
Public Utilities Commission of the State of California

Results of Public Agenda 3116

Meeting Held on Thursday, July 10, 2003 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

Geoffrey F. Brown

Susan P. Kennedy

Loretta M. Lynch

Carl W. Wood

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

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Monday, August 18, 2003 (San Francisco)	Thursday, August 21, 2003 (San Francisco)
Friday, August 29, 2003 (San Francisco at 11:00 AM)	Thursday, September 04, 2003 (San Francisco)
Monday, September 15, 2003 (San Francisco)	Thursday, September 18, 2003 (Los Angeles)
Monday, September 29, 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 H-2:

- Barbara Gerge, Member, Women's Energy Matters
- Lynne Brown, Member of CARE

Re H-12:

- Bob Duistermars, President, Central County United Way
- Dennis Grizzel, President, Gateway Chamber Alliance
- Don Facciano, President, Ventura County Taxpayer Assn.
- John Lehn, President, King County Economic Development Corp.
- Mohammad Nassardeen, President, Recycling Black Dollars

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-19030

2226

Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.

Outcome Approved

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

No: (none)

Abstain: (none)

Absent: (none)

CA-2

Res ALJ 176-3116

2227

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, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-3
2035****Res W-4390 - California Water Service Company (CWSC), Salinas and Bakersfield Districts.**

This resolution denies the acquisition of three water companies and suspending balancing account advice letter filings pending determination of costs associated with acquired water companies included in balancing accounts effective November 29, 2001. (Advice Letters (AL) 1514 and AL 1515, filed May 7, 2002, and AL 1517, filed June 26, 2002)

(Agenda 3111, Item CA-17 4/17/2003 (Staff); Agenda 3113, Item CA-7 5/22/2003 (Staff); Agenda 3115, Item CA-3 6/19/2003 (Staff))

Outcome Approved

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

No: (none)

Abstain: (none)

Absent: (none)

**CA-4
2180****C99-01-039 - The Greenlining Institute, Latino Issues Forum vs. Pacific Bell, Pacific Bell Information Services.**

This decision denies the petition to modify D03-03-022 by the Greenlining Institute. This proceeding is closed.

(Comr Wood - ALJ Vieth)

(Agenda 3114, Item CA-10 6/5/2003 (Peevey))

Outcome Held (9/4/03, Regular Agenda. For alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-5
2290****A00-09-014 - Southern California Edison Company (SCE).**

This decision permits SCE to recover approximately \$17.1 million in costs accrued in four ratemaking mechanism accounts as of the close of the 2000 Annual Transition Cost Proceeding Record Period.

These costs are not precluded from recovery by the Settlement Agreement between SCE and the Commission in Federal District Court. This proceeding is closed.

(Comr Wood - ALJ Patrick)

Outcome Signed

[D03-07-003](#)

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

No: (none)

Abstain: (none)

Absent: (none)

**CA-6
2295**

A03-02-013 - San Jose Water Company (SJWC).

This decision finds that SJWC remains eligible to file advice letter requests for recovery of offsetable expenses. This proceeding is closed.

(Comr Brown - ALJ Galvin)

Outcome Signed

[D03-07-004](#)

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

No: (none)

Abstain: (none)

Absent: (none)

**CA-7
2308**

Res. T-16754

This resolution cancels the certificates of public convenience and necessity of Alarm One, Inc. and Western Telephone Integrated at the request of the carriers.

Outcome Held (8/21/03, Consent Agenda)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-8
2309****Res. T-16753**

This resolution cancels certificates of public convenience and necessity of the following 79 competitive carriers for failure to comply with D93-05-010: CPCN# (#) 6361 Com Tech International Corp., #6362 IP Networks, Inc., #6365 Avana Communications Corp., #6366 Ling Telecom, Inc., #6368 Intra E, #6369 North Star Telecom, LLC, #6371 Essex Communications, Inc., #6372 Rubicon Technologies and Telecom, #6377 Clean Earth Energy, Inc., #6378 Actel Integrated Communications, #6379 Enron Telecommunications, Inc., #6380 GTC Telecom, #6382 KMC Telecom V, Inc., #6386 U.S. Dial Tone, L.P. #6388 Servi Sense.com, Inc., #6389 Pocketpass.com, Inc., #6392 IP Communications Corp., #6394 Broadband Digital Technologies, #6397 Sentre Telecom, LLC, #6398 Accutel of Texas, Inc., #6399 U.S. Data Highway Corporation, #6400 Global Internet Communications, #6403 Amtel, LLC, #6404 Sigma Networks Communications, #6407 Evulcan, #6409 Telegate, Inc., #6411 Far East Gateway, Inc., #6412 Alta Network, #6415 Enkido, Inc., #6420 Innovative Calling Technology, #6425 Norbel Telecom, Inc., #6426 Metro Access Exchange, LLC, #6428 Power Access Telecommunications, #6430 Tierra Telecom, Inc., #6431 Rocatel, Inc., #6436 Sierra Pacific Communications, #6439 Marketasian Network, Inc., #6440 Novacom Global, LLC, #6441 ESS.com, LLC, #6442 Global Broadband, Inc. #6456 Global Technology dba Telera, #6461 Global Net Paging, Inc., #6464 Broadriver Communications, #6465 Pathnet Operating, Inc., #6466 Seven Bridges Communications, #6467 Global Tele Link Services, Inc., #6474 Paramount International Telecom, #6478 Global Link Communications, Inc., #6480 Evannet Communication, Inc., #6482 Vectron Communications Services, #6483 CRC Communications of California, #6488 Talking Net California, LLC, #6490 Raptel Communications, LLC, #6491 Wherever.net USA, Inc., #6492 TNS of California, Inc., #6496 Contel Network, LLC, #6501 Paging Dimensions, Inc., #6516 Multa Communications Corporation, #6541 Chernow Communications, Inc., #6542 Communication Impact, Inc., #6543 Domino Networks Communications, #6544 South West Communications, Inc., #6545 New Access Communications, LLC, #6547 Lucky Communications, Inc., #6548 Sierra Touch America, #6552 Novatel Global, LLC, #6553 Lightwave Communications, LLC, #6554 Indiginet, #6555 Bridgecom International, Inc., #6557 Acomm, Inc., #6559 Quality Telephone, Inc., #6562 Aries Network, Inc., #6563 Exario Telecom, Inc., #6566 Power-finder West Communications, #6571 Optical Telephone Corporation, #6576 Ntera, Inc., #6583 Norcom, Inc., #6592 KMC Data, LLC, #6594 Giant Loop Telecom, Inc.

