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

## ***Public Agenda 3089***

***Thursday, June 6, 2002 10:00 a.m.***

***San Francisco, California***

### **Commissioners**

**Loretta M. Lynch, President**

**Geoffrey F. Brown**

**Henry M. Duque**

**Michael R. Peevey**

**Carl W. Wood**

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

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

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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, June 24, 2002 (San Francisco)	Thursday, June 06, 2002 (San Francisco)
Friday, July 12, 2002 (San Francisco)	Thursday, June 27, 2002 (San Francisco)
	Wednesday, July 17, 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.*

### ***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; these are **HEX** and **EX** items.
- **CA-21**

**Public Comment:**

## 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-19002**  
**565**            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=121727](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121727)
- CA-2**            **Res ALJ-176-3089**  
**566**            Ratification of preliminary determinations of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.
- CA-3**            **A97-12-020 - Pacific Gas and Electric Company (PG&E).**  
**561**            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. PG&E has filed a petition for modification of D01-10-059 requesting, among other things, that the Commission vacate the November 14, 2001 deadline for PG&E to tender the Notice of Intent for its next general rate case (GRC). This decision finds that with the issuance of D02-04-018, most issues raised in the petition are moot. However, Ordering Paragraph 4 of D01-10-059 adopted a goal of having new rates in place by January 1, 2003. In view of the five-month delay to PG&E's GRC that has occurred since D01-10-059 was issued, the decision is modified accordingly.  
(Comr Wood - ALJ Wetzell)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=120882](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120882)

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- CA-4**  
**576**      **A01-10-041 - Pacific Gas and Electric Company (PG&E).**  
For approval under Section 851 for an easement from PG&E allowing CPN Pipeline Company (CPN) to install and maintain two underground gas pipelines and for related access. This decision grants the petition to modify filed by CPN in part, by adding additional findings of Facts and Conclusions of Law to support the requirement for advance Commission approval of assignments of the easement that would alter easement terms. This proceeding is closed.  
(Comr Peevey - ALJ Prestidge)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=121125](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121125)
- CA-5 (Rev.)**  
**577**      **A00-08-056 - Cypress Ridge Service Company (Cypress) and Rural Water Company Inc. (Rural).**  
For a certificate of public convenience and necessity to construct and operate a public utility sewer system in the unincorporated area of San Luis Obispo County, near Arroyo Grande, and to establish rates for service and to issue stock. A01-02-006 - Related matters. Rural is granted a certificate of public convenience and necessity to provide sewer service to the Cypress Ridge subdivision in San Luis Obispo County. Cypress' application for a certificate to serve the same area and for related relief is dismissed. The authority granted to Rural is subject to a series of conditions, most of which were agreed to by all of the parties. Rates for Rural's new service are based on test year 2005. Rural is authorized to file rates for any new commercial customer types as they are needed, provided that rates for other customers are to be adjusted at the same time to achieve a zero net revenue effect. Rural is not required to charge the Cypress Ridge golf course for receiving effluent from the sewage treatment plant. This proceeding is closed.  
(ALJ Brown, ALJ McVicar)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment*  
06/05/2002 - This revision was not shown on the Agenda mailed to the public.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123522](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123522)
- CA-6**  
**578**      **Res T-16658 - Pacific Bell Telephone Company (Pacific).**  
This resolution approves Pacific's introduction of Toll and Long Distance Availability Limit Plan (the Plan). The approved tariff modifications ensure that the Plan is not unduly restrictive, gives customers adequate notice per Commission standards, complies with existing Commission rules on local disconnect policy, does not restrict service for non payment of disputed and unauthorized charges, and does not harm competition and ratepayer interests.  
(Advice Letter 22646 filed February 1,2002)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=122851](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=122851)

