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

*Wesley M. Franklin, Executive Director*

Headquarters

505 Van Ness Avenue  
San Francisco, CA 94102  
(415) 703-2782

Southern California Office

107 So. Broadway, Room 5109  
Los Angeles, CA 90012  
(213) 897-2973

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

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### **Daily Calendar** **Monday, December 15, 1997**

- Regular Commission Meetings
- Notices
- Subscription Information (Daily Calendar and Agenda)
- Commissioner Office Hours
- Public Meetings and Workshops
- New Filings
- Petitions for Modification of Applications for Rehearing
- Draft Decisions/Proposed Decisions/Alternates/Arbitrator's Reports
- Advice Letter Filings
- Miscellaneous Transportation Items
- Adjournments/Resettings/Submissions
- Removals from Calendar
- New Settings
- Law and Motion Hearings
- Hearings
- Notice of Denial of Request for Ex Parte Meeting
- Notice of Ex Parte Communications
- 



The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call (415) 703-1203. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the event.

### REGULAR COMMISSION MEETINGS

December 16, 1997	10:00 a.m.	San Francisco
January 7, 1998	10:00 a.m.	San Francisco

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### NOTICES

#### ***Delivery of Formal Pleadings for Filing***

Unless otherwise directed, all *courier-delivered documents* submitted for filing as part of the formal record in a proceeding should be *hand-carried directly* to the Commission's Docket Office, Room 2001, 505 Van Ness Avenue in San Francisco; Room 5109, 107 South Broadway in Los Angeles; or Room 4006, 1350 Front Street in San Diego. All *documents sent through the mail* for formal filing should be addressed *ONLY* to the Commission's Docket Office, Room 2001, 505 Van Ness Avenue, San Francisco, CA 94102.

The Payphone Service Provider's Enforcement Committee has proposed a Charter for approval by the CPUC. A protest must be made in writing and received within 20 days from the date of this calendar item. Protest must be delivered to Director, Telecommunications Division, 505 Van Ness Ave., Room 3203, San Francisco, CA, 94102.

#### ***Charge for Commission Documents***

To purchase Commission documents, there is a charge of 20 cents a printed page (postage prepaid) with a minimum purchase of \$2.00.

### SUBSCRIPTION INFORMATION

#### ***Subscription Notice for Draft Agenda Items***

In compliance with Public Utilities Code Section 311.5, parties who wish to subscribe to receive draft agenda items may do so by writing to the Public Utilities Commission; Attention: Poly Arca, Room 1003; 505 Van Ness Avenue; San Francisco, CA 94102; or by calling (415) 703-1798. The cost for a one-year subscription to the entire public agenda package (which excludes Executive Session materials) is \$1,000. You may also order a partial agenda package (energy agenda items only or telecommunication agenda items only) at the cost of \$500 per year. The package you receive via mail will include only those agenda items available at the time of the agenda distribution date, which is usually 10 to 12 days prior to the Commission meeting. If agenda items (including revisions) are not ready on the distribution date, they will be made available at no charge in the lobby outside the Commission Auditorium at 9:00 a.m. on the morning of the Commission meeting, but not earlier.

In addition, the Commission will make draft agenda items available for viewing and photocopying (at 20 centers per page) at the Commission's Central Files Office (Room 2002), 505 Van Ness Avenue, San Francisco, and in the Los Angeles, San Diego, and the following field offices: El Centro, Eureka, Sacramento and San Bernardino. Since the agenda package will be mailed to these locations, it will be available at these locations a day or two after the distribution date. These locations will not receive agenda items that are not ready on the distribution date.

If an agenda item is held over to a subsequent Commission meeting, that agenda item and any revisions to that agenda item that were available on the morning of the initial Commission meeting (as well as any further available revisions) will be mailed in the Escutia package for the subsequent Commission meeting; the item and its revisions will also be available for viewing and photocopying in the Commission's Central Files Office and field offices as set forth above.

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

The cost to receive the agenda only, without copies of draft agenda items, remains at \$75 per year.

***Subscription Notice for Daily Calendar and/or Agenda***

Parties who wish to subscribe to the Daily Calendar and/or the Agenda may do so by writing to the Public Utilities Commission; Attention: Poly Arca, Room 1003; 505 Van Ness Avenue; San Francisco, CA 94102; or by calling (415) 703-1798. The subscription cost for the Daily Calendar is \$225 per year. The Biweekly Daily Calendar is \$50 per year. The Agenda is \$75 per year. Checks are to be made payable to the Public Utilities Commission.

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**COMMISSIONER OFFICE HOURS**

*(For further information or to make an appointment, please contact, Michelle Diamonon at (707) 445-7875 for Eureka and Chico locations, and Sandra Graham at (213) 897-3544 for other locations).*

Date/Time                      Commissioner                      Location

**NONE SCHEDULED**

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**PUBLIC MEETINGS & WORKSHOPS**

**Public Meeting**

<p>December 15, 1997                  9 am - 5 pm</p>	<p>Caltrans (<b>REVISED LOCATION</b>)                  370 - 3<sup>rd</sup> Street                  San Francisco</p>
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The Administrative Committee of the Electric Education Trust (EET) will hold a public meeting to conduct business related to establishing the trust and realizing its mission. The agenda includes, among other things, presentations by representatives of the Consumer Education Plan, consideration of education and outreach activities with community-based organizations, results of a request for proposal (RFP) for trust administrators and consultants, and various administrative matters. The contact person is William R. Schulte at (415) 703-2349.

