
Public Utilities Commission of the State of California

Results of Public Agenda 3086

Meeting Held on Monday, April 22, 2002 11:00 a.m.

San Francisco, California

Commissioners

Loretta M. Lynch, President (Present)

Geoffrey F. Brown (Present)

Henry M. Duque (Present)

Michael R. Peevey (Present)

Carl W. Wood (Present)

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

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <i>Closed to the Public</i>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10:00 a.m.)</i> <i>Open to the Public</i>
Monday, April 29, 2002 (San Francisco)	Thursday, May 02, 2002 (San Francisco)
Monday, May 13, 2002 (San Francisco)	Thursday, May 16, 2002 (San Francisco)
Monday, June 03, 2002 (San Francisco)	Thursday, June 06, 2002 (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.*

For further information contact the Public Advisor
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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
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Public Comment:

Re 3: Raul Araugo, Washington, D.C., National Hispanic Employee Association

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Orders and Resolutions

- CA-1** **Res TL-18998**
374 Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119889
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-2** **Res ALJ-176-3086**
375 Ratification of preliminary determinations of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119569
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

**CA-3
353**

Res T-16647

This resolution revokes Certificates of Public Convenience and Necessity of the following 22 competitive telecommunications carriers for failure to comply with Commission decisions: Metrolink Communications, Inc., Advanced Telecommunications Network, Universal Communications Network, Nucomnet, Educare Network, Inc., Global Telecom, Long Distance Services, Inc., Telmatch Telecommunications, Inc., International Telemedia Associates, Inc., WCI Communications, Inc., Group Advantage Providers, LLC, Atlas Equity, Inc., All American Telephone, Inc., ACI Communications, Inc., Telemanagement Advantage Group, Strategic Telecom Systems, Inc., Ample Sky Telecom, Pick Communications Corp., Digital Services Corp., I.C.N., LLC, Inmark, Inc., Cheetah Communications, LLC.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119517

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-4
376**

A01-09-026 - Verizon California Inc. (Verizon).

This decision grants the request of Verizon for authority under Pub. Util. Code § 851 to sell to Baxter Healthcare Corp. Verizon's buildings and real estate located at One Verizon Way in Thousand Oaks, California. The Office of Ratepayer Advocates' protest requesting deferral of the ratemaking of the sale proceeds to a future Commission proceeding is denied. This proceeding is closed.

(Comr Brown - ALJ Duda)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120663

Outcome Held (5/2/2002 Regular Agenda

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Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-5
384**

Res T-16651 - Eagle Communications of California, LLC (Eagle) and Avista Communications of California, Inc. (Avista).

This resolution revokes, at the request of Eagle and Avista, their Certificates of Public Convenience and Necessity.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119521

