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

## ***Public Agenda 3221***

***Thursday, September 18, 2008 10:00 a.m.***

***San Francisco, California***

### **Commissioners**

**Michael R. Peevey, President**

**John A. Bohn**

**Rachelle B. Chong**

**Dian M. Grueneich**

**Timothy Alan Simon**

*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>

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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, September 29, 2008 (San Francisco)	Thursday, October 02, 2008 (San Francisco)
Friday, October 10, 2008 (San Francisco)	Thursday, October 16, 2008 (San Francisco)
Monday, November 03, 2008 (San Francisco)	Thursday, November 06, 2008 (San Francisco)
Monday, November 17, 2008 (San Francisco)	Friday, November 21, 2008 (San Francisco, Friday)
Monday, December 01, 2008 (San Francisco)	Thursday, December 04, 2008 (San Francisco)

*\*Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

#### ***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.***

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**PUBLIC COMMENT**

**The following items are not subject to public comment:**

- All items on the closed session agenda.
- 10, 20, 30

**Public Comment:**

Re 41:

- Allan Craigie, San Francisco, Ca
- Beth Berenson, San Francisco, CA
- Beth Berenson, Lighthouse for the Blind, San Francisco, CA
- Danny McClendon, Altamont Hotel, San Francisco, CA
- Dennis Kalos, Montara, CA
- Gerald Joseph DeRyan, California Retired Teachers Assoc., San Francisco, CA
- John Joseph, AARP
- Louise Aldrich
- Michael Barrett on behalf of Bill Fobert, San Francisco
- Serge Echeverria, San Francisco, CA

**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.*

**Consent Agenda - Orders and Resolutions**

- 1**                    **Res ALJ 176-3221**
- [7872]                Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Rule 7.1 of the Commission's Rules of Practice and Procedure.
- [http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=351200](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351200)

Consent Agenda - Orders and Resolutions (continued)

- 2**                    **Res ROSB-002**  
 [7488]                This resolution approves a citation program under the administration of the Director of the Consumer Protection and Safety Division for enforcing compliance with certain General Orders and other requirements for railroad carriers operating in California such as those for walkways, clearances, notification of hazardous materials release, and certain railroad operating rules agreed to by the Union Pacific Railroad Company and BNSF Railway Company.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
 Agenda 3213, Item 4 5/15/2008 (Staff);  
 Agenda 3215, Item 2 6/12/2008 (Staff);  
 Agenda 3216, Item 2 6/26/2008 (Staff);  
 Agenda 3217, Item 2 7/10/2008 (Simon);  
 Agenda 3218, Item 2 7/31/2008 (Staff);  
 Agenda 3219, Item 2 8/21/2008 (Simon);  
 Agenda 3220, Item 2 9/4/2008 (Grueneich)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=351454](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351454)

- 2a (Rev.)**            **ALTERNATE TO ITEM 7488**  
 [7943]                Resolution ordering alternative dispute resolution between parties in order to determine whether to adopt a railroad citation program for enforcing compliance with general orders and other requirements including procedures for appeal of citations issued to railroad carriers.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
09/16/2008 - This item was not listed on the agenda distributed to the public.

- 3**                    **A07-09-012 - Warburg Pincus Private Equity IX, L.P., Warburg Pincus Private Equity X, L. P. (WP X) and Electric Lightwave, LLC (ELI), Eschelon Telecom, Inc. and Advanced Telecom, Inc. dba Eschelon Telecom, Inc. (together, Applicants).**  
 [7764]                This decision approves Applicants' request for a transaction in which WP X has acquired indirect control of ELI and Eschelon Telecom, Inc. The Commission denies Applicants' request for approval of the transaction on a retroactive or nunc pro tunc basis. Applicants' motion to dismiss the application, on the grounds that the transaction did not result in a transfer of control under Section 854, is denied. Although Applicants violated Section 854 by finalizing the transaction without the Commission's advance approval, the Commission imposes no fines based on the unique circumstances of this case. This proceeding is closed.  
 (Comr Chong - ALJ Prestidge)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
 Agenda 3218, Item 17 7/31/2008 (Staff);  
 Agenda 3219, Item 5 8/21/2008 (Simon);  
 Agenda 3220, Item 3 9/4/2008 (Simon)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=350158](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=350158)

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Consent Agenda - Orders and Resolutions (continued)

**4** **R04-04-003 - Order Instituting Rulemaking to Promote Policy and Program Coordination and Integration in Electric Utility Resource Planning.**

[7800]

R04-04-025 - Related matters. This decision grants, in part, and denies, in part, the joint petition for modification of Decision 07-09-040 filed by the Cogeneration Association of California, the Energy Producers and Users Coalition, and the Independent Energy Producers. The Commission makes those changes which are sufficiently justified and which would result in a short-run avoided cost energy price which best reflects utility avoided cost. Both proceedings remain open.