**Public Meeting**

<p>December 15, 1997                  2 pm - 4 pm</p>	<p>Onsite Energy                  701 Palomar Airport Road, Suite 200                  Carlsbad</p>
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The Nonresidential SPC Subcommittee of the Technical Advisory Committee for the California Board for Energy Efficiency will meet to discuss (1) evaluation of SPC programs, including success indicators; (2) public information and outreach concerning SPC programs introduced by interim administrators 1998; and (3) coordinating the Subcommittee's input to the CBEE. The contact person is Richard Sperberg at (760) 931-2400.

**Public Meeting**

<p>December 16, 1997                  9 am - 5 pm</p>	<p>Caltrans (<b>REVISED LOCATION</b>)                  370 - 3<sup>rd</sup> Street                  San Francisco</p>
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The Administrative Committee of the Electric Education Trust (EET) will hold a public meeting to conduct business related to establishing the trust and realizing its mission. The agenda includes, among other things, presentations by representatives of the Consumer Education Plan, consideration of education and outreach activities with community-based organizations, results of a request for proposal (RFP) for trust administrators and consultants, and various administrative matters. The contact person is William R. Schulte at (415) 703-2349.

**Public Meeting**

<p>December 16, 1997                  9:30 am - 6 pm                  and                  December 17, 1997                  8:30 am - 2:30 pm</p>	<p>Pacific Gas and Electric Company Energy Center                  851 Howard Street                  (1 block west of the Moscone Center)                  San Francisco</p>
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The California Board for Energy Efficiency will meet on December 9:30 am to 12 pm to receive public comments on the proposed RFP for independent administrators and from 1-6 pm on December 16 and on December 17 to discuss the RFP and governing rules, the

Board's response to comments on the RFP; program analysis and evaluation plans; utility 1998 program plans and associated reports to and decisions by the ALJ; utility RFPs for third-party programs; reports from or direction to the technical consultants and Technical Advisory Committee, Board operational matters, and other Board filings. The contact person is Nancy Licht of Wm. Nesbit & Associates, (707) 523-1663.

**Public Meeting**

<p><i>December 16, 1997</i> <i>10 am - 4pm</i></p> <p><i>With a Break for Lunch</i> <i>(A brief break will be called prior to lunch)</i></p>	<p><i>Pacific Gas and Electric Company Energy Center</i> <i>851 Howard Street</i> <i>(1 block west of the Moscone Center)</i> <b>San Francisco</b></p> <p><b>To join via teleconference:</b> <b>dial (303) 633-1013; Passcode 2362359#</b></p>
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As provided for in Public Utilities Commission D97-09-117, one or more LIGB members may be participating in this meeting via teleconference. Members of the public may also participate in the meeting on **December 16, 1997** by calling **303-633-1013**.

The Low Income Governing Board will meet to discuss the following agenda items: Chairperson's report, review meeting minutes, discuss legal issues, Technical Consultants projects, address budget planning/financial status, update on the Advisory Committee, address policy planning issues on critical path, and develop agenda for the next Board meeting. These meetings are open to the public. You can get the materials for this meeting from the LIGB website at [www.ligb.org](http://www.ligb.org). Amy Hopper is the contact person at (510) 251-2888, extension 2015.

**Public Meeting**

<p><i>December 17, 1997</i> <i>10 am - 4pm</i></p> <p><i>With a Break for Lunch</i> <i>(A brief break will be called prior to lunch)</i></p>	<p><i>Pacific Gas and Electric Company Energy Center</i> <i>851 Howard Street</i> <i>(1 block west of the Moscone Center)</i> <b>San Francisco</b></p> <p><b>To join via teleconference:</b> <b>dial (303) 633-1880; Passcode 6687053#</b></p>
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As provided for in Public Utilities Commission D97-09-117, one or more LIGB members may be participating in this meeting via teleconference. Members of the public may participate in the meeting by calling **303-633-1880** on **December 17, 1997**.

The Low Income Governing Board Advisory Committee will meet to discuss the following agenda items: Continuation in addressing issues related to the transition of the programs and planning for upcoming meetings. These meetings are open to the public. You can get the materials for this meeting from the LIGB website at [www.ligb.org](http://www.ligb.org) under "Advisory Committee". Amy Hopper is the contact person at (510) 251-2888, extension 2015.

**Public Meeting**

<p><i>December 17, 1997</i> <i>1 pm - 5 pm</i></p>	<p><i>Natural Resources Defense Council</i> <i>71 Stevenson Street, Suite 1825</i></p>
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	<b>San Francisco</b>
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.The New Programs Subcommittee of the Technical Advisory Committee for the California Board for Energy Efficiency will meet to discuss (1) the program and portfolio planning process, (2) environmental externalities, and (3) data and information necessary for evaluation, and (4) the subcommittee’s report to the TAC during its December 18 meeting. The contact person is Sheryl Carter at (415) 777-0220.

**Public Meeting**

<i>December 17, 1997 1:30 am - 4 pm</i>	<i>California Public Utilities Commission 505 Van Ness Avenue, Room 3204 (Corner of Van Ness Avenue and McAllister Street) <b>San Francisco</b></i>
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The Universal Lifeline Telephone Service (ULTS) Trust Administrative Committee will hold its regularly scheduled monthly meeting to approve the payment of telephone claims, review and approve administrative expenses, finalize the January through June 1998 Administrative Committee meeting dates, and other general administrative matters. If you would like to join the meeting by phone conference or receive a copy of the agenda please notify Vivien Wright, Executive Assistant, five (5) working days in advance of the meeting (510) 452-2757.

