
Public Utilities Commission of the State of California

Results of Public Agenda 3117

Meeting Held on Thursday, August 21, 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>
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 (San Francisco)
Monday, September 29, 2003 (San Francisco)	Thursday, October 02, 2003 (San Francisco)
Friday, October 10, 2003 (San Francisco)	Thursday, October 16, 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



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PUBLIC COMMENT

The following items are not subject to public comment:

- **All items on the closed session agenda; these are HEX and EX items.**
-

Public Comment:

Re 5:

Alan Levine, Point Arenas Community, Pt. Arenas, CA
 Michael Bialecki, Public Citizen, Oakland, CA
 Nancy Kay Webb, Pt. Arenas, CA

Re 80:

Barbara George, Sacramento, CA
 Maurice Campbell

Re 88: Barbara George, Sacramento, CA

Consent Agenda

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

Orders and Resolutions

1

Res TL-19031

[2269]

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)

2

Res ALJ 176-3117

[2270]

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)

3

[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.

Agenda 3116, Item CA-7 7/10/2003 (Staff)

Outcome Approved

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

No: (none)

Abstain: (none)

Absent: (none)

4

[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. Agenda 3116, Item CA-8 7/10/2003 (Brown)

Outcome Approved

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

No: (none)

Abstain: (none)

Absent: (none)

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- 5**
[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)
Agenda 3116, Item CA-16 7/10/2003 (Staff)
Outcome Held (9/4/03, Regular Agenda. Further consideration.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 6**
[2379] **A00-10-008 - San Diego Gas & Electric Company (SDG&E).**
This decision approves SDG&E's entries to its Transition Cost Balancing Account for the record period July 1, 1999 through August 31, 2000. This proceeding is closed.
(Comr Wood - ALJ Patrick)
Outcome Held (9/4/03, Consent Agenda. Further review.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 7**
[2380] **A99-09-011 - San Diego Gas & Electric Company (SDG&E).**
Application in the Second Annual Transition Cost Proceeding regarding the Transition Cost Balancing Account. This decision denies Enron Energy Services, Inc.'s petition to modify SDG&E's 2001 competition transition charge revenue requirement. This proceeding is closed.
(Comr Brown - ALJ Patrick)
Outcome Signed
D03-08-009
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

8
[2381] **I00-11-002 - Order Instituting Investigation into the adequacy of the Southern California Gas Company's and San Diego Gas & Electric Company's (SDG&E) gas transmission systems to serve the present and future gas requirements of SDG&E's core and noncore customers.**

This decision denies a petition for modification (Petition) filed jointly by Cabrillo I, LLC, Cabrillo II, LLC, and Duke Energy North America of D02-11-073. The relief requested in the Petition has either already been addressed, clarified, or modified as needed, or pertains to the implementation of the Comprehensive Settlement agreement in the Gas Industry Restructuring proceeding, I99-07-003, D01-02-018, which cannot be addressed in this proceeding.

(Comr Wood - ALJ Brown)

Outcome Signed

D03-08-010

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

No: (none)

Abstain: (none)

Absent: (none)

9
[2384] **I01-11-037 - Order Instituting Investigation on the Commission's own motion into the operations and practices of William Michael Gavin, an individual doing business as Affordable Apartment Movers.**

This decision grants the Consumer Protection and Safety Division's request to modify D02-08-052 to increase fine and suspend operating authority. This proceeding is closed.

(Comr Brown - ALJ Bushey)

Outcome Signed

D03-08-011

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

No: (none)

Abstain: (none)

Absent: (none)

10
[2389] **R01-05-046 - Rulemaking on the Commission's own motion to comply with the Mandates of Senate Bill 1712.**

This decision grants intervenor compensation to the National Council of La Raza, Southern Christian Leadership Conference, and the California Rural Indian Health Board. The Greenlining Institute and Latino Issues Forum request for compensation is denied. This proceeding is closed.

(Comr Brown - ALJ Bushey)

Outcome Signed

D03-08-012

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

No: (none)

Abstain: (none)

Absent: (none)