Outcome Held (8/21/03, Consent Agenda. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

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- CA-9
2314** **A02-04-001 - Southern California Water Company (SCWC).**
This decision grants SCWC a certificate of public convenience and necessity to construct an 8.4-MW generation facility in the City of Bear Lake. This proceeding is closed.
(Comr Peevey - ALJ DeBerry)
Outcome Signed
[D03-07-005](#)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-10
2330** **A00-11-039 - Metromedia Fiber Network Services, Inc. (MFNS).**
This decision dismisses without prejudice application of MFNS. MFNS has informed the Commission that it has abandoned the proposed project the application addresses – a fiber optic network covering the Sacramento and San Diego metropolitan areas – and therefore there is no need to proceed further with the application. This proceeding is closed.
(Comr Lynch - ALJ Thomas)
Outcome Signed
[D03-07-006](#)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-11
2335** **A99-08-043 - Roseville Telephone Company (Roseville).**
Application to review extended area service compensation and establish replacement revenue funding. This decision determines that all outstanding issues in A99-08-043 have been resolved so the proceeding should be closed. This proceeding is closed.
(Comr Wood - ALJ Jones)
Outcome Signed
[D03-07-007](#)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

- CA-12 2344** **Res SU-56 - Los Angeles to Pasadena Blue Line Construction Authority (PBLCA).**
This resolution grants PBLCA a variance from Rule 74.4F(1) of General Order 95 on exclusive and semi-exclusive rights of way.
(Agenda 3115, Item CA-31 6/19/2003 (Staff))
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-13 2345** **Res ST-63 - Los Angeles to Pasadena Blue Line Construction Authority (PBLCA).**
This resolution grants PBLCA's request to deviate from track overhead clearance requirements of General Order 95. It specifically authorizes reduced overhead track clearance for the first 200 foot section of northbound track starting at the south end of the Colorado Box.
(Agenda 3115, Item CA-32 6/19/2003 (Staff))
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-14 2359** **A03-03-042 - Southern California Gas Company (SoCalGas).**
This decision grants SoCalGas the authority to obtain long-term debt capital not to exceed \$715,000,000 and certain exemptions from the Competitive Bidding Rule. This proceeding is closed.
(Exam Clanon)
(Agenda 3115, Item CA-37 6/19/2003 (Lynch))
Outcome Signed
D03-07-008
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- CA-15 2363** **R98-09-005 - Order Instituting Rulemaking on the Commission's own motion to consider modifications to the Universal Lifeline Telephone Service Program and General Order 153.**
This decision determines that all outstanding issues in the proceeding were resolved in D03-01-035 and the proceeding should be closed. This proceeding is closed.
(Comr Brown - ALJ Jones)
Outcome Signed
[D03-07-009](#)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-16 2368** **A02-11-057 - Point Arena Water Works, Inc.**
For an order authorizing a rate increase in rates subject to refund producing additional annual revenues of \$70,137 or 56.9% for the test year 2002. This interim decision determines that 1995 tax refunds will not be included in the scope of this 2002 test year general rate case.
(Comr Wood - ALJ Bushey)
Outcome Held (8/21/03, Consent Agenda.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- CA-17 2369** **A02-05-022 - Pacific Gas and Electric Company (PG&E).**
For authority to establish its authorized rates of return on common equity for electric utility operations and gas distribution for Test Year 2003. A02-05-025, A02-05-026, A02-05-031 - Related matters. This decision grants Aglet Alliance \$57,195 for its substantial contribution in D02-11-027. Application (A)02-05-025, A02-05-026 and A02-05-031 are closed. A02-05-022 remains open for the receipt of an amended application that will true-up PG&E's test year 2003 return on equity.
(Comr Peevey, Comr Brown - ALJ Galvin)
Outcome Signed
[D03-07-010](#)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

CA-18
2372

A03-04-011 - PacifiCorp.

This decision grants PacifiCorp an exemption from Public Utilities Code Section 454.5 pursuant to Section 454.5(i). This proceeding is closed.

(Comr Kennedy - ALJ O'Donnell)

Outcome Signed

[D03-07-011](#)

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

No: (none)

Abstain: (none)

Absent: (none)

CA-19
2375

(ECP) C03-05-007 - Emily Burns (Complainant) vs. Southern California Edison Company.

Complainant alleges she is not being billed on the appropriate rate schedule and she seeks reparations. This decision denies relief. Complainant is being billed correctly. This proceeding is closed.

(Comr Kennedy - ALJ Barnett)

Outcome Signed

[D03-07-012](#)

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

No: (none)

Abstain: (none)

Absent: (none)

CA-20
2383

A03-02-010 - San Jose Water Company (SJWC).

This decision authorizes SJWC to enter into a \$2,474,000 Safe Drinking Water State Resolving Fund loan and to repay that loan through a customer surcharge. This proceeding is closed.

(Comr Lynch - ALJ Galvin)

Outcome Signed

[D03-07-013](#)

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

No: (none)

Abstain: (none)

Absent: (none)

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- CA-21
2385** **R02-02-020 - 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 decision grants The Utility Reform Network and the Utility Consumers' Action Network an award of \$31,479.53 in compensation for substantial contributions to D03-03-038. In that decision, the Commission pursuant to legislative directive set an error rate for abandoned calls dialed by predictive dialer equipment and imposed record-keeping requirements and consumer education obligations. This proceeding is closed.
(Comr Brown - ALJ Walker)
- Outcome Signed**
- [D03-07-014](#)
- Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-22
2386** **I _____ - Order Instituting Investigation for the purpose of establishing a list for the fiscal years 2004-2005 and 2005-2006 of existing and proposed crossings at grade of city streets, county roads or state highways in need of separation, or projects effecting the elimination of grade crossings by removal or relocation of streets or railroad tracks, or existing separations in need of alterations or reconstruction in accordance with Section 2452 of the Streets and Highway Code.**
- Outcome Signed**
- [I03-07-009](#)
- Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-23
2388** **A03-03-006 - New Access Communications, LLC (Applicant).**
- This decision grants the Applicant's request to provide limited facilities-based local exchange telecommunications services. This proceeding is closed.
(Comr Brown - ALJ O'Donnell)
- Outcome Signed**
- [D03-07-015](#)
- Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