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

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- CA-6**
394 **Res TL-18996 - Kashmira Balaggan (Applicant).**
This resolution grants the request of Applicant for voluntary suspension of his passenger stage corporation certificate for one year.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119996
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-7**
415 **A01-09-020 - American Executive Pickup, Inc., Jaswinder Singh and Hardip Kaur.**
This decision authorizes American Executive Airport Pickup, Inc., to transfer its passenger stage corporation to Jaswinder Singh and Hardip Kaur. This proceeding is closed.
(Exam Clark)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=117318
Outcome Signed
D02-04-032
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-8**
416 **(ECP) C01-10-032 - Glen F. Wetzel (Complainant) vs. Pacific Bell Telephone Company.**
This decision denies Complainant's request that the Commission set standards for dial tone delay for analog telephone equipment. This proceeding is closed.
(Comr Brown - ALJ Patrick)
Outcome Signed
D02-04-033
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- CA-9
420** **A01-06-037 - BroadBand Office Communications, Inc. (BBOC).**
This decision revokes, at request of BBOC, its certificate of public convenience and necessity to provide local exchange, interLATA, and intraLATA telecommunications services in California. This proceeding is closed.
(Comr Wood - ALJ Duda)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=117703
Outcome Signed
D02-04-034
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-10
421** **A02-01-027 - VCOM Solutions, Inc. (VCOM).**
This decision grants the application of VCOM for a Certificate of Public Convenience and Necessity to resell local exchange services. This proceeding is closed.
(Comr Wood - ALJ O'Donnell)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=117083
Outcome Signed
D02-04-035
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-11
422** **A01-12-030 - CF Communications, LLC, dba Telekenex (Applicant).**
This decision grants Applicant a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange and interexchange telecommunications services. This proceeding is closed.
(Comr Wood - ALJ O'Donnell)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=116511
Outcome Signed
D02-04-036
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- CA-12** **A01-06-036 - Cable & Wireless U.S.A., Inc. (Applicant).**
423 This decision revokes, at Applicant's request, its certificate of public convenience and necessity to serve the local exchange market. This proceeding is closed.
(Comr Wood - ALJ Duda)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=117765
Outcome Signed
D02-04-037
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-13** **A02-01-021 - China Quantum Communications, Inc.**
424 This decision grants Applicant a certificate of public convenience and necessity to resell local exchange telecommunications services. This proceeding is closed.
(Comr Wood - ALJ O'Donnell)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=117115
Outcome Signed
D02-04-038
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-14** **A99-09-029 - Pacific Gas and Electric Company.**
(Rev.) For a Certificate of Public Convenience and Necessity authorizing the construction of the Northeast
425 San Jose Reinforcement Project. This decision awards Aglet Consumer Alliance \$23,612.22 in compensation for contributions to D01-05-059 and \$5,933.61 for contributions to a later supplemental order, D01-12-017.
(Comr Duque - ALJ Walker)
04/16/2002 - This revision was not shown on the Agenda mailed to the public.
Outcome Signed
D02-04-039
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- CA-15** **C01-06-009 - B.H. Properties, LLC vs. Suburban Water Systems.**
426 This decision extends the 12-month statutory deadline pursuant to Pub. Util. Code Section 1701.2(d) to October 7, 2002, at the request of the parties.
(Comr Brown - ALJ Veith)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=118820
Outcome Signed
D02-04-040
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-16** **Res T-16652 - Pacific Bell Telephone Company (Pacific).**
432 This resolution approves a resale agreement between Pacific and EZ Phone, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119882
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-17** **A01-10-023 - County of San Bernardino (County).**
433 This proceeding grants the request of the County to construct Valley Boulevard grade separation overhead over the proposed privately owned Kaiser spur track on a new alignment to be operated by Union Pacific Railroad Company in San Bernardino County. This proceeding is closed.
(Exam Clark)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119766
Outcome Signed
D02-04-041
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

CA-18 **Res W-4330 - Del Oro Water Company, Inc., Johnson Park District (JPD).**
436 This resolution authorizes JPD a general rate increase in rates producing \$20,799 or 26.17% additional annual revenue.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119024

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

CA-19 **A00-04-002 - Pacific Gas and Electric Company (PG&E).**
445 For authority to revise its gas rates and tariffs to be effective January 1, 2001. This decision awards The Utility Reform Network \$23,399.22 based on its substantial contribution to D01-11-001. This proceeding is closed.

(Comr Wood - ALJ Prestidge)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=117393

Outcome Signed

D02-04-042

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

CA-20 **A00-07-049 - City of Simi Valley Public Work Department (City).**
448 To close a private grade crossing at the tracks of the Southern California Regional Rail Authority (SCRRA-Metrolink)/Union Pacific Railroad Company and construction of a public grade crossing in the City of Simi Valley, State of California. This decision grants a request of the City to be released from its obligations to install and conduct trial experiments of Automatic Horn System and In-Pavement Flashing LED Light System at the "A" Street crossing in Simi Valley, Ventura County. This proceeding is closed.

(Exam Clark)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=115315

Outcome Signed

D02-04-043

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

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- CA-21** **A01-10-044 - City of Fontana (City).**
449 This decision grants the request of the City to install pre-signals and interconnect steel sleeving at the existing Sierra Avenue Crossing across Southern California Regional Rail Authority's (SCRRA/Metrolink) San Gabriel Subdivision tracks in Fontana, San Bernardino County. This proceeding is closed.
- (Exam Clark)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=117349
- Outcome Held (5/2/2002 Consent Agenda)**
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- CA-22** **A01-12-024 - Riverside County Transportation Commission (RCTC).**
450 This decision grants request of RCTC to construct a pedestrian overpass at railroad milepost 24.0 and a pedestrian emergency grade crossing at railroad milepost 24.08 as part of the construction of a new Metrolink station in the City of Corona, County of Riverside. The purpose of the pedestrian overpass and emergency grade crossing is to improve the safety access for pedestrians across the platforms and parking facilities. This proceeding is closed.
- (Exam Clark)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=115366
- Outcome Signed**
D02-04-044
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-23** **A98-05-023 - Enserch Energy Services, Inc. (Enserch).**
452 For Rehearing of Commission Resolution G-3233. This decision grants Enserch's request that the application be dismissed. Enserch states that it has resolved the issues that it raised in this application. The request is unopposed. The application is dismissed.
- (Comr Wood - ALJ Walker)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=118967
- Outcome Signed**
D02-04-045
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

CA-24 456 C01-01-008 - Gorgee Enterprises, Inc., et al. vs. Aram Davtyan dba Americas Dream Limousine Service (Defendant).

