
Public Utilities Commission of the State of California

Results of Public Agenda 3103

Meeting Held on Tuesday, December 17, 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

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 a.m.)</i> <i>Open to the Public</i>
Monday, January 13, 2003 (San Francisco)	Tuesday, January 07, 2003 (San Francisco at 1:30 p.m. (Closed Session Only))
Monday, January 27, 2003 (San Francisco)	Thursday, January 16, 2003 (San Francisco)
	Thursday, January 30, 2003 (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
(415) 703-2074 E-mail: public.advisor@cpuc.ca.gov



This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TTY# (415) 703-5282 or toll free # 1-866-836-7825 three business days in advance of the meeting.

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 CA-12: Wayne Baker, San Rafael, CA

Re H-4: Yonah Diamond, Oakland, CA

Re H-12:

April Bailey, San Diego, CA

Bob Larson, Temecula, CA

Emmy Day, Mission Viejo, CA

Gabriel Kornacki, San Diego, CA

Jana Atkins, San Diego, CA

Joseph Lyons, Sacramento, CA

Louie DiBernardo, Temecula, CA

Mark Orme, Assistant to the City Manager, Hemet, CA

Mitch Mitchell

Peter Poole, Temecula, CA

Rosemarie Pirio for Steve Mandoki, City Manager of Murrieta, Murrieta, CA

Sean T. Moore, Fallbrook, CA

Sherry DiBernardo, Temecula, CA

Warnie Enochs, Murrieta, CA

Re 3:

Jeb Puruker, Montara, CA

Juliette Beck

Re 12: Charles Kalish

Re 14: Alice Huffman, Sacramento, CA

Re C-2: Winston, Ching

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
1369** **Res TL-19017**
Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-2
1370** **Res ALJ-176-3103**
Ratification of preliminary determination 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.
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-3
1240** **A01-07-004 - Pacific Gas and Electric Company.**
For a permit to construct the Atlantic-Del Mar Reinforcement Project pursuant to General Order 131-D. This decision changes the preliminary designation. Hearings are not needed.
(Comr Duque - ALJ Cooke)
(Agenda 3101, Item CA-11 11/21/2002 (Staff); Agenda 3102, Item CA-10 12/5/2002 (Staff))
Outcome Signed
[D02-12-033](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-4
1295** **Res M-4807**
This resolution adopts level of Public Utilities Commission Utilities Reimbursement Account Fees for fiscal year 2002-03.
(Agenda 3101, Item CA-21 11/21/2002 (Duque); Agenda 3102, Item CA-11 12/5/2002 (Staff))
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- CA-5
1108** **A00-06-023 - Southern California Edison Company (SCE).**
Application regarding Year Six (1999-2000) under its experimental gas cost incentive mechanism and related gas supply matters. SCE seeks modification of D02-06-023 to alter the text of the decision and to eliminate two findings of fact. SCE has not met its burden of showing that the changes are necessary or are justified by the record. The petition is denied. This proceeding is closed.
(Comr Lynch - ALJ Walker)
(Agenda 3098, Item CA-11 10/24/2002 (Lynch); Agenda 3099, Item CA-3 11/7/2002 (Lynch); Agenda 3101, Item CA-9 11/21/2002 (Wood))
Outcome Signed
[D02-12-034](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-6
1404** **Res W-4365 - California-American Water Company (Cal-Am).**
This resolution authorizes Cal-Am to file rate schedules for Ralph Lane Water System and Chualar Water System which are to be acquired from Monterey County. (Advice Letter 565, filed May 6, 2002.)
(Agenda 3102, Item CA-29 12/5/2002 (Staff))
Outcome Held (1/16/03, Consent Agenda.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- CA-7
1486** **A02-11-004 - City of Riverside.**
For authority to install and maintain stationary horn warning systems at six public crossings over Union Pacific Railroad Company's Los Angeles Subdivision as permitted by Pub. Util. Code Section 1202 for purpose of testing the utility and safety of stationary warning devices. This proceeding is closed.
(Exam Clark)
Outcome Signed
[D02-12-035](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- CA-8
1489** **A02-05-049 - Balboa Island Ferry, Inc.**
This decision grants the application of Balboa Island Ferry, Inc. to increase its fares and rates. This proceeding is closed.
(Exam Clark)
Outcome Signed
[D02-12-036](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-9
1256** **R97-10-049 - Rulemaking on the Commission's own motion to set rules and to provide guidelines for the privatization and excess capacity as it relates to investor owned water companies.**
This decision alters a Conclusion of Law and an Ordering Paragraph of D00-07-018 to conform to discussion and record in proceeding. This proceeding is closed.
(Comr Duque - ALJ Bushey)
(Agenda 3101, Item CA-12 11/21/2002 (Duque))
Outcome Held (1/30/03, Regular Agenda. Needs to be reviewed.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- CA-10
1320** **A99-12-025 - Valencia Water Company (Valencia).**
Application of Valencia seeking approval of its updated Water Management Program as ordered in Commission Resolution W-4154 dated August 5, 1999. This decision awards Sierra Club \$29,565.96 in compensation for its contribution to D01-11-048 granting Valencia permission to expand its service area. This proceeding is closed.
(Comr Brown - ALJ Patrick)
(Agenda 3101, Item CA-28 11/21/2002 (Wood))
Outcome Held (1/16/03, Consent Agenda. Further consideration.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

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- CA-11 1373** **A01-11-048 - L.A. Top Shuttle, Inc., dba Shuttle One (Shuttle One).**
For authority to modify its scheduled service, on existing authorized service area to certain portions of the counties of Los Angeles, Orange, Riverside, Ventura, and San Bernardino on one hand and the airports of Los Angeles International, Orange County, and Ontario on the other hand. This decision denies the application for failure of proof. This proceeding is closed.
(Comr Brown - ALJ Rosenthal)
Outcome Signed
[D02-12-037](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-12 1375** **R00-10-002 - Order Instituting Rulemaking into the operation of interruptible load programs offered by Pacific Gas and Electric Company, San Diego Gas & Electric Company, 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.**
This decision denies the May 21, 2002 petition for modification of D02-04-060 filed by California Industrial Users and California Large Energy Consumers Association regarding the interruptible program bill limiter of SCE. The proceeding is closed.
(Comr Wood - ALJ Mattson)
Outcome Held (1/16/03, Regular Agenda. Write an alternate.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- CA-13 1378** **A01-06-029 - Wild Goose Storage, Inc.**
For amendment of its certificate of public convenience and necessity to expand and construct facilities for gas storage operation. This decision grants, in part, and denies, in part, the petition for modification of D02-07-036 filed by Pacific Gas and Electric Company (PG&E). This decision defers until November 1, 2003, the date by which PG&E must complete modifications to its computer system to enable pro rata allocation among all potential customers if as-available transportation capacity should become scarce, authorizes PG&E use a simplified, manual system for pro rata allocation as an interim, contingency measure, and denies PG&E's request that cost responsibility for the system modifications be placed on other parties. This proceeding is closed.
(Comr Lynch - ALJ Vieth)
Outcome Signed
[D02-12-038](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
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CA-14 1379 I92-01-002 - Investigation on the Commission's own motion into all facilities-based cellular carriers and their practices, operations and conduct in connection with their siting of towers, and compliance with the Commission's General Order No. 159.

This decision closes this docket, which has been inactive since the issuance of D97-12-083 and D97-12-115. No party expressed opposition to closing this proceeding.

(Comr Duque - ALJ McKenzie)

Outcome Signed

[D02-12-039](#)

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

No: (none)

Abstain: (none)

Absent: (none)

CA-15 1382 A02-03-047 - Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E).

A02-03-048, A02-03-049 - Related matters. This decision extends interim funding for low-emission vehicle programs conducted by SoCalGas, SDG&E, Southern California Edison Company, and Pacific Gas and Electric Company pending our final decision in this proceeding.

(Comr Wood - ALJ Prestidge)

Outcome Signed

[D02-12-056](#)

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

No: (none)

Abstain: (none)

Absent: (none)

CA-16 1383 C00-02-019 - Dennis Hanlon and Juanita Hanlon vs. Cox California Telcom, L.L.C. dba Cox Communications.