- CA-24
2392** **A03-02-022 - Richard C. Sadler (Applicant).**
This decision authorizes Applicant to operate as a scheduled passenger stage corporation between the points and places in San Francisco, Golden Gate Bridge Vista Point, and Sausalito in Marin County, and to establish a zone of rate freedom. This proceeding is closed.
(Exam Clark)
Outcome Signed
D03-07-016
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-25
2393** **A03-04-016 - Vos Transportation LLC and J & I Transportation, LLC.**
This decision authorizes Vos Transportation, LLC to transfer its passenger stage corporation (PSC) certificate to J & I Transportation, LLC (Transferee), and Transferee is authorized to extend the PSC authority and establish a zone of rate freedom. This proceeding is closed.
(Exam Clark)
Outcome Signed
D03-07-017
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-26
2394** **A02-07-019 - Antone Sylvester Tug Service, Inc., Pacific Maritime Freight, Inc., and San Diego Towing and Marine Services, Inc.**
This decision authorizes Antone Sylvester Tug Service, Inc. to transfer its certificate to operate as a vessel common carrier to Pacific Maritime Freight, Inc., and sell its vessels to San Diego Towing and Marine Services, Inc. This proceeding is closed.
(Exam Clark)
Outcome Signed
D03-07-018
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- CA-27
2399** **A99-09-049 - Southern California Edison Company .**
A99-09-050, A99-09-057, A99-09-058 - Related matters. These proceedings were opened to accommodate applications for energy efficiency programs in California for 2000 and 2001. However, those programs have since been supplanted by programs for subsequent years, and the proceedings no longer need remain open. The Commission therefore closes the proceedings at this time.
(Comr Lynch - ALJ Thomas)
Outcome Signed
[D03-07-019](#)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-28
2400** **A03-05-014 - Addis T. Alemu dba Bay Express Shuttle (Applicant).**
This decision authorizes Applicant to operate as passenger stage corporation (PSC) between points and places in San Francisco, Alameda, Contra Costa, Santa Clara, Solano, Marin and San Mateo Counties, on the one hand, and San Francisco, Oakland, and San Jose International Airports, on the other hand, and to establish a zone of rate freedom. This proceeding is closed.
(Exam Clark)
Outcome Signed
D03-07-020
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-29
2401** **A03-05-015 - Ana Grabovic dba Alpha-Trans Airporter (Applicant).**
This decision authorizes Applicant to operate as passenger stage corporation between the Counties of San Francisco, San Mateo, Alameda, and Santa Clara, and San Francisco, San Jose, and Oakland International Airports, and to establish a zone of rate freedom. This proceeding is closed.
(Exam Clark)
Outcome Signed
D03-07-021
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- CA-30
2402** **A03-05-008 - Mohammed Saeed dba Horizon Airporter (Applicant).**
This decision authorizes Applicant to extend his passenger stage corporation service to include San Francisco and San Jose International Airports and all points in Napa and Solano Counties, and to establish a zone of rate freedom. This proceeding is closed.
(Exam Clark)
Outcome Signed
D03-07-022
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-31
2405** **Res T-16757 - SBC California (SBC).**
This resolution approves an Interconnection Agreement between SBC and Apex Telecom, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 23767, filed May 13, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-32
2406** **Res T-16758 - SBC California (SBC).**
This resolution approves an Interconnection Agreement between SBC and Shasta Cascade Paging, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 23703, filed April 25, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-33
2407** **Res T-16759 - SBC California (SBC).**
This resolution approves a Resale Agreement between SBC and Claricom Network, Inc. in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 23696, filed April 23, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
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- CA-34
2408** **Res T-16760 - Verizon California, Inc. (Verizon).**
This resolution approves an Interconnection Agreement between Verizon and Norcast Communications Corporation, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 10517, filed May 19, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-35
2411** **A01-02-024 - AT&T Communications of California, Inc. and WorldCom, Inc.**
A01-02-035, A02-02-031, A02-02-032, A02-02-034, A02-03-002 - Related matters. This decision implements rate changes adopted by the Commission in D02-09-049. The unbundled network element (UNE) rates that Pacific Bell Telephone Company (Pacific, d/b/a SBC California) charges competing local telephone carriers are modified to increase the shared and common cost markup percentage from 19% to 21% and to remove 13% from the expense portion of UNE monthly recurring costs. Today's decision approves the undisputed rate changes identified by Pacific and directs Pacific to calculate appropriate billing adjustments for UNEs purchased by interconnection carriers on or after September 19, 2002.
(Comr Wood - ALJ Duda)
Outcome Signed
[D03-07-023](#)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-36
2413** **R02-06-040 - Rulemaking for the Purpose of Revising Certain Rules of Practice and Procedure to Implement Public Utilities Code Section 1708.5 (Petitions for Rulemaking).**
This decision amends Rule 14.7 to permit to filing of petitions to adopt, amend or repeal Commission Rules of Practice and Procedure, as consistent with Pub. Util. Code Section 1708.5.
(Comr Lynch - ALJ Prestidge)
Outcome Held (8/21/03, Regular Agenda. Further view.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

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- CA-37** **Res T-16761 - Verizon California, Inc. (Verizon).**
2414 This resolution approves an Interconnection Agreement between Verizon and RuralWest - Western Rural Broadband, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 10499, filed April 25, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-38** **R _____ - Order Instituting Rulemaking on the Commission's own motion for the**
2415 **purpose of amending the Commission's Conflict of Interest Code (California Code of**
Regulations, Title 20).
Outcome Signed
R03-07-007
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-39** **Res. W-4406 - California Water Service Company, South San Francisco and Willows**
2419 **Districts.**
This resolution denies surcharges in each district to recover under-collections in purchased water and purchased power balancing accounts. (Advice Letter (AL) 1543 and AL 1544, filed March 17, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-40** **Res W-4407 - Arrowhead Manor Water Company, Inc. (AMWC).**
2420 This resolution authorizes AMWC to reinstate the rates and Safe Drinking Water Bond Act surcharge amounts authorized in D02-07-009 and extend their effective dates. (Advice Letter 52-W, filed May 14, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- CA-41** **Res W-4408 - Watertek, Inc., Indian Springs District (WISD).**
2421 This resolution authorizes WISD a new memorandum account to track the cost of mosquito abatement at its Indian Springs effluent pond.
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-42** **I01-07-008 - Investigation for the purpose of establishing a list for the fiscal years 2002-2003 and 2003-2004 of existing and proposed crossings at grade of city streets, county roads or state highways in need of separation, or projects affecting the elimination of grade crossings by removal or relocation of streets or railroad tracks, or existing separation in need of alterations or reconstruction in accordance with Section 2452 of the Streets and Highways Code.**
2424 This decision adopts the California Grade Separation Priority List for fiscal year 2003-2004, as required by Streets and Highways Code Section 2452.
This proceeding is closed.
(Comr Brown - ALJ Henderson)
Outcome Signed
[D03-07-024](#)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-45** **C02-05-035 - Breuer, Inc. vs. Del Oro Water Company, Inc.**
2427 This decision denies complaint by Breuer, Inc. against Del Oro Water, Inc., alleging breach of two main extension contracts. Complainant's Appeal and Request for Oral Argument are denied. This proceeding is closed.
(Comr Kennedy - ALJ Maloney)
Outcome Signed
[D03-07-025](#)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- CA-46** **R _____ - Order Instituting Rulemaking to update the Commission's rate case plan**
2428 **for large water companies (Class A) as required by Section 455.2 of the Public Utilities Code.**
Outcome Held (8/21/03, Regular Agenda.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- CA-47** **A02-12-034 - Yuba Investment Company, Inc. (YIC) and Browns Valley Irrigation District**
2430 **(District).**
This decision grants the sale and transfer of YIC's water system and public utility water service responsibilities to the District. This proceeding is closed.
(Exam Jackson)
Outcome Signed
D03-07-026
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-48** **R02-11-039 - Rulemaking to implement the provisions of Public Utilities Code § 761.3**
2442 **enacted by Chapter 19 of the 2001-02 Second Extraordinary Legislative Session.**
This order adds additional public utilities, electrical corporations, and owners and operators of divested electric generating plant to this proceeding.
(Comr Wood - ALJ Mattson)
Outcome Held (8/21/03, Consent Agenda. Further review.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- CA-49** **A02-11-017 - Pacific Gas and Electric Company**
2444 For authority, among other things, to increase revenue requirements for electric and gas service and to increase rates and charges for gas service effective on January 1, 2003. I03-01-012, A02-09-005 - Related matters. This decision grants the request to delay filing of testimony on marginal costs, revenue allocation, and rate design until February 6, 2004.
(Comr Peevey - ALJ Cooke)
Outcome Signed
[D03-07-027](#)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
-

Regular Agenda

Utility and Transportation Orders

Orders Held Over

**H-1
1866** **R01-09-001 - Commission's own motion to assess and revise the new regulatory framework for Pacific Bell and Verizon California Incorporated.**

I01-09-002 - Related matters. In this decision, the Commission evaluates the service quality of Pacific Bell and Verizon California, Inc. over the period January 1, 1990 through the present. The Commission ordered such a review in D89-10-031, which established the New Regulatory Framework as means of regulating both carriers.