Responding to allegations that Aram Davtyan was operating America's Dream Limousine Service (sold May 7, 2001 and administratively revoked on October 24, 2001) as a taxi service, this decision formally revokes Defendant's charter party carrier permit and directs the Commission's Consumer Services Division to determine whether the \$1,200 fine assessed against Defendant was paid. This proceeding is closed.

(Comr Peevey - ALJ Grau)

Outcome Held (5/2/2002 Consent Agenda)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

CA-25 464 I02-02-005

Investigation on the Commission's own motion into the operations, practices, and conduct of Starving Students, Inc., and Ethan Margalith, Abigail Margalith, Elizabeth Margalith and Sanford Margalith.

This decision dismisses Abigail Margalith, Elizabeth Margalith, and Sanford Margalith as respondents to this investigation because they have no current ownership interest in Starving Students, Inc.

(Comr Brown - ALJ Grau)

Outcome Signed

D02-04-046

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

CA-26 471 Res W-4331 - California-American Water Company (Cal-Am), Los Angeles Division

This resolution authorizes Cal-Am to increase the franchise taxes collected from its City of San Gabriel customers to 2% of gross billings.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=117504

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

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- CA-27** **Res W-4332 - California Water Service Company (CWS)**
472 This resolution authorizes an attrition rate increase producing additional annual revenue of \$71,000 or 3% in 2002 for the CWS's Oroville District, and \$57,600 or 3% for the CWS's Selma District.
Outcome Withdrawn
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-28** **A01-06-044 - Southern California Edison Company (Edison).**
474 For expedited approval of Servicing Agreement between the State of California Department of Water Resources (DWR) and Edison pursuant to Chapter 4 of the Statutes 2001 (Assembly Bill 1 of the First 2001-2002 Extraordinary Session). This decision addresses the petition to modify D01-09-014 filed by Edison to modify the servicing agreement with the DWR.
(Comr Lynch - ALJ Wong)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119841
Outcome Signed
D02-04-047
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-29** **A01-06-039 - San Diego Gas & Electric Company (SDG&E).**
475 For approval of Servicing Agreement between the State of California Department of Water Resources (DWR) and SDG&E pursuant to Chapter 4 of the Statutes 2001 (Assembly Bill 1 of the First 2001-2002 Extraordinary Session). This decision addresses the petition to modify D01-09-013 filed by SDG&E to modify the servicing agreement with the DWR.
(Comr Lynch - ALJ Wong)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119844
Outcome Signed
D02-04-048
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- CA-30
482** **R01-08-027 - Order Instituting Rulemaking on the Commission's Proposed Policies and Programs Governing Low-Income Assistance Programs.**
This decision approves the errata to the weatherization installations manual and the refrigerator grounding standards proposed by the Low-Income Energy Efficiency Standardization Project Team. These changes are uncontested.
(Comr Wood - ALJ Gottstein)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119466
Outcome Signed
D02-04-049
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-31
309** **A00-11-038 - Southern California Edison Company**
For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. This decision awards The Utility Reform Network \$574,584.45 in compensation for its contribution to D01-01-018, D01-03-029, D01-03-081, D01-03-082, D01-04-005, and D01-05-064.
(Comr Lynch - ALJ DeBerry)
(Agenda 3084, Item CA-18 3/21/2002)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=118826
Outcome Held (5/2/2002 Consent Agenda)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- CA-32
(Rev.)
79** **A99-01-036 - PacifiCorp and Scottish Power plc.**
For exemption from the merger approval requirements of Cal. Pub. Util. Code Sec. 854. This decision grants PacifiCorp's petition for modification of D99-06-049 by eliminating a telephone response time standard which has become unnecessary. This proceeding is closed.
(Comr Lynch - ALJ Barnett)
(Agenda 3080, Item CA-16 1/23/2002; Agenda 3083, Item CA-20 3/6/2002)
04/18/2002 - Moved to item (H-10) on the agenda.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120045
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- CA-33 (Rev.) 344** **R95-04-043 - California Public Utilities Commission**
Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service. I95-04-044 – Related matter. This decision denies the motion of Roseville Telephone Company for an order requiring competitive local carriers to provide security for the risk of underpayment of prices for unbundled network elements.
(Comr Peevey - ALJ Pulsifer)
(Agenda 3085, Item CA-8 4/4/2002)
04/17/2002 - This revision was not shown on the Agenda mailed to the public.
Outcome Signed
D02-04-050
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-34 485** **C99-10-037 - County Sanitation District No. 2 of Los Angeles County vs. Southern California Edison Company.**
This decision vacates and replaces D02-03-008, that was erroneously included on the Commission's March 6, 2002, Consent Agenda, Item CA-3. D02-03-008 did not include the dates of receipt of the comments and reply comments, a discussion of the comments, or the non-substantive changes incorporated in this decision. This proceeding is closed.
(Comr Duque - ALJ Brown)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=117819
Outcome Signed
D02-04-051
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