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- 11**
[2398] **R98-07-037 - Order Instituting Rulemaking on the Commission's proposed policies and programs governing energy efficiency, low-income assistance, renewable energy and research development and demonstration.**
- This decision adopts an evaluation process for Commission's consideration of additional eligible technologies under the self-generation program and of other program changes.
(Comr Lynch - ALJ Gottstein)
- Outcome Signed**
D03-08-013
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 12**
[2442] **R02-11-039 - Rulemaking to implement the provisions of Public Utilities Code § 761.3 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)
Agenda 3116, Item CA-48 7/10/2003 (Wood)
- Outcome Held (9/4/03, Consent Agenda.)**
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 13**
[2462] **A02-05-033 - Suburban Water System.**
- For authority to increase rates in Years 2003, 2004, and 2005. This decision makes minor corrections to D03-05-033. This proceeding is closed.
(Comr Peevey - ALJ Walker)
- Outcome Signed**
D03-08-014
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- 14**
[2463] **(ECP) C03-05-010 - William Leach vs. Pacific Gas and Electric Company (PG&E).**
Complainant seeks an order requiring PG&E to relocate its electric service line and meter serving the water pump on his property. The request is denied because the relocation is for the sole benefit of Complainant. This proceeding is closed.
(Comr Lynch - ALJ Patrick)
Outcome Signed
D03-08-015
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 15**
[2464] **(ECP) C03-01-040 - Christian Beni dba Investors Properties, Sales & Management vs. Avista Utilities (Avista).**
Christian M. Beni (Complainant) manages rental property in South Lake Tahoe. He objects to Avista's practice of estimating usage when an account is closed. Because Avista does not have a tariff rule that expressly allows it to estimate usage between scheduled meter reading dates, the Commission requires Avista to refund \$78.23 to Complainant, the amount in dispute. Complainant also seeks an order from the Commission requiring Avista to read meters whenever there is a name change on an account, and to never shut-off service when an owner has signed an Owner's Application For Service with the utility. The request is denied and this proceeding is closed.
(Comr Brown - ALJ Patrick)
Outcome Signed
D03-08-016
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 16**
[2465] **A03-01-021 - City of Laguna Niguel (City).**
This decision grants the request of City in cooperation with the Southern California Regional Rail Authority for a permanent pedestrian underpass at separated grade at the Laguna Niguel/Mission Viejo Metrolink Station in City of Laguna Niguel, County of Orange. This proceeding is closed.
(Exam Clark)
Outcome Signed
D03-08-017
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- 17**
[2466] **A99-03-047 - Pacific Bell (Pacific).**
For Arbitration of an Interconnection Agreement with MFS/WorldCom pursuant to Section 252(b) of the Telecommunication Act of 1996. This decision reconsiders the reciprocal compensation rate to be paid to MCI WorldCom Communications by Pacific pursuant to the remand of D99-09-069 by Federal District Court. The decision reaffirms D99-09-069 in adopting the end-office rate for compensation purposes under the arbitrated interconnection agreement. This proceeding is closed.
(Comr Kennedy - ALJ Pulsifer)
Outcome Signed
D03-08-018
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 18**
[2469] **Res W-4409 - California Water Service Company (CWSC), Bear Gulch District.**
This resolution authorizes CWSC, Bear Gulch District an offset rate increase producing additional annual revenues of \$1,169,200 or 7.81% for increases in the cost of purchased water. (Advice Letter 1549, filed June 5, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 19**
[2470] **(ECP) C02-12-005 - Lee Berlinsky vs. SBC Pacific Bell.**
This decision dismisses the case due to complainant's failure to appear at hearing. This proceeding is closed.
(Comr Brown - ALJ Patrick)
Outcome Signed
D03-08-019
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- 20**
[2471] **A03-04-014 - C III Communications, LLC, C III Communications Operations, LLC, Broadwing Communications Services Inc., and Broadwing Telecommunications Inc.**
This decision grants joint application to transfer certificate of public convenience and necessity and other assets of Broadwing Communications Inc. to C III Communications Operations, LLC and its subsidiaries. This proceeding is closed.
(Comr Brown - ALJ Bemederfer)
Outcome Signed
D03-08-020
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 21**
[2472] **(ECP) C03-05-041 - Alfredo Ayala vs. Southern California Gas Company.**
This decision dismisses the case because complainant failed to appear. This proceeding is closed.
(Comr Peevey - ALJ Barnett)
Outcome Signed
D03-08-021
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 22**
[2473] **C01-11-022 - Bill E. Clarkson and Frances C. Slate, dba Silk Purse Properties vs. Pacific Gas and Electric Company (PG&E).**
Complainants, electricity customers of PG&E, challenge the “baseline” energy usage level set for the common area of their 38-unit apartment building at 1 Excelsior Court in Oakland, California. They seek an increase in the common area baseline allocation from 7.7 kilowatt hours (kWh) per day to 117.8 kWh per day. This decision dismisses the complaint without prejudice, because pending Commission Rulemaking 01-05-047 is addressing the “common area” baseline levels for all customers in Complainants’ position. This proceeding is closed.
(Comr Brown - ALJ Thomas)
Outcome Signed
D03-08-022
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- 23**
[2474] **Res E-3830 - San Diego Gas & Electric Company (SDG&E).**
This resolution approves SDG&E's request for approval of its Distribution Performance-Based Ratemaking revenue sharing and quality of service performance results for the years 2001 and 2002. (Advice Letter (AL) 1397-E/1306-G, filed April 1, 2002 and AL 1482-E/1369-G, filed March 28, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 24**
[2475] **A99-06-052 - Pacific Bell.**
The decision approves Pacific Bell's leases of space to its affiliates. Pacific Bell's request to transfer such leases to other administrative affiliates performing the same administrative support functions, without filing a Public Utilities Code Section 851 application, is denied. This proceeding is closed. (Comr Lynch - ALJ O'Donnell)
Outcome Signed
D03-08-023
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 25**
[2478] **Res W-4410 - Alisal Water Corporation (ALCO), Salinas District.**
This resolution authorizes ALCO, Salinas District, a surcharge to recover the cost to drill and destroy test holes for a new well producing a one-time increase in annual revenue for the Salinas District of \$94,091 or 2.57%. (Advice Letter 92, filed April 17, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 26**
[2479] **Res W-4411 - Cobb Mountain Water Company (CMWC).**
This resolution authorizes CMWC a one-time surcharge to recover an increase in water testing costs producing an increase in annual revenues of \$618.76 or 5.23% and an increase in the minimum late charge from \$1.00 to \$5.00. (Advice Letter 31, filed July 2, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

28 **R01-08-028 - Order Instituting Rulemaking to examine the Commission's future energy efficiency policies, administration and programs.**
[2482]

This decision grants intervenor compensation to The Utility Reform Network in the amount of \$34,989.42 for its substantial contributions to D01-11-066, D02-03-056, D02-05-046 and D03-04-055.

(Comr Kennedy - ALJ Malcolm)

Outcome Signed

D03-08-024

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

No: (none)

Abstain: (none)

Absent: (none)

29 **C01-07-034 - Mike Knell, dba JTR Publishing vs. Pacific Bell Telephone Company (Pacific) and AT&T Communications of California, Inc. (AT&T).**
[2483]

This decision finds that AT&T violated Pub. Util. Code § 2891.1 by publishing Complainant's residential number in directory assistance and on the Internet and did not fully credit Complainant for listings problems. Otherwise, Complainant's allegations against AT&T and Pacific concerning service quality, communicating with Pacific and AT&T in writing, and restricting long distance service lack merit and/or are barred by the applicable statute of limitations. Complainant's appeal is denied, but inaccuracies in the Presiding Officer's Decision (POD) are corrected and the POD is modified as necessary. This proceeding is closed.