(Comr Kennedy - ALJ Thomas)

(Agenda 3111, Item 1 4/17/2003 (Kennedy); Agenda 3114, Item H-3 6/5/2003 (Peevey))

Outcome Held (8/21/03. For all party meeting 7/16/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-1a
2366** **ALTERNATE TO ITEM 1866**

This alternate finds that under the New Regulatory Framework (NRF), Verizon has provided excellent customer service. Pacific Bell has provided generally good service, but several of its operations suffer from poor service quality. The alternate reaches these conclusions through a statistical examination of the direct measures of service quality provided by Pacific Bell and Verizon to this Commission and to the FCC. The alternate further finds that Verizon and Pacific Bell developed different service quality records during the NRF period, but that both show an improving trend in service quality. This evidence casts doubt on the proposition that NRF systematically decreases the quality of customer service.

(Comr Kennedy, Comr Peevey)

Outcome Held (8/21/03. For all party meeting 7/16/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

-
- H-2
1987** **A99-09-006 - Pacific Gas and Electric Company (PG&E).**
The Commission adopts PG&E's estimate of \$65.1 million for the future decommissioning and site remediation of Hunters Point Power Plant for inclusion in the Transition Cost Balancing Account. This proceeding is closed.
(Comr Brown - ALJ Patrick)
(Agenda 3112, Item 3 5/8/2003 (Staff); Agenda 3114, Item H-6 6/5/2003 (Lynch))
Outcome Held (8/21/03. Further consideration.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- H-3
2032** **A98-07-003 - Pacific Gas and Electric Company (PG&E).**
For verification, consolidation, and approval of costs and revenues in the Transition Revenue Account. This decision orders PG&E and Southern California Edison (SCE) to implement bottoms-up billing for Direct Access customers. The utilities bill only for distribution and transmission service. This decision finds reasonable the Direct Access credit method used by PG&E and SCE since the demise of the Power Exchange.
(Comr Wood - ALJ Barnett)
(Agenda 3112, Item 5 5/8/2003 (Kennedy); Agenda 3113, Item H-7 5/22/2003 (Kennedy))
Outcome Held (8/21/03. For possible alternate.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- H-4
2100** **A00-02-048 - Innovative Telecom Corp. (ITC) and Enhanced Global Convergence Services, Inc. (eGCS).**
This decision authorizes ITC and eGCS to transfer all of ITC's assets to eGCS on a prospective basis. Applicants are fined a total of \$500 for completing the transfer of assets prior to requesting and obtaining Commission authorization to transfer the assets. This proceeding is closed.
(Comr Wood - ALJ Galvin)
(Agenda 3113, Item CA-16 5/22/2003 (Wood); Agenda 3114, Item H-10 6/5/2003 (Wood); Agenda 3115, Item H-4 6/19/2003 (Staff))
Outcome Held (8/21/03. Further review.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

**H-5
2123****R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension of direct access pursuant to Assembly Bill 1X and Decision 01-09-060.**

This decision adopts policies and mechanisms to implement cost responsibility surcharges (CRS) applicable to "Municipal Departing Load" (MDL), within the service territories of Southern California Edison Company, Pacific Gas and Electric Company, and San Diego Gas & Electric Company, MDL refers to customer load that departs to be served by a "publicly owned utility," as defined in Pub. Util. Code Section 9604(d). The MDL CRS adopted by this decision is composed of 4 components associated with costs related to the Department of Water Resources' issuance of Bonds and power charges, as well as other costs.

(Comr Brown, Comr Wood - ALJ Pulsifer)

(Agenda 3113, Item 4 5/22/2003 (Staff); Agenda 3114, Item H-11 6/5/2003 (Kennedy))

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-5a
2124****ALTERNATE TO ITEM 2123**

This alternate determines that new municipal departing load associated with existing publicly-owned utilities are not subject to cost responsibility surcharges. New municipal departing load associated with new publicly-owned utilities are subject to cost responsibility surcharges.

(Comr Brown)

(Agenda 3113, Item 4a 5/22/2003 (Staff); Agenda 3114, Item H-11a 6/5/2003 (Kennedy))

Outcome Signed

[D03-07-028](#)

Yes: (Brown, Lynch, Wood)

No: (Kennedy, Peevey)

Abstain: (none)

Absent: (none)

**H-5b
2450****ALTERNATE TO ITEM 2123**

Cmmr. Lynch Alternate Pages to #2124 This alternate of Commissioner Lynch modifies the alternate decision of Commissioner Brown by changing the definition and date used for specifying which type of municipal departing load customers are exempted from paying all or a portion of DWR costs.

(Comr Lynch)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

-
- H-6
2125** **A02-07-050 - SBC Pacific Bell Telephone Company.**
This decision dismisses the application without prejudice. The most appropriate use of the Commission's and parties' limited resources would be to focus on the numerous pending resource-intensive cases and anticipated priority proceedings and to defer devoting resources to this request to a later time. In addition, the FCC has a pending docket in which it is considering measures to increase competition for local directory assistance. This proceeding is closed.
(Comr Lynch - ALJ Bemserfer)
(Agenda 3113, Item 5 5/22/2003 (Peevey); Agenda 3114, Item H-12 6/5/2003 (Kennedy))
Outcome Held (8/21/03. For alternate.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- H-7
2160** **I97-07-018 - Investigation on the Commission's own motion into the operations, practices, rates and charges of the Hillview Water Company, Inc. (Hillview), a corporation, and Roger L. Forrester (Forrester), the principal shareholder and president.**
This decision determines that the respondents, Hillview and Forrester violated Section 491 and Section 825 of the California Public Utilities Code. The respondents must prepare a reconciliation of accounts for the period from January 1, 1991, to and including July 31, 1998. If that reconciliation indicates that Hillview's revenue requirement is materially inaccurate, Hillview must file an informal general rate case to properly adjust its rates. A five-year probationary period is instituted to prevent a recurrence of these violations. This proceeding is closed.
(Comr Kennedy - ALJ Ryerson)
(Agenda 3114, Item 1 6/5/2003 (Staff); Agenda 3115, Item H-5 6/19/2003 (Brown))
Outcome Held (8/21/03. For possible alternate.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- H-8
2166** **A01-12-042 - Tenby, Inc.**
A01-12-050 - Related matters. This decision addresses the applications filed by Tenby, Inc. and Southern California Gas Company to modify or clarify Resolution G-3304. These proceedings are closed.
(Comr Brown - ALJ Wong)
(Agenda 3114, Item CA-7 6/5/2003 (Peevey))
Outcome Held (8/21/03.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
-