CA-35 **A99-09-029 - Pacific Gas and Electric Company (PG&E).**
504 For a certificate of public convenience and necessity authorizing the construction of the Northeast San Jose Transmission Reinforcement Project. This decision addresses Calpine c*Power's motion regarding Public Utilities Code Section 625.

(Comr Duque - ALJ Thomas)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120808

Outcome Held (5/2/2002 Consent Agenda)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

CA-36 **R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension**
(Rev.) **of direct access pursuant to Assembly Bill 1X and Decision 01-09-060.**
508 Decision on the Commission's own motion to move the proceedings regarding direct access cost responsibility surcharges from A00-11-038, et al. to R02-01-011 or a subsequent proceeding.

(Comr Wood - ALJ Pulsifer)

04/17/2002 - This revision was not shown on the Agenda mailed to the public.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120396

Outcome Signed

D02-04-052

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

CA-37 (Rev.) **A01-03-022 - Pacific Gas and Electric Company (PG&E), Jon Frazier and Katherine J. Frazier.**

466 This decision grants PG&E's application for authority under Pub. Util. Code § 851 to lease 156 acres of land in Amador County to Jon and Katherine J. Frazier for the operation of a commercial resort. The property has been used as a commercial resort under lease or license from PG&E since 1965. The application is unopposed. This proceeding is closed.

(Comr Lynch - ALJ Walker)

04/18/2002 - This item appeared as (2) on the agenda distributed to the public.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=98639

Outcome Signed

D02-04-053

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Regular Agenda

Utility and Transportation Orders

Orders Held Over

- H-1** **A01-08-012 - Southwest Gas Corporation (Southwest).**
105 This decision grants Southwest the authority to issue one or more types of debt securities in the principal amount of up to \$550,000,000; refinance previously issued short-term debt securities; and enter into one or more interest rate risk management contracts. This proceeding is closed.
(Exam Clanon)
(Agenda 3080, Item H-9 1/23/2002; Agenda 3085, Item H-5 4/4/2002)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120723
Outcome Signed
D02-04-054
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- H-2 (Rev.)** **A01-09-007 - San Diego Gas & Electric Company (SDG&E).**
163 For construction and operation of a second 230 kV Circuit on the existing transmission line from Imperial Valley Substation to the international border to interconnect with the Commission Federal De Electricidad, Baja California Norte System. This decision grants the request by SDG&E to relocate six support structures along the existing Imperial Valley-La Rosita transmission line to accommodate two proposed merchant transmission line projects, provided that the relocation and any related costs will not be borne by ratepayers. This proceeding is closed. (Agenda 3079, Item 8, 01/09/02)
(Comr Duque - ALJ Cooke)
04/22/2002 - This revision was not shown on the Agenda mailed to the public.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120144
Outcome Held (5/2/2002)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

**H-3
190****A93-12-029 - Southern California Edison Company (SCE).**

To adopt a performance based ratemaking mechanism effective January 1, 1995. I94-04-003 - Related matters. This decision modifies the performance-based ratemaking mechanism of SCE. The decision establishes a methodology to set revenue requirements for 2001 and 2002, creates a balancing account pursuant to Pub. Util. Code § 739.10, suspends the safety incentive program, and modifies the customer satisfaction and outage frequency performance benchmarks. These proceedings are closed.

(Comr Duque - ALJ Sullivan)

(Agenda 3081, Item 3 2/7/2002; Agenda 3083, Item H-4 3/6/2002)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120101

Outcome Signed

D02-04-055

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**H-4
233****A97-12-020 - Pacific Gas and Electric Company (PG&E).**

For authority, among other things, to increase rates and charges for electric and gas service effective on January 1, 1999. I97-11-026, A94-12-005, I95-02-015 - Related matters. On January 17, 2002, PG&E filed a motion requesting that the Commission issue an interim decision to ensure that if, at a later date, the Commission approves an attrition rate adjustment (ARA) for 2002, such adjustment may be made effective as of the date of the requested interim decision. PG&E's motion also requests that the Commission specify the process for addressing the substantive question of how much, if any, attrition relief PG&E should receive for 2002. This decision grants PG&E's motion. PG&E's rates and authorized revenue requirements are not directly affected by this decision. They would only be affected if, at a later date, the Commission approves an ARA for 2002.