This decision dismisses the complaint in this case because events subsequent to the filing of the complaint have rendered the two principal issues raised by complainants moot. First, defendant has relocated to complainants' satisfaction the network interface unit that the complaint alleged had been improperly placed on complainants' premises. Second, complainants' concerns about the alleged failure of defendant's employees to identify themselves when installing telecommunications equipment are the subject of a proposed new rule in R00-02-004. Under these circumstances, neither party has objected to the dismissal of the complaint on the ground of mootness. This proceeding is closed.

(Comr Brown - ALJ McKenzie)

Outcome Signed

[D02-12-040](#)

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

No: (none)

Abstain: (none)

Absent: (none)

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- CA-17
1390** **A91-11-024 - San Diego Gas & Electric Company (SDG&E).**
For authority to increase its rates and charges for electric, gas, and steam service, effective January 1, 1993. A98-10-012, A98-10-031 - Related matters. The Golden State Manufactured – Home Owners League petitioned to modify D00-04-060 and D00-12-058 in regard to submetered discounts, claiming they are erroneously computed. This decision denies the petition. This issue can be raised in the current SDG&E and Southern California Gas Company Applications (A) 01-10-005 and A01-09-024. These proceedings are closed.
(Comr Peevey - ALJ Barnett)
Outcome Held (1/16/03, Consent Agenda. Further review.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- CA-18
1471** **A00-09-063 - City of Roseville.**
This decision authorizes the City of Roseville to install and maintain a stationary horn warning system at two public crossings as a pilot project as permitted by Senate Bill 1491 for the purpose of testing the utility and safety of stationary automated warning devices. This proceeding is closed.
(Exam Clark)
Outcome Signed
[D02-12-041](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-19
1473** **Res T-16718 - Verizon California, Inc. (Verizon).**
This resolution approves an Interconnection Agreement between Verizon and TS Communications, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 10235, filed October 4, 2002)
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- CA-20
1474** **Res T-16719 - Pacific Bell Telephone Company (Pac Bell).**
This resolution approves an Interconnection Agreement between Pac Bell and BullsEye Telecom, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 23292, filed October 4, 2002)
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-21
1476** **Res T-16721 - Verizon California, Inc. (Verizon).**
This resolution approves an Interconnection Agreement between Verizon and Talk Unlimited Now, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 10248, filed October 16, 2002)
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-22
1477** **Res T-16708 - Verizon California, Inc. (Verizon).**
This resolution approves an Interconnection Agreement between Verizon and Comm South Companies, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 10209, filed September 20, 2002)
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-23
1482** **A01-08-008 - County of Alameda.**
This decision authorizes the County of Alameda to install a new grade crossing at Pleasanton-Sunol Road. This proceeding is closed.
(Comr Duque - ALJ Evans)
Outcome Signed
[D02-12-042](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
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- CA-24** **A01-08-009 - County of Alameda.**
1483 This decision authorizes the County of Alameda to reinstall the former grade crossing at Pleasanton-Sunol Road. This proceeding is closed.
(Comr Duque - ALJ Evans)
Outcome Signed
[D02-12-043](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-25** **A00-11-038 - Southern California Edison Company.**
1484 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 denies Greenlining/Latino Issues Forum's Petition to Modify D02-09-003.
(Comr Lynch - ALJ DeBerry)
Outcome Signed
[D02-12-044](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-26** **A02-10-036 - XO California, Inc. and XO Long Distance Services, Inc.**
1485 This decision approves XO California, Inc.'s and XO Long Distance Services, Inc.'s application to indirectly transfer ownership and control through their parent company, XO Communications, Inc., Debtor-in-Possession (XO) to a newly reorganized XO, a majority of whose stock will be owned by High River Limited Partnership. This proceeding is closed.
(Comr Brown - ALJ Grau)
Outcome Signed
[D02-12-061](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

CA-27 (ECP) C02-08-031 - Herbert B. Avery and Maunaloa T. Avery vs. Souther California Gas
1499 Company.

This order dismisses complaint for failure to prosecute. This proceeding is closed.

(Comr Peevey - ALJ Barnett)

Outcome Signed

[D02-12-046](#)

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

No: (none)

Abstain: (none)

Absent: (none)

CA-28 **A99-10-020 - Accutel of Texas, Inc. (Accutel).**

1501

By Decision 00-12-045, Accutel was granted a certificate of public convenience and necessity to provide resold local exchange and interexchange telecommunications services. In addition, Accutel's financial information and estimated customer base for its first and fifth years, filed with the application, were kept under seal for two years. This decision grants AccuTel's motion to have this information remain under seal for an additional three years. This proceeding is closed.

(Comr Wood - ALJ O'Donnell)

Outcome Signed

[D02-12-047](#)

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

No: (none)

Abstain: (none)

Absent: (none)

CA-29 **I02-06-003 - Investigation on the Commission's own motion into the operations, practices, and conduct of Pacific Bell Wireless LLC dba Cingular Wireless, and related entities (collectively "Cingular") to determine whether Cingular has violated the laws, rules and regulations of this State in its sale of cellular telephone equipment and service and its collection of an Ealy Termination Fee and other penalties from consumers.**

1502

This decision extends the deadline for resolution of this proceeding to October 6, 2003, pursuant to Public Utilities Code § 1701.2(d).

(Comr Wood - ALJ Vieth)

Outcome Signed

[D02-12-048](#)

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

No: (none)

Abstain: (none)

Absent: (none)

**CA-30
1508****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. I9711026, A94-12-005, and I95-02-015 - Related matters. This decision addresses the Office of Ratepayer Advocates' petition to modify the schedule for processing PG&E's Test Year 2003 General Rate Case adopted in D02-06-003.

(Comr Wood - ALJ Wetzell)

Outcome Signed

[D02-12-049](#)

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

No: (none)

Abstain: (none)

Absent: (none)

**CA-31
1510****A02-07-007 - Universal Broadband Communications, Inc. (Universal Broadband) dba Business Savings Plan and Norstar Communications, Inc. (Norstar) dba Business Savings Plan.**

This decision approves the acquisition by Universal Broadband of the assets and customer base of Norstar Communications, Inc. (Norstar), and the transfer to Universal Broadband of Norstar's Certificate of Public Convenience and Necessity to provide interexchange services pursuant to Pub. Util. Code Section 851, . This proceeding is closed.

(Comr Duque - ALJ Simon)

Outcome Signed

[D02-12-050](#)

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

No: (none)

Abstain: (none)

Absent: (none)

**CA-32
1517**

A01-01-021 - Southern California Gas Company and San Diego Gas & Electric Company.

For consolidation of their gas supply portfolios. This decision grants \$12,201.15 to The Utility Reform Network in compensation for substantial contributions to D02-08-065.