**Public Workshop and Public Meeting**

<i>December 18, 1997 9 am - 1 pm and 1 pm - 4 pm</i>	<i>Pacific Gas and Electric Company Energy Center 851 Howard Street (1 block west of the Moscone Center) <b>San Francisco</b></i>
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A Public Workshop will be conducted by the Technical Services Consultants to the California Board for Energy Efficiency to discuss (1) definitions, (2) cost-effectiveness tests and their application, (3) measures of performance and evaluation, and (4) methods to classify programs.

The Technical Advisory Committee for the California Board for Energy Efficiency will meet to discuss SPC program performance indicators; New Program and SPC subcommittee activities and work products; 1998 program changes based on recent CPUC decisions; TAC membership activities, including the recent TAC membership survey, and agenda planning for 1998. The contact person is Beverly Coleman (415) 564-3082.

**Workshop Notice**

<i>December 19, 1997 9:30 am</i>	<i>California Public Utilities Commission 505 Van Ness Avenue Training Room</i>
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	<b>San Francisco</b>
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The Energy Division staff will conduct a workshop to address compliance issues associated with utility advice filings ordered in ordering paragraph 1 of Decision (D)97-12-039. The workshop is open to the public and the training room is wheelchair accessible. For more information contact Steve Layman at (415) 703-3332.

**Public Meeting**

<i>December 19, 1997 10 am - 4 pm</i>	<i>Deaf and Disabled Telecommunications Program 1939 Harrison Street DDTP Conference Room, Suite 555 Oakland</i>
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The California Relay Service Advisory Committee of the Deaf and Disabled Telecommunications Program will hold its regular monthly meeting. For more information about the meeting, or if you plan to attend the meeting and need sign language interpretation or real-time captioning, contact Sara Brucker at (510) 874-1410 VOICE or (510) 874-1411 TTY. Environmental Reminder: Please refrain from wearing perfumes or scents to DDTP meetings, because people with environmental illness or multiple chemical sensitivity must reduce their exposure in order to attend.

**Public Meeting**

<i>January 8, 1998 (Thursday)</i>	<i>California Public Utilities Commission 505 Van Ness Avenue, Room 3204 (Corner of Van Ness Avenue and McAllister Street) San Francisco</i>
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The Interim Administrative Committee for the California High Cost Fund B and the California Teleconnect Fund will hold its 9th meeting to discuss the status of its motion filed on October 29, 1997, and to discuss administrative matters. The contact person for this meeting is Angela Young at (415) 703-2837.

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**NEW FILINGS**

**NONE**

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**PETITIONS FOR MODIFICATION AND APPLICATIONS FOR REHEARING**

**NONE**

**DRAFT DECISIONS \* PROPOSED DECISIONS \* ALTERNATES \*  
ARBITRATOR'S REPORTS**

NONE

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**ADVICE LETTER FILINGS**

NONE

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**MISCELLANEOUS TRANSPORTATION ITEMS**

**December 15 1997**

Filings with Safety and Enforcement

NONE

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**ADJOURNMENTS \* RESETTINGS \* SUBMISSIONS**

NONE

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**REMOVALS FROM CALENDAR**

NONE

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**NEW SETTINGS**

12/19/97	10:30 am	Bennett-Whiskey Run Homeowners Association vs.
ALJ Bennett	C97-10-077	Kirkwood Gas and Electric Company, for relief from the
Comr Bilas		payment for electricity used by a commercial unit not
		associated with the homeowners association,
		<b>Office of Governmental Affairs, 1227 O Street,</b>
		<b>Fourth Floor, Sacramento</b>

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**LAW AND MOTION**



Law and Motion Hearings are held before Administrative Law Judge Steven Kotz at 9:30 am in one of the Commission's San Francisco Office Hearing Rooms, unless otherwise noted. Law and Motion procedures are governed by Resolution ALJ 164. Copies of Resolution ALJ 164 are available from the Commission's Documents Desk (415) 703-1713 or from Central Files (415) 703-2045.

12/16/97	9:30 am	NONE SCHEDULE
12/23/97	9:30 am	NONE SCHEDULE
12/30/97	9:30 am	NONE SCHEDULED

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### HEARINGS

*Dates in parentheses following the word "also" are subject to change without notice. the assigned Commissioner's name is listed next to the proceedings as matter of record; the assigned Commissioner may not be present at the hearing.*

**(PHC) = Prehearing Conference**

**(EH) = Evidentiary Hearing**

**(PPH) = Public Participation Hearing**

**(IAM) = Initial Arbitration Meeting**

**(M) = Mediation**

**(OA) = Oral Argument**

**(WS) = Workshop**

**(FPH) = Full Panel Hearing**

**(AH) = Arbitration Hearing**

12/17/97	10:00 am	<b>(EH)</b> -Pacific gas and Electric Company, to sell and Modesto Irrigation District to acquire electric distribution and transmission facilities serving the Cities of Ripon, Escalon, Riverbank, Oakdale, and surrounding rural areas, <b>Commission Courtroom, San Francisco (December 18 and 19, San Francisco)</b>
ALJ Malcolm Comr Conlon	A97-07-030	

12/19/97	2:00 pm	<b>(PHC)</b> -Brook Fiber Communications of Fresno, Inc., Brooks Fiber Communications of Stockton, Inc., Brook Fiber Communications of Bakersfield, Inc., Brooks Fiber Communications of San Jose, Inc. and Brooks Fiber Communications of Sacramento, Inc. vs. Pacific Bell, for unreasonable and unlawful anti-competitive activities, <b>Commission Courtroom, San Francisco</b>
ALJ Bushey Comr Duque	C97-11-018	