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- CA-7**  
**598**                    **R97-10-016 - California Public Utilities Commission.**  
Order instituting rulemaking on the Commission's own motion into monitoring performance of operations support systems. I97-10-017 - Related matters. This decision modifies D02-03-023 to clarify competitive local exchange carriers' options regarding the Performance Incentive Plan for Pacific Bell Telephone Company.  
(Comr Brown - ALJ Reed)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=124017](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124017)
- CA-8**  
**621**                    **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 matters. This decision orders that the terms and conditions of the interconnection agreement between Verizon and Pac-West that was due to expire on April 13, 2002, shall remain in effect continuously as an interim measure until a final successor agreement is implemented through negotiation or adopted through arbitration. The parties shall include as an issue subject to arbitration, what differing terms and conditions, if any, should be applicable during the interim period between April 14, 2002, and the effective date of the successor agreement.  
(Comr Peevey - ALJ Pulsifer)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=121808](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121808)
- CA-9**  
**622**                    **A02-03-022 - Creative Interconnect Communications, LLC (Applicant).**  
For a certificate of public convenience and necessity (CPCN) for authority to provide facilities-based and resold local exchange services in the service areas of Pacific Bell Telephone Company, Verizon California, Inc., Roseville Telephone Company, and Citizens Telephone Company and Facilities-Based and Resold Interexchange Telecommunications Services Statewide. This decision grants the Applicant a CPCN to provide limited facilities-based and resold local exchange and interexchange telecommunications services. This proceeding is closed.  
(Comr Peevey - ALJ O'Donnell)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=120362](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120362)
- CA-10**  
**625**                    **A00-02-021 - Adelpia Business Solutions Operations, Inc. (Applicant).**  
For a certificate of public convenience and necessity (CPCN) to offer local exchange service. This decision dismisses the Applicant's request for a CPCN to provide facilities-based and resold local exchange telecommunications services for failure to prosecute. This proceeding is closed.  
(Comr Lynch - ALJ O'Donnell)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123678](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123678)
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- CA-11  
626**      **A00-06-002 - Global Photon Systems, Inc. and Global West Network, Inc. (Applicants).**  
For authority to modify their certificates of public convenience and necessity to permit construction of specific telecommunications facilities. This decision denies, at Applicants' petition for modification of D00-11-037, except to the extent it was granted in D02-01-059. This proceeding is closed.  
(Comr Lynch - ALJ Duda)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=121424](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121424)
- CA-12  
629**      **Res T-16664 - Pacific Bell Telephone Company (Pac Bell).**  
This resolution approves an interconnection agreement between PacBell and NTCH-CA, Inc. dba Rio-Tel, in accordance with the provisions of General Order 96-A, and Resolution ALJ-181.  
(Advice Letter 22756 filed March 21, 2002)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=121974](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121974)
- CA-13  
631**      **Res T-16661 - Pacific Bell Telephone Company (Pac Bell).**  
This resolution approves an interconnection agreement between Pac Bell and Budget Phone, Inc. in accordance with the provisions of General Order 96-A, and Resolution ALJ-181.  
(Advice Letter 22747 filed March 19, 2002)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123353](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123353)
- CA-14  
633**      **(ECP) C01-11-026 - Bruce D. Campbell (Complainant) vs. Pacific Bell Telephone Company (Pacific).**  
Pacific incorrectly billed Complainant for IDSL Internet Service. After the complaint was filed, Pacific issued a credit for the disputed charges. The complaint is dismissed. This proceeding is closed.  
(Comr Brown - ALJ Patrick)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=120511](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120511)
- CA-15  
649**      **(ECP) C01-11-010 - Robert E. Kaveney (Complainant) vs. Verizon California, Inc (Verizon California) and Verizon Select Services (VSSI).**  
The Commission orders Verizon California and VSSI (collectively, Verizon or Defendants) to credit the account of the Complainant all charges for VSSI's Bundled Plan B. The Commission also requires Defendants to refund 36 months of charges with interest for telephone equipment rental charges. This proceeding is closed.  
(Comr Brown - ALJ Patrick)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=113485](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=113485)