(Comr Duque - ALJ Barnett)

Outcome Signed

[D02-12-051](#)

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

No: (none)

Abstain: (none)

Absent: (none)

Regular Agenda

Utility and Transportation Orders

Orders Held Over

- H-1 93** **A98-12-005 - GTE Corporation (GTE) and Bell Atlantic Corporation (Bell Atlantic).**
 GTE to transfer and Bell Atlantic to acquire control of GTE's California utility subsidiaries which will occur indirectly as a result of GTE's merger with Bell Atlantic. This decision concerns awards for substantial contributions to D00-03-021. The decision modifies D01-09-045 by adding response to comments on the ALJ's draft decision. This proceeding is closed. (Agenda 3073, Item CA-26, 10/10/01).
 (Comr Duque - ALJ Kotz)
 (Agenda 3080, Item CA-24 1/23/2002; Agenda 3081, Item CA-19 2/7/2002; Agenda 3090, Item H-2 6/27/2002; Agenda 3091, Item H-3 7/17/2002; Agenda 3093, Item H-2 8/22/2002 (Duque); Agenda 3094, Item CA-3 9/5/2002 (Wood); Agenda 3098, Item H-1 10/24/2002 (Wood); Agenda 3102, Item H-2 12/5/2002 (Lynch))
Outcome Held (1/16/03. Further review.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)
- H-1a 1461** **ALTERNATE TO ITEM 93**
 This alternate decision grants intervenor compensation awards to TURN, Public Advocates and Greenlining/Latino Issues Forum for their participation in A98-12-005 in the amount of \$146,113.66, \$268,108.93 and \$279,740.33 respectively. If approved this decision will replace D01-09-045 in its entirety.
 (Comr Wood)
 (Agenda 3102, Item H-2a 12/5/2002 (Lynch))
Outcome Held (1/16/03. Further review.)
 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

- EX-7** **C01-12-047 - Conference with Legal Counsel – Application for Rehearing**
1495 Disposition of application for rehearing of D02-10-038 filed by Kenneth Dale and Janis Mae Siemens (Complainants). D02-10-038 granted Union Pacific Railroad Company’s (UP) motion to dismiss the Siemens' complaint which sought to: (1) remove a private rural grade crossing located on UP’s main line in Red Bluff, and (2) direct UP’s train crews to cease sounding the locomotive horn when trains approach the crossing.
Outcome Held (1/16/03)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)
- EX-8** **A01-02-024 - Conference with Legal Counsel – Application for Rehearing**
1514 A01-02-035, A02-02-031, A02-02-032, A02-02-034, A02-03-002 - Related matters.
 Disposition of the Application for Rehearing of D02-09-049 filed by Pacific Bell with regard to the Commission’s finding that Pacific Bell was double recovering non-recurring costs because there are \$537.8 million in non-recurring costs contained in the \$4.814 billion total direct cost of UNEs, which was a figure used by the Commission in D98-12-079. Pacific Bell disagrees with the Commission's Decision and analysis regarding whether the \$537.8 million non-recurring costs contained in the \$4.814 billion total direct costs of UNEs affected the Commission's Decision in D98-12-079.
Outcome Signed
 D02-12-060
 Yes: (Brown, Duque, Lynch, Wood)
 No: (Peevey)
 Abstain: (none)
 Absent: (none)

EX-10
(Rev.)
1536

A00-11-038 - Conference with Legal Counsel – Application for Rehearing

A00-11-056, A00-10-028 - Related matters. Disposition of Applications for Rehearing of D02-11-074 filed by The California Manufacturers and Technology Association, The California Industrial Users and The California Large Energy Consumers Association. D02-11-074 modified D02-10-063 by exempting residential sales up to 130% of baseline in all three service territories. D02-10-063 adopted a methodology for setting charges to recover bond-related costs incurred by the Department of Water Resources.

This matter is added to the agenda under Government Code Sections 11126(e)(2)(B)(i), 11126.3(d).
12/12/2002 - This item was not listed on the agenda distributed to the public.

12/13/2002 - This revision was not shown on the Agenda mailed to the public.

Outcome Information Only (Voted 3-2 regarding whether to add this item to the agenda late pursuant to Gov. Code Sections 11125.3(a)(2), 11126(e)(2)(B)(i) & 11126.3(d) et al. (Comrs. Brown, Duque and Peevey voted yes; Pres. Lynch and Comr. Wood voted no.) The 2/3 vote to add late was not met. Item will be taken up on 12/30/02.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Regular Agenda

Utility and Transportation Orders

Orders Held Over

**H-2 R93-04-003 - Rulemaking on the Commission's own motion to govern open access to
623 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 each Competitive Local Exchange Carrier that leased the HFPL loops for return to their DSL customers.

(Comr Wood - ALJ Jones)

(Agenda 3089, Item 3 6/6/2002; Agenda 3091, Item H-6 7/17/2002; Agenda 3092, Item H-2 8/8/2002 (Wood); Agenda 3093, Item H-4 8/22/2002 (Peevey); Agenda 3095, Item H-2 9/19/2002 (Wood); Agenda 3098, Item H-2 10/24/2002 (Staff); Agenda 3099, Item H-2 11/7/2002 (Staff); Agenda 3102, Item H-3 12/5/2002 (Brown))

Outcome Held (1/16/03. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-2a ALTERNATE TO ITEM 623
1518**

In this decision, the Commission exerts its independent state authority under Public Utilities Code § 709.7 to order Pacific Bell Telephone Company (Pacific) and Verizon California Inc. (Verizon) to offer the line sharing Unbundled Network Element (UNE). The decision adopts a permanent UNE rate for the High-Frequency Portion of the Loop (HFPL) of zero for both Pacific and Verizon. The Interim Line Sharing (ILS) decision determined that there should be a true-up from the interim rates adopted in the ILS proceeding, and the final rates adopted in this Permanent Line Sharing Phase. The ILS proceeding established memorandum accounts to track the revenues from the purchase of the HFPL by Competitive Local Exchange Carriers (CLECs). Since a zero permanent rate is adopted for the HFPL, Pacific is required to refund the revenues from the \$5.85 monthly recurring rate, and Verizon, the \$3.00 monthly recurring rate adopted in the ILS proceeding to the CLEC that purchased each loop.

(Comr Brown)

Outcome Held (1/16/03. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

- H-3 (Rev.) 709** **A00-10-045 - San Diego Gas & Electric Company (SDG&E).**
 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)
 (Agenda 3089, Item 8 6/6/2002; Agenda 3091, Item H-10 7/17/2002; Agenda 3093, Item H-8 8/22/2002 (Peevey); Agenda 3095, Item H-3 9/19/2002 (Peevey); Agenda 3098, Item H-3 10/24/2002 (Brown); Agenda 3102, Item H-4 12/5/2002 (Duque))
12/10/2002 - This revision was not shown on the Agenda mailed to the public.
Outcome Defeated (Upon reconsideration, the item was defeated.)
 Yes: (Lynch, Wood)
 No: (Brown, Duque, Peevey)
 Abstain: (none)
 Absent: (none)
- H-4 714** **A98-02-017 - Pacific Bell (Pacific).**
 For authority to categorize business inside wire repair, interexchange carrier directory assistance, operator assistance service and inmate call control service as Category III services. A98-04-048 - Related matters. This decision denies the Office of Ratepayer Advocates' petition for modification of D99-06-053 to recategorize Pacific's Residential Inside Wire Repair (RIWR) service option to Category II from Category III and to reset Pacific's RIWR wirepro ceiling rate to \$1.20 from \$2.99. These proceedings are closed.
 (Comr Duque - ALJ Galvin)
 (Agenda 3090, Item 7 6/27/2002; Agenda 3092, Item H-4 8/8/2002 (Wood); Agenda 3094, Item H-2 9/5/2002 (Wood); Agenda 3098, Item H-4 10/24/2002 (Lynch); Agenda 3101, Item H-2 11/21/2002 (Duque); Agenda 3102, Item H-5 12/5/2002 (Lynch))
Outcome Signed as Modified (Change p. 2. Pres. Lynch reserves the right to file a dissent.)
[D02-12-062](#)
 Yes: (Brown, Duque, Peevey, Wood)
 No: (Lynch)
 Abstain: (none)
 Absent: (none)

**H-4a
1521****ALTERNATE TO ITEM 714**

This decision grants the Office of Ratepayer Advocates' petition for modification of D.99-06-053 to reclassify Pacific's Residential Inside Wire Repair (RIWR) service option to Category II from Category III and to reset Pacific's RIWR WirePro ceiling rate to \$1.20 from \$2.99.

(Comr Lynch)

Outcome Defeated

Yes: (Lynch, Wood)

No: (Brown, Duque, Peevey)

Abstain: (none)

Absent: (none)

**H-5
1051****A02-03-046 - Apple Valley Ranchos Water Company (AVR).**

For authority to increase rates: in 2003 of \$2,775,000 or 27.1% above revenues generated by present rates, in 2004 of \$497,839 or 3.8% above the revenues generated by the rates proposed for 2003, in 2005 of \$507,422 or 3.7% above the 2004 revenue requirements. This decision holds that AVR's test year 2003 results of operation and rates that will be adopted in this proceeding shall be effective January 1, 2003.