(Comr Peevey - ALJ Yip-kikugawa)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3220, Item 5 9/4/2008 (Staff)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=351344](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351344)

**5** **A07-05-003 - Southern California Edison Company.**

[7848]

For Authorized Cost of Capital for Utility Operations for 2008. A07-05-007, A07-05-008 - Related matters. San Diego Gas & Electric Company (SDG&E) shall forego recovery of its \$18,097 cost of all Phase 1 and Phase 2 notices published in newspapers and in customer billing statements in this proceeding for violating Rule 13.1 of the Commission's Rules of Practice and Procedure. This amount shall be credited to SDG&E's "Rewards and Penalties Balancing Account" so that all electric and gas distribution and transportation customers receive the benefit of such credit effective January 1, 2009, at the time SDG&E implements its rate changes. These proceedings are closed.

(Comr Bohn - ALJ Galvin)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=347787](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=347787)

**6** **Res W-4703 - California Water Service Company, Kern Valley River District (CWS).**

[7849]

This resolution authorizes CWS, a 27.45% ratebase offset increase of \$977,520 and a rate support fund surcredit of \$1,034,160 during the authority given in Decision 06-08-011. (Advice Letter No. 1862, filed on June 9, 2008)

Agenda 3220, Item 22 9/4/2008 (Staff)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=351790](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351790)

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Consent Agenda - Orders and Resolutions (continued)

**7**

**Res UEB-002**

[7860]

This resolution modifies Resolution UEB-001, which created the Commission's Slamming Citation Program, that incorporated the federal requirements in 47 CFR 64.1120(c)(3)(iii) into the requirements for the citation program. As a result of the addition of the Federal Communications Commission's new requirements effective July 30, 2008, four additional third party verification requirements are added to our existing Slamming Citation Program (Res UEB-001).

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=347994](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=347994)

**8**

**A08-01-002 - Apple Valley Ranchos Water Company (Applicant).**

[7861]

For authority to increase rates charged for water service by \$3,767,000 or 22.73% in 2009, \$186,510 or 0.90% in 2010, and \$280,000 or 1.32% in 2011. By this decision, Applicant is authorized a test year 2009 revenue requirement of \$20,088,400, an increase of 17.86%. Rates will be adjusted for 2010 and 2011 consistent with the existing water company rate case plan. The adopted rate of return for the test year is 9.14% including a 10.15% return on equity. This proceeding is closed.

(Comr Bohn - ALJ O'Donnell)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=352016](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=352016)

**9**

**A08-05-033 - Pacific Gas and Electric Company (Applicant).**

[7867]

This decision grants Applicant the authority to issue \$4 billion of Debt Securities consisting of long-term debt and preferred stock, as requested in Application 08-05-033. This decision also authorizes Applicant to: encumber utility property, including its accounts receivable, to secure Debt Securities; enter into interest-rate caps, collars, swaps, hedges, and other financial instruments (collectively hedges) subject to the conditions enumerated in the body of this decision; exempt certain Debt Securities from the Commission's Competitive Bidding Rule as enumerated in the body of this order; exclude credit enhancements that do not increase the amount of debt owed by Applicant from the determination of its outstanding debt; and, report all Debt Securities information required by General Order 24-B to the Commission on a quarterly basis.

This proceeding is closed.

(Comr Bohn - ALJ Galvin)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3220, Item 28 9/4/2008 (Simon)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=350166](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=350166)

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Consent Agenda - Orders and Resolutions (continued)

**10** **C07-11-018 - Pacific Bell Telephone Company dba AT&T California vs. Global NAPs California, Inc.**  
[7875]

This modified Presiding Officer's decision finds that Global NAPs California has breached its interconnection agreement with Pacific Bell Telephone Company, and owes the amount of \$18,589,494.17 through the December 2007 bill, plus any charges that have accrued since that time. This decision also addresses the appeal and motion to set a aside submission made to the presiding officer's decision. This proceeding is closed.

(Comr Peevey - ALJ Yacknin)

*Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=346908](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=346908)

**11** **A08-06-012 - Southern California Edison Company (Applicant).**  
[7877]

This decision grants Applicant the authority requested in Application 08-06-012 to modify Decision 06-11-012 and all previous decisions for authority to finance its regulatory balancing accounts and procurement-related collateral costs. Specifically, this decision grants Applicant's request to increase its authority by \$450,000,000, from \$1,550,000,000 to \$2,000,000,000, exempts this authority from the Commission's competitive bidding rules, imposes certain reporting requirements, imposes a fee of \$231,000, and supersedes all prior decisions for authority to finance Edison's regulatory balancing accounts and procurement-related collateral costs. This proceeding is closed.

(Comr Bohn - ALJ Long)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=348432](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=348432)

**12** **Res ST-99**  
[7878]

This resolution approves the Consumer Protection and Safety Division final audit report titled, "Triennial On-Site Safety & Security Review of the Sacramento Regional Transit District", dated August 14, 2008. Sacramento Regional Transit District is ordered to implement the recommendations contained in the report and to provide monthly progress reports.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=347623](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=347623)

**13** **(ECP) C08-05-017 - Tim Neuhauser (Complainant) vs. Southern California Edison Company (Defendant).**  
[7879]

Complainant asserts that Defendant overbilled him \$732.72. Held – Judgment for Defendant. Complainant had bypassed Defendant's electric meter and obtained unauthorized use of electricity. Defendant properly rebilled \$732.72 in accordance with its tariff. This proceeding is closed.