(Comr Brown - ALJ Grau)

Outcome Signed

D03-08-025

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

No: (none)

Abstain: (none)

Absent: (none)

30 **A03-04-020 - FreedomStarr Communications, Inc. (Applicant).**
[2484]

This decision grants Applicant's application to operate as a limited, facilities-based and resale local exchange carrier. This proceeding is closed.

(Comr Peevey - ALJ Bemserfer)

Outcome Signed

D03-08-026

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

No: (none)

Abstain: (none)

Absent: (none)

31

[2485]

A98-01-014 - San Diego Gas & Electric Company (SDG&E).

For authority to implement a distribution performance-based ratemaking mechanism. A95-06-002, A96-10-038 - Related matters. There is a merger savings credit of \$124 million for 2003 due in September 2003, with a 100 percent allocation to customers of the two utilities. Based on the anticipated Southern California Gas Company (SoCalGas) noncore transportation rate increase in January 2004, the pass-through impact to SDG&E gas customers is \$15 million and \$83.6 million to SoCalGas customers. This decision authorizes the two utilities to credit the merger savings to their gas balancing accounts to avoid transportation rate volatility that would occur if customers received a one-time bill credit in September 2003 only to then experience a significant gas rate increase on January 1, 2004. It will provide gas transportation rate stability. These proceedings are closed. (Comr Kennedy - ALJ Barnett)

Outcome Signed

D03-08-027

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

No: (none)

Abstain: (none)

Absent: (none)

32

[2486]

A00-05-002 - Southern California Gas Company (SoCalGas).

A00-05-003, A00-05-004, A00-05-005, A01-05-003, A01-05-009, A01-05-017, A01-05-018, A02-05-002, A02-05-003, A02-05-005, A02-05-007 - Related matters. This decision addresses Low Income Energy Efficiency earnings claims submitted by Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and SoCalGas in their 2000, 2001 and 2002 Annual Earnings Assessment Proceedings. These include the utilities' second-year claims for Program Year (PY) 1998 activities, first and second-year claims for PY 1999 and PY 2000 program activities, and first year claims for PY 2001 program activities. (Comr Lynch - ALJ Gottstein)

Outcome Signed

D03-08-028

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

No: (none)

Abstain: (none)

Absent: (none)

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- 33**
[2487] **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 grants Verizon California's Petition for Modification of D03-03-033 and allows it to charge an interim rate of zero for switching features related to its CentraNet service.
(Comr Peevey - ALJ Duda)
Outcome Signed
D03-08-029
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 34**
[2488] **A03-04-030 - Southern California Edison Company (SCE).**
This decision grants SCE approval to lease available Right of Way land in City of Ventura to Chaparral Land Company. This proceeding is closed.
(Comr Kennedy - ALJ Bemederfer)
Outcome Signed
D03-08-030
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 35**
[2489] **A03-05-016 - Southern California Edison Company (SCE).**
This decision grants SCE's application to lease right of way land in the City of Irvine to Barranca Business Center, LLC. This proceeding is closed.
(Comr Kennedy - ALJ Bemederfer)
Outcome Signed
D03-08-031
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- 36**
[2490] **I02-11-040 - Order Instituting Investigation into the gas market activities of Southern California Gas Company, San Diego Gas and Electric, Southwest Gas, Pacific Gas and Electric, and Southern California Edison and their impact on the gas price spikes experienced at the California border from March 2000 through May 2001.**
I03-02-033 - Related matters. This decision modifies I03-02-033 to provide for an independent audit as the first step in the investigation, and to deconsolidate I03-02-033 from I02-11-040.
(Comr Brown - ALJ TerKeurst)
Outcome Held (9/4/03, Consent Agenda. Further discussion.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 37**
[2491] **A98-09-003 - Pacific Gas and Electric Company (PG&E).**
A98-09-008, A98-09-009 - Related matters. This decision closes these consolidated proceedings because related issues are moot or under consideration in other forums. These proceedings are closed.
(Comr Kennedy - ALJ Malcolm)
Outcome Signed
D03-08-032
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 38**
[2492] **C03-04-001 - City of Santee vs. San Diego Gas & Electric Company.**
This decision dismisses complaint of City of Santee vs. San Diego Gas & Electric seeking a stop work order in connection with a line voltage increase. This proceeding is closed.
(Comr Peevey - ALJ Bemserfer)
Outcome Signed
D03-08-033
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- 39** **A03-03-041 - U.S. Hospital Equipment, Inc. (Applicant).**
[2493] This decision grants Applicant a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange telecommunications services. This proceeding is closed.
(Comr Kennedy - ALJ O'Donnell)
Outcome Signed
D03-08-034
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 40** **A03-04-023 - PhoneCo, LP (Applicant).**
[2494] This decision grants Applicant's application to operate as a limited facilities-based and resale local exchange and interexchange carrier. This proceeding is closed.
(Comr Peevey - ALJ Bemesderfer)
Outcome Signed
D03-08-035
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 41** **C02-03-060 - Anchor Lighting, Thomas H. Simcox dba Tommy's On Broadway vs. Southern California Edison Company (SCE).**
[2495] This decision addresses the complaint of Anchor Lighting and Thomas Simcox against SCE seeking to include them within the group of customers eligible for the 10% rate reduction provided for by Assembly Bill 1890. This proceeding is closed.
(Comr Brown - ALJ Wong)
Outcome Signed
D03-08-036
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- 42**
[2496] **A02-10-038 - City of El Segundo (City).**
This decision grants City authority to construct an underpass connecting existing segments of Douglas Street, across the right of way owned by the Los Angeles County Metropolitan Transportation Authority (LACMTA) Light Rail Metro Green Line and beneath LACMTA's aerial structure at its mile post T-2.2, and beneath the Harbor Branch track of the Burlington Northern Santa Fe Railway at Harbor Branch Mile Post 15.1, in the City of El Segundo, Los Angeles County. This proceeding is closed.
(Exam Clark)
Outcome Signed
D03-08-037
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 43**
[2497] **A03-05-028 - City and County of San Francisco (CCSF).**
This decision grants CCSF authority to construct 6 at-grade crossings along 3rd Street, in the City and County of San Francisco. This proceeding is closed.
(Exam Clark)
Outcome Signed
D03-08-038
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 44**
[2499] **Res E-3840 - Southern California Edison Company (SCE).**
This resolution approves SCE Amendment No.1 of both the Qualified and Nonqualified Decommissioning Trust Agreements pursuant to Section 2.12 of the Qualified Trust Agreement and Section 2.10 of the Nonqualified Trust Agreement. The Amendments reflect the changes required by the Nuclear Regulatory Commission. (Advice Letter 1716-E, filed June 20, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- 45**
[2500] **A02-05-004 - Southern California Edison Company.**
For authority to, among other things, increase its authorized revenues for electric service in 2003, and to reflect that increase in rates. I02-06-002 - Related matters. This decision grants Aglet Consumer Alliance an award of \$1,829.86 in compensation for substantial contribution to D03-05-076. This proceeding is closed.
(Comr Wood - ALJ Wetzell)
Outcome Signed
D03-08-039
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 46**
[2501] **A99-12-024 - Southern California Edison Company (SCE).**
This decision grants the petition of SCE to withdraw the subject application. SCE filed this application in compliance with provisions in Public Utilities Code § 377 that have since been repealed or amended. Parties who participated in hearings in this proceeding, and who gave timely notice of their intent to seek compensation for their work, are eligible for an award of compensation upon making an appropriate showing. The Commission also responds to Notices of Intent to Claim Compensation filed by The Utility Reform Network, the California Hydro Power Coalition, and Aglet Consumer Alliance. This proceeding is closed.
(Comr Wood - ALJ McKenzie)
Outcome Signed
D03-08-040
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 47**
[2502] **A01-03-036 - San Diego Gas & Electric Company.**
For a certificate of public convenience and necessity for the Valley-Rainbow 500kV Inter-Connect Project. This decision awards intervenor compensation to Save Southwest Riverside County for its substantial contribution to D02-12-066. This proceeding is closed.
(Comr Kennedy - ALJ Cooke)
Outcome Held (9/18/03, Regular Agenda. Further review/possible alternate.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