12/22/97	10:00 am	<b>(PHC)</b> -Catalina Channel Express, Inc., for such additional authority as may be necessary to affirm its scheduled service certificate of public convenience and necessity to operate as a common carrier by vessel
ALJ Ryerson Comr Duque	A97-09-040	

between Dana Point and Avalon/Two Harbors and for authority to file a tariff and timetable to commence such service,  
**Commission Courtroom, San Francisco**

12/22/97            10:00 am            **(PHC)**-California Cable Television Association vs. ALJ Walwyn            C97-03-049            Pacific Bell, for offering and promoting the bundled Comr Duque            offering of the basic exchange service and Internet service in violation of due procedures and without authorization,  
**Commission Courtroom, San Francisco**

1/7/98                9:00 am                **(EH)**-Carl Brandstetter vs. Holiday Retreats, Inc., ALJ McVicar            C97-08-054            Derebery, Surinder S. Dang, and Gurinder Singh, for Comr Duque            serving water without authority,  
**Council Chambers, City Hall, 3900 Main Street, Riverside**

1/9/98                10:00 am                **(ECP)**-Lorna Shofner vs. D.C.N. Wireless, for ALJ Barnett            C97-10-076            overbilling and unfair business practices, Comr Neeper            **Commission Courtroom, Los Angeles,**

1/9/98                10:30 am                **(ECP)**-Fariborz Hamzel vs. Pacific Bell, for ALJ Barnett            C97-10-078            unauthorized ISDN calls, Comr Duque            **Commission Courtroom, State Office Building, 107 S. Broadway, Los Angeles**

1/12/98              10:00 am              **(EH)**-ARCO Products Company, Mobil Oil ALJ Careaga            C97-04-025            Corporation, Texaco Refining and Marketing Inc. vs. Comr Duque            SFPP, L.P., for violation of Section 451 of the Public Utilities Code by charging rates that are not just and reasonable for the intrastate transportation of refined petroleum products,  
**Commission Courtroom, San Francisco**

1/12/98 ALJ Patrick ALJ Stalder Comr Conlon	10:00 am A96-05-045	<p><b>(EH)</b>-Southern California Edison Company, for authority to freeze rates t their current levels by deferring a \$1.7 million rate decrease, plus interest to 1998, for a finding that 1/1/97 balances in the energy cost adjustment clause (ECAC) and electric revenue adjustment mechanism (ERAM) accounts are reasonable, for authority to set aside overcollection in the ECAC and ERAM accounts as of 12/31/96 to reduce the level of competition transition cost, for authority to revise its incremental energy rate, the energy reliability index and avoided capacity cost pricing, and for a review of the reasonableness of Edison's operations during the period from April 1, 1995, through March 31, 1996, and</p> <p><b>(EH)</b>-Southern California Edison Company, for review of the reasonableness of operations during the period from April 1 1996, through March 31, 1997</p> <p><b>(Reasonableness Phase),</b> <b>Commission Courtroom, San Francisco</b></p>
1/13/98 ALJ Henderson Comr Neeper	10:00 am A96-10-022	<p><b>(EH)</b>-San Diego Gas &amp; Electric Company, for annual energy cost adjustment clause for the period from 5/1/97 to 4/30/98,</p> <p><b>Commission Courtroom, San Francisco</b></p>
1/14/98 ALJ Ramsey Comr Conlon	10:00 am I91-08-029	<p><b>(PHC)</b>-Investigation on the Commission's own motion into the causes of recent derailments of Southern Pacific Transportation Company trains, compliance of Southern Pacific with applicable laws, rules, and regulations, the existence of any local safety hazards, and recommendations for improvements in state and federal laws or regulations,</p> <p><b>Commission Courtroom, San Francisco</b></p>
1/15/98 ALJ Patrick Comr Bilas	1:30 pm A97-11-012	<p><b>(PHC)</b>-Pacific Gas and Electric Company, for authority to increase the price of water delivered to the El Dorado Irrigation District from the El Dorado Project, effective in 1998 and 1999,</p> <p><b>Commission Courtroom, San Francisco</b></p>
1/16/98 ALJ Walker Comr Duque	7:00 pm C97-09-056	<p><b>(PHC)</b>-Marna An Powell and Donna M. Hufford vs. GTE Northwest, dba GTE West Coast, for enlargement of the 488 prefix to include a toll free one-way extended area service,</p>