(Comr Simon - ALJ Barnett)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=345755](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=345755)

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Consent Agenda - Orders and Resolutions (continued)

- 14**  
[7883]      **A08-06-013 - Southern California Edison Company (Applicant).**  
This decision grants the Applicant the relief requested in Application 08-06-013 to modify Decision 05-06-020 and does not impose any expiration date on the authority. This decision exempts Applicant from the complicated formula limit imposed by Pub. Util. Code § 823(c), exempts this authority from the Commission's competitive bidding rules, imposes certain reporting requirements, imposes a fee of \$561,500, and supersedes the prior decision for short-term borrowing authority. Pursuant to § 823(b) and the Commission's broad authority under § 701 this decision grants Applicant's request to have a flat sum limit to its authority to borrow up to \$2 billion in short-term debt to finance its various short-term borrowing needs, i.e., no portion of this sum is fixed and no portion relies on and varies pursuant § 823(c). This proceeding is closed.  
(Comr Bohn - ALJ Long)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=351289](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351289)
- 15**  
[7884]      **Res W-4706 - San Jose Water Company (SJWC).**  
This resolution addresses an order authorizing a rate base offset increase producing additional gross annual revenues of \$469,619 or 0.25% for SJWC. (Advice Letter 394, filed August 2, 2008)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=351011](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351011)
- 16**  
[7885]      **A08-05-015 - Chamkaur Giri dba Fairfield Airporter (Applicant).**  
Applicant is authorized to establish a zone of rate freedom for his passenger stage corporation service. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=347365](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=347365)

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Consent Agenda - Orders and Resolutions (continued)

- 17**  
[7891]            **A08-07-003 - Park Water Company (Applicant).**  
This decision grants Applicant authority to issue up to \$20.0 million of First Mortgage Bonds, as requested in Application 08-07-003. It also requires Applicant to make a showing of reasonableness for ratemaking purposes of the capital structure and cost of debt resulting from the transactions approved by this decision, including early retirement of debt prepayment penalties as part of its scheduled May 1, 2009 Class A Water Company Cost of Capital Application. Applicant shall also continue to adhere to the conditions pertaining to affiliate transactions enumerated in Decision (D.) 04 06-018 and Section 8 of D.06-01-019. Applicant may report on a quarterly basis all of the information required by General Order 24-B with respect to debt issued pursuant to this decision. The authority granted by this decision does not become effective until Applicant remits \$3,000 to the Commission's Fiscal Office. This proceeding is closed.  
(Comr Simon - ALJ Galvin)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=352002](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=352002)
- 18**  
[7892]            **Res W-4708 - Little Bear Sewer Company.**  
This resolution addresses an order authorizing a general rate increase to produce additional annual revenue of \$123,416 or 55.4% in test year 2007.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=349090](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=349090)
- 19**  
[7893]            **Res W-4707 - Del Oro Water Company – Paradise Pines, Magalia, and Lime Saddle Districts.**  
This resolution addresses an order authorizing recovery of \$80,254 in costs associated with the eminent domain litigation brought by Paradise Pines Irrigation District as recorded in the respective district's memorandum account. (Advice Letter 192 filed, June 12, 2008)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=350995](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=350995)
- 20**  
[7895]            **C07-10-024 - Steven Simmons vs. Southern California Edison Company.**  
A final decision in this complaint case is not expected until early 2009. There have been numerous continuances at the request of the parties to explore the possibility of settlement. Settlement discussions proved fruitless and a hearing is necessary. To hold a hearing, review the record, and prepare a decision will take us into 2009. Because of the foregoing reasons, a 6-month extension order is required. The statutory deadline in this proceeding is further extended until April 30, 2009.  
(Comr Simon - ALJ Barnett)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=349029](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=349029)

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Consent Agenda - Orders and Resolutions (continued)

- 21**  
[7896]            **Res G-3423 - Pacific Gas and Electric Company (PG&E).**  
This resolution approves PG&E's Advice Letter 2947-G. This resolution has been prepared pursuant to a pilot program specified in Res ALJ-202 granting expedited treatment to utility proposals meeting certain requirements. (Advice Letter 2947-G, filed August 7, 2008)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=351777](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351777)
- 22**  
[7897]            **Res W-4709 - Kenwood Village Water Company.**  
This resolution approves an order authorizing a general rate increase to produce additional annual revenue of \$24,531 or 8.42% for Test Year 2008.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=349453](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=349453)
- 23**  
[7900]            **A07-09-021 - City of San Marcos (Applicant).**  
This decision authorizes Applicant to construct an at-grade pedestrian crossing, in the vicinity of Marcos Street, across tracks owned by the North County Transit District. The crossing shall be identified as California Public Utilities Commission No. 106E-115.89. This proceeding is closed. (Comr Simon - ALJ Koss)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=347919](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=347919)
- 24**  
[7902]            **R08-08-009 - Order Instituting Rulemaking to Continue Implementation and Administration of California Renewables Portfolio Standard Program.**  
This decision addresses an existing tariff/standard contract of San Diego Gas & Electric Company (SDG&E) which provides for the purchase by SDG&E of electricity from public water or wastewater agency customers who generate electricity from relatively small facilities using renewable energy resources pursuant to California's renewable portfolio standard program. This decision authorizes an unopposed extension of the existing tariff/standard contract to all other customers of SDG&E on the same basic terms and conditions. This proceeding remains open.  
(Comr Peevey - ALJ Mattson)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=351050](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351050)