- 48**
[2507] **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 grants The Utility Reform Network and Utility Consumers Action Network an award of \$66,962.22 in compensation for substantial contribution to D03-03-032. In that decision, the Commission addressed further proposed changes to the Line Extension Rules governing the extension of gas and electric service to new customers. This proceeding remains open.
(Comr Kennedy - ALJ Patrick)
Outcome Signed
D03-08-041
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 49**
[2509] **A99-04-024 - Southern California Edison Company.**
This decision is adopting \$15,991,000 in capital additions for non-nuclear plant and finding that \$36,225,000 in capital additions has already been recovered through gain on sale. This proceeding is closed.
(Comr Lynch - ALJ DeBerry)
Outcome Held (9/4/03, Regular Agenda.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 50**
[2510] **A02-05-050 - Alameda Corridor - East Construction Authority (ACE).**
This decision grants ACE authority to construct the proposed Reservoir Street grade-separated highway-rail crossing under Union Pacific Railroad Company's Alhambra Subdivision and Los Angeles Subdivision main line tracks and to close, vacate, and physically remove the existing Reservoir Street at-grade highway-rail crossing in Pomona, Los Angeles County. This proceeding is closed.
(Exam Clark)
Outcome Signed
D03-08-042
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- 51**
[2511] **A02-09-012 - North County Transit District (NCTD).**
A02-09-028, A03-02-031 - Related matters. This decision grants NCTD authority to construct grade-separated highway-rail crossings each at two locations of Barham Drive, State Route 78, and Rancheros Drive and one location of La Moree Road and Carmel Street in San Marcos, San Diego County. This proceeding is closed.
(Exam Clark)
Outcome Signed
D03-08-043
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 52**
[2512] **A03-03-026 - Peninsula Corridor Joint Powers Board (Caltrain).**
This decision authorizes Caltrain to replace an existing grade-separated pedestrian crossing at the Lawrence Station in Sunnyvale, Santa Clara County, and to improve the existing pedestrian access over an adjacent Union Pacific Railroad spur track. This proceeding is closed.
(Exam Clark)
Outcome Signed
D03-08-044
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 53**
[2514] **(ECP) C03-06-017 - Eddie J. Suber, Jr. vs. Pacific Gas & Electric Company.**
This decision dismisses the complaint for failure of Complainant to appear at duly-noticed hearing. This proceeding is closed.
(Comr Peevey - ALJ Patrick)
Outcome Signed
D03-08-045
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- 54** **A02-12-001 - Southern California Regional Rail Authority (SCRRA).**
[2515] This decision authorizes SCRRA to construct a permanent at-grade pedestrian crossing at the Sun Valley Metrolink Station in the County of Los Angeles. This proceeding is closed.
 (Exam Clark)
 Outcome Signed
 D03-08-046
 Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 55** **Res. W-4412 - Alisal Water Corporation (ALCO), Salinas District.**
[2516] This resolution authorizes ALCO, Salinas District, a surcharge to recover an increase in water quality expenses producing an increase in annual revenue for the Salinas District of \$83,113 or 2.27%.
 (Advice Letter 93, filed June 5, 2003)
 Outcome Approved
 Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 56** **Res W-4413 - Mountain Mesa Water Company (MMWC).**
[2518] This resolution authorizes MMWC an increase in general metered rates producing an increase in annual revenues of \$13,279 or 12.3% for test year 2003.
 Outcome Approved
 Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 57** **Res W-4414 - Peerless Water Company (PWC).**
[2519] This resolution authorizes PWC an offset rate increase producing additional annual revenues of \$19,237 or 2.54% for increases in the cost of purchased water. (Advice Letter 93, filed June 26, 2003)
 Outcome Approved
 Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (none)

