## 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 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).)  
(Agenda 3037, Item EX-5, 4/20/00; 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).)

**FEDERAL ITEMS**

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

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