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**Consent Agenda - Intervenor Compensation Orders**

- 25**  
[7844]      **A05-12-011 - PacifiCorp (Applicant).**  
For a Permit to Construct the Line 75 115kV Conversion Project Pursuant to General Order 131-D. A07-01-046 - Related matters. This decision grants the second request of Don and Judy Mackintosh (the Mackintoshes) for intervenor compensation in this proceeding. The first decision, Decision (D.) 08-07-019, awarded a portion of the Mackintoshes' request for compensation related to D.07-03-043 and D.06-10-047. This second decision awards partial compensation for the Mackintoshes' substantial contribution to D.07-12-018. While the Mackintoshes' second request is for \$45,643.04 in compensation, for various reasons set forth herein, this decision reduces that amount by \$14,005.29, and awards \$31,637.76. Application (A.) 05- 12-011 and A.07-01-046 are closed. (Comr Peevey - ALJ Thomas)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=351436](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351436)
- 26**  
[7876]      **A06-02-026 - Golden State Water Company (Applicant).**  
For an Order Pursuant to Public Utilities Code Section 851 approving a settlement in a Water Rights Adjudication, and for an Order Pursuant to Section 454 Approving the Proposed Ratemaking Treatment of the Costs of the Adjudication and Settlement. This decision awards Donald R. Ward for the Orcutt Area Advisory Group Inc. \$1,430 for substantial contribution to Decision 08-04-007. This proceeding is closed. (Comr Bohn - ALJ DeAngelis)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=344638](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=344638)
- 27**  
[7880]      **R06-02-012 - Order Instituting Rulemaking to Develop Additional Methods to Implement the California Renewables Portfolio Standard Program.**  
This decision awards \$7,048.12 to Aglet Consumer Alliance (Aglet) and \$36,164 to the Green Power Institute (GPI) in compensation for their substantial contributions to Decision (D.) 06-10-019 and D.07-05-028. This represents a decrease from the requested amount of \$7,503.99 for Aglet, to reflect our policy of not compensating commuting time and costs, and a minor decrease from the requested amount of \$36,789 for GPI to reflect time for purely clerical tasks that should not be compensated and an hourly rate adjustment. This proceeding remains open. (Comr Peevey - ALJ Simon)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=336814](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=336814)

Consent Agenda - Intervenor Compensation Orders (continued)

**28**                    **R01-10-024 - Order Instituting Rulemaking to Establish Policies and Cost Recovery**  
[7903]                    **Mechanisms for Generation Procurement and Renewable Resource Development.**

This decision awards The Utility Reform Network and the Utility Consumer Action Network \$315,896.16 for their substantial contributions to D.04-06-011, D.05-06-062, D.06 02-031, and D.06-09-021. This proceeding is closed.

(Comr Peevey - ALJ Brown)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=351775](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351775)

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## Regular Agenda

### Regular Agenda - Energy Orders

**29**                    **A07-07-015 - Pacific Gas and Electric Company (PG&E) and San Diego Gas & Electric Company (SDG&E).**  
[7564]

This decision authorizes Emerging Renewable Resource Programs (ERRP) for PG&E and SDG&E, and allows PG&E and SDG&E to expend up to \$30 million and \$15 million, respectively for a period of two years. The decision provides ERRP oversight through the Energy Division, assisted by consultants and approves ERRP spending for the University of California Merced Solar Center, a wastewater bio-methane project, and a wave energy project. This proceeding is closed.

(Comr Simon - ALJ DeBerry)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3214, Item 25 5/29/2008 (Simon);

Agenda 3216, Item 37 6/26/2008 (Staff);

Agenda 3218, Item 29 7/31/2008 (Staff);

Agenda 3219, Item 37 8/21/2008 (Peevey);

Agenda 3220, Item 30 9/4/2008 (Chong)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=350120](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=350120)

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Regular Agenda - Energy Orders (continued)

**30**

[7712]

**I.06-06-014 - Investigation of Southern California Edison Company for Violations of Laws, Rules, and Regulations re: Performance Based Ratemaking, its Monitoring and Reporting, Refunds to Customers and Other Relief, and Future Performance Based Ratemaking.**

Investigation on the Commission's Own Motion into the Practices of the Southern California Edison Company to Determine the Violations of the Laws, Rules, and Regulations Governing Performance Based Ratemaking, its Monitoring and Reporting to the Commission, Refunds to Customers and Other Relief, and Future Performance Based Ratemaking for this Utility. Southern California Edison Company (SCE) shall refund and forgo all \$48 million in Performance Based Ratemaking(PBR) customer satisfaction rewards it has claimed. Employees and management manipulated the mechanism for seven years; those seven years of bad data were submitted to the Commission. In regard to the Health and Safety PBR, SCE submitted false and misleading information. It shall refund to ratepayers the \$20 million it has collected for 1997-2000, and forgo \$15 million in health and safety rewards for 2001-2003. The revenue requirement portion of results sharing attributed to PBR data should be refunded because of fraudulent data in regard to OSHA recordables and customer satisfaction, in the amount of \$76,663,200. SCE shall pay a fine of \$40,000,000 for violations of the Public Utilities Code.