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- 58**
[2520] **A02-05-054 - City of West Sacramento (Applicant).**
This decision authorizes Applicant to construct an at-grade crossing over the tracks of Yolo Shortline Railroad at Lake Washington Blvd. The Rail Crossing Engineering Section of the Consumer Protection Agency protest was withdrawn on receipt of an amended application. This proceeding is closed.
(Comr Peevey - ALJ Rosenthal)
Outcome Signed
D03-08-047
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 59**
[2521] **A98-11-012 - Lodi Gas Storage, L.L.C. (LGS).**
This decision modifies D00-05-048 to allow LGS to construct two new wells on an existing well site as described in the Addendum to the Final Environmental Impact Report.
(Comr Brown - ALJ Econome)
Outcome Signed
D03-08-048
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 60**
[2522] **A03-02-014 - County of Ventura Public Works Agency (Applicant).**
This decision grants Applicant authority to widen the existing grade-separated highway-rail crossing of Route 34 by constructing a new, parallel grade-separated bridge structure over the tracks of the Union Pacific Railroad Company's Coast Main line in the City of Camarillo and County of Ventura, referred to as the Somis-Lewis Road Overhead. This proceeding is closed.
(Exam Clark)
Outcome Signed
D03-08-049
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- 61**
[2526] **A03-06-006 - Abdulla M. Alzuaee and Basel Alzuaee.**
This decision authorizes Abdulla M. Alzuaee to transfer his passenger stage corporation certificate to Abdulla M. Alzuaee and Basel Alzuaee, a partnership. This proceeding is closed.
(Exam Clark)
Outcome Signed
D03-08-050
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 62**
[2527] **A03-03-031 - Evans Airport Service, Inc. and California Wine Tours, Inc.**
This decision authorizes Evans Airport Service, Inc. to transfer its passenger stage corporation certificate to California Wine Tours, Inc. This proceeding is closed.
(Exam Clark)
Outcome Signed
D03-08-051
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 63**
[2528] **A03-05-021 - Getayalew Mengesha Tegene dba Yellow Express Shuttle (Applicant).**
This decision authorizes Applicant to operate as passenger stage corporation 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. This proceeding is closed.
(Exam Clark)
Outcome Signed
D03-08-052
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

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- 67**
[2548] **A01-11-034 - Mayacama Golf Club, LLC (Applicant).**
This decision approves Applicant's request for a certificate of public convenience and necessity to provide public utility sewer services solely to the Mayacama Golf Club located within Sonoma County. This proceeding is closed.
(Comr Kennedy - ALJ Evans)
Outcome Signed
D03-08-056
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 68**
[2554] **R02-01-025 - Order Instituting Rulemaking to implement 2-1-1 dialing in California.**
This decision grants \$54,827.21 to the California Alliance of Information and Referral Services in compensation for substantial contributions to D03-02-029. This proceeding is closed.
(Comr Kennedy - ALJ Sullivan)
Outcome Signed
D03-08-057
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 69**
[2563] **Res W-4415 - Las Flores Water Works (LFWW).**
This resolution authorizes LFWW a general rate increase producing additional annual revenues of \$5,336 or 26.9% in 2002, and a 2.4% Consumer Price Index increase for year 2003, producing additional annual revenues of \$604.
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 70**
[2565] **Res W-4416 - Mira Monte Water Company (MMWC).**
The resolution authorizes MMWC a general rate increase producing additional annual revenue of \$4,017 or 24.2% in 2002, and a 2.4% Consumer Price Index increase for year 2003 producing additional annual revenues of \$494.23.
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
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- 71** **A00-09-064 - KDD America Inc. (KDDA) and DDI Corporation (DDI).**
[2566] This decision grants prospective authority under Pub. Util. Code § 851 through 854 for DDI to acquire indirect control of KDDA. The decision denies retroactive approval of the transfer of control. Applicants shall pay a fine of \$5,000 for their failure to obtain Commission authorization for this transfer of control prior to consummating the transaction as required by § 854(a). This proceeding is closed.
 (Comr Wood - ALJ Duda)
 Outcome Signed
 D03-08-058
 Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 72** **Res W-4417 - Alisal Water Corporation (ALCO), Salinas District.**
[2567] This resolution authorizes ALCO, Salinas District, a rate base offset, subject to refund, producing additional annual revenue for the Salinas District of \$396,200 or 10.8%. (Advice Letter 94, filed June 12, 2003)
 Outcome Approved
 Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 73** **Res. TL-19032 - Michael S. Mitchell and Bruce P. Hector, dba Mickey's Space Ship Shuttle**
[2580] **(Applicant).**
 This resolution approves Applicant's request to convert their passenger stage corporation operation from a general partnership to a limited liability company.
 Outcome Approved
 Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (none)

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- 74**
[2583] **A03-04-008 - Verizon California Incorporated (Verizon).**
This decision grants approval to Verizon to lease excess parking lot land to the Town of Los Gatos.
This proceeding is closed.
(Comr Kennedy - ALJ Bemdesderfer)
Outcome Signed
D03-08-059
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 75**
[2584] **Res T-16766 - SBC California (SBC).**
This resolution approves an Interconnection Agreement between SBC and SLO Cellular, Inc. in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 23821, filed June 2, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 76**
[2585] **Res T-16765 - SBC California (SBC).**
This resolution approves a Resale Agreement between SBC and Alticomm, Inc. in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 23810, filed May 29, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 77**
[2586] **Res T-16767 - SBC California (SBC).**
This resolution approves a Resale Agreement between SBC and ZTG, Inc. in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 23884, filed June 18, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

78

[2589]

A02-06-024 - Verizon California, Inc. (Verizon).