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- CA-16**            **(ECP) C02-02-035 - Janice D. and Francis R. Eakle (Complainants) vs. Pacific Gas and Electric Company (PG&E).**  
**650**  
Complainants' request for a refund of alleged overcharges is denied because they have not demonstrated their meter was defective as alleged. This proceeding is closed.  
(Comr Brown - ALJ Patrick)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=120798](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120798)
- CA-17**            **A00-11-038 - Southern California Edison Company.**  
**658**  
For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-11-028 - Related matters. This decision awards the Golden State Power Cooperative \$17,019.54 for contributions in applications that led to Order Instituting I01-04-002.  
(Comr Lynch - ALJ Walker)
- CA-18**            **A01-05-002 - California Water Service Company (CWS).**  
**525**  
This decision denies the application of CWS to increase rates in its operating districts to recover forecasted general office expenditures. Rate recovery of forecasted increases in general office expenditures should be addressed in general rate increase applications for the operating districts. This proceeding is closed.  
(Comr Duque - ALJ O'Donnell)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment*  
(Agenda 3088, Item CA-8 5/16/2002)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=122968](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=122968)
- CA-19**            **Res W-4333 - Del Oro Water Company, Inc., Paradise Pines District.**  
**509**  
This resolution authorizes a general increase in rates producing \$121,745 or 10.51% additional annual revenue.  
(Agenda 3088, Item CA-6 5/16/2002)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=119609](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119609)
- CA-20**            **A01-05-040 - Affinity Corporation (Affinity) and Network US, Inc. (Network).**  
**575**  
The decision grants the application of Affinity and Network for Network to acquire the assets and certificate of public convenience and necessity of Affinity. This proceeding is closed.  
(Comr Wood - ALJ O'Donnell)  
(Agenda 3088, Item CA-20 5/16/2002)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=122672](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=122672)
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- CA-21 (Rev.) 592**      **(ECP) C02-02-026 - Bahman Jamtoob (Complainant) vs. Pacific Bell Telephone Company (Pacific).**  
Complainant alleges Pacific overcharged him for work done. Held. Complainant is entitled to have the \$362 charge reduced to \$203.30. This case is closed.  
(Comr Brown - ALJ Barnett)  
(Agenda 3088, Item CA-25 5/16/2002)  
06/05/2002 - This revision was not shown on the Agenda mailed to the public.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=122748](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=122748)
- CA-22 660**      **A02-01-018 - Southern California Edison Company (Edison).**  
For approval of amendments to power purchase contracts between Edison and seven landfill gas biomass projects. This decision approves contract extensions negotiated by Edison for the purchase of energy from seven electrical generating facilities that are fueled by gas from landfills. All but one of these landfill-powered generating facilities are located in Edison's service territory, and all seven had entered into Standard Offer 1 power purchase contracts with Edison that were originally set to expire on December 31, 2001. The decision concludes that the pricing terms of the contract extensions are sufficiently attractive from a ratepayer perspective, when compared with possible volatility in avoided cost rates, that they should be approved without modification, especially in view of the provision for early termination in certain circumstances. In addition, this decision authorizes Edison to recover in rates all payments for energy made to the owners of the seven facilities, subject only to Edison's prudent administration of the extensions and the underlying contracts. This proceeding is closed.  
(Comr Wood - ALJ McKenzie)
- CA-23 661**      **A02-04-024 - Pacific Gas and Electric Company (PG&E).**  
This decision grants the application of PG&E for an expedited order pursuant to Pub. Util. Code § 851 granting PG&E authorization to grant an easement to Alpine County for realignment, maintenance and use of a road on PG&E land and for a temporary construction easement. This proceeding is closed.  
(Comr Wood - ALJ Prestidge)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=124004](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124004)
- CA-24 669**      **A01-12-049 - California Department of Transportation (Caltrans).**  
For an order authorizing the Department to: widen Bassett Street Overhead, (PUC No. 001DA-17.03-A) on SR-87 in City of San Jose, County of Santa Clara.  
Caltrans, as party of their plan to convert the final 3.1 mile segment of State Route 87 from parkway to freeway, seek authorization to widen the existing grade-separated Bassett Street Overhead from four to six lanes, over the tracks of the Union Pacific Railroad. Granted. This proceeding is closed.  
(Exam Clark)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=119991](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=119991)
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- CA-25**            **Res W-4335 - Bakman Water Company, Inc. (BWC).**  
**673**                This resolution authorizes BWC (1) an offset increase in rates producing additional revenue of \$62,522 or 7.96% to recover increased purchased power costs, and (2) a surcharge to recover an undercollection of \$63,469 in its purchased power balancing account for an overall annual increase in revenue of \$125,991 or 16.03%.  
(Advice Letter 55-W filed January 17, 2002 and Supplemental 55-W-A filed February 2, 2002)
- [http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123149](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123149)
- CA-26**            **Res W-4336 - Alco Water Service (AWS), Salinas District.**  
**674**                This resolution authorizes AWS, Salinas District a surcharge to recover an undercollection in its purchased power balancing account producing an increase in annual revenue of \$78,781 or 2.33%.  
(Advice Letter 87 filed April 17, 2002)
- CA-27**            **A02-04-009 - Angel Island - Tiburon Ferry, Inc.**  
**681**                This decision grants Angel Island – Tiburon Ferry, Inc. a fare increase for service between Tiburon and Angel Island. This proceeding is closed.  
(Comr Brown - ALJ Rosenthal)
- [http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=121274](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121274)
- CA-28**            **A01-05-034 - Sacramento Regional Transit District (District).**  
**686**                For an order authorizing District to construct, modify, maintain, and operate a light rail passenger system and Union Pacific Railroad tracks across Jackson Road, Florin-Perkins Road, Mather Field Road, Mills Park Drive, Zinfandel Drive, Olson Drive, Kilgore Road and Sunrise Boulevard in the County of Sacramento, State of California. Granted. This proceeding is closed.  
(Exam Clark)
- [http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123240](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123240)

**CA-29  
688**      **A00-05-015 - Citizens Utilities Company of California (Citizens) and California- American Water Company (CalAm).**

For authority to (1) Authorizing Citizens to sell and transfer all of its water utility assets and indebtedness to CalAm; (2) Authorizing CalAm to acquire all of the water utility assets and indebtedness of Citizens and thereafter to engage in and carry on the water utility business and service to the customers of Citizens; (3) Authorizing Citizens to withdraw from the water utility business; and (4) for related relief. A00-05-016 - Related matters. This decision grants Advocates for the Public Interest an award of \$94,284.09 in compensation for contributions to D01-09-057. That decision authorized CalAm to acquire all of the California water utility assets of Citizens. These proceedings are closed.