(Comr Peevey - ALJ Barnett)

*Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*

Agenda 3216, Item 40 6/26/2008 (Peevey);

Agenda 3218, Item 32 7/31/2008 (Peevey);

Agenda 3220, Item 31 9/4/2008 (Staff)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=350149](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=350149)

Regular Agenda - Energy Orders (continued)

**30a**

[7906]

**ALTERNATE TO ITEM 7712**

Investigation on the Commission's Own Motion into the Practices of the Southern California Edison Company to Determine the Violations of the Laws, Rules, and Regulations Governing Performance Based Ratemaking, its Monitoring and Reporting to the Commission, Refunds to Customers and Other Relief, and Future Performance Based Ratemaking for this Utility. This Decision Different concludes that Southern California Edison Company (SCE) employees and management manipulated and submitted false customer satisfaction data, and the data was used to determine Performance Based Ratemaking (PBR) customer satisfaction rewards for a period of seven years. Therefore, SCE is ordered to refund to its ratepayers all \$28 million in PBR customer satisfaction rewards it has received and forgo an additional \$20 million in rewards that it has requested. The Decision Different also finds that SCE submitted false and misleading health and safety data, and the data was used to determine PBR health and safety rewards for a period of seven years. Therefore, SCE is ordered to refund to its ratepayers all \$20 million in PBR health and safety rewards it has received and forgo an additional \$15 million in rewards that it has requested. The Decision Different differs from the Presiding Officer's Decision in that it concludes that the portion of SCE's 2003 to 2005 revenue requirement related to SCE's Results Sharing program that was affected by fraudulent data is \$32,714,000. The Decision Different also differs from the Presiding Officer's Decision in that SCE is ordered to pay a fine of \$30 million for violations of the Public Utilities Code.

(Comr Chong)

Agenda 3220, Item 31a 9/4/2008

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=351780](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351780)

**31**

[7726]

**A07-01-047 - San Diego Gas & Electric Company (SDG&E).**

For authority to update marginal costs, cost allocation, and electric rate design. This decision addresses the proposal of SDG&E to gradually increase the electric rates over time of its residential customers whose usage falls within Tiers 1 and 2. SDG&E's proposal would eliminate the rate cap imposed by Water Code Section 80110 by January 1, 2016. This decision also addresses what is meant by the California Department of Water Resources' (DWR) recovery of its costs as power as set forth in that code section. Since SDG&E's phase-out proposal would increase the rates of these customers, and because DWR has not yet recovered its costs of power, i.e., its power charges and bond charges, SDG&E's proposal is not adopted. This proceeding is closed.

(Comr Bohn - ALJ Wong)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3218, Item 33 7/31/2008 (Bohn );

Agenda 3219, Item 38 8/21/2008 (Peevey);

Agenda 3220, Item 32 9/4/2008 (Peevey)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=350209](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=350209)

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Regular Agenda - Energy Orders (continued)

- 32**                    **A07-07-026 - Southern California Edison Company (Applicant).**  
[7853]                This decision adopts a settlement proposed by Applicant and the Division of Ratepayer Advocates (DRA) to allow \$1.63 billion for Applicant's proposed Advanced Metering Infrastructure (AMI) Project from 2008 through 2012. The Commission finds that there are between \$9 million and \$304 million in net benefits for the settlement agreement. In this decision, the Commission analyzed the settlement agreement in light of the litigation positions of the parties in order to consider its reasonableness. The Commission finds the settlement agreement to be reasonable in light of the whole record, consistent with the law, and in the public interest. This decision is part of the Commission's effort to transform California's investor-owned utility distribution network into an intelligent, integrated network enabled by modern information and control system technologies. The Applicant's deployment is scheduled to begin in 2008. From 2008 through 2012, the Applicant will install approximately 5.3 million new, AMI-enabled electric meters that can, among other things, measure energy usage on a time-differentiated basis. The deployment will improve customer service by providing customer premise endpoint information, assisting with electric systems outage detection, and providing real near-term usage information to customers. This proceeding is closed.  
(Comr Grueneich - ALJ Hecht)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=352014](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=352014)
- 33**                    **R08-07-011 - Order Instituting Rulemaking to Develop the Commission's Energy Efficiency Strategic Plan.**  
[7862]                A08-06-004 - Related matters. This Decision adopts the California Long-Term Energy Efficiency Strategic Plan and requires that the adopted strategies begin to be incorporated into energy efficiency programs starting in 2009. These proceedings are closed.  
(Comr Grueneich - ALJ Gamson)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=351971](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351971)
- 34**                    **A08-04-011 - Southern California Edison Company (Applicant).**  
[7904]                This decision approves Applicant's request for authorization to sign four power purchase agreements (PPAs) selected in the standard track of its New Generation Request for Offers, and approves the allocation of the benefits and costs of the four PPAs to all benefitting customers in accordance with Decision (D.) 06-07-029, and D.07 09 044. This proceeding is closed.  
(Comr Peevey - ALJ Brown)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=345782](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=345782)