For Arbitration with Pac-West Telecomm, Inc. pursuant to Section 252(b) of the Telecommunications Act of 1996. This decision grants Verizon's motion to adopt the conformed interconnection agreement submitted by Verizon. This proceeding is closed.

(Comr Brown - ALJ Jones)

Outcome Held (9/4/03, Consent Agenda. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

79

[2597]

A02-02-014 - Southern California Edison Company (SCE).

This decision authorizes SCE to lease to RHC Communities, LLC, a site on SCE's Lighthipe-Del Amo transmission right of way in the City of Long Beach. This proceeding is closed.

(Comr Wood - ALJ McVicar)

Outcome Signed

D03-08-060

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

No: (none)

Abstain: (none)

Absent: (none)

Regular Agenda

Energy Orders

- 80** **A99-09-006 - Pacific Gas and Electric Company (PG&E).**
[1987] The Commission adopts PG&E's estimate of \$65.1 million for the future decommissioning and site remediation of Hunters Point Power Plant. 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);
Agenda 3116, Item H-2 7/10/2003 (Brown)
Outcome Held (9/18/03. For alternate.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 81** **A98-07-003 - Pacific Gas and Electric Company (PG&E).**
[2032] 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);
Agenda 3116, Item H-3 7/10/2003 (Brown)
Outcome Signed
D03-08-061
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

82

[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);

Agenda 3116, Item H-8 7/10/2003 (Staff)

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

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

82a

[2404]

ALTERNATE TO ITEM 2166

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)

Agenda 3116, Item H-8a 7/10/2003 (Staff)

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

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

83

[2186]

A01-02-030 - Southern California Edison Company (SCE).

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 in 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);

Agenda 3116, Item H-9 7/10/2003 (Kennedy)

Outcome Defeated

Yes: (Lynch)

No: (Brown, Kennedy, Peevey, Wood)

Abstain: (none)

Absent: (none)

83a

[2582]

ALTERNATE TO ITEM 2186

This alternate differs from the proposed decision in that it approves the application of SCE to recover in distribution rates, Administrative & General (A&G) and General & Intangible (G&I) Plant expenses booked in the Transmission Revenue Requirement Reclassification Memorandum Account (TRRRMA) established in 1998 pursuant to Resolution E-3544.

(Comr Kennedy)

Outcome Signed

D03-08-062

Yes: (Brown, Kennedy, Peevey, Wood)

No: (Lynch)

Abstain: (none)

Absent: (none)

- 84**
[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);
Agenda 3116, Item H-16 7/10/2003 (Kennedy)
Outcome Signed (Comr. Lynch will file a dissent. Comr. Wood reserves the right to file a dissent.)
D03-08-063
Yes: (Brown, Kennedy, Peevey)
No: (Lynch, Wood)
Abstain: (none)
Absent: (none)
- 84a**
[2439] **ALTERNATE TO ITEM 2356**
This alternate of Commissioner Lynch denies SCE's petition for modification of D02-11-027 and requires SCE to submit an application to address its 2004 Cost of Capital.
(Comr Lynch)
Agenda 3116, Item H-16a 7/10/2003 (Kennedy)
Outcome Defeated
Yes: (Lynch, Wood)
No: (Brown, Kennedy, Peevey)
Abstain: (none)
Absent: (none)
- 85**
[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)
Agenda 3116, Item 5 7/10/2003 (Kennedy)
Outcome Held (10/2/03. For alternate.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

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- 86** **A02-06-035 - Southern California Gas Company (SoCalGas).**
[2409] This decision addresses the shareholder award amount requested by SoCalGas for Year Eight of its Gas Cost Incentive Mechanism. This proceeding is closed.
(Comr Lynch - ALJ Wong)
Outcome Signed
D03-08-064
Yes: (Brown, Kennedy, Peevey, Wood)
No: (Lynch)
Abstain: (none)
Absent: (none)
- 87** **A01-06-027 - Southern California Gas Company (SoCalGas).**
[2410] This decision addresses the shareholder award amount requested by SoCalGas for Year Seven of its Gas Cost Incentive Mechanism. This proceeding is closed.
(Comr Lynch - ALJ Wong)
Outcome Signed
D03-08-065
Yes: (Brown, Kennedy, Peevey, Wood)
No: (Lynch)
Abstain: (none)
Absent: (none)
- 88** **R _____ - Order Instituting Rulemaking to implement portions of AB 117 concerning community choice aggregation.**
[2448] 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.” Agenda 3116, Item 10 7/10/2003 (Staff)
Outcome Held (9/4/03. Further review.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