- H-8a** **ALTERNATE TO ITEM 2166**
2404 The alternate draft decision concludes that Resolution G-3304 did not invalidate the transfer of Tenby, a noncore customer, to GN-10 service.
 (Comr Peevey)
Outcome Held (8/21/03.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)
- H-9** **A01-02-030 - Southern California Edison Company (SCE).**
2186 This decision denies the application of SCE to recover in distribution rates, Administrative and General (A&G) and General and Intangible Plant (G&I) expenses that have been booked in the Transmission Revenue Requirement Reclassification Memorandum Account (TRRRMA) established in 1998 pursuant to Res E-3544. TRRRMA was established to give SCE an opportunity to recover costs that the utility had classified as transmission-related, but which the Federal Energy Regulatory Commission (FERC) declined to include transmission rates. In the proceeding that resulted in Opinion 445, FERC declined to include approximately \$24 million of SCE's annual A&G and G&I costs in transmission rates because FERC concluded that its traditional labor ratio allocation methodology should be used rather than the multi-factor allocation methodology advocated by SCE. This decision concludes that the A&G and G&I costs at issue are not eligible for recovery in distribution rates because SCE has failed to offer any proof that the costs are both reasonable and distribution-related, as Res E-3544 requires. This proceeding is closed.
 (Comr Lynch - ALJ McKenzie)
 (Agenda 3114, Item 3 6/5/2003 (Peevey))
Outcome Held (8/21/03. For alternate.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)
- H-10** **P01-10-008, R_____ - AT&T Communications of California, Inc. (AT&T).**
2200 This decision grants in part AT&T's petition for the Commission to review rates charged by Pacific Bell/SBC and Verizon for switched access services, and closes the Petition. The decision opens a rulemaking to consider these and related matters.
 (Comr Lynch - ALJ Malcolm)
 (Agenda 3113, Item 7 5/22/2003 (Staff); Agenda 3114, Item H-13 6/5/2003 (Kennedy))
Outcome Held (8/21/03. Further review.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)

**H-10a
2431****ALTERNATE TO ITEM 2200**

This alternate denies AT&T's petition for the Commission to review rates charged by Pacific Bell/SBC and Verizon for switched access services. The Commission's limited resources should be focused on the numerous existing proceedings and postpone the consideration of this matter until a later time. Also, the Commission may benefit from the decision of a pending FCC docket on similar matters. This petition is closed.

(Comr Kennedy)

Outcome Held (8/21/03. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-11
2256****A01-09-062 - California Water Service Company (Cal Water).**

For an order authorizing Cal Water to increase rates charged for water service at each of its operating districts to recover increased operating expenditures at its General Office. A01-09-063, A01-09-064, A01-09-065, A01-09-066, A01-09-067, A01-09-068, A01-09-069, A01-09-070, A01-09-071, A01-09-072, A01-09-073, A01-09-074 - Related matters. This decision authorizes Cal Water to increase rates in various operating districts.

(Comr Kennedy - ALJ Bushey)

(Agenda 3115, Item 2 6/19/2003 (Kennedy))

Outcome Held (8/21/03. Further deliberation.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

H-12 (Rev.) A03-01-019 - Southern California Edison Company (SCE).**2264**

For authority to lower and adjust retail electric rates for all customer classes upon completion of full recovery of procurement related obligations account. This decision adopts a stipulation agreed to by SCE, Office of Ratepayer Advocates, The Utility Reform Network, California Large Energy Consumer Association, California Manufacturers and Technology Association, Agricultural Energy Consumers Association, California Farm Bureau Federation, and others, by which SCE will lower its retail electric rates by \$1.25 billion annually, starting August 1, 2003. This proceeding is closed.

(Comr Brown - ALJ Barnett)

(Agenda 3115, Item 5 6/19/2003 (Lynch))

07/03/2003 - This revision was not shown on the Agenda mailed to the public.

Outcome Signed (Comr. Lynch will file a concurrence. Comr. Wood will file a concurrence.)

[D03-07-029](#)

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

No: (none)

Abstain: (none)

Absent: (none)

H-12a**2437****ALTERNATE TO ITEM 2264**

This alternate decision approves the SCE rate reduction agreement with one adjustment. The alternate decision grants the motion of the State Superintendent of Public Instruction to intervene and orders SCE to create an electric tariff for schools.

(Comr Lynch)

Outcome Defeated

Yes: (Lynch, Wood)

No: (Brown, Kennedy, Peevey)

Abstain: (none)

Absent: (none)

**H-13
2267****R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension of direct access pursuant to Assembly Bill 1X and Decision 01-09-060.**

This decision reevaluates the level of the Cost Responsibility Surcharge (CRS) cap on Direct Access (DA) load, as directed by D02-11-022, and determines that the existing 2.7 cents/kWh cap is currently set at an appropriate level. This decision thus orders that the 2.7 cents/kWh DA CRS cap shall remain in effect for each of the three major electric utilities for the period beginning on and after July 1, 2003, subject to the provisions adopted for subsequent periodic review and revision of the cap. (Comr Brown, Comr Wood - ALJ Pulsifer)
(Agenda 3115, Item 7 6/19/2003 (Lynch))

Outcome Signed (Comr. Kennedy will file a concurrence. Comr. Lynch will file a dissent. Comr. Wood will file a dissent.)

D03-07-030

Yes: (Brown, Kennedy, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

**H-13a
2354****ALTERNATE TO ITEM 2267**

The alternate differs from the ALJ's proposed decision by adopting a cap of 4 cents/kWh on the Cost Responsibility Surcharge applicable to Direct Access load for each of the three major electric utilities. (Comr Lynch)
(Agenda 3115, Item 7a 6/19/2003 (Lynch))

Outcome Defeated

Yes: (Lynch, Wood)

No: (Brown, Kennedy, Peevey)

Abstain: (none)

Absent: (none)

**H-14
2268****A02-03-035 - Southern California Edison Company (SCE) and Pacific Terminals LLC (Pacific Terminals).**

This decision concludes that Pub. Util. Code § 377 does not bar the sale of SCE's Fuel Oil Pipeline Facilities to Pacific Terminals. The sale is approved. This proceeding is closed. (Comr Wood - ALJ Evans)

(Agenda 3115, Item 8 6/19/2003 (Brown))

Outcome Signed ((Pres. Peevey's motion to unhold was approved 3-2; Comrs Wood & Lynch voted "no.") Comr. Lynch reserves the right to join Comr. Wood's dissent. Comr. Wood will file a dissent.)

[D03-07-031](#)

Yes: (Brown, Kennedy, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

**H-15
2291**

R _____ - Order Instituting Rulemaking adopting rules to account for the consideration received by regulated California electric and natural gas utilities under a settlement with El Paso Natural Gas Company.