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**Regular Agenda - Energy Resolutions and Written Reports**

- 35**  
[7856]      **Res E-4182 - Southern California Edison Company (SCE).**  
This resolution authorizes SCE to establish a memorandum account to record Operations and Maintenance and capital-related revenue requirement associated with the first \$25 million of capital expenditures incurred in its Solar Photovoltaic Program.  
(Advice Letter 2226-E filed, March 27, 2008)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=351826](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351826)
- 36**  
[7857]      **Res E-4176 - San Diego Gas & Electric Company (SDG&E).**  
This resolution addresses SDG&E's request for approval of the amended MMR Power Solutions, LLC renewable resource power purchase agreement. The contract is approved without modification.  
(Advice Letter (AL) 1975-E filed, March 25, 2008 and Supplemental AL 1975-E-A filed, April 24, 2008)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=351419](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351419)
- 37**  
[7864]      **Res G-3420 - San Diego Gas & Electric Company (SDG&E) and Southern California Gas Company (SoCalGas).**  
This resolution addresses SDG&E's and SoCalGas' request for changes to rules in their respective tariffs regarding the cost recovery of interconnections to their pipeline systems by biomethane producers. The utilities' requests are denied without prejudice. (Advice Letters (AL) SDG&E 1760-G and SoCalGas AL 3847, both filed, March 26, 2008)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=351373](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351373)
- 38**  
[7865]      **Res E-4159 - Southern California Edison Company (SCE).**  
This resolution approves without modification SCE's request for approval of two new renewable resource procurement contracts with FlexEnergy Corporation: Flex LA and Flex Riverside. (Advice Letter 2203-E filed, January 23, 2008)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=351796](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351796)

## Regular Agenda - Energy Resolutions and Written Reports (continued)

- 39**                    **Res G-3414 - Pacific Gas and Electric Company (PG&E).**  
[7866]                This resolution approves PG&E's request for authorization to transfer unspent 2007 PG&E ClimateSmart program administrative and marketing funds to the 2008 budget. Advice Letter (AL) 2903-G and AL 3208-E filed, February 11, 2008)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=351376](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351376)
- 40**                    **Res G-3419 - Pacific Gas and Electric Company (PG&E).**  
[7870]                This resolution approves PG&E's request for authority to terminate its pilot credit card program. (Advice Letter (AL) 2927-G and AL 3275-E filed on May 29, 2008)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=351210](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351210)

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**Regular Agenda - Communication Orders****41 R06-06-028 - Order Instituting Rulemaking into the Review of the California High Cost Fund B Program.**  
[7743]

This decision authorizes transitional increases in the rates for basic exchange service provided by the four major incumbent local exchange carriers in California, beginning effective January 1, 2009, leading to full pricing flexibility pursuant to reforms to the California High Cost Fund-B program in Phase II of this proceeding. This proceeding remains open.

(Comr Chong - ALJ Pulsifer)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

Agenda 3218, Item 40 7/31/2008 (Staff);

Agenda 3219, Item 43 8/21/2008 (Grueneich);

Agenda 3220, Item 37 9/4/2008 (Grueneich)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=350152](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=350152)

**41a (Rev.) ALTERNATE TO ITEM 7743**  
[7936]

The Alternate Decision (Alternate) of Commissioner Grueneich primarily differs from the Proposed Decision (PD) in that the Alternate does not permit a change in current California LifeLine Telephone Program rates as a result of changes in the basic rate caps that are otherwise permitted in both the PD and the Alternate. The PD does not set forth a similar prohibition on LifeLine increases. Based on a determination that this proceeding's record is void regarding the impacts of the basic rate on LifeLine customers, the Alternate defers a decision on any changes to LifeLine basic service rates to an upcoming decision in the Universal Service, Public Purpose Programs Rulemaking 06-05-028 expected later in 2008, where the Commission can develop an appropriate record. Additionally, the Alternate declares that because of the Commission's statutory responsibilities to protect California telephone customers, the Commission is compelled to monitor the market and competition levels through a statewide affordability study as well as customer surveys. The Alternate, therefore, directs staff to conduct regularly scheduled customer surveys to monitor and ensure appropriate levels of voice competition and to issue a Request for Proposal for the performance of a statewide affordability study to be completed no later than December 31, 2009.

(Comr Grueneich)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

09/16/2008 - This item was not listed on the agenda distributed to the public.