(Comr Peevey - ALJ Galvin)

(Agenda 3095, Item CA-12 9/19/2002 (Lynch); Agenda 3096, Item CA-7 10/3/2002 (Staff); Agenda 3098, Item CA-3 10/24/2002 (Peevey); Agenda 3102, Item CA-6 12/5/2002 (Brown))

Outcome Signed

D02-12-063

Yes: (Duque, Peevey, Wood)

No: (Brown, Lynch)

Abstain: (none)

Absent: (none)

**H-6
1057**

R01-12-009 - Order Instituting Rulemaking on the Commission's own motion to evaluate existing practices and policies for processing offset rate increases and balancing accounts in the water industry to decide whether new processes are needed.

In this interim decision applicable only to Class A water utilities, the Commission revises the existing procedures for recovery of under collections and over collections in balancing accounts existing prior to November 29, 2001.

(Comr Brown - ALJ Econome)

(Agenda 3099, Item 1 11/7/2002 (Lynch); Agenda 3101, Item H-5 11/21/2002 (Brown); Agenda 3102, Item H-6 12/5/2002 (Lynch))

**Outcome Signed (Pres. Lynch reserves the right to join Comr. Wood's dissent.
Comr. Wood will file a dissent.)**

D02-12-055

Yes: (Brown, Duque, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

**H-6a
1363**

ALTERNATE TO ITEM 1057

This alternate revises existing procedures to limit balancing account recovery when a utility is earning in excess of its authorized rate of return.

(Comr Lynch)

(Agenda 3101, Item H-5a 11/21/2002 (Brown); Agenda 3102, Item H-6a 12/5/2002 (Lynch))

Outcome Defeated

Yes: (Lynch, Wood)

No: (Brown, Duque, Peevey)

Abstain: (none)

Absent: (none)

**H-7
1150**

A00-10-045 - San Diego Gas & Electric Company (SDG&E).

For an order implementing Assembly Bill (AB) 265. A01-01-044 - Related matters. This decision addresses the request of SDG&E to impose a surcharge on customers to recover the AB 265 undercollection.

(Comr Wood - ALJ Wong)

(Agenda 3098, Item 7 10/24/2002 (Duque); Agenda 3099, Item H-11 11/7/2002 (Brown); Agenda 3102, Item H-7 12/5/2002 (Lynch))

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

- H-7a**
1246 **ALTERNATE TO ITEM 1150**
This alternate adopts the settlement of federal litigation proposed by San Diego Gas & Electric Company (SDG&E) on June 14, 2002. Based on the outcome of the settlement, SDG&E's request for a surcharge is denied.
(Comr Peevey)
(Agenda 3098, Item 7a 10/24/2002 (Duque); Agenda 3099, Item H-11a 11/7/2002 (Brown); Agenda 3102, Item H-7a 12/5/2002 (Lynch))
Outcome Signed (Pres. Lynch will file a dissent. Comr. Wood will file a dissent.)
D02-12-064
Yes: (Brown, Duque, Peevey)
No: (Lynch, Wood)
Abstain: (none)
Absent: (none)
- H-7b**
1519 **ALTERNATE TO ITEM 1150**
This alternate decision differs from the proposed decision of the administrative law judge in that it vacates the Commission's prior finding that the contracts at issue are utility retained generation and requires that profits from these contracts go to ratepayers as of the September 6, 2000 enactment date of AB 265, rather than June 1, 2000.
(Comr Lynch)
Outcome Defeated
Yes: (Lynch, Wood)
No: (Brown, Duque, Peevey)
Abstain: (none)
Absent: (none)
- H-8**
1159 **R92-03-050 - Order Instituting Rulemaking on the Commission's own motion to consider the line extension rules of electric and gas utilities.**
This decision rejects free inspections for projects undertaken by third-party contractors at ratepayer expense; and rejects proposed accounting changes for line extension costs. This proceeding is closed.
(Comr Duque - ALJ Patrick)
(Agenda 3099, Item 2 11/7/2002 (Duque); Agenda 3101, Item H-7 11/21/2002 (Wood))
Outcome Held (1/30/03. Further consideration.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

- H-9
1196** **A01-03-008 - Pacific Gas & Electric Company (PG&E).**
This decision denies the Application of PG&E for approval of an irrevocable lease for Metromedia Fiber Network Services, Inc. (MFNS) to use and install fiber optic cable on PG&E's facilities. The Commission finds that PG&E has failed to meet its burden of establishing that the approval it seeks will not cause environmental impacts that require analysis under California Environmental Quality Act. Moreover, PG&E's application is part of a piecemeal approach MFNS has taken to acquiring approval and environmental review of its San Francisco Bay Area fiber optic project. Finally, PG&E has failed to identify with specificity the facilities affected. This proceeding is closed.
(Comr Lynch - ALJ Thomas)
(Agenda 3099, Item 3 11/7/2002 (Staff); Agenda 3101, Item H-9 11/21/2002 (Staff); Agenda 3102, Item H-9 12/5/2002 (Staff))
Outcome Held (1/16/03)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- H-10
1199** **R00-05-001 - Order Instituting Rulemaking into implementation of Senate Bill 669, regarding The Deaf and Disabled Telecommunications Program.**
This decision grants in part and denies in part the Deaf and Disabled Telecommunications Administrative Committee's (DDTPAC) Petition for Modification of D01-07-012 to allow per diem compensation to be paid to members of specific DDTPAC subcommittees. This proceeding is closed.
(Comr Duque - ALJ Thomas)
(Agenda 3099, Item CA-18 11/7/2002 (Staff); Agenda 3101, Item CA-4 11/21/2002 (Duque); Agenda 3102, Item CA-8 12/5/2002 (Duque))
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- H-10a
1524** **ALTERNATE TO ITEM 1199**
This alternate order grants per diem compensation to the DDTPAC Transition Task Force and the CRS RFP subcommittee. It denies, as does the proposed decision, per diem compensation to the Finance Subcommittee and Personnel Subcommittee. Per diem compensation for the former two subcommittees is applicable retroactive to July 12, 2001 but will not extend beyond June 30, 2003.
(Comr Duque)
Outcome Signed
D02-12-065
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

**H-11
1208****R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension of direct access pursuant to Assembly Bill 1X and D01-09-060.**

This decision grants the petition to modify D02-03-055 filed by City of Corona to clarify that utility distribution companies should continue to process and execute new agreements with qualified energy service providers.

(Comr Brown, Comr Wood - ALJ Pulsifer)

(Agenda 3099, Item CA-19 11/7/2002 (Lynch); Agenda 3101, Item H-12 11/21/2002

(Peevey))

Outcome Held (1/16/03. Prepare an alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-12
1272****A01-03-036 - San Diego Gas & Electric Company (SDG&E).**

This decision denies without prejudice SDG&E's application for a CPCN to construct the proposed Valley-Rainbow Project. The Energy Division is directed to cease preparation of the Draft Environmental Impact Report/Draft Environmental Impact Statement for the proposed Valley-Rainbow Project. This proceeding is closed.

(Comr Duque - ALJ Cooke)

(Agenda 3101, Item 1 11/21/2002 (Staff); Agenda 3102, Item H-11 12/5/2002 (Lynch))

Outcome Signed

D02-12-066

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

No: (none)

Abstain: (none)

Absent: (none)

**H-12a
1274****ALTERNATE TO ITEM 1272**

The alternate decision finds that there is a reliability need in the SDG&E territory in the five year horizon. It keeps the proceeding open to consider whether to grant a transmission CPCN and to explore other alternatives to the proposed project developed in the Draft Environmental Impact Report/Draft Environmental Impact Statement.