**Orick Community Center, 101 Swan Road, Orick**

12/19/97 ALJ Bennett Comr Bilas	10:30 am C97-10-077	Bennett-Whiskey Run Homeowners Association vs. Kirkwood Gas and Electric Company, for relief from the payment for electricity used by a commercial unit not associated with the homeowners association, <b>Office of Governmental Affairs, 1227 O Street, Fourth Floor, Sacramento</b>
1/22/98 ALJ Econome Comr Bilas	1:30 pm A97-03-002	<b>(PHC)</b> -Pacific gas and Electric Company, for authority to revise its gas rates and tariffs to be effective 1/1/98, pursuant to D.89-01-040, D.90-09-089, D.91-05-029, D.93-12-058, D.94-07-024, and D.95-12-053, <b>Commission Courtroom, San Francisco (EH), for 10 am, January 26, San Francisco (also January 27-30 and February 2-6, San Francisco),</b>
1/27/98 ALJ Stalder Comr Conlon	10:00 am A95-08-038	<b>(EH)</b> -San Jose Water Company, for authority to increase rates by \$3,867,000 or 4.16% in 1995; \$4,348,000 or 4.43% in 1996; and \$1,713,000 or 1.67% in 1997, in Los Gatos, Saratoga, Monte Sereno, Campbell, portions of San Jose, Cupertino and Santa Clara, and in territory within the County of Santa Clara surrounding and adjacent in these municipalities, <b>Commission Courtroom, San Francisco (also January 28, San Francisco)</b>
1/30/98 ALJ Walker Comr Duque	7:00 p.m. C97-09-054	<b>(PHC)</b> -Robert W. Merwin vs. Citizens Communications, for arbitrary definition of service areas, <b>Jean Harvie Community Center, 14273 River Road, Walnut Grove</b>
2/3/98 ALJ Malcolm Comr Duque	10:00 am A95-12-043	<b>(EH)</b> -Pacific Bell, for authority to increase and restructure certain rates of its Integrated Services Digital Network services, <b>Commission Courtroom, San Francisco</b>
2/5/98 ALJ Wetzell Comr Conlon	1:00 pm A97-09-049	<b>(PHC)</b> -San Diego Gas & Electric Company, for a permanent gas procurement performance-based ratemaking mechanism, <b>Commission Courtroom, San Francisco</b>
2/9/98 ALJ Careaga Comr Neeper	10:00 am C96-01-019	The City of Vernon vs. The Atchison, Topeka and Santa Fe Railway, for non-compliance with zoning, <b>Commission Courtroom, San Francisco</b>

2/10/98 ALJ Malcolm Comr Bilas	10:00 am A97-10-014 A97-10-015  A97-10-024	<b>(PHC)</b> -Pacific Gas and Electric Company, for recovery of 1996 capital additions costs, and, <b>(PHC)</b> -San Diego Gas & Electric Company, for competition transition charge recovery of 1996 capital additions, and <b>(PHC)</b> -Southern California Edison Company, for authority to recover capital additions to its fossil generating facilities made between 11/1/96 AND 12/31/96, <b>Commission Courtroom, San Francisco (EH) for 10 am, March 9, San Francisco (also March 10-13, San Francisco)</b>
2/18/98 ALJ Garde Comr Neeper	9:30 am A96-12-050	<b>(EH)</b> -Tel-Save, Inc. of Pennsylvania, dba The Phone Company, for a certificate of public convenience and necessity to operate as a reseller of local exchange service, <b>Commission Courtroom, San Francisco (also February 19, San Francisco)</b>
3/16/98 ALJ Bushey Comr Knight	9:00 am C96-12-043	<b>(EH)</b> -U.S. Long Distance, Inc. vs. Pacific Bell, for losses in excess of \$100,000 due to defendants improper administration of billing and collection services edit called "scan and reject edit," <b>Commission Courtroom, San Francisco (also March 17-18, San Francisco)</b>
3/30/98 ALJ Patrick Comr Bilas	10:00 am A97-03-015	<b>(EH)</b> -Southern California Gas Company, for approval of a long-term gas transmission service contract with Distribudora de Gas Natural de Mexicali, s. de R.L. de C.V., <b>Commission Courtroom, San Francisco (also March 31, and April 1-3, San Francisco)</b>

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**NOTICE OF DENIAL OF REQUEST FOR EX PARTE MEETING**

*On September 20, 1996, the Commission adopted Resolution ALJ 169 regarding the "Filing of Notice of Denial of Request for Ex Parte Meeting". The resolution implements an interim procedure whereby a party whose written request for an ex parte meeting with a Commissioner has been denied will be allowed to file a notice of such denial. Copies of Resolution ALJ 169 are available from the Commission's Central Files Office at 505 Van Ness Avenue, Room 2002, San Francisco; telephone (415) 703-2045. **Copies of tendered notices are available in the Central Files Office for review and/or reproduction under existing procedures. They are also available from the filing party who is under the obligation to provide copies of the notice without delay.***

**NONE FILED**

**NOTICE OF EX PARTE COMMUNICATIONS**

*Copies of tendered notices are available in the Central Files Office for review and/or reproduction under existing procedures. They are also available from the filing party who is under the obligation to provide copies of the notice without delay.*

12/11/97	A97-05-011	PacificCorp, for approval of Transition Plan.
	A97-06-046	Sierra Pacific Power Company, for approval of Transition Plan.
	A97-07-005	Kirkwood Gas & Electric Company, for compliance with the requirements of AB 1890.
	A97-08-064	Southern California Water Company, for certain exemptions to California Public Utilities Commission Decisions 97-05-039, 97-05-040, and related Order Instituting Rulemaking (OIR) 94-04-031, and Order Instituting Investigation (OII) 94-04-032.

**Summary:** On December 9, 1997, Christopher J. Danforth representing Office of Ratepayer Advocates (ORA) contacted Dorothy Duda, adv. to Cmmr. Knight by telephone. Also present were Bruce Hellebuyck, Jim Fell, and Jim Paine on behalf of PacifiCorp. ORA stated that it supported a stipulation with PacifiCorp that would have credited PacifiCorp for foregone PBR rate increases as part of the rate reduction required by AB 1890. ORA stated that allowing PacifiCorp to go "directly to market" without recovery of any uneconomic costs, including QF costs, would be better for the ratepayer because the

amount of over-market QF costs is fairly small. But the Commission would have to determine how much discretion it has under the law to allow a minor departure from the letter of AB 1890 which better carries out its intent.