- 89**
[2476] **A02-03-020 - Pacific Gas and Electric Company (PG&E).**
This decision finds that the trust funds are sufficient to pay for the decommissioning of Diablo Canyon Power Plant Units 1 & 2. In addition, this decision sets the annual revenue requirement for Humboldt Bay Power Plant Unit 3 at \$18.450 million. This decision also grants PG&E's request for a revenue requirement of \$8,254 million for Humboldt SAFESTOR O&M. This results in a total revenue requirement of \$26.704 million. This proceeding is closed.
(Comr Brown - ALJ O'Donnell)
Outcome Held (9/18/03. For alternate.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 90**
[2477] **A02-03-039 - Southern California Edison Company (SCE) and San Diego Gas and Electric Company (SDG&E).**
This decision sets the annual nuclear decommissioning revenue requirement for SCE at \$32.848 million. For SGD&E this decision sets the annual revenue requirement at \$6.692 million. In addition, the decision finds the San Onofre Nuclear Generating Station Unit 1 (SONGS 1) decommissioning work completed as of December 31, 2001, (\$91 million) reasonable, finds the utilities' estimate of SONGS 1 remaining decommissioning work (\$531 million) reasonable, and authorizes the utilities to use the tax benefits retained in the non-qualified trust fund for SONGS 1 to fund decommissioning work on that plant. This proceeding is closed.
(Comr Brown - ALJ O'Donnell)
Outcome Held (9/18/03. For alternate.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 91**
[2505] **R01-10-024 - Order Instituting Rulemaking to establish policies and cost recovery mechanisms for generation procurement and renewable resource development.**
This decision grants in part Pacific Gas and Electric Company's request for expedited partial authorization of up to fifty percent of its non-baseload 2004 short-term procurement needs.
(Comr Peevey - ALJ Walwyn)
Outcome Signed
D03-08-066
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

- 92**
[2508] **A00-11-038 - Southern California Edison Company.**
A00-11-056, A00-10-028, C02-02-027, A00-07-013 - Related matters. The rate control period implemented by Public Utilities Code § 368 ended on January 18, 2001. It is unnecessary to complete valuation of utility generation assets for the purpose of deciding the date the rate control period ended. Phase 2 of this rehearing proceeding will determine the extent and disposition of what were formerly known as uneconomic, transition or stranded costs. A00-07-013 (recovery of electric restructuring costs) is consolidated with Phase 2. The proceeding remains open.
(Comr Lynch - ALJ Mattson)
Outcome Held (9/4/03.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 93**
[2556] **R01-08-028 - Order Instituting Rulemaking to examine the Commission's future energy efficiency policies, administration, and programs.**
This decision adopts procedures, evaluation criteria and funding allocations for energy efficiency program proposals for 2004-05. Funds for these programs are collected pursuant to Public Utilities Code Sections 381 and 890.
(Comr Kennedy - ALJ Malcolm)
Outcome Signed (Comr. Kennedy will file a concurrence. Comr. Lynch will file a dissent. Comr. Wood reserves the right to file a concurrence.)
D03-08-067
Yes: (Brown, Kennedy, Peevey, Wood)
No: (Lynch)
Abstain: (none)
Absent: (none)
- 93a**
[2557] **ALTERNATE TO ITEM 2556**
This decision adopts procedures, evaluation criteria and funding allocations for energy efficiency program proposals for 2004-05. Funds for these programs are collected pursuant to Public Utilities Code Sections 381 and 890. This decision finds that AB 117, enacted in 2002, does not permit the Commission to grant funding preferences to particular types of entities.
(ALJ Malcolm)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

167 (Rev.)

[2481]

A98-07-003 - Pacific Gas and Electric Company

For verification consolidation, and approval of cost and revenues in the Transition Revenue Account. This decision revises the portion of SCE's Procurement Related Obligation Account which is the obligation of Direct Access customers from \$391 million to \$473 million.

(Comr Wood - ALJ Barnett)

08/19/2003 - This item appeared as (27) under Consent Agenda/Orders and Resolutions section on the agenda distributed to the public.

Outcome Held (9/4/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Energy Resolutions and Written Reports**94**

[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);
Agenda 3116, Item E-1 7/10/2003 (Lynch)

Outcome Defeated

Yes: (Brown, Kennedy)

No: (Lynch, Wood)

Abstain: (Peevey)

Absent: (none)

94a

[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);
Agenda 3116, Item E-1a 7/10/2003 (Lynch)

Outcome Defeated

Yes: (Lynch, Wood)

No: (Brown, Kennedy)

Abstain: (Peevey)

Absent: (none)

95 Res E-3801 - Pacific Gas and Electric Company (PG&E).

[1778]

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);
Agenda 3116, Item E-2 7/10/2003 (Brown)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

95a 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);
Agenda 3116, Item E-2a 7/10/2003 (Brown)

Outcome Approved

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

No: (none)

Abstain: (none)

Absent: (none)

96 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)

Agenda 3116, Item E-5 7/10/2003 (Staff)

Outcome Held (9/4/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

- 97**
[2504] **Res E-3839 - Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE) and San Diego Gas and Electric Company (SDG&E).**
This resolution approves tariffs filed by PG&E, SCE and SDG&E to comply with Ordering Paragraph 8 of D02-10-063, as modified by D02-12-082, ordering the utilities to impose bond charges on Direct Access customers held responsible for bond related costs and to amortize over and under payments in the sub-accounts of the Bond Charge Balancing Accounts. (PG&E Advice Letter (AL) 2383-E, SCE AL 1707-E, and SDG&E AL 1500-E, filed May 27, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 98**
[2506] **Res G-3351 - Southern California Gas Company (SoCalGas).**
This resolution approves SoCalGas' revisions to its tariffs to comply with D02-08-065 regarding rules for noncore gas customers requesting core service and certain large core customers switching to utility gas procurement. (Advice Letter 3188-A, filed June 13, 2003)
Outcome Held (9/4/03.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 99**
[2517] **Res E-3711 - Southern California Edison Company (Edison), San Diego Gas & Electric Company (SDG&E) and Southwest Gas Corporation (SWG).**
Edison requests approval of a form by which customers may receive and pay their energy bills electronically. SDG&E requests authority to add the definition of electronic billing to its rules. SWG requests authority to revise its tariffs in order to allow for electronic billing and to set forth acceptable bill payment methods. Under each of the utilities' requests, customers who elect the electronic billing and payment process would no longer receive a hard copy of their bills. The three advice letters are approved. (Edison Advice Letter (AL) 1446-E, filed March 20, 2000; SWG AL 622, filed October 31, 2000; SDG&E AL 1229-E-A/1200-G-A, filed August 10, 2000)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

100

[2523]

Res E-3834 - Southern California Edison Company (SCE).