(Comr Wood - ALJ Wetzell)

(Agenda 3084, Item 8 3/21/2002; Agenda 3085, Item H-6 4/4/2002)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119780

Outcome Signed

D02-04-056

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**H-4a
385****ALTERNATE TO ITEM 233**

This alternate decision approves with modification Pacific Gas and Electric Company's request to have any subsequent attrition increase adopted for 2002 to become effective on a date prior to the date of the adoption of the increase.

(Comr Lynch)

(Agenda 3084, Item 8a 3/21/2002; Agenda 3085, Item H-6a 4/4/2002)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120141

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-5
237****A00-01-023 - Pacific Bell Telephone Company (Pacific).**

Pacific seeks formal authorization to transfer assets and lease space to SBC Advanced Solutions, Inc. (ASI). The transfer enables ASI to provide broadband and other advanced services that previously were provided by Pacific. This proceeding has been stayed three times, at Pacific's request, while Pacific considered whether to proceed with the transfer. This decision concludes that the record developed in three days of hearings in December 2000 has become stale, and that a Circuit Court decision in January 2001 has changed the ground rules under which ASI operates. Accordingly, this decision dismisses the application and directs Pacific to refile its application to take account of the changed circumstances that now prevail. This proceeding is closed.

(Comr Wood - ALJ Walker)

(Agenda 3084, Item 2 3/21/2002; Agenda 3085, Item H-1 4/4/2002)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119774

Outcome Signed

D02-04-057

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

H-6 A01-04-023 - Verizon California Inc. (Verizon)**265**

This decision denies Verizon's application for exemption from Public Utilities Code Sections 816-830, but exempts Verizon from the Competitive Bidding Rules for Sections 816-830 debt issues with principal amounts greater than \$200 million and for variable rate debt securities and negotiated financing transactions. The decision also permits Verizon to submit reports required by General Order 24-B quarterly. This proceeding is closed.

(Comr Brown - ALJ Grau)

(Agenda 3083, Item 2 3/6/2002; Agenda 3085, Item H-3 4/4/2002)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119357

Outcome Signed

D02-04-058

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

H-7 A01-02-024 - AT&T Communications of California, Inc., WorldCom, Inc., and The Telephone Connection Local Services.**299**

Joint application for the Commission to reexamine the recurring costs and prices of unbundled switching in its first annual review of unbundled network element costs pursuant to Ordering Paragraph 11 of D99-11-050. A01-02-035, A01-02-034 - Related matters. This interim order in the Commission's 2001 Unbundled Network Element (UNE) Reexamination proceedings sets interim rates for two of Pacific Bell's UNEs, namely loops and switching. For unbundled loops, the Commission adopts an interim discount of 26.8% from Pacific's current loop price of \$11.70. For unbundled switching, the Commission adopts an interim discount of 22.5% for the port, 24.6% for usage rates, and 13.8% for tandem switching. These interim rates are subject to adjustment once final rates are adopted. This proceeding shall remain open to set final rates for these UNEs.

(Comr Wood - ALJ Duda)

(Agenda 3085, Item 1 4/4/2002)

Outcome Held (5/2/2002)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-8
345**

R01-08-002 - California Public Utilities Commission

Order Instituting Rulemaking into implementation of Senate Bill 669, as it affects California High-Cost Fund A; California High-Cost Fund B; Universal Lifeline Telephone Service Trust; Payphone Service Providers Enforcement; Telecommunications Devices for the Deaf Interim Placement Committee; Public Policy Payphone Program; and California Teleconnect Fund. This decision resolves advisory board issues deferred by D01-09-064, by establishing, pursuant to Pub. Util. Code § 271(a), the criteria (both number of members and membership qualifications) for each of the boards going forward; merging the Universal Lifeline Telephone Service Trust Marketing Board with the Universal Lifeline Telephone Service Trust Administrative Committee; amending the advisory board charters; and directing the Executive Director to establish a process and timeline for soliciting nominations for appointment to each of the boards. This decision also resolves outstanding issues concerning the establishment of program budget reserves and a schedule for audits required by Pub. Util. Code § 274 and it adopts a uniform interest rate to apply to the late payment of reimbursement and carrier claims. This proceeding is closed.