The Commission, Southern California Edison Company (Edison), Pacific Gas & Electric Company (PG&E), and others, have reached a settlement with El Paso Natural Gas Company in the Commission's complaint proceeding, Docket No. RP00-241-000 at the Federal Energy Regulatory Commission, as a part of a larger settlement involving the investigations by the California Attorney General, and the Attorneys General from Nevada, Washington, and Oregon, as well as 15 separate plaintiffs' lawsuits in the San Diego Superior Court. This Order Instituting Rulemaking (OIR) will adopt the appropriate ratemaking mechanisms to enable the three major investor-owned electric utilities, Edison, San Diego Gas & Electric Company (SDG&E) and PG&E, and the four major investor-owned gas utilities, PG&E, Southern California Gas Company (SoCalGas), SDG&E, and Southwest Gas Company (Southwest) to implement accounting mechanisms for the proceeds of the negotiated settlement.

(Agenda 3114, Item 4 6/5/2003 (Staff); Agenda 3115, Item H-7 6/19/2003 (Staff))

Outcome Signed

[R03-07-008](#)

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

No: (none)

Abstain: (none)

Absent: (none)

**H-16
2356**

A02-05-022 - Southern California Edison Company (SCE).

A02-05-025, A02-05-026, A02-05-031 - Related matters. This order exempts SCE from filing a 2004 test year cost of capital (COC) proceeding. Its next COC shall be for its 2005 test year and shall be filed by May 10, 2004. A02-05-025, A02-05-026, and A02-05-031 are closed.

(Comr Brown, Comr Peevey - ALJ Galvin)

(Agenda 3115, Item CA-35 6/19/2003 (Lynch))

Outcome Held (8/21/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

H-16a
2439**ALTERNATE TO ITEM 2356**

This alternate of Commissioner Lynch approves SCE's petition for modification of D02-11-027 with modifications. This alternate approves SCE's request to defer conducting a cost of capital proceeding until next year, as does the ALJ's proposed decision. However, unlike the ALJ's proposed decision, this alternate also reduces SCE's return on equity for 2004 to 11.22% from the currently adopted return on equity from 11.6%. This reduction is necessitated by the expiration this year of a trigger mechanism that had frozen SCE's return on equity at 11.6% since 1997. Absent the trigger mechanism, the appropriate return on equity for SCE is the same as adopted for PG&E, 11.22%.
(Comr Lynch)

Outcome Held (8/21/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Orders

- 1
2305** **I00-11-052 - Investigation on the Commission's own motion into the operations, practices, and conduct of Qwest Communications Corporation (Qwest) and its wholly owned subsidiary, LCI International Telecommunications Corporation, dba Qwest Communications Services (LCIT), to determine whether Qwest and LCIT have violated the laws, rules and regulations governing the manner in which California consumers are switched from one long distance carrier to another and billed for long distance telephone services.**

This decision denies the Greenlining Institute and Latino Issues Forum's petition to modify D03-04-050 to increase their intervenor compensation award. This proceeding is closed.

(Comr Wood - ALJ Econome)

Outcome Held (9/4/03. For probable alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

- 2
2307** **A02-03-046 - Apple Valley Ranchos Water Company (AVR).**
This decision authorizes AVR to increase its rates by amounts designed to provide AVR a 10.10% return on equity for its test years 2003 and 2004 and attrition year 2005. The corresponding return on rate base is 9.49% for 2003, 9.48% for 2004, and 9.47% for 2005. This proceeding is closed.

(Comr Peevey - ALJ Galvin)

Outcome Held (8/21/03. Further review)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

- 3
2342** **C01-07-027 - California ISP Association, Inc. (CISPA) vs. Pacific Bell Telephone Company (SBC); SBC Advanced Solutions, Inc. (ASI) and does 1-20..**
This decision approves a settlement agreement entered into between CISPA, SBC and ASI, conditioned upon CISPA, SBC, and ASI agreeing to modify the settlement agreement to: 1) remove language allowing ASI to implement packetized voice on the ISP's end-user line without the consent of the affected ISP; 2) specify an explicit time frame regarding the release of claims that were the subject of this complaint; and 3) incorporate further revisions proposed by SBC and ASI.

This proceeding is closed.

(Comr Lynch - ALJ Duda)

Outcome Signed

[D03-07-032](#)

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

No: (none)

Abstain: (none)

Absent: (none)

-
- 4**
2348 **I00-11-001 - Order Instituting Investigation into implementation of Assembly Bill 970 regarding the identification of electric transmission and distribution constraints, actions to resolve those constrains, and related matters affecting the reliability of electric supply.**
This decision describes the process the Commission will use to implement Public Utilities Code Section 399.25, which was enacted on September 12, 2002 as part of Senate Bill 1078.
(Comr Lynch - ALJ Gottstein)
Outcome Signed
[D03-07-033](#)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 5**
2370 **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 acts on applications by SoCalGas, SDG&E, Southern California Edison Company and Pacific Gas and Electric Company for funding for the discretionary aspects of their LEV programs. These proceedings are closed.
(Comr Wood - ALJ Prestidge)
Outcome Held (8/21/03. For possible alternate.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 6**
2387 **R01-08-028 - Order Instituting Rulemaking to examine the Commission's future energy efficiency policies, administration and programs.**
This order directs Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE) and San Diego Gas & Electric Company (SDG&E) to provide certain types of information to Community Choice Aggregators (CCAs), and potential CCAs so that they may develop and implement energy resource plans and programs. It also makes modifications to the Commission's energy efficiency policy manual in order to clarify the procedures and policies applicable to cities, counties and CCAs seeking to implement energy efficiency programs funded according to Section 381.
(Comr Kennedy - ALJ Malcolm)
Outcome Signed
[D03-07-034](#)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
-

**7
2390** **R97-10-016 - Order Instituting Rulemaking on the Commission's own motion into monitoring performance of operations support systems.**

I97-10-017 - Related matters. This decision approves a settlement adopting amendments to the Joint Partial Settlement Agreement covering the operations and support systems performance measures for SBC California and Verizon California.

(Comr Brown - ALJ Reed)

Outcome Signed

[D03-07-035](#)

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

No: (none)

Abstain: (none)

Absent: (none)

**8
2391** **A03-05-039 - Hot Air Balloon Operators**

P03-05-040 - Related matters. This Interim Decision adopts an Interim Plan applicable to GO 120-C to provide the relief requested pending full hearings as necessary on whether amendments to GO 120-C are required. A03-05-039 is closed. P03-05-040 remains open pending a final decision in this matter.

(Comr Kennedy - ALJ Walker)

Outcome Signed (On 7/10/03, D03-07-036 was signed 3-2 (Comrs Brown and Lynch dissented). At the request of Comr Wood, this matter was continued to 7/22/03 for reconsideration of D03-07-036.

D03-07-047 was signed on 7/22/03. D03-07-047 adopts modifications to D03-07-036 and attaches the modified decision, which is titled D03-07-036, as modified by D03-07-047.)