This resolution approves SCE's 2003 First Quarter Short-Term Procurement Plan Compliance Report demonstrating that electric and natural gas procurement activities during the period January 1 through March 31, 2003 were in conformance with the guidelines set forth in its Short-Term Procurement Plan filed with the Commission on November 12, 2002, as modified on January 13, 2003. (Advice Letter 1703-E, filed May 1, 2003)

Outcome Approved

Yes: (Brown, Kennedy, Peevey, Wood)

No: (none)

Abstain: (Lynch)

Absent: (none)

Telecommunication Orders
101 **R01-09-001 - Commission's own motion to assess and revise the new regulatory framework for Pacific Bell and Verizon California Incorporated.**
 [1866]

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);

Agenda 3116, Item H-1 7/10/2003 (Peevey)

Outcome Held (9/4/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

101a **ALTERNATE TO ITEM 1866**
 [2366]

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)

Agenda 3116, Item H-1a 7/10/2003 (Peevey)

Outcome Held (9/4/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

- 102 (Rev.)** **A00-02-048 - Innovative Telecom Corp. (ITC) and Enhanced Global Convergence Services, Inc. (eGCS).**
[2100]
- 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 \$1,500 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);
Agenda 3116, Item H-4 7/10/2003 (Lynch)
08/19/2003 - This revision was not shown on the Agenda mailed to the public.
- Outcome Signed**
D03-08-068
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 103** **A02-07-050 - SBC Pacific Bell Telephone Company.**
[2125]
- 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);
Agenda 3116, Item H-6 7/10/2003 (Kennedy)
- Outcome Withdrawn (Moot.)**
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 103a** **ALTERNATE TO ITEM 2125**
[2553]
- This alternate finds it reasonable for the Commission to resolve SBC's application for authority to recategorize directory assistance from Category II to Category III. The proceeding remains open.
(Comr Kennedy)
- Outcome Withdrawn (Moot.)**
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

104 (Rev.)
[2177]

R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.

I95-04-044 - Related matters. This decision authorizes the North American Numbering Plan Administrator, together with carriers to proceed immediately with implementation of the 310 Numbering Plan Area (NPA) back-up relief plan adopted in D00-09-073. The back-up plan provides for a geographic split of the 310 NPA to create a new 424 NPA in order to replenish the supply of NXX codes available for telephone number assignments. The southern portion of the current 310 area code, including El Segundo, Hawthorne, Compton, Redondo, Lomita, and San Pedro shall be split off to form a new 424 area code.

(Comr Lynch - ALJ Pulsifer)

Agenda 3114, Item 2 6/5/2003 (Peevey);

Agenda 3115, Item H-6 6/19/2003 (Peevey)

08/21/2003 - This revision was not shown on the Agenda mailed to the public.

Outcome Held (10/16/03. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

104a
[2179]

ALTERNATE TO ITEM 2177

This decision concludes that adequate telephone numbers still exist in the 310 area code to provide customers and telephone carriers with sufficient service. It is not necessary at this time to split the 310 area code by implementing the area code split plan adopted in D00-09-073. Instead, the Commission should closely monitor the additional need for telephone numbers in the 310 area code to assure adequate telephone number supplies, and further advocate its number conservation proposals now pending with the federal Communications Commission.

(Comr Lynch)

Agenda 3114, Item 2a 6/5/2003 (Peevey);

Agenda 3115, Item H-6a 6/19/2003 (Peevey)

Outcome Held (10/16/03. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

105 **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);
Agenda 3116, Item H-10 7/10/2003 (Peevey)
Outcome Signed
R03-08-018
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

105a **ALTERNATE TO ITEM 2200**
[2431] 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)
Agenda 3116, Item H-10a 7/10/2003 (Peevey)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

106 **R03-02-034 - Order Instituting Rulemaking into implementation of Assembly Bill 140, establishing the Rural Telecommunications Infrastructure Grant Program.**
[2498] This interim decision implements eligibility criteria for community-based groups to qualify to apply for telecommunications rural infrastructure grants and adopts interim grant program administration rules.
(Comr Peevey - ALJ Grau)
Outcome Held (9/4/03. Further review.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

Water/Sewer Orders
107

[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);

Agenda 3116, Item H-7 7/10/2003 (Wood)

Outcome Held (9/18/03. For alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

108

[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);

Agenda 3116, Item H-11 7/10/2003 (Kennedy)

Outcome Held (9/4/03. For ex parte meetings.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

-
- 109**
[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)
Agenda 3116, Item 2 7/10/2003 (Peevey)
Outcome Signed
D03-08-069
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 110**
[2428] **R _____ - Order Instituting Rulemaking to update the Commission's rate case plan for large water companies (Class A) as required by Section 455.2 of the Public Utilities Code.**
Agenda 3116, Item CA-46 7/10/2003 (Staff)
Outcome Held (9/4/03.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 111**
[2480] **A97-03-052 - California-American Water Company.**
This decision designates the Commission as the lead agency for environmental review of the Monterey Bay desalination Coastal Water Project, resolves certain ratemaking issues related to the