(Comr Duque - ALJ Veith)

(Agenda 3085, Item 2 4/4/2002)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119951

Outcome Signed

D02-04-059

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

H-9 (Rev.) R00-10-002 - California Public Utilities Commission**366**

Order Instituting Rulemaking into the operation of interruptible load programs offered by Pacific Gas and Electric Company, San Diego Gas & Electric Company (SDG&E), and Southern California Edison Company (SCE) and the effect of these programs on energy prices, other demand responsiveness programs, and the reliability of the electric system. The decision directs respondent utilities to file advice letters and tariffs within five days that implement the orders herein. Interruptible Programs: It extends interruptible programs, and reduces authorized limits and annual expenditures by half. It continues the bill limit in part. It grants the petition for modification of D01-04-006 by California Industrial Users. It rejects SDG&E's Advice Letter 1320-E. It orders PG&E to file an advice letter for a pilot program testing a modified Optional Binding Mandatory Curtailment Program baseline. It adopts a two-year pilot test of California Energy Commission's proposed modified Base Interruptible Program. It denies SCE's petition for modification of D01-04-006. It denies the petition for modification of D01-06-087 by the California Manufacturers and Technology Association. Curtailment Priorities: It provides essential customer status to skilled nursing facilities. It orders a test of Category H procedures. Extreme Temperature: It adopts a plan for education regarding prevention of adverse health effects resulting from extreme temperatures, notification to temperature sensitive customers before a rotating outage, and use of cooling stations. Memorandum Account Balances: It directs collection of memorandum account balances, with a limited reconciliation option. It denies the petition for modification of D01-04-006 by California Steel Industries, Inc., but provides limited relief for customers affected by the timing of D01-04-006 and D01-05-090. The proceeding remains open for one pending petition for modification and further review of the demand bidding program.

(Comr Wood - ALJ Mattson)

(Agenda 3085, Item 9 4/4/2002)

04/19/2002 - This revision was not shown on the Agenda mailed to the public.http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120519**Outcome Signed**D02-04-060

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

H-10 (Rev.) A99-01-036 - PacifiCorp and Scottish Power plc.**79**

For exemption from the merger approval requirements of Cal. Pub. Util. Code Sec. 854. This decision grants PacifiCorp's petition for modification of D99-06-049 by eliminating a telephone response time standard which has become unnecessary. This proceeding is closed.

(Comr Lynch - ALJ Barnett)

(Agenda 3080, Item CA-16 1/23/2002; Agenda 3083, Item CA-20 3/6/2002)

04/18/2002 - This item appeared as (CA-32) on the agenda distributed to the public.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120045

Outcome Signed

D02-04-061

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Orders

**1
359** **I01-10-002 - Order Instituting Investigation on the Commission's own motion into the operations and practices of Bidwell Water Company (Bidwell) and its owners and operators, Thomas and Vicki Jernigan, and order to show cause why findings should not be entered by the Commission under Public Utilities Code Section 855.**

This decision determines that a showing has not been made that Bidwell is unable or unwilling to adequately serve its ratepayers, or has been actually or effectively abandoned by its owners, or is unresponsive to the rules of the Commission. This proceeding is closed.

(Comr Duque - ALJ Ryerson)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120818

Outcome Held (5/2/2002)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**1a
360** **ALTERNATE TO ITEM 359**

The Commission determines that a showing has not been made that Bidwell Water Company is unable or unwilling to adequately serve its ratepayers, or has been actually or effectively abandoned by its owners, or is unresponsive to the rules of the Commission. However, the Commission requires the respondents to file a compliance plan to remedy outstanding violations of prior Commission orders.

(Comr Duque)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=117452

Outcome Held (5/2/2002)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**2 (Rev.)
466** **A01-03-022 - Pacific Gas and Electric Company (PG&E), Jon Frazier and Katherine J. Frazier.**

This decision grants PG&E's application for authority under Pub. Util. Code § 851 to lease 156 acres of land in Amador County to Jon and Katherine J. Frazier for the operation of a commercial resort.

The property has been used as a commercial resort under lease or license from PG&E since 1965.

The application is unopposed. This proceeding is closed.