D03-07-047

Yes: (Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Brown)

**9
2447** **R _____ - Rulemaking for the purpose of considering policies and rules governing utility construction contracting processes.**

Outcome Held (8/21/03. Further discussion with staff.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

- 10 (Rev.) 2448** **R _____ - Order Instituting Rulemaking to implement portions of AB 117 concerning community choice aggregation.**
- This order institutes a rulemaking to implement Assembly Bill (AB) 117 (Chapter 838, September 24, 2002). AB 117 added Public Utilities Code Sections 218.3, 331.1, 366.2, 381.1, and 394.25, permitting cities and counties to purchase and sell electricity on behalf of utility customers in their jurisdictions after they have registered with the Commission as “Community Choice Aggregators.”
- 07/01/2003 - This revision was not shown on the Agenda mailed to the public.
- Outcome Held (8/21/03.)**
- Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 11 (Rev.) 2425** **A02-10-040 - San Diego Gas and Electric Company (SDG&E).**
- This decision approves a settlement between SDG&E and the Office of Ratepayer Advocates. Under the settlement, SDG&E’s existing Gas Performance-Based Ratemaking (PBR) mechanism will continue with certain agreed-upon modifications that will apply to PBR Year 10 (August 1, 2002 through July 31, 2003) and beyond. This proceeding is closed.
- (Comr Peevey - ALJ Halligan)
- 07/09/2003 - This item appeared as (CA-43) on the agenda distributed to the public.
- Outcome Signed (Comr. Lynch will file a concurrence)**
- D03-07-037
- Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 12 (Rev.) 2426** **A02-10-037 - Los Angeles to Pasadena Metro Blue Line Construction Authority (PBLCA).**
- This decision grants PBLCA's request to construct an at-grade pedestrian-rail crossing of the Los Angeles to Pasadena Metro Gold Line (formerly Pasadena Metro Blue Line) at the Del Mar Station of the Gold Line. This proceeding is closed.
- (Exam Clark)
- 07/09/2003 - This item appeared as (CA-44) on the agenda distributed to the public.
- Outcome Signed**
- [D03-07-038](#)
- Yes: (Brown, Kennedy, Peevey, Wood)
 No: (Lynch)
 Abstain: (none)
 Absent: (none)

Utilities Resolutions and Written Reports**Energy Matters**

- E-1
1750** **Res E-3814 - Southern California Edison Company (SCE).**
SCE seeks Commission approval of one power purchase agreement contributing toward procurement of at least an additional one percent of the utility's annual electric sales from renewable energy resources irrespective of the utility's residual net short. (Advice Letter 1680-E, filed January 14, 2003) (Agenda 3107, Item E-3 2/13/2003 (Brown); Agenda 3108, Item E-3 2/27/2003 (Staff); Agenda 3109, Item E-1 3/13/2003 (Brown); Agenda 3110, Item E-1 4/3/2003 (Kennedy); Agenda 3111, Item E-1 4/17/2003 (Kennedy); Agenda 3112, Item E-1 5/8/2003 (Wood); Agenda 3114, Item E-1 6/5/2003 (Wood); Agenda 3115, Item E-1 6/19/2003 (Staff))
Outcome Held (8/21/03. Further view.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- E-1a
2293** **ALTERNATE TO ITEM 1750**
This alternate differs from the proposed Energy Division Resolution in that it approves one power purchase agreement which Southern California Edison (SCE) requests to enter into in 2003 to contribute toward procurement of at least one percent of the utility's annual electric sales from renewable energy resources.
(Comr Wood)
(Agenda 3114, Item E-1a 6/5/2003 (Wood); Agenda 3115, Item E-1a 6/19/2003 (Staff))
Outcome Held (8/21/03. Further review.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- E-2
1778** **Res E-3801 - Pacific Gas and Electric Company (PG&E).**
This resolution approves with modifications PG&E's tariff revisions to implement a flexible pricing option in accordance with Public Utilities Code Section 454.1. (Advice Letter 2276-E, filed August 26, 2002)
(Agenda 3109, Item E-3 3/13/2003 (Staff); Agenda 3110, Item E-3 4/3/2003 (Lynch); Agenda 3111, Item E-3 4/17/2003 (Brown); Agenda 3112, Item E-3 5/8/2003 (Peevey); Agenda 3114, Item E-2 6/5/2003 (Staff); Agenda 3115, Item E-2 6/19/2003 (Staff))
Outcome Held (8/21/03. Further consideration)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

-
- E-2a** **ALTERNATE TO ITEM 1778**
1962 PG&E submits revisions to implement a flexible pricing option in accordance with PUC Code 454.1.
Approved with modifications.
(Comr Peevey)
(Agenda 3110, Item E-3a 4/3/2003 (Lynch); Agenda 3111, Item E-3a 4/17/2003 (Brown);
Agenda 3112, Item E-3a 5/8/2003 (Peevey); Agenda 3114, Item E-2a 6/5/2003 (Staff);
Agenda 3115, Item E-2a 6/19/2003 (Staff))
Outcome Held (8/21/03. Further consideration.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- E-3** **Res G-3353 - Pacific Gas and Electric Company (PG&E).**
2365 This resolution approves revisions to PG&E's Gas Rule 14 - Capacity Allocation and Constraint of
Natural Gas Service, in compliance with the Wild Goose Storage Expansion Decision 02-07-036.
(Advice Letter (AL) 2408-G, filed September 3, 2002 and AL 2408-G-A, filed April 3, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- E-4** **Res. E-3836 - Sierra Pacific Power Company (Sierra).**
2367 This resolution denies without prejudice Sierra's proposed tariff revisions to reinstate an Energy Cost
Adjustment Clause "Offset" Balancing Account Mechanism. (Advice Letter (AL) 294-E, filed January
8, 2003 and AL 294-E-A, filed February 6, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- E-5** **Res E-3835 - Southern California Edison Company (SCE).**
2371 This resolution denies SCE's request for approval of revisions to tariff schedules necessary to extend
the TOU pricing requirement mandated by AB1X 29 and D01-05-064 to all customers with demand
exceeding 200 kW. (Advice Letter 1649-E, filed September 6, 2002)
Outcome Held (8/21/03.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

E-6 Res E-3825 - Pacific Gas and Electric Company (PG&E).**2422**

This resolution approves PG&E's request for expedited approval of its Gas Supply Plan for the period of March 1, 2003, through August 31, 2003, to be used in connection with its responsibilities related to certain California Department of Water Resources contracts which include gas tolling provisions. (Advice Letter 2359-E, filed March 25, 2003)

Outcome Approved

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

No: (none)

Abstain: (none)

Absent: (none)

E-7 Res E-3833 - Southern California Edison Company (SCE).**2423**

This resolution approves SCE's request for approval of its proposed Gas Supply Plan for the State of California Department of Water Resources Tolling Agreements. (Advice Letter 1701-E, filed April 18, 2003)

Outcome Approved

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

No: (none)

Abstain: (none)

Absent: (none)

E-8 Res E-3838 - San Diego Gas & Electric Company (SDG&E).**2433**

This resolution approves SDG&E's request for expedited approval of its Gas Supply Plan for the period of May 1, 2003, through September 30, 2003, to be used in connection with its responsibilities related to certain California Department of Water Resources contracts which include gas tolling provisions. (Advice Letter 1489-E, filed April 17, 2003)

Outcome Approved

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

No: (none)

Abstain: (none)

Absent: (none)

Legislative Matters**Items Held Over****HLEG-1 AB 808 (Canciamilla)****2214**

Energy: agency consolidation.