**Filer: ORA-Danforth**

**Contact: Susie Toy**

**Phone: (415) 703-1858**

**Summary:** On December 8, 1997, an "all party" was held at the Commission headquarters. Parties present were: Jonathan A. Bromson and Christopher J. Danforth representing Office of Ratepayer Advocates (ORA); Cmmr. Duque; Michelle Cooke, adv. to Cmmr. Duque; Anne Eakin, John Bahling, Bruce Hellebuyck, Jim Fell, and D.J. Smith on behalf of PacifiCorp; David Norris, Dan Ahrens, Doug Ponds, and Bill Branch on behalf of Sierra Pacific; Pat Schmiede on behalf of SoCal Water; Dan Carroll on behalf of Kirkwood Gas and Electric; and Margaret Rotsker on behalf of Enron. ORA stated that it supported a stipulation with PacifiCorp that would have credited PacifiCorp for foregone PBR rate increases as part of the rate reduction required by AB 1890. ORA stated that it preferred that PacifiCorp go "directly to market" without recovery of any uneconomic costs, including QF costs, although ORA noted that the amount of QF costs was fairly small.

**Filer: ORA-Bromson**

**Contact: Susie Toy**

**Phone: (415) 703-1858**

**Summary:** On December 8, 1997, Dan Carroll, representing Kirkwood Gas and Electric Company (Kirkwood), met with Cmmr. Duque in San Francisco. Also present were Michelle Cooke, adv. to Cmmr. Duque; Ann Eakin, John Bohling, Bruce Hellbuyck, Jim Fell and D.J. Smith, representing PacifiCorp; Dave Norris, Dan Ahrens, Doug Ponds, and Bill Branch, representing Sierra Pacific; Pat Schmiede, representing Southern California Water Company; Jonathan Bromson and Chris Danforth, representing the Office of Ratepayer Advocates; and Margaret Rostker, representing Enron. Carroll discussed Kirkwood's concerns that the Proposed Decision does not give specific direction to Kirkwood regarding its obligations in unbundling its rates. Carroll stated that certain elements of D97-08-056 could not apply to Kirkwood, while other elements, although theoretically applicable, should not be required for Kirkwood, such as use of EPMC to allocate costs among customer classes, and allocation of distribution line losses. Carroll also stated that Kirkwood requests that it be allowed merely to unbundle its rates between generation and distribution as proposed by its consultant.

**Filer: Kirkwood Gas & Electric Company**

**Contact: Tammy L. Andrade**

**Phone: (916) 441-0131**

**Summary:** On December 9, 1997, Dan Carroll, representing Kirkwood Gas and Electric Company (Kirkwood), met with Cmmr. Neep in San Francisco. Also present were Penny Tirschman, Vice President, Planning and Environmental Affairs, Kirkwood Resort Company, and David Gamson, adv. to Cmmr. Neep. Carroll and Tirschman discussed Kirkwood's concerns that the Proposed Decision does not give specific direction to Kirkwood regarding its obligations in unbundling its rates. Carroll stated that certain elements of D97-08-056 could not apply to Kirkwood, while other elements, although theoretically applicable, should not be required for Kirkwood, such as use of EPMC to allocate costs among customer classes, and allocation of distribution line losses. Carroll also stated that Kirkwood requests that it be allowed merely to unbundle its rates between generation and distribution as proposed by its consultant.

**Filer: Kirkwood Gas & Electric Company**

**Contact: Tammy L. Andrade**

**Phone: (916) 441-0131**

**Summary:** On December 9, 1997, Dan Carroll, representing Kirkwood Gas and Electric Company (Kirkwood), met with Cmmr. Bilas in San Francisco. Also present were Penny Tirschman, Vice President, Planning and Environmental Affairs, Kirkwood Resort Company, and Julie Halligan, adv. to Cmmr. Bilas. Carroll and Tirschman discussed Kirkwood's concerns that the Proposed Decision does not give specific direction to Kirkwood regarding its obligations in unbundling its rates. Carroll stated that certain elements of D97-08-056 could not apply to Kirkwood, while other elements, although theoretically applicable, should not be required for Kirkwood, such as use of EPMC to allocate costs among customer classes, and allocation of distribution line losses. Carroll also stated that Kirkwood requests that it be allowed merely to unbundle its rates between generation and distribution as proposed by its consultant.

**Filer: Kirkwood Gas & Electric Company**

**Contact: Tammy L. Andrade**

**Phone: (916) 441-0131**

**Summary:** December 9, 1997, Dan Carroll, representing Kirkwood Gas and Electric Company (Kirkwood), met with Bob Lane, adv. to Cmmr. Knight in San Francisco. Also present was Penny Tirschman, Vice President, Planning and Environmental Affairs, Kirkwood Resort Company. Carroll and Tirschman discussed Kirkwood's concerns that the Proposed Decision does not give specific direction to Kirkwood regarding its obligations in unbundling its rates. Carroll stated that certain elements of D97-08-056 could not apply to Kirkwood, while other elements, although theoretically applicable, should not be required for Kirkwood, such as use of EPMC to allocate costs among customer classes, and allocation of distribution line losses. Carroll also stated that Kirkwood requests that it be allowed merely to unbundle its rates between generation and distribution as proposed by its consultant.