(Comr Lynch - ALJ Walker)

04/18/2002 - Moved to item (CA-37) on the agenda.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=98639

**3
503**

I _____ - Order Instituting Investigation into the ratemaking implications for Pacific Gas and Electric Company (PG&E) pursuant to the Commission's Alternative Plan of Reorganization under Chapter 11 of the Bankruptcy Code for PG&E, in the United States Bankruptcy Court, Northern District of California, San Francisco Division, In re Pacific Gas and Electric Company, Case No. 01-30923 DM.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120762

Outcome Signed

I02-04-026

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Utilities Resolutions and Written Reports**Energy Matters****E-1 Res G-3326 - Pacific Gas and Electric Company (PG&E).****440**

This resolution approves PG&E's requested revisions to tariff schedule G-SUR - "Customer - Procured Gas Franchise Fee Surcharge." (Advice Letters 2313-G filed April 30, 2001, 2319-G filed May 31, 2001, 2324-G filed June 28, 2001, 2333-G filed July 31, 2001, 2338-G filed August 30, 2001, 2342-G filed September 28, 2001, 2348-G filed October 31, 2001, 2354-G filed November 29, 2001, 2363-G filed December 28, 2001, and 2368-G filed January 31, 2002.)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119308

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

E-2 (Rev.) E-3769 - San Diego Gas & Electric Company.**343**

This resolution addresses the requirements of SDG&E, Pacific Gas and Electric Company, and Southern California Edison Company to submit payments to the California Energy Commission for renewable resource funding by March 31, 2002, pursuant to Public Utilities Code Sections 381(c)(3), and (d).

(Agenda 3085, Item E-3 4/4/2002)

04/22/2002 - This revision was not shown on the Agenda mailed to the public.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120366

Outcome Held (5/2/2002)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Legislative Matters**Items Held Over**

- HLEG-1
393** **AB 2945 (Wright). Emergency telephone surcharges: enhanced "911".**
Request for Commission position.
(Agenda 3085, Item LEG-6 4/4/2002)
Outcome Held (5/2/2002)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- HLEG-2
401** **AB 1934 (Corbett). Telephone corporations: background security checks.**
Request for Commission position.
(Agenda 3085, Item LEG-2 4/4/2002)
Outcome Held (5/2/2002)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- HLEG-3
402** **SB 230 (Polanco). Universal lifeline telephone service.**
Request for Commission position.
(Agenda 3085, Item LEG-8 4/4/2002)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119390
Outcome Approved-Staff Recommendation (Oppose bill.)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- HLEG-4
399** **SB 530 (Sher). Renewable energy.**
Request for Commission position.
(Agenda 3085, Item LEG-10 4/4/2002)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

Items

- LEG-1** **AB 2838 (Canciamilla). Water rates.**
476 Request for Commission position.
Outcome Approved-Staff Recommendation (Oppose bill.)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- LEG-2** **AB 1918 (Bogh). Public Utilities: just and reasonable service (Southwest Gas).**
486 Request for Commission position.
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- LEG-3** **AB 1968 (Nation). Income Tax Exclusions: Energy Conservation Incentives.**
487 Request for Commission position.
Outcome Approved-Staff Recommendation (Support bill if amended.)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- LEG-4** **AB 2266 (Kelley). Municipal Utility District: Electric service.**
488 Request for Commission position.
Outcome Approved-Staff Recommendation (Oppose bill.)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- LEG-5** **AB 2805 (Diaz). Public utilities: reports and records.**
489 Request for Commission position.
Outcome Held
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

-
- LEG-6** **AB 2718 (Oropeza). Super Clean Distributed Resources.**
490 Request for Commission position.
 Outcome Approved-Staff Recommendation (Oppose bill unless amended.)
 Yes: (Brown, Duque, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (none)
- LEG-7** **SB 2000 (Dunn). Electrical power and natural gas: unlawful practices.**
491 Request for Commission position.
 Outcome Held (5/16/2002)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)
- LEG-8** **AB 1769 (Leslie). Unsolicited text messages to cellular telephones or pagers.**
492 Request for Commission position.
 Outcome Held (5/2/2002)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)
- LEG-9** **AB 1899 (Maddox). This bill would authorize telco companies to make a filing to dispose of**
493 **property via advice letters.**
 Request for Commission position.
 Outcome Withdrawn
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)
- LEG-10** **AB 2784 (Chavez) Re: The deaf and hearing impaired.**
494 Request for Commission position.
 Outcome Approved-Staff Recommendation (Support bill.)
 Yes: (Brown, Duque, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (none)
-

LEG-11 **SB 1863 (Bowen). Access to advanced telecommunications services.**
499 Request for Commission position.
 Outcome Approved-Staff Recommendation (Support bill.)
 Yes: (Brown, Duque, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (none)

LEG-12 **SB 1553 (Battin). Complaint cases seeking to establish new extended service areas.**
496 Request for Commission position.
 Outcome Held (5/2/2002)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)

LEG-13 **SB 1560 (Figueroa). Consumer program re: "Do Not Call" list.**
497 Request for Commission position.
 Outcome Approved-Staff Recommendation (Support bill.)
 Yes: (Brown, Duque, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (none)

LEG-14 **SB 1601 (Bowen). Cancellation period for customers of cellular radio-telephone service.**
498 Request for Commission position.
 Outcome Approved-Staff Recommendation (Support bill.)
 Yes: (Brown, Duque, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (none)

Commissioner's Reports

CR-1 (Rev.) Commissioners' Reports

511 Miscellaneous Commissioners' Reports

04/12/2002 - This item was not listed on the agenda distributed to the public.