(Comr Wood - ALJ Walker)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=116376](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=116376)

**CA-30  
(Rev.)  
449**      **A01-10-044 - City of Fontana (City).**

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)

(Agenda 3086, Item CA-21 4/22/2002; Agenda 3088, Item H-8 5/16/2002)

06/05/2002 - This item appeared as (H-3) on the agenda distributed to the public.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123384](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123384)

**CA-30a**      **ALTERNATE TO ITEM 449****(Rev.)  
617**

This decision grants the request of the City to install pre-signals and interconnect steel sleeving at the existing Sierra Avenue Crossing across Souther California Regional Rail Authority's San Gabriel Subdivision tracks in Fontana, San Bernardino County. This alternate recommends that staff conduct statewide workshops to assess the effectiveness of the pre-signals.

(Comr Brown)

(Agenda 3088, Item H-8a 5/16/2002)

05/28/2002 - This revision was not shown on the Agenda mailed to the public.

06/05/2002 - This item appeared as (H-1) on the agenda distributed to the public.

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## Regular Agenda

### Utility and Transportation Orders

#### Orders Held Over

- H-1**            **A00-06-023 - Southern California Gas Company (SoCalGas).**  
**321**            Application regarding Year Six (1999-2000) Under Its Experimental Gas Cost Incentive Mechanism and Related Gas Supply Matters. (U 904 G). In Phase 2 of this proceeding, the Commission determines that the public interest is served by extending the Gas Cost Incentive Mechanism (GCIM) of (SoCalGas) and by adopting changes agreed to by SoCalGas, the Commission's Office of Ratepayer Advocates (ORA) and The Utility Reform Network (TURN). The changes aim generally at reducing consumer costs of gas. The Commission also approves the Settlement Agreement entered into by SoCalGas, ORA and TURN that, among other things, caps the amount of shareholder award that can be recovered under the GCIM and increases consumer benefits beginning in Year Seven of the program. This proceeding is closed.  
 (Comr Lynch - ALJ Walker)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment*  
 (Agenda 3088, Item 3 5/16/2002)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=122683](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=122683)
- H-1a**            **ALTERNATE TO ITEM 321**  
**585**            This decision finds that the Southern California Gas Company (SoCalGas) Gas Cost Incentive Mechanism (GCIM) should be continued as modified by the terms of the Settlement agreement sponsored by SoCalGas, Office of Ratepayer Advocates and The Utility Reform Network, and as further modified in the body of this order. Settling parties' acceptance of those further modifications would result in a Settlement Agreement reasonable in light of the whole record, consistent with the law, and in the public interest. Further investigation of SoCalGas' GCIM Year 7 is warranted, and will be continued in A01-06-027.  
 (Comr Lynch)  
 (Agenda 3088, Item 3a 5/16/2002)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=122620](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=122620)
- H-2**            **I01-10-002 - Order Instituting Investigation on the Commission's own motion into the**  
**359**            **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)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment*  
 (Agenda 3086, Item 1 4/22/2002; Agenda 3088, Item H-7 5/16/2002)

- H-2a**  
**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)  
(Agenda 3086, Item 1a 4/22/2002; Agenda 3088, Item H-7a 5/16/2002)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=117452](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=117452)
- H-3 (Rev.)**  
**449**      06/05/2002 - Moved to item (CA-30) on the agenda.
- H-3a (Rev.)**  
**617**      05/28/2002 - This revision was not shown on the Agenda mailed to the public.  
06/05/2002 - Moved to item (CA-3a) on the agenda.
- H-4**  
**502**      **R \_\_\_\_\_ - California Public Utilities Commission.**  
Order Instituting Rulemaking on policies and practices for advanced metering, demand response, and dynamic pricing. This proceeding is opened to address, in two phases: 1) development of advanced metering infrastructure to facilitate demand-responsiveness and 2) consideration of dynamic pricing rate design options to encourage consumer utilization of advanced infrastructure and demand-responsive behavior. The proceeding will also seek to coordinate with other state agencies on these issues.  
(Agenda 3087, Item 3 5/2/2002; Agenda 3088, Item H-10 5/16/2002)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=121516](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121516)
- H-5**  
**510**      **A01-03-026 - PacifiCorp.**  
For an order authorizing an immediate interim rate increase, subject to refund and for consideration of a Rate Stabilization Plan. This decision grants PacifiCorp an interim rate increase of one-cent per kilowatt-hour, subject to refund with interest. The resulting rate may not exceed those requested in its general rate increase filing in this proceeding.  
(Comr Duque - ALJ O'Donnell)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment*  
(Agenda 3088, Item CA-7 5/16/2002)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=122661](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=122661)

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- H-6 (Rev.)**      **A00-11-025 - San Diego Gas & Electric Company (SDG&E).**  
**167**              For authority to incur additional indebtedness for working capital purposes in an aggregate principal amount not to exceed \$800 million, inclusive of amounts otherwise authorized by Public Utilities Code Section 823, at any one time outstanding. This decision addresses the petition to modify D01-02-011 filed by SDG&E. In its petition, SDG&E asks the Commission to modify D01-02-011 to grant SDG&E authority to issue debt secured by a pledge of SDG&E's property, plant, and equipment for the purpose of financing SDG&E's AB 265 undercollection.  
(Agenda 3059, Item 6, 3/15/01)  
(Comr Wood - ALJ Evans)  
(Agenda 3082, Item H-2 2/21/2002)  
05/28/2002 - This revision was not shown on the Agenda mailed to the public.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123965](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123965)
- H-7**                **A00-11-038 - Southern California Edison Company.**  
**309**              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; Agenda 3087, Item CA-16 5/2/2002)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123475](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123475)
- H-7a**              **ALTERNATE TO ITEM 309**  
**680**              A00-11-056, A00-10-028 - Related matters. This alternate order awards The Utility Reform Network compensation for its contribution to D01-01-018, D01-03-029, D01-03-081, D01-03-082, D01-04-005, and D01-05-064 but denies the requested compensation for federal court proceedings.  
(Comr Duque)
- H-8**                **A01-07-036 - Southern California Edison Company (SCE).**  
**160**              SCE seeks authority to lease to Power Storage Industry, II, LLC (Power Storage) a 5.7-acre site located on a portion of SCE's Walnut 220/12-kilovolt (kV) substation in the City of Industry. Power Storage would develop a self-storage facility on the site, a use that SCE states will not interfere with its utility operations. The application is unopposed. The Commission grants the application but, based on our new procedure for applications like this one, the Commission requires SCE within 120 days to submit documents attesting to the appropriate environmental review of the project. This proceeding is closed. (Agenda 3073, Item CA-27, 10/10/01)  
(Comr Duque - ALJ Walker)  
(Agenda 3082, Item H-8 2/21/2002; Agenda 3085, Item H-4 4/4/2002)
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- H-8a**                    **ALTERNATE TO ITEM 160**  
**161**                    Southern California Edison Company (SCE) seeks authority to lease to Power Storage Industry II, LLC (Power Storage) a 5.7-acre site located on a portion of SCE's Walnut 220/12-kilovolt (kV) substation in the City of Industry. Power Storage would develop a self-storage facility on the site, a use that SCE states will no interfere with its utility operations. The application is unopposed. The Commission denies the application, without prejudice. This proceeding is closed. (Agenda 3077, Item H-6a, 12/11/01)  
(Comr Wood)  
(Agenda 3082, Item H-8a 2/21/2002; Agenda 3085, Item H-4a 4/4/2002)
- H-9**                    **I \_\_\_\_\_ - California Public Utilities Commission**  
**101**                    Order Instituting Investigation on the Commission's own motion into the practices of and rate of return earned by Valencia Water Company (Valencia). By this order the Commission institutes an investigation into the operations and practices of Valencia to determine whether it has and will earn a rate of return in excess of that authorized by D94-12-020 and to establish the appropriate revenue requirement. This order also establishes a memorandum account in which all revenues in excess of those authorized by the 9.40% rate of return shall be placed, and requires Valencia to file a Notice of Intent to file its General Rate Case within 60 days of the service of this Order. This item is on the Agenda for administrative and tracking purposes and will be withdrawn. (Agenda 3079, Item 7, 1/9/02)  
(Agenda 3080, Item H-5 1/23/2002; Agenda 3085, Item H-7 4/4/2002)
- H-10**                    **I \_\_\_\_\_ - California Public Utilities Commission.**  
**700**                    Order to Show Cause on the Commission's own motion regarding Pacific Gas and Electric Company's (PG&E) position reflected in a letter to Executive Director Wesley Franklin as to why it cannot comply with D01-06-067, which directed PG&E to pay intervenor compensation to The Utility Reform Network and Aglet Consumer Alliance. PG&E claims that it is precluded from paying the amount ordered in D01-06-067 because it is pre-petition bankruptcy debt, while PG&E chooses to pay other pre-petition debt. PG&E is directed to indicate which other intervenors it is not paying on this basis. This item is on the Agenda for administrative and tracking purposes and will be withdrawn. (Agenda 3069, Item 15, 8/23/01; Agenda 3073, Item H-4, 10/10/01)

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**Orders**

- 1**  
**597**      **R02-02-020 - California Public Utilities Commission.**  
Order instituting rulemaking on the Commission's own motion to establish an appropriate error rate for connections made by an Automatic Dialing Device Pursuant to Section 2875.5 of the Public Utilities Code. This interim decision defines and establishes an "acceptable error rate" for hang-up calls generated by predictive dialing telephone equipment. Effective July 1, 2002, the rate will be 3% of all predictive dialer calls answered by an individual. The acceptable error rate will be reduced to 1% on January 1, 2003. This decision also establishes preliminary record-keeping requirements and order an industry workshop to further address record-keeping matters and examine proposals for informing the public about do-not-call registers and other means of protecting themselves from unwanted telephone calls.  
(Comr Brown - ALJ Walker)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123848](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123848)
- 2**  
**620**      **A01-06-041 - Sierra Pacific Power Company (Sierra).**  
For an order authorizing an immediate interim rate increase, subject to refund and for consideration of a rate stabilization plan. This decision authorizes Sierra to raise its rates by 2¢/kWh. This interim rate increase is granted subject to refund, pending a final determination on its rate stabilization plan. It is found that Sierra's California operations had a negative rate of return in 2001 and will have a negative rate of return in 2002 absent a rate increase.  
(Comr Lynch - ALJ Barnett)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=124007](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124007)
- 3**  
**623**      **R93-04-003 - California Public Utilities Commission.**  
Rulemaking on the Commission's own motion to govern open access to bottleneck services and establish a framework for Network Architecture Development of Dominant Carrier Networks. I93-04-002 - Related matters. This decision adopts permanent Unbundled Network Element rates for the High Frequency Portion of the Loop (HFPL) for both Pacific Bell Telephone Company (Pacific) and Verizon California Inc. (Verizon). The decision finds that establishing a separate rate for the HFPL allows Pacific and Verizon to over-recover their loop costs, since they currently recover the full cost of the loop through rates for the unbundled loop. Pacific and Verizon are required to return HFPL revenues to ratepayers through a surcredit on residential and business basic exchange customers bills.  
(Comr Wood - ALJ Jones)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=121879](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121879)

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- 4**                    **R01-08-028 - California Public Utilities Commission.**  
**665**                    Order instituting rulemaking to examine the Commission's Future Energy Efficiency Policies, Administration and Programs. This draft decision awards 2002-2003 local energy efficiency funding to additional providers not listed in the Commission's May 16, 2002 decision (D02-05-046) and increases funding to certain other providers. It denies funding for the Efficiency Services Group, a subsidiary of Portland General Electric, which is in turn a subsidiary of the Enron Corporation. It also denies funding to out-of-state program sponsors.  
(Comr Lynch - ALJ Thomas)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123916](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123916)
- 4a**                    **ALTERNATE TO ITEM 665**  
**666**                    This alternate draft decision awards 2002-2003 local energy efficiency funding to additional providers not listed in the Commission's May 16, 2002 decision (D.02-05-046) and increases funding to certain other providers. It denies funding for the Efficiency Services Group, a subsidiary of Portland General Electric, which is in turn a subsidiary of the Enron Corporation.  
(ALJ Thomas)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123988](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123988)
- 5**                    **A02-03-001 - Pacific Pipeline System LLC (PPS LLC), Pacific Energy Partners, L.P. (Pacific L.P.) and Pacific Energy GP, Inc. (Pacific GP)**  
**677**                    For an Ex Parte Order Pursuant to Public Utilities Code Section 854 (a) authorizing Pacific L.P. and Pacific GP to acquire, indirectly, PPS LLC as part of an Internal Restructuring Establishing a Master Limited Partnership. Granted. This proceeding is closed.  
(Comr Brown - ALJ Evans)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123304](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123304)
- 6**                    **I \_\_\_\_\_ - California Public Utilities Commission.**  
**682**                    Order Instituting Investigation on the Commission's own motion into the rates, operations, practices, service, and facilities of Southern California Edison Company, and consolidating said investigation with A02-05-004.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123266](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123266)

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- 7**                    **A01-01-021 - Southern California Gas Company (SoCalGas) and San Diego Gas & Electric**  
**706**                    **Company (SDG&E).**  
SoCalGas and SDG&E are authorized to consolidate their gas supply portfolios and management of gas acquisition; to review rules for noncore customers to procure gas; to permit core-customers of wholesale customer to obtain gas on the same terms as core customers of the utilities; provide that reacquired El Paso capacity will be assigned to the consolidated gas supply portfolio; and permit the consolidated management to provide tolling service to SDG&E. This proceeding is closed.  
(Comr Duque - ALJ Barnett)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123322](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123322)
- 7a**                    **ALTERNATE TO ITEM 706**  
**707**                    This decision declines to authorize consolidation of Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company's gas supply portfolios and management of gas acquisition, and provides wholesale customers of SoCalGas and other gas utilities that serve core customers to have first option to SoCalGas' El Paso interstate capacity that reverts to SoCalGas control before 2006.  
(Comr Lynch)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123336](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123336)
- 8**                    **A00-10-045 - San Diego Gas & Electric Company (SDG&E).**  
**709**                    For an order implementing Assembly Bill 265. A01-01-044 - Related matters. This order addresses SDG&E's motions for reconsideration by the full Commission of the Assigned Commissioner's Ruling directing (1) Service of Documents and (2) Filing of Notice of Ex Parte Communication, and for issuance of an immediate stay of said ruling.  
(Comr Wood - ALJ Wetzell)

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**Utilities Resolutions and Written Reports****Energy Matters**

- E-1  
624**            **Res G-3324 - Southern California Gas Company (SoCalGas).**  
This resolution adopts modifications to SoCalGas' tariff schedules to implement a cost-based peaking service rate, in compliance with D01-08-020. SoCalGas shall submit modified, updated peaking service rates.  
(Advice Letter 3052 filed August 13, 2001)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment*
- E-2  
600**            **Res E-3770 - California Public Utilities Commission.**  
This resolution implements a limited-term rate reward program for conservation efforts that will provide rate reductions to customers with credits for reducing electricity consumption during the summer of 2002 for Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company.  
(Agenda 3088, Item E-1 5/16/2002)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=124061](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124061)
- E-3  
675**            **Res E-3776 - Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (SCE).**  
This resolution requires PG&E and SCE to record beginning June 2002, the total revenues received from customers from the portion of the three cent per kilowatt-hour increase authorized in D01-05-064 associated with amortization of unrecovered surcharge revenues over the period between the effective date of D01-03-082 and implementation in June 2001 of D01-05-064.  
(PG&E Advice Letter (AL) 2227-E filed April 15, 2002 and SCE AL 1615-E filed April 22, 2002)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=124018](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124018)
- E-4  
699**            **Res G-3333 - Southern California Gas Company (SoCalGas).**  
This resolution submits tariff revisions related to its Core Aggregation Transportatin program, in compliance with D01-12-018. SoCalGas' Advice Letter (AL) 3105 is approved with changes to the tariff rates made effective on May 1, 2002. This item is on the Agenda for administrative and tracking purposes and will be withdrawn. (Agenda 3085, Item E-1, 4/4/02)

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***Telecommunications Matters***

**C-1                    Res T-16656 - Verizon California Inc. (Verizon).**

**524**                    This resolution accepts subject to future Commission order, Verizon's 2000 Rate of Return adjusted for directory revenue and expenses from its supplemental 2000 sharable earnings Advice Letter 9944. Since sharing has been suspended in D98-10-026, there is no immediate impact on rates as a result of this filing. (Advice Letter 9944 filed December 12, 2001)

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

(Agenda 3088, Item C-1 5/16/2002)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=121661](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121661)

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## **Rail Safety and Carrier Division Reports and Resolutions**

- T-1**            **Res SX-41**  
**701**            Resolution authorizing adoption of Guidelines for the use of Four Quadrant Gates in connection with the installation of four quadrant gate systems at highway-rail grade crossings. (Exam Clark) (Agenda 3064, Item CA-29, 5/24/01; Agenda 3067, Item T-1 7/12/01)

**Legislative Matters****Items Held Over**

- HLEG-1**      **AB 117 (Migden).**  
**606**            Community aggregation. Request for Commission position.  
                  (Agenda 3088, Item LEG-1 5/16/2002)
- HLEG-2**      **AB 2467 (Goldberg).**  
**552**            Telephone corporations: employment. Request for Commission position.  
                  (Agenda 3087, Item LEG-5 5/2/2002; Agenda 3088, Item HLEG-2 5/16/2002)  
                  [http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=121308](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=121308)
- HLEG-3**      **SB 1519 (Bowen).**  
**543**            DWR, renewable power, retail consumer bypass. Request for Commission position.  
                  (Agenda 3087, Item LEG-10 5/2/2002; Agenda 3088, Item HLEG-4 5/16/2002)
- HLEG-4**      **SB 2000 (Dunn).**  
**491**            Electrical power and natural gas: unlawful practices. Request for Commission position.  
                  (Agenda 3086, Item LEG-7 4/22/2002; Agenda 3088, Item HLEG-7 5/16/2002)  
                  [http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=120550](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=120550)

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*Items*

- LEG-1**            **AB 669 (Hertzberg)**  
**684**                State nonemergency telephone service system.  
Request for Commission position.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123911](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123911)
- LEG-2**            **AB 1661 (Pescetti)**  
**692**                Energy Code: Energy Agency.  
Request for Commission position.
- LEG-3**            **AB 1734 (Utilities & Commerce/Wright, Chairman)**  
**685**                Telecommunications Services. Request for Commission position.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123915](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123915)
- LEG-4**            **AB 2523 (Canciamilla)**  
**672**                Electrical corporations: rates. Request for Commission position.
- LEG-5**            **AB 2784 (Chavez)**  
**(Rev.)**            Telephone corporations: disabled telecommunications program.  
**694**                Request for Commission position.  
05/29/2002 - This revision was not shown on the Agenda mailed to the public.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123918](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123918)
- LEG-6**            **SB 1553 (Battin)**  
**695**                Telephone services: extended area service. Request for Commission position.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123919](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123919)
- LEG-7**            **SB 1563 (Polanco)**  
**696**                Telecommunications: services.  
Request for Commission position.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123913](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123913)
- LEG-8**            **SB 1863 (Bowen)**  
**697**                Telecommunications services. (new amendments).  
Request for Commission position.

**LEG-9**            **SB 1876 (Bowen)**  
**679**                Electrical restructuring (as amended May 20, 2002). Request for Commission position.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123925](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123925)

**LEG-10**          **SB 1903 (O'Connell)**  
**698**                Commercial mobile radio service providers: subscriber protection.  
Request for Commission position.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123924](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123924)

## Commissioner's Reports

**CR-1**            **Commissioners' Reports**  
**609**            Miscellaneous Commissioners' Reports

**CR-2**            **Commissioner Brown and Commissioner Peevey Report.**  
**664**            Commission Policies and Guidelines regarding the Commission Public Agenda and Decision document notations pursuant to Public Utilities Code Section 305.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=123767](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123767)

## **Management Reports**

- M-1**            **Management Reports**
- 611**            Miscellaneous Management Reports.

## 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-1**            **C99-01-039 - Conference with Legal Counsel-Application for Rehearing**  
**172**                Disposition of the Application for Rehearing filed by Greenlining Institute and Latino Issues Forum of D01-04-037, which denied a complaint regarding tariffing and billing for commercial customers for voicemail services.  
*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session (Agenda 3087, Item HEX-1 5/2/2002; Agenda 3088, Item HEX-1 5/16/2002)*
- HEX-2**            **Conference with Legal Counsel - Initiation of Enforcement Proceeding**  
**457**                Deliberation on institution of proceeding or disciplinary actions against person or entities subject to Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced and disclosure could also jeopardize the ability to effect personal service on the Respondent.)  
*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session (Agenda 3086, Item EX-10 4/22/2002; Agenda 3088, Item HEX-2 5/16/2002)*
- HEX-3**            **I99-04-020, 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.  
*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session (Agenda 3086, Item EX-5 4/22/2002; Agenda 3087, Item HEX-3 5/2/2002)*

**HEX-4  
361**

**I99-07-003 - Conference with Legal Counsel – Applications for Rehearing**

Disposition of Application for Rehearing of D01-12-018 filed by the Southern California Generation Coalition, The Utility Reform Network and the Department of General Services. The decision adopted the Comprehensive Gas Settlement for the market and regulatory framework for Southern California Gas Company and San Diego Gas & Electric Company.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session (Agenda 3085, Item EX-5 4/4/2002)*

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**Orders**

- EX-1**                    **Conference with Legal Counsel - Applications for Rehearing.**  
**567**                    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*
- EX-2**                    **Conference with Legal Counsel - Threatened Litigation.**  
**613**                    Significant exposure to litigation.  
*Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session*
- EX-3**                    **Conference with Legal Counsel - Initiation of Litigation.**  
**614**                    Consideration of possible Commission initiation of, or intervention in, litigation.  
*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session*
- EX-4**                    **Personnel Matters.**  
**615**                    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*
- EX-5**                    **I01-04-002 - Conference with Legal Counsel - Applications for Rehearing.**  
**651**                    Disposition of the applications for rehearing of interim opinion, D02-01-039, filed by Edison International; PG&E Corporation; Pacific Gas and Electric Company; Southern California Edison Company; and a joint application by Sempra Energy and San Diego Gas & Electric Company. The interim decision provides an initial interpretation of the “first priority” condition in the holding company systems of the utilities and their respective holding companies.  
*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session*
- EX-6**                    **A02-04-002 - Conference with Legal Counsel – Application for Rehearing.**  
**653**                    Disposition of application for rehearing of Resolution E-3757 filed by the County of Los Angeles. The Resolution denied authority sought by Southern California Edison Company, Pacific Gas & Electric Company and San Diego Gas & Electric Company to have applicants for Tariff Rule 20-B undergrounding pay for removal of poles and facilities, ordered the utilities to charge pole removal project costs to their underground conversion allocations and ordered the utilities to identify and repay applicants all such charges with interest to date.  
*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session*

**EX-7  
657****A00-11-038 - Conference with Legal Counsel - Application for Rehearing**

A00-11-056, A00-10-028 - Related matters. Disposition of any applications for rehearing of D02-05-048. In D02-05-048, the Commission ordered Pacific Gas and Electric Company to comply with the terms and conditions of a Servicing Order to provide certain services to the Department of Water Resources.

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

**EX-8  
662****I01-04-002 - Conference with Legal Counsel - Application for Rehearing**

A87-05-007, A94-11-013, A95-10-024, A96-10-038 - Related matters. Disposition of application for rehearing of D02-01-037 filed by PG&E Corporation, Edison International, and San Diego Gas and Electric Company and Sempra Energy jointly. D02-01-037 concludes that the Commission has continuing jurisdiction over the holding companies enabling it to enforce the conditions imposed on the formation of the holding companies in Commission proceedings.

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

**Federal Items**

**Items**

**FEX-1                    Conference with Legal Counsel - Initiation of Litigation.**

**616**                    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*

**FEX-2                    Conference with Legal Counsel - Existing Litigation.**

**628**                    Pacific Gas and Electric Company (Debtor), United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 01 30923 DM.

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

**FEX-3                    Conference with Legal Counsel - Existing Litigation.**

**627**                    Case Name Unspecified (Disclosure of case name would jeopardize existing settlement negotiations.)

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