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Regular Agenda - Communication Orders (continued)

**42**                    **R08-01-005 - Rulemaking Regarding Whether to Adopt, Amend, or Repeal Regulations**  
[7822]                    **Governing the Retirement by Incumbent Local Exchange Carriers of Copper Loops and**  
                                 **Related Facilities Used to Provide Telecommunications Services.**

This decision declines, at this time, to adopt rules requiring California's incumbent local exchange carriers to seek this Commission's permission before permanently removing copper wire local loops from the telephone network. The Commission finds that the party requesting such rules, the California Association of Competitive Telecommunications Companies, has not demonstrated a current need for action by this Commission, and the Commission therefore declines to take further action at this time. This proceeding is closed.

(Comr Chong - ALJ Thomas)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

Agenda 3220, Item 11 9/4/2008 (Simon)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=351992](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351992)

**43**                    **R07-01-021 - Order Instituting Rulemaking to Address the Needs of Telecommunications**  
[7823]                    **Customers Who Have Limited English Proficiency.**

Decision 07-07-043 adopted rules to ensure that customers with limited English proficiency (LEP) have just, adequate and reasonable access to the information and assistance they need to obtain and maintain telecommunications services, and help LEP customers protect themselves from fraud or abuse (In-Language Marketing Rules). This decision further develops the In-Language Marketing Rules by resolving issues concerning: 1) tracking and reporting LEP consumer complaints and language preference, 2) fraud notification to LEP consumers and fraud reporting to the Commission, and 3) market trials in non-English languages.

(Comr Peevey - ALJ Smith)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

Agenda 3220, Item 38 9/4/2008 (Peevey)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=349923](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=349923)

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Regular Agenda - Communication Orders (continued)

**44**                    **R07-12-001 - Order Instituting Rulemaking to Establish Uniform Construction Standards for Pole-Top Antennas.**  
[7850]

This decision adopts an uncontested proposal to revise General Order (GO) 95. The adopted revisions to GO 95 establish uniform construction standards for wireless antennas installed on utility poles above or between power lines operating at zero to 50,000 volts. The purpose of the adopted revisions is to facilitate the expansion of California's wireless infrastructure in a way that protects the safety of workers and the public, minimizes costs and potential environmental impacts, and maintains the reliability of equipment and facilities attached to poles by electric utilities and telecommunications providers. This proceeding is closed.

(Comr Chong - ALJ Kenney)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=350825](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=350825)

## Regular Agenda - Communication Resolutions and Reports

**45**

**Res T-17168**

[7855]

This resolution addresses revocation of eight certificates issued to carriers for failure to comply with Public Utilities Code Section 401, specifically the filing of Public Utilities Commission Reimbursement Account Reports and the Remitting of Applicable Fees.

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=346229](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=346229)

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**Regular Agenda - Water/Sewer Orders****46**

[7869]

**A07-01-035 - San Jose Water Company (Applicant).**

This decision grants Applicant's request for an order approving the sale of its main office under § 851 of the Public Utilities Code because the main office is not an adequate facility and because the main office cannot be sufficiently renovated to make it an adequate facility. The decision's approval of the request to sell the main will ensure that Applicant's facilities are adequate to provide public utility services.

The decision denies Applicant's request for a Commission determination that its main office is no longer necessary or useful, and denies authorization to reinvest the net proceeds of the sale in infrastructure under § 790. Although the main office is inadequate, it continues to be necessary and useful property. Instead, the decision requires the net proceeds from the sale of the main office to be allocated pursuant to the Percentage Allocation Rule. The decision approves an increase of \$1,133,520 in the revenue requirement for 2008 resulting from the replacement of the main office, and approves the proposed rate design to recover 50% of this additional revenue requirement through the service charge component and 50% through the quantity rate component of SJWC's tariffed rates. Finally, the decision finds that Applicant did not require prior Commission approval to purchase 1265 South Bascom Avenue, and that Applicant did not mislead the Commission in violation of Rule 1.1 by failing to notify the Commission that Applicant purchased 1265 South Bascom Avenue in May 2007. This proceeding is closed.

(Comr Grueneich - ALJ Smith)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=351794](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351794)

**47**

[7871]

**A07-01-035 - San Jose Water Company (Applicant).**

For an order approving the sale of the Main Office and authorizing the investment of the sale proceeds under Section 790. Pursuant to Pub. Util. Code § 311, a proposed decision (PD) has been filed with the Commission and served upon all parties to the proceeding. However, this decision extending the statutory deadline for this proceeding is issued to ensure the Commission has an opportunity to fully consider the PD, including time to consider an alternate decision, if the Commission chooses to do so.

(Comr Grueneich - ALJ Smith)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=348049](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=348049)

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**Regular Agenda - Transportation/Rail Safety Resolutions and Reports****48**

[7852]

**Res SX-87**

This resolution addresses the recommendation to the California Transportation Commission for increasing funding under the California Public Utilities Code Section 1231.1 to an amount of \$3,850,000 to be set aside in fiscal year 2009-2010 for maintaining automatic grade crossing protection devices.

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=350102](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=350102)

**55 (Rev.)**

[7930]

**Res SX-88**

This resolution adopts on an interim basis pending a further rulemaking proceeding a prohibition of the personal use of commercial mobile radio services while operating passenger or freight trains and light rail transit vehicles. It directs the Commission's Consumer Protection and Safety Division to prepare an Order Instituting Rulemaking to determine whether this or other measures should be adopted on a permanent basis. This is added to the agenda pursuant to Gov. Code Section 11125.3(a)(2). Comments were waived pursuant to Rule 14.6(c)(9).