(Comr Duque)

(Agenda 3101, Item 1a 11/21/2002 (Staff); Agenda 3102, Item H-11a 12/5/2002 (Lynch))

Outcome Defeated

Yes: (Duque, Peevey)

No: (Brown, Lynch, Wood)

Abstain: (none)

Absent: (none)

H-13 (Rev.) A02-06-021 - San Diego Gas & Electric Company (Applicant).**1308**

This decision grants the applicant three years (2003-05) of authority to issue short-term obligations in an aggregate principal amount up to \$100 million, above and beyond the short-term authority authorized by PUC Code 823(c). SDG&E may supplement its application to justify an additional \$100 million in requested short-term debt authority. SDG&E is prohibited from using the granted authority for funding inter-corporate borrowings. This proceeding is closed, pending a further filing from SDG&E within 90 days.

(Exam Clanon)

(Agenda 3099, Item 8 11/7/2002 (Staff); Agenda 3102, Item H-12 12/5/2002 (Brown))

12/12/2002 - This revision was not shown on the Agenda mailed to the public.

Outcome Defeated

Yes: (Lynch)

No: (Brown, Duque, Peevey, Wood)

Abstain: (none)

Absent: (none)

H-13a**1516****ALTERNATE TO ITEM 1308**

This alternate decision grants the Applicant request for authority to issue short-term obligations in the aggregate principal amount up to \$200,000,000 in addition to the amount of notes payable at periods of not

more than 12 months authorized without Commission approval by Public Utilities Code §823(c). This proceeding is closed.

(Comr Brown)

Outcome Signed

D02-12-067

Yes: (Brown, Duque, Peevey, Wood)

No: (Lynch)

Abstain: (none)

Absent: (none)

**H-14
1323**

I01-03-021 - Investigation on the Commission's own motion and Order to Show Cause into the operations, practices and conduct of Titan Telecommunications, Inc. (Titan), and Christopher Bucci, its President and owner.

This decision revokes Titan's certificate of public convenience and necessity (CPCN) and fines Titan \$17,500 after finding Titan violated Rule 1 by misleading the Commission in Titan's CPCN application. This decision further finds that Respondents are not liable for the restitution ordered against another company in D00-04-012, because the alter ego doctrine cannot be applied to respondents. The Consumer Protection and Safety Division's recommended changes to any future application for authority are adopted and the appeal is otherwise denied. Investigation 01-03-021 is closed.

(Comr Brown - ALJ Grau)

(Agenda 3101, Item 2 11/21/2002 (Lynch))

Outcome Held (1/30/03. Further revision.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-15
1361**

I _____ - Order Instituting Investigation on the Commission's own motion to review the compliance of San Diego Gas & Electric Company and Southern California Gas Company with the Commission's Affiliate Transaction Rules.

This investigation will review the activities of Sempra Energy and its subsidiaries and affiliates in regards to their relationship and interactions with the regulated utilities San Diego Gas & Electric Company and Southern California Gas Company to evaluate the utilities' compliance with the Commission's affiliate rules.

(Agenda 3101, Item 3 11/21/2002 (Lynch))

Outcome Held (1/16/03. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Orders**1 A01-01-003 - Santa Clara Valley Transportation Authority (VTA).****1365**

For an order authorizing construction of an at-grade crossing of Hamilton Avenue by the Light Rail Transit Line of the Vasona Light Rail Project in the City of Campbell, County of Santa Clara. The VTA filed this application in January 2001 seeking Commission approval of an at-grade crossing for a light rail transit line in the City of Campbell. The application was protested by the Commission's rail staff on grounds that safety demands a separation of the rail tracks either above or below the roadway. After further study, VTA agreed to grade-separate the project, constructing an aerial crossing over the roadway. At the same time, however, it declined to amend its application and moved instead to withdraw it on grounds that the Commission lacks jurisdiction to approve the construction and placement of light rail crossings. This decision finds that the Commission has jurisdiction to approve the construction and placement of VTA's light rail crossings. It follows that the application for an at-grade crossing is denied, without prejudice to an amended filing by VTA. This proceeding is closed.

(Comr Lynch - ALJ Walker)

Outcome Signed

[D02-12-053](#)

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

No: (none)

Abstain: (none)

Absent: (none)

**2
1372 R93-04-003 - 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 interim monthly prices for a subset of network elements that Verizon California, Inc. (Verizon) sells to competitive local exchange carriers (CLCs). Specifically, this decision adopts the proposal presented by AT&T Communications of California, Inc., WorldCom Inc., and The Utility Reform Network (TURN) to base interim prices on Unbundled Network Element (UNE) rates recently adopted for Verizon in New Jersey. The New Jersey rates are adjusted based on the Federal Communications Commission's (FCC's) Synthesis Model and deaveraged into two zones for loops. For unbundled loops, the 2-wire interim loop rate is \$10.56 in Zone 1 and \$22.37 in Zone 2. For unbundled switching, the Commission adopts interim end office and tandem switching rates that are 60% and 31% less than current rates, respectively. The Commission adopts a basic port rate of \$2.12 that is 54% less than the current rate. The markup for shared and common costs embedded in current UNE rates shall remain at 22% as adopted in D97-01-022. This proceeding will remain open to set final UNE rates for Verizon. The interim UNE rates adopted in this order are subject to adjustment, either up or down, from the effective date of this order until final rates are adopted. This decision modifies the interim price floor formula adopted for Verizon in D99-12-018. When calculating price floors, Verizon should use the interim UNE rates adopted in this order and incorporate other changes to reflect the lower UNE rates adopted today. Finally, today's order applies a 22% markup for shared and common costs to Verizon's nonrecurring costs and orders Verizon to make several changes in how it has combined these costs to form the nonrecurring prices competitors will pay.

(Comr Duque - ALJ Duda)

Outcome Held (1/30/03. Write an alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**3
1380 A02-01-036 - California-American Water Company, RWE Aktiengesellschaft, Thames Water Aqua Holdings GmbH, Thames Water Plc, and Apollo Acquisition Company.**

This decision conditionally approves a settlement agreement which places certain conditions upon the transfer of control of California-American Water Company to RWE Aktiengesellschaft. This proceeding is closed.

(Comr Duque - ALJ Econome)

Outcome Signed

[D02-12-068](#)

Yes: (Brown, Duque, Peevey, Wood)

No: (none)

Abstain: (Lynch)

Absent: (none)

- 4**
1386 **A00-11-038 - Southern California Edison Company (SCE).**
Application of SCE 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 allocates the cost of the California Department of Water Resources' (DWR's) revenue requirement for its 2003 power purchase program among Pacific Gas and Electric Company, SCE and San Diego Gas & Electric Company. The Commission adopts the allocation methodology proposed by the Office of Ratepayer Advocates, with certain modification. In essence, the adopted methodology pools the total costs of DWR's contracts and allocates these costs among the utilities on the basis of the quantity of the energy supplied to each utility from the contracts.
(Comr Lynch, Comr Brown - ALJ Allen)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 4a**
1394 **ALTERNATE TO ITEM 1386**
This alternate decision differs from the proposed decision of the administrative law judge in that it removes \$29 million from the revenue requirement proposed by the Department of Water Resources relating to demand reduction programs.
(Comr Lynch)
Outcome Signed
[D02-12-045](#)
Yes: (Brown, Lynch, Wood)
No: (Duque, Peevey)
Abstain: (none)
Absent: (none)
- 4b**
1490 **ALTERNATE TO ITEM 1386**
This alternate decision authorizes SCE to use the "Catch-Up" surcharge revenues to offset the increase in DWR revenue requirements. SCE's request was unopposed.
(Comr Peevey)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

-
- 5** **A99-01-003 - Marine Services Express, Inc. (Marine Services).**
1392 Marine Services is granted authority to establish and operate up to five scheduled vessel common carrier services on San Francisco Bay under financial sponsorship of public or private entities, subject to conditions set forth in the Order. This proceeding is closed.
(Comr Lynch - ALJ Ryerson)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 5a** **ALTERNATE TO ITEM 1392**
1393 This alternate denies the application of Marine Services Express, Inc. (Marine Services) seeking "blanket" authority to operate a number of publicly or privately sponsored vessel common carrier services on San Francisco Bay, subject only to a registration requirement for each service as and when Marine Services enters into or competes for the pertinent service contract. This proceeding is closed.
(Comr Lynch)
Outcome Signed
D02-12-054
Yes: (Brown, Lynch, Peevey, Wood)
No: (Duque)
Abstain: (none)
Absent: (none)
- 6** **R01-10-024 - Order Instituting Rulemaking to establish policies and cost recovery**
1407 **mechanisms for generation procurement and renewable resource development.**
This decision adopts the Operating Order under which the three major electric utilities will perform the operational, dispatch, and administrative functions for the California Department of Water Resources Long-Term Power Purchase Contracts as of January 1, 2003.
(Comr Lynch - ALJ Halligan)
Outcome Signed as Modified (Change page 69.)
[D02-12-069](#)
Yes: (Brown, Lynch, Peevey, Wood)
No: (none)
Abstain: (Duque)
Absent: (none)