**Filer: Kirkwood Gas & Electric Company**

**Contact: Tammy L. Andrade**

**Phone: (916) 441-0131**

**Summary:** On December 8, 1997, Douglas R. Ponn, Director of Government Affairs; William K. Branch, Directory of Regulatory Affairs; Craig Berg and Dan Ahrens, Senior Rate Analysts; and David M. Norris, attorney, Sierra Pacific Power Company attended a meeting which was arranged by Pacificorp. with Cmmr. Duque in San Francisco. Also present were: Michelle Cooke, adv. to Cmmr. Duque and representatives of Sierra, Pacificorp, Kirkwood Gas and Electric Company, Southern California Water Company, Enron, and the Office of Ratepayer Advocates. The representatives of the four applicants to this proceeding expressed concerns regarding the Proposed Decision of ALJ Weissman, issued November 13, 1997. Sierra's verbal comments generally raised the same issues that are discussed in the written comments filed by the company on December 3, 1997. In addition, Sierra offered some general observations regarding the inapplicability of AB 1890 to a small, multi-jurisdictional electric utility and indicated that indicated that the Proposed Decisions on Sierra's Transition Plan, together with the affiliate transaction rules, if unchanged, would adversely affect its ability to conduct business in California.



**Filer: Sierra Pacific Power Company**

**Contact: David M. Norris**

**Phone: (702) 689-3939**

**Summary:** On December 8, 1997, Jonathan A. Bromson representing Office of Ratepayer Advocates (ORA) met with Cmmr. Neeper at the Commission headquarters. Also present were: Christopher J. Danforth of ORA; David Gamson, adv. to Cmmr. Neeper; Anne Eakin, John Bohling, Bruce Hellebuyck, Jim Fell, and D.J. Smith on behalf of PacifiCorp. ORA stated that it supported a stipulation with PacifiCorp that would have credited PacifiCorp for foregone PBR rate increases as part of the rate reduction required by AB 1890. ORA stated that it preferred that PacifiCorp go "directly to market" without recovery of any uneconomic costs, including QF costs, although ORA noted that the amount of QF costs was fairly small.

**Filer: Office of Ratepayer Advocates**

**E-Mail: [mnt@cpuc.ca.gov](mailto:mnt@cpuc.ca.gov)**

**Contact: Susie Toy**

**Phone: (415) 703-1858**

**Summary:** On December 8, 1997, Jonathan A. Bromson representing Office of Ratepayer Advocates (ORA) met with Cmmr. Bilas at the Commission headquarters. Also present were: Christopher J. Danforth of ORA; Julie Halligan, adv. to Cmmr. Bilas; Anne Eakin, John Bohling, Bruce Hellebuyck, Jim Fell, and D.J. Smith on behalf of PacifiCorp. ORA stated that it supported a stipulation with PacifiCorp that would have credited PacifiCorp for foregone PBR rate increases as part of the rate reduction required by AB 1890. ORA stated that it preferred that PacifiCorp go "directly to market" without recovery of any uneconomic costs, including QF costs, although ORA noted that the amount of QF costs was fairly small.

**Filer: Office of Ratepayer Advocates**

**E-Mail: [mnt@cpuc.ca.gov](mailto:mnt@cpuc.ca.gov)**

**Contact: Susie Toy**

**Phone: (415) 703-1858**

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|----------|------------|--|
| 12/11/97 | A97-12-004 | Pacific Gas and Electric Company for an order granting PG&E permission to use natural gas-based financial instruments to manage gas costs associated with natural gas purchased for utility electric generation.               |
|          | A97-12-005 | Pacific Gas and Electric Company, for an order granting PG&E permission to use gas-based financial instruments to manage the impact of Natural Gas Prices on the Cost of Electricity under existing power purchase agreements. |

**Summary:** On December 8, 1997, Jana Corey, Director, Regulatory Relations, Pacific Gas and Electric Company (PG&E), initiated a communication with Cmmr. Neeper in San Francisco. Also present were: David Gamson, adv. to Cmmr. Neeper; Jim Macias, Senior Vice President and General Manager, Generation, Transmission, and Supply, PG&E; Junona Jonas, Vice President, Gas and Electric Supply, PG&E; and Ann Kozlovsky, Manager, Power Generation Fuels, PG&E. A two-page handout titled "Gas-Based Price Risk Management," dated December 8, 1997, was used and is attached to this notice. Macias stated that PG&E filed two applications that would allow PG&E to manage price risk associated with (1) gas purchases for utility electric generation and (2) existing electric

payment obligations. Macias also noted that these applications seek authority to use gas-based financial instruments only, not electricity-based financial instruments. In addition, neither application requests authority to hedge power exchange prices. Further, Macias stated that PG&E has proposed that shareholders pay all transaction costs, bear all losses, and receive all gains from these transactions.

**Filer: Pacific Gas and Electric Company**

**Contact: Heidi Holzhauser**

**Phone: (415) 972-5611**

12/11/97

C97-11-034

Pac-West Telecomm, Inc. vs. Pacific Bell, for an order declaring that Pacific Bell is in breach of the Agreement and for compensations, and for improper termination ISP calls.

**Summary:** On December 9, 1997, John Clark, counsel of record for the Pac-West Telecomm, Inc. met with Dorothy Duda, adv. to Cmmr. Knight in San Francisco. Also present were: John La Rue, Jason Mills, and Joel Efron, Pac-West employees; Brad Jenkins of JPS Net; and Steve Dean of EarthLink Network. Pac-West provided a written summary of the points entitled "Summary of ISPs' Points of Discussion" at the meeting. A copy of the summary is attached to this notice. Pac-West explained that Pacific Bell was in breach of its obligation to pay compensation to Pac-West for terminating local calls by Pacific Bell's end users to Internet service providers (ISPs) served by Pac-West. Pac-West noted that ISPs are end users and that Pacific Bell's assertions regarding the interstate nature of calls to ISPs is incorrect. Jenkins and Dean noted that Pac-West's service was innovative and had made it possible for them to offer their services on a far broader scope than was previously economical. In addition, they observed that entry by Pac-West and other competitors into the marketplace is driving the incumbents to innovate, as well, and that Pacific Bell will soon be instituting a market trial of a service that is very similar to that offered by Pac-West.