09/15/2008 - This item was not listed on the agenda distributed to the public.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=352115](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=352115)

## Regular Agenda - Legislative and Other Matters

**49**

[7831]

### **Proposition 7 - The Solar and Clean Energy Act of 2008**

The Solar and Clean Energy Act of 2008 would establish higher Renewable Portfolio targets than are currently in law as well as make numerous changes to the California Public Utilities Code and the California Public Resources Code.

Agenda 3219, Item 48 8/21/2008 (Staff);

Agenda 3220, Item 39 9/4/2008 (Peevey)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=350864](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=350864)

**Regular Agenda - Commissioner's Reports**

**Regular Agenda - Management Reports and Resolutions**

## 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).*

### Closed Session - Applications for Rehearing

**50**                    **Conference with Legal Counsel - Applications for Rehearing**  
 [7836]                    Compilation of applications for rehearing recently filed with the Commission.  
                               *Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

**51**                    **R07-09-008 - Conference with Legal Counsel - Applications for Rehearing**  
 [7762]                    Disposition of Applications for Rehearing and Motion for Stay of Decision (D.) 08-04-039 as modified by D.08-04-054 filed by The Utility Reform Network, the Division of Ratepayer Advocates, and the Utility Consumers Action Network (collectively, the Joint Parties), and by the Consumer Federation of California. The Decision approved establishment of the California Institute for Climate Solutions (CICS). The CICS will be a grant-making body to fund applied research and development of practical and commercially viable technologies to reduce greenhouse gas emissions and slow global warming. The Decision authorizes \$60 million per year for 10 years to be collected via a new surcharge on electricity and gas utility customer bills, and also requires CICS to obtain by Year 5, non-ratepayer matching funds that equal or exceed the amount of ratepayer funding on an annual basis.  
                               *Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*  
                               Agenda 3218, Item 47 7/31/2008 (Staff);  
                               Agenda 3219, Item 50 8/21/2008 (Staff);  
                               Agenda 3220, Item 40 9/4/2008 (Staff)

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Closed Session - Applications for Rehearing (continued)

**52**

[7886]

**C06-03-023 - Conference with Legal Counsel - Application for Rehearing**

Disposition of the Application for Rehearing of Decision (D.) 08-04-055 (Decision) filed by CBeyond Communications, LLC (Cbeyond), Covad Communications Company (Covad), XO Communications Services, Inc. (XO), Mpower Communications Company (Mpower), and U.S. TelePacific Corp. (collectively, the CLECs). Disposition of Motion to Stay D.08-04-055 filed by CBeyond and Covad. The Decision resolved a complaint filed by Pacific Bell Telephone Company dba AT&T California (AT&T) against Cbeyond, Covad, and Arrival Communications, Inc. The complaint sought a Commission determination that AT&T had properly designated certain wire centers as non-impaired (competitive) for purposes of its obligation to offer high capacity loops and dedicated transport to CLECs at Commission approved unbundled network element (UNE) rates. The Decision affirmed the designations that had not been challenged by the CLECs, and directed AT&T to revise the remaining designations to correct inaccuracies and reflect the determinations regarding data vintage and counting methodology.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

**53**

[7898]

**R06-02-013 - Conference with Legal Counsel - Application for Rehearing**

Disposition of application for rehearing of D.07-12-052 filed by Pacific Gas & Electric Company, Southern California Edison Company and San Diego Gas & Electric Company. In D.07-12-052, the Commission reviewed, critiqued, and adopted, with modifications, long-term procurement plans for the utilities for the 10-year period 2007-2016. (16 U.S.C. § 824a-3.)

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

**Closed Session - Initiation of Litigation - Non-Federal**

Consideration of possible Commission initiation of, or intervention in, litigation.

*Gov. Code § 11126(e)(2)(C)(i) and/or § 11126(d)(2), allows this item to be considered in Closed Session.*

**Closed Session - Threatened Litigation - Non-Federal**

Significant exposure to litigation

*Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session*

**Closed Session - Existing Litigation - Non-Federal**

**Closed Session - Threatened Litigation - Federal**

Significant exposure to litigation in federal agency or court proceedings.

*Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session*

**Closed Session - Initiation of Litigation - Federal**

Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

**Closed Session - Federal**

**54**

[7793]

**FERC Docket No. ER06-615 - Conference with Legal Counsel-Existing Litigation**

California Independent System Operator Corporation, FERC Docket No. ER06-615, also known as Market Redesign and Technology Update (MRTU).

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

**Closed Session - FERC Docket No. EL00-95-000, et al.**

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., FERC Docket No. EL00-95, Investigation of Practices of the California Independent System Operator and the California Power Exchange, FERC Docket EL00-98, and related dockets, CPUC v. FERC, Ninth Circuit Nos. 01-71051, et al., and 01-71934, et al., and related dockets.

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

### **Closed Session - Personnel Matters**

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

*Gov. Code § 11126(a), allows this item to be considered in Closed Session*