-
- 6a**
1503 **ALTERNATE TO ITEM 1407**
This alternate decision adopts a limited transition period for a maximum of six months during which time the utilities will still be subject to reasonableness reviews and clarifying language in the sections on reporting requirements for the utilities and standards for reasonableness reviews.
(Comr Peevey)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 7**
1408 **A01-06-039 - San Diego Gas & Electric Company (SDG&E).**
The Commission approves the 2003 Servicing Order concerning SDG&E and the California Department of Water Resources. SDG&E is ordered to comply with the 2003 Servicing Order. This proceeding is closed.
(Comr Lynch - ALJ Wong)
Outcome Signed
[D02-12-070](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 7a**
1507 **ALTERNATE TO ITEM 1408**
This alternate makes changes to the draft decision based on parties' comments.
(Comr Brown)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 8**
1411 **A01-06-044 - Southern California Edison Company (SCE).**
The Commission approves the 2003 Servicing Order concerning SCE and the California Department of Water Resources. SCE is ordered to comply with the 2003 Servicing Order. This proceeding is closed.
(Comr Lynch - ALJ Wong)
Outcome Signed
D02-12-071
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
-

- 8a** **ALTERNATE TO ITEM 1411**
1505 This alternate makes changes to the draft decision based on parties' comments.
 (Comr Brown)
Outcome Withdrawn
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 9** **A00-11-038 - Southern California Edison Company.**
1432 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. The Commission approves the 2003 Servicing Order
 concerning Pacific Gas and Electric Company (PG&E) and the California Department of Water
 Resources. PG&E is ordered to comply with the 2003 Servicing Order.
 (Comr Lynch - ALJ Wong)
Outcome Signed
 [D02-12-072](#)
 Yes: (Brown, Duque, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 9a** **ALTERNATE TO ITEM 1432**
1506 This alternate makes changes to the draft decision based on parties' comments.
 (Comr Brown)
Outcome Withdrawn
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 10** **R _____ - Order Instituting Rulemaking to update rules regarding implementation**
1488 **of water quality practices and controls in General Order 103 and the Rate Case Plan for**
 Class A water utilities.
Outcome Held (1/30/03)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)

-
- 11**
1500 **A02-03-059 - Pacific Bell Telephone Company (Pacific).**
This decision approves the arbitrated interconnection agreement filed by Pacific and Pac-West Telecomm, Inc., under Rule 4.2 of the Commission's revised rules governing filings made pursuant to the Telecommunications Act of 1996, pursuant to Subsection 252(e) of that Act. This proceeding is closed.
(Comr Wood - ALJ Ryerson)
Outcome Held (1/16/03)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 12**
1509 **A97-12-020 - Pacific Gas & 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. This decision addresses PG&E's motion for issuance of a Commission order making the revenue requirements that will be determined in PG&E's Test Year 2003 General Rate Case (GRC) effective January 1, 2003, even though the Commission will not issue a final decision on the GRC until after that date.
(Comr Wood - ALJ Wetzell)
Outcome Signed
[D02-12-073](#)
Yes: (Duque, Peevey, Wood)
No: (Brown, Lynch)
Abstain: (none)
Absent: (none)
- 13**
1511 **R01-10-024 - Order Instituting Rulemaking to Establish Policies and Cost Recovery Mechanisms for Generation Procurement and Renewable Resource Development.**
This decision adopts procurement plans filed in compliance with D02-10-062 for Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company.
(Comr Lynch - ALJ Walwyn)
Outcome Signed as Modified (As modified by Item 13a (1527) alternate pages.)
D02-12-074
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

13a (Rev.) ALTERNATE TO ITEM 1511**1527**

This alternate approves the procurement plans of PG&E, SCE, and SDG&E filed on November 12, 2002 pursuant to D.01-10-062.

(Comr Peevey)

12/10/2002 - This item was not listed on the agenda distributed to the public.

Outcome Approved (Alternate pages to Item 13.)

Yes: (Brown, Duque, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

14
1520

R93-04-003 - 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, R95-04-043, I95-04-044 - Related matters. This order concludes the Commission's inquiry into whether Pacific Bell Telephone Company has satisfied Section 709.2(c) of the Public Utilities Code in association with its Application for Interstate InterLATA Authority per Section 271 of the Telecommunications Act of 1996.

(Comr Brown - ALJ Reed)

Outcome Signed (Signed at carryover meeting on Dec. 30, 2002. Comr. Duque may file a concurrence. Pres. Lynch will file a dissent.)

[D02-12-081](#)

Yes: (Brown, Duque, Peevey, Wood)

No: (Lynch)

Abstain: (none)

Absent: (none)

Utilities Resolutions and Written Reports
Energy Matters

- E-1** **Res E-3788 - San Diego Gas & Electric (SDG&E).**
1065 This resolution denies SDG&E Advice Letter 1407-E/1313-G without prejudice. SDG&E's request should be filed as an application to allow the collection of additional information, grant parties an opportunity to be heard, enable the Commission to rely upon a more fully developed record, and yield notice to customers affected by the proposed rate change.
 (Advice Letter 1407-E/1313-G filed May 14, 2002)
 (Agenda 3096, Item E-1 10/3/2002 (Brown); Agenda 3099, Item E-2 11/7/2002 (Brown); Agenda 3102, Item E-1 12/5/2002 (Lynch))
Outcome Defeated
 Yes: (Lynch, Wood)
 No: (Brown, Duque, Peevey)
 Abstain: (none)
 Absent: (none)
- E-1a** **ALTERNATE TO ITEM 1065**
1294 This alternate resolution approves San Diego Gas & Electric Company's request to increase the electric and gas franchise fee surcharges to the ratepayers in the City of San Diego to collect additional revenues to cover increased franchise fees payable to the City of San Diego.
 (Agenda 3099, Item E-2a 11/7/2002 (Brown); Agenda 3102, Item E-1a 12/5/2002 (Lynch))
Outcome Approved as Modified
 Yes: (Brown, Duque, Lynch, Peevey)
 No: (Wood)
 Abstain: (none)
 Absent: (none)
- E-2** **Res G-3339 - Pacific Gas & Electric Company (PG&E).**
1152 PG&E seeks to recover in core rates the costs related to the utility's subscription to El Paso Natural Gas Company pipeline capacity, made in compliance with R02-06-041, and existing pipeline capacity held by PG&E on Transwestern Pipeline. (Advice Letter (AL) 2401-G filed July 31, 2002, and AL 2405-G filed August 29, 2002.)
 (Agenda 3098, Item E-4 10/24/2002 (Duque); Agenda 3099, Item E-4 11/7/2002 (Lynch); Agenda 3101, Item E-1 11/21/2002 (Duque); Agenda 3102, Item E-2 12/5/2002 (Lynch))
Outcome Withdrawn
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)

**E-2a
1260****ALTERNATE TO ITEM 1152**

Pacific Gas and Electric Company (PG&E) seeks to recover in rates assessed core customers costs related to the subscription of turned back El Paso Natural Gas Company (El Paso) pipeline capacity, made in compliance with R02-06-041, and existing pipeline capacity held on Transwestern Pipeline Company (Transwestern). PG&E is authorized to collect El Paso pipeline charges from all gas ratepayers, on an equal-cents-per-therm basis, pending the outcome of Phase II in Rulemaking R02-06-041. PG&E must continue to collect only the currently authorized portion of Transwestern costs.