(Agenda 3113, Item LEG-2 5/22/2003 (Staff); Agenda 3114, Item HLEG-1 6/5/2003; Agenda 3115, Item HLEG-1 6/19/2003 (Peevey))

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

HLEG-2 AB 855 (Firebaugh and Levine)**1977**

Wireless telecommunications: access to state property.

(Agenda 3110, Item LEG-3 4/3/2003 (Staff); Agenda 3111, Item HLEG-1 4/17/2003 (Staff); Agenda 3112, Item HLEG-3 5/8/2003 (Staff); Agenda 3113, Item HLEG-1 5/22/2003 (Staff); Agenda 3114, Item HLEG-2 6/5/2003 (Staff); Agenda 3115, Item HLEG-2 6/19/2003 (Staff))

Outcome Held (8/21/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

HLEG-3 AB 1157 (Canciamilla)**2297**

Public Utilities: Water rates.

(Agenda 3114, Item LEG-1 6/5/2003 (Kennedy); Agenda 3115, Item HLEG-3 6/19/2003 (Staff))

Outcome Held (8/21/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Items

- LEG-1** **AB 428 (Richman and Canciamilla)**
2452 Electrical corporations: core, noncore, and core-elect customers.
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- LEG-2** **AB 816 (Reyes)**
2453 Local publicly owned electric utilities: Public Utilities Commission: direct transactions.
Outcome Held (8/21/03.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- LEG-3** **AB 845 (Vargas)**
2454 Household goods carriers.
Outcome Held (8/21/03.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- LEG-4** **AB 909 (Reyes)**
2455 Telecommunications: local and long-distance service.
Outcome Held (8/21/03.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- LEG-5** **AB 1329 (Levine)**
2456 Public Utilities Commission: telecommunications.
Outcome Held (8/21/03.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

LEG-6 **SB 118 (Bowen)**
2457 Public Utilities Commission: conflict of interest.
Outcome Held (8/21/03.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

LEG-7 **SB 521 (Bowen)**
2458 Public Utilities Commission: customers.
Outcome Held (8/21/03.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

LEG-8 **SB 584 (Alarcon)**
2459 Advertising.
Outcome Held (8/21/03.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

LEG-9 **SB 703 (Florez, Denham & Poochigan)**
2460 Electricity rates: agricultural irrigation districts.
Outcome Held (8/21/03.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

Commissioner's Reports

CR-1 **Commissioners' Report**
2228 Miscellaneous Commissioners' reports.

Outcome Information Only

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

CR-2 **Commissioner Lynch Report**
2220 Discussion of and possible action on ensuring information from Commission staff or consultants is provided to interested commissioner offices in a timely manner.
(Agenda 3113, Item CR-2 5/22/2003 (Peevey); Agenda 3114, Item CR-2 6/5/2003 (Staff); Agenda 3115, Item CR-2 6/19/2003 (Staff))

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

CR-2a **ALTERNATE TO ITEM 2220**
2374 The California Public Utilities Commission, pursuant to its inherent power to govern itself and to Public Utilities Codes §305, inter alia, does hereby promulgate the following addition to its Policy and Guidelines:

1. Each commissioner shall be entitled to all books and papers pertaining to his office, or in the custody of a former incumbent of his office (Government Code §1850). 2. All Commission staff shall promptly respond to all reasonable requests for information by commissioners, to the extent permitted by law.

3. The Commission is committed to open and constructive information flow in order to make sure that each vote is taken from an informed viewpoint, and that the advantages and disadvantages of decisions are weighed seriously and frankly.

(Comr Brown, Comr Peevey)

(Agenda 3115, Item CR-2a 6/19/2003 (Staff))

Outcome Approved

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

No: (none)

Abstain: (none)

Absent: (none)

**CR-3
2364**

Commissioner Lynch Report

Discussion of and possible action on Press Guidelines issued by President Peevey.
(Agenda 3115, Item CR-3 6/19/2003 (Peevey))

Outcome Held (8/21/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CR-4
2451**

Commissioner Lynch Report

Discussion of and possible action on the draft Commissioner staffing proposal.

**Outcome Held (Item was discussed on 7/10/03 and continued to 7/22/03. On
7/22/03 the item was held to 8/21/03.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Management Reports and Resolutions

M-1 **Management Reports**
2229 Miscellaneous Management reports.

Outcome Information Only

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

M-2 **Executive Director William Ahern Report**
2438 Staff Report on Processing Filings

Outcome Information Only

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-4

Personnel Matters

2233

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, including the appointment or employment of a new General Counsel.

Outcome Approved (After vote in Closed Session, the Commission reconvened in Public Session to announce the appointment of Randolph Wu to General Counsel.)

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

No: (none)

Abstain: (none)

Absent: (none)

EX-5

A01-11-045 - Conference with Legal Counsel – Application for Rehearing

2373

A01-12-026 - Related matters. Order disposing of application for rehearing of D02-06-076 filed by Global Naps, Inc. D02-06-076 approved, with modifications, arbitrated interconnection agreements between Global Naps, Inc. and Pacific Bell Telephone Company and between Global Naps, Inc. and Verizon California, Inc.

Outcome Signed

D03-07-039

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

No: (none)

Abstain: (none)

Absent: (none)

**EX-6
2412****A00-10-045 - Conference with Legal Counsel - Application for Rehearing**

A01-01-044 - Related matters. Disposition of applications for rehearing of D02-12-064 filed by City of San Diego, Utility Consumers Action Network, and Office of Ratepayer Advocates. D02-12-064 denied San Diego Gas and Electric Company's (SDG&E) request to impose a surcharge on residential, small commercial and street lighting customers to recover the undercollected revenues resulting from Assembly Bill 265 (Stats. 2000, Ch. 328). As part of this decision, D02-12-064 adopted a proposed agreement between the Commission and SDG&E to settle federal litigation concerning certain power purchase contracts that had been entered into by SDG&E with: (1) Illinova; (2) LG&E; and (3) PacifiCorp in late 1996 and early 1997.

Outcome Held (8/21/03. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**EX-7
2418****C02-03-011 - Conference with Legal Counsel - Applications for Rehearing**

Disposes of the application by Pacific Bell Telephone Company (Pacific) for rehearing of Decision 03-03-045, which resolves a complaint filed by Pac-West Telecomm, Inc. (Pac-West) concerning the appropriate rate to be charged by Pacific to Pac-West for purchase of certain special access circuits.

Outcome Signed

D03-07-040

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

No: (none)

Abstain: (none)

Absent: (none)