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Management Reports

M-1 (Rev.) Management Reports

512 Miscellaneous Management Reports

04/12/2002 - This item was not listed on the agenda distributed to the public.

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

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

Non-Federal Items

Orders Held Over

HEX-2 **C00-08-053 - Conference with Legal Counsel – Application for Rehearing**
197 Disposition of the application for rehearing of D01-08-067 filed by the Pacific Bell Telephone Company on September 28, 2001.
 (Agenda 3081, Item EX-5 2/7/2002; Agenda 3085, Item HEX-2 4/4/2002)

Outcome Signed

D02-04-062

Yes: (Brown, Lynch, Peevey, Wood)

No: (Duque)

Abstain: (none)

Absent: (none)

HEX-3 **R01-08-028 - Conference with Legal Counsel – Application for Rehearing.**
333 Disposition of applications for rehearing by Southern California Edison Company, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Gas Company of D01-11-066, regarding the adoption of energy efficiency policy rules.
 (Agenda 3084, Item EX-8 3/21/2002; Agenda 3085, Item HEX-4 4/4/2002)

Outcome Signed

D02-04-063

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Orders

EX-5 (Rev.) 199-04-020, A99-09-038 - Conference with Legal Counsel - Application for Rehearing
431 Disposition of Application for Rehearing of D01-09-017 filed by Vista Group International, Inc. (Vista). In D01-09-017, the Commission found that Vista's telemarketers violated Public Utilities Code Section 2889.5, and that the acts of the telemarketers should be imputed to Vista. The Commission imposed a fine of \$7.0 million on Vista pursuant to Public Utilities Code Sections 2107 and 2108 and required Vista to complete its restitution process by providing \$20 per business line to customers identified in the proceeding whose disputes Vista had not addressed.
04/22/2002 - This revision was not shown on the Agenda mailed to the public.

Outcome Held (5/2/2002)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

EX-6 Conference with Legal Counsel – Application for Rehearing
438 A00-11-053 - Disposition of application for rehearing by Breuer, Inc., of D02-01-014 in the application of Del Oro Water Company (Del Oro) for a determination by the Commission that certain main extension agreements between itself and others are not invalid and are in compliance with Del Oro's Tariff Rule 15 and/or the Commission's order, rules and regulations pertaining to water main extension agreements.

Outcome SignedD02-04-064

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

EX-7 Conference with Legal Counsel – Application for Rehearing
451 R99-11-022 – Disposition of application for rehearing of D02-02-028 filed by Southern California Edison Company. In D02-02-028, the Commission disposed of the applications for rehearing filed by various qualifying facilities and their associations of D01-03-067. D02-02-028 modifies D01-03-067 to clarify the Commission's decision to replace the Topock index with the Malin index and denies rehearing of D01-03-067, as modified.

Outcome SignedD02-04-065

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

EX-11
465**Conference with Legal Counsel - Application for Rehearing**

I99-06-005- Disposition of Application for Rehearing of D01-10-066 filed by Union Pacific Railroad and Burlington Northern and Santa Fe Railroad (Applicants). The decision ordered the railroads to refrain from employing any person as a conductor who has not had at least two years' actual service as a brakeman. Applicants allege that the statute mandating the requirement is unconstitutional.

Outcome SignedD02-04-066

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

EX-12
477**Conference with Legal Counsel – Application for Rehearing**

R02-01-011 - Disposition of Applications for Rehearing of D02-03-055, filed by The Utility Reform Network, The City of Cerritos, and California Industrial Users. In D02-03-055, the Commission did not adopt an earlier suspension date for direct access, but determined that it was appropriate to consider the adoption of a direct access surcharge or exit fee, in lieu of an earlier suspension date. In this decision, the Commission also refused to permit a customer to opt-into a community aggregation program after the suspension date.

Outcome SignedD02-04-067

Yes: (Brown, Duque, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

Federal Items

Items

**FEX-5
505**

Conference with Legal Counsel – Existing Litigation.

Disclosure of case name would jeopardize existing settlement negotiations.

Outcome Approved (EL02-60-000, EL00-95-000: Authorized General Counsel to execute settlement agreement with Calpine (5-0); Authorized General Counsel to execute settlement agreement with Constellation (5-0).)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)