(Comr Duque)

(Agenda 3098, Item E-4a 10/24/2002 (Duque); Agenda 3099, Item E-4a 11/7/2002 (Lynch); Agenda 3101, Item E-1a 11/21/2002 (Duque); Agenda 3102, Item E-2a 12/5/2002 (Lynch))

Outcome Approved

Yes: (Duque, Peevey, Wood)

No: (Brown, Lynch)

Abstain: (none)

Absent: (none)

**E-3
1278****Res E-3792 - Southern California Gas Company, Pacific Gas and Electric Company (PG&E), San Diego Gas and Electric Company (SDG&E).**

Edison, PG&E, and SDG&E are directed pursuant to Public Utilities Code Section 399.8 to collect monies from customers to fund investments in energy efficiency, renewable energy, and research, development and demonstration projects as specified herein.

(Exam Clanon)

(Agenda 3101, Item E-3 11/21/2002 (Lynch); Agenda 3102, Item E-3 12/5/2002 (Staff))

Outcome Approved as Modified (Change page 12, footnote.)

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

No: (none)

Abstain: (none)

Absent: (none)

E-4
1348 **Res G-3334 - Southern California Gas Company (SoCalGas).**
SoCalGas proposes an implementation schedule, tariffs, and rules to implement the Gas Industry Reform Decision 01-12-018 (GIR Decision). This resolution denies the advice letters without prejudice, and orders SoCalGas to file an application to implement the GIR Decision. (Advice Letter (AL) 3100-A filed January 28, 2002; AL 3105 filed January 2, 2002; AL 3109-A filed February 13, 2002; AL 3112 filed January 30, 2002; AL 3117 filed February 2, 2002; AL 3123-A filed March 19, 2002; AL 3146 filed May 1, 2002; AL 3147 filed May 2, 2002; and AL 3174 filed July 23, 2002.) (Agenda 3102, Item E-4 12/5/2002 (Wood))

Outcome Held (Held to Jan. 16,2003 at meeting on Dec. 30, 2002.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

E-4a
1345 **ALTERNATE TO ITEM 1348**
SoCalGas requests an implementation schedule, tariffs and rules to implement the Gas Industry Reform Decision 01-12-018 (GIR Decision). This resolution establishes a schedule for implementation of that decision, orders workshops to resolve issues in the unbundling of intrastate transmission and storage, and orders SoCalGas to file supplemental advice letters on transmission and storage upon completion of the workshops. (Advice Letter (AL) 3109-A filed February 13, 2002, AL 3117 filed February 2, 2002, AL 3123-A filed March 19, 2002, AL 3146 filed May 1, 2002 and AL 3147 filed May 2, 2002.)

(Comr Brown)

(Agenda 3102, Item E-4b 12/5/2002 (Wood))

Outcome Held (16,2003 at meeting on Dec. 30, 2002.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

E-5
1356 **Res E-3795 - Southern California Edison Company (Edison).**
This resolution approves Edison's request to amend its qualified and non-qualified Nuclear Decommissioning Trust Agreements to reflect the appointment of Mellon Bank, N.A. as the Trustee and to revise the Trustee Fee Schedule. (Advice Letter 1648-E filed September 6, 2002). (Agenda 3101, Item E-5 11/21/2002 (Staff); Agenda 3102, Item E-5 12/5/2002 (Staff))

Outcome Approved

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

No: (none)

Abstain: (none)

Absent: (none)

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- E-6**
1368 **Res G-3338 - Southern California Gas Company (SoCalGas).**
This resolution approves the request of SoCalGas to deviate from its Tariff Schedule No. GT-I, Interruptible Intrastate Transmission Service; and Rule No. 2, Description of Service. Approval of these deviations will allow SoCalGas to provide Praxair-Ontario high pressure transmission service while maintaining Praxair's classification as a distribution-level customer. (Advice Letter 3136, filed March 22, 2002.)
Outcome Held (1/16/03. Write an alternate.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- E-7**
1433 **Res G-3341 - San Diego Gas & Electric Company (SDG&E).**
This resolution approves SDG&E's request of a shareholder reward of \$6.7 million for Year 8 performance under its gas procurement performance-based ratemaking mechanism. (Advice Letter 1305-G, filed March 22, 2002)
Outcome Held (1/30/03. Write an alternate.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- E-8**
1470 **Res G-3342**
This resolution adopts gas public purpose program surcharge rates as directed by Assembly Bill 1002 for the service territories of Pacific Gas & Electric Company, Southern California Gas Company, San Diego Gas & Electric Company, as well as for other gas public utilities under the Commission's jurisdiction for year 2003. PG&E, SDG&E & SoCalGas are ordered to amend their advice letters (AL). (PG&E AL 2415-G, filed October 11, 2002, SDG&E AL 1343-G, filed October 16, 2002 and SoCalGas AL 3197, filed October 15, 2002.)
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

- E-9**
1472 **Res E-3804 - Southern California Edison Company (SCE).**
This resolution addresses SCE's Advice Letter 1664-E submitted in compliance with Ordering Paragraphs 5 and 7 of D02-08-071, for reasonableness review of the utility's transitional procurement procedures and contracts not exceeding five years in term. (Advice Letter 1664-E, filed November 18, 2002)
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- E-10**
1475 **Res E-3805 - Pacific Gas & Electric Company (PG&E).**
This resolution addresses PG&E's Advice Letter 2303-E submitted in compliance with Ordering Paragraph 5 of D02-08-071, for reasonableness review of the utility's transitional procurement procedures and contracts not exceeding five years in term. (Advice Letter 2303-E, filed November 15, 2002)
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- E-11**
1478 **Res E-3806 - Pacific Gas & Electric Company (PG&E).**
This resolution addresses PG&E's Advice Letter 2302-E submitted in compliance with Ordering Paragraphs 5 and 7 of D02-08-071, for reasonableness review of the utility's transitional procurement procedures and contracts not exceeding five years in term. (Advice Letter 2302-E, filed November 15, 2002)
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

Telecommunications Matters
C-1 Res T-16687 - Verizon California Inc. (Verizon).

1191 This resolution rejects Verizon's request to offer three packages that consist of 1 FR plus a bundle of custom calling and CLASS features because its proposals do not comply with the bundling requirements set forth in Commission decisions. (Advice Letter (AL) 9952 filed on December 21, 2001, AL 9952-A filed January 14, 2002 and AL 9952-B filed June 20, 2002, respectively.) (Agenda 3099, Item C-1 11/7/2002 (Peevey); Agenda 3102, Item C-1 12/5/2002 (Wood))

Outcome Defeated

Yes: (Lynch, Wood)

No: (Brown, Duque, Peevey)

Abstain: (none)

Absent: (none)

C-1a ALTERNATE TO ITEM 1191

1455 The alternate Resolution approves Verizon's Advice Letter on bundling local service with vertical features and calling discounts. The Resolution requires three changes: (1) that the service not be offered until Verizon has received approval on its already filed Advice Letter on unlimited ZUM price floors, (2) that the service not be offered until Verizon has filed and received approval on a service offering 300 minutes of intraLATA toll, and (3) offer the service to ULTS customers with a discount equal to the current subsidy to ULTS customers—approximately \$12.

(Comr Peevey)

(Agenda 3102, Item C-1a 12/5/2002 (Wood))

Outcome Approved

Yes: (Brown, Duque, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

C-2 Res T-16703 - Deaf and Disabled Telecommunications Equipment and Service Programs (DDTP).

1336

This resolution adopts a transition plan for the DDTP pursuant to the provisions of Public Utilities Code Sections 270.1, 278, 278.5, 2881, et seq. The transition plan addresses the issues of program advisory boards, provision of contractual services, Commission oversight staff, and transition from external agent to contractor.