**Filer: Pac-West Telecomm, Inc.**

**Contact: Cynthia Addad**

**Phone: (415) 392-7900**

**Summary:** On December 9, 1997, John Clark, counsel of record for the Pac-West Telecomm, Inc. met with Cmmr. Bilas in San Francisco. Also present were: John La Rue, Jason Mills, and Joel Efron, Pac-West employees; Brad Jenkins of JPS Net; Steve Dean of EarthLink Network; and Lester Wong, adv. to Cmmr. Bilas. Pac-West provided a written summary of the points entitled "Summary of ISPs' Points of Discussion" at the meeting. A copy of the summary is attached to this notice. Pac-West explained that Pacific Bell was in breach of its obligation to pay compensation to Pac-West for terminating local calls by Pacific Bell's end users to Internet service providers (ISPs) served by Pac-West. Pac-West noted that ISPs are end users and that Pacific Bell's assertions regarding the interstate nature of calls to ISPs is incorrect. Jenkins and Dean noted that Pac-West's service was innovative and had made it possible for them to offer their services on a far broader scope than was previously economical. In addition, they observed that entry by Pac-West and other competitors into the marketplace is driving the incumbents to innovate, as well, and that Pacific Bell will soon be instituting a market trial of a service that is very similar to that offered by Pac-West.

**Filer: Pac-West Telecomm, Inc.**  
**Contact: Cynthia Addad**

**Phone: (415) 392-7900**

**Summary:** On December 9, 1997, John Clark, counsel of record for the Pac-West Telecomm, Inc. met with Cmmr. Neeper in San Francisco. Also present were: John La Rue, Jason Mills, and Joel Effron, Pac-West employees; Brad Jenkins of JPS Net; Steve Dean of EarthLink Network; and Fassil Fenikile, adv. to Cmmr. Neeper. Pac-West provided a written summary of the points entitled "Summary of ISPs' Points of Discussion" at the meeting. A copy of the summary is attached to this notice. Pac-West explained that Pacific Bell was in breach of its obligation to pay compensation to Pac-West for terminating local calls by Pacific Bell's end users to Internet service providers (ISPs) served by Pac-West. Pac-West noted that ISPs are end users and that Pacific Bell's assertions regarding the interstate nature of calls to ISPs is incorrect. Jenkins and Dean noted that Pac-West's service was innovative and had made it possible for them to offer their services on a far broader scope than was previously economical. In addition, they observed that entry by Pac-West and other competitors into the marketplace is driving the incumbents to innovate, as well, and that Pacific Bell will soon be instituting a market trial of a service that is very similar to that offered by Pac-West.

**Filer: Pac-West Telecomm, Inc.**  
**Contact: Cynthia Addad**

**Phone: (415) 392-7900**

**Summary:** On December 11, 1997, John Clark, counsel of record for the Pac-West Telecomm, Inc. (Pac-West) met with Cmmr. Duque in San Francisco. Joel Effron, Pac-West employee; Jim Higgins and Mark Wright of The Grid (an Internet service provider or "ISP") were also present. Pac-West provided a written summary of the points entitled "Summary of ISPs' Points of Discussion" at the meeting. A copy of the summary is attached to this notice. Pac-West explained that Pacific Bell was in breach of its obligation to pay compensation to Pac-West for terminating local calls by Pacific Bell's end users to Internet service providers (ISPs) served by Pac-West. Pac-West noted that ISPs are end users and that Pacific Bell's assertions regarding the interstate nature of calls to ISPs is incorrect. Higgins and Wright noted that Pac-West's service was innovative and had made it possible for The Grid to offer end users state-of-the-art 56K Internet service. In addition, they observed that entry by Pac-West and other competitors into the marketplace is driving the incumbents to innovate, as well, and that Pacific Bell will soon be instituting a market trial of a service that is very similar to that offered by Pac-West.

**Filer: Pac-West Telecomm, Inc.**  
**Contact: Cynthia Addad**

**Phone: (415) 392-7900**

12/11/97	R93-04-003	Commission Order Instituting Rulemaking on Commission's own motion to govern open access to bottleneck services and establish a framework for network architecture development of dominant carrier networks and
	I93-04-002	Commission Order Instituting Investigation on the

Commission's own motion into open access and network architecture development of dominant carrier networks.

**Summary:** On December 8, 1997, Richard B. Severy, Director, Public Policy, for MCI Telecommunications Corporation (MCI) met with Cmmr. Bilas in San Francisco. Anthony J. DiTirro, Senior Regulatory Manager, for MCI, and Lester Wong, adv. to Cmmr. Bilas were also present. Severy expressed MCI's concern with the high "interim" nonrecurring charges (NRCs) contained in interconnection agreements that act as an effective economic barrier to local competitive entry in California. Severy stated that recent cost studies and depositions in the OANAD proceeding include acknowledgments by Pacific Bell that the forward-looking costs associated with NRCs are significantly lower than current rates. MCI indicated that it would soon file a motion requesting the Commission to reduce the interim NRCs immediately to more appropriate levels, based on Pacific Bell's own reported costs, rather than await the final outcome of OANAD.

**Filer: MCI Telecommunications Corporation**

**Contact: Dorothy L. Maddux**

**Phone: (415) 228-1245**