(Agenda 3102, Item C-2 12/5/2002 (Lynch))

Outcome Approved

Yes: (Brown, Lynch, Wood)

No: (Duque, Peevey)

Abstain: (none)

Absent: (none)

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- C-2a**
1456 **ALTERNATE TO ITEM 1336**
- This alternate resolution adopts the recommendations of the Telecommunications Division with the following modifications and additions:
- A single IFB will be issued for one master contract with a qualifying entity that will be authorized to assume, amend, and enter into subcontracts with vendors for services and equipment.
- To maintain and ensure direct communications between the administration of DDTP, the advisory committees, and the contractor, the selected contractor should be represented at all levels of advisory committee meetings. Any reports contractor(s) will submit to the Commission should be shared with advisory committees. Similarly, any reports issued to the Commission by advisory committees should be simultaneously shared with the principal contractor.
- (Comr Duque)
(Agenda 3102, Item C-2a 12/5/2002 (Lynch))
- Outcome Withdrawn**
- Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
-
- C-3**
1337 **Res T-16685**
- This resolution revises fiscal year 2002-2003 budget and surcharge rate for the California High Cost Fund-B Administrative Committee Fund adopted in Resolution T-16554.
- (Agenda 3102, Item C-3 12/5/2002 (Staff))
- Outcome Held (1/16/03)**
- Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
-
- C-4**
1338 **Res T-16701**
- This resolution revises fiscal year 2002-2003 budget and surcharge rate for the California High Cost Fund-A Administrative Committee Fund adopted in Resolution T-16550.
- (Agenda 3102, Item C-4 12/5/2002 (Staff))
- Outcome Held (1/16/03)**
- Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

-
- C-5
1381** **Res T-16697 - The Volcano Telephone Company (Volcano).**
This resolution authorizes California High Cost Fund - A support of \$3,679,537 for Volcano for year 2003. A net intrastate revenue requirement of \$1,932,102 and a Total Intrastate Rate Base amount of \$19,321,020 with an authorized overall Rate of Return are adopted for the test year 2003. This resolution is in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 282, filed December 20, 2001)
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- C-6
1391** **Res T-16707 - The Siskiyou Telephone Company (STC).**
This resolution authorizes California High Cost Fund - A support of \$1,391,703 for STC for the year 2003. A net intrastate revenue requirement of \$997,072 and a Total Intrastate Rate Base amount of \$9,289,926 with an authorized overall Rate of Return of 10% are adopted for the test year 2003. This resolution is in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 298, filed December 21, 2001)
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- C-7
1435** **Res T-16717 - Pacific Bell Telephone Company (Pacific).**
This resolution authorizes Pacific to increase its annual revenues by \$762,000 for the 2003 Price Cap Mechanism effective January 1, 2003, in accordance with the provisions of D89-10-031 and D94-09-065. (Advice Letter 23289, filed October 1, 2002)
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- C-8
1436** **Res T-16714 - Verizon California Inc. (Verizon).**
This resolution authorizes Verizon to decrease its annual revenue by \$12,076,000 for the 2003 Price Cap Mechanism effective January 1, 2003, in accordance with the provisions of D89-10-031 and D94-09-065. (Advice Letter 10227, filed October 1, 2002)
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
-

C-9 **Res T-16715 - Citizens Telecommunications Company of California Inc. (Citizens).**
1437 This resolution authorizes Citizens to decrease its annual revenue by \$42,473 for the 2003 Price Cap Mechanism effective January 1, 2003, in accordance with the provisions of D89-10-031 and D94-09-065. (Advice Letter 763, filed October 2, 2002)

Outcome Held (1/16/03)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

C-10 **Res T-16716 - Roseville Telephone Company (Roseville).**
1438 This resolution authorizes Roseville to increase its annual revenues by \$525,765 for the 2003 Price Cap Mechanism effective January 1, 2003, in accordance with the provisions of D89-10-031 and D94-09-065. (Advice Letter 735, filed September 27, 2002)

Outcome Approved

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

No: (none)

Abstain: (none)

Absent: (none)

Commissioner's Reports

CR-1 **Commissioners' Reports**
1221 Miscellaneous Commissioners' reports.

Outcome Information Only

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

CR-2 **President Lynch Report**
1309 Institution of investigation regarding the Commission's enforcement regarding misuse of state government property through use of inappropriate material and comparing the Commission's enforcement and standards to those of the Department of Justice and the Office of the Governor. (Agenda 3099, Item CR-2 11/7/2002 (Staff); Agenda 3101, Item CR-2 11/21/2002 (Staff); Agenda 3102, Item CR-2 12/5/2002 (Staff))

Outcome Held (1/16/03)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Management Reports and Resolutions

M-1 **Management Reports**
1217 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 1144 C88-03-016 - Conference with Legal Counsel - Application for Rehearing.**
 Order disposing of application for rehearing of D01-06-034 filed by Napa Valley Wine Train, Inc. (Wine Train). D01-06-034 grants, in part, the City of St. Helena's petition for modification of prior decisions concerning the Wine Train. D01-06-034 concludes that the Wine Train's passenger excursion service does not constitute regulated transportation and that, in providing such service, the Wine Train is not functioning as a public utility.
 (Agenda 3098, Item EX-5 10/24/2002 (Peevey); Agenda 3099, Item HEX-3 11/7/2002 (Lynch); Agenda 3101, Item HEX-1 11/21/2002 (Duque); Agenda 3102, Item HEX-1 12/5/2002 (Lynch))
Outcome Approved (Commission directed staff to prepare an order for future vote.)
 Yes: (Brown, Lynch, Wood)
 No: (Duque, Peevey)
 Abstain: (none)
 Absent: (none)
- HEX-2 1347 A00-11-038 - Conference with Legal Counsel - Application for Rehearing.**
 A00-11-056, A00-10-028 - Related matters. Disposition of Application for Rehearing of D02-06-070, as modified by D02-07-007, filed by Southern California Edison Company and Pacific Gas and Electric Company.
 (Agenda 3101, Item EX-5 11/21/2002 (Wood))
Outcome Held (1/16/03)
)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)

**HEX-3
1396****R95-04-043 - Conference with Legal Counsel - Application for Rehearing.**

I95-04-044 - Related matters. Disposition of application of Pacific Bell Telephone Company for rehearing of D02-02-025: D02-02-025, denied in part and granted in part a petition filed by Metro One Telecommunications, Inc. and InfoXXX, Inc. for modification of D98-01-022. First, the Commission declined to set immediately the rate to be charged for access to listings for Directory Assistance, but determined that it should be based on the cost of providing such access. Next, the Commission ordered Pacific Bell Telephone Company (Pacific) and Verizon California, Inc. (Verizon) no longer be authorized to charge independent providers of Directory Assistance each time they provide a listing to the public. Relatedly, it determined that, once their costs of providing access to listings for Directory Assistance are computed, Pacific and Verizon will be required to refund to independent providers the difference between the new rates and the rates they were charged since the effective date of the Telecommunication Act of 1996. In addition, the Commission clarified that access supplied independent providers to listings for Directory Assistance should be considered partially competitive, making it a service properly classified as Category II, and thus subject to flexible pricing only within established limits.

(Agenda 3102, Item EX-5 12/5/2002 (Staff))

Outcome Signed (Comr. Duque will file a dissent.)

D02-12-057

Yes: (Brown, Lynch, Peevey, Wood)

No: (Duque)

Abstain: (none)

Absent: (none)

Orders**EX-5 C01-03-028 - Conference with Legal Counsel – Application for Rehearing****1395**

C01-05-059, C01-05-068, C01-07-023, C01-11-008 - Related matters. Disposition of application of Pacific Bell Telephone Company for rehearing of D02-08-069. D02-08-069 ordered Pacific Bell to publish on the Internet prefixes that may be called without toll.

Outcome Signed

D01-12-058

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

No: (none)

Abstain: (none)

Absent: (none)

EX-6 A00-06-023 - Conference with Legal Counsel – Application for Rehearing**1487**

Disposition of application for rehearing filed by Southern California Edison Co. of D02-06-023 which approved a Settlement Agreement that extended Southern California Gas Co.'s Gas Cost Incentive Mechanism with certain changes beginning in Year Seven of the Program.

Outcome Signed

D02-12-059

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

No: (none)

Abstain: (none)

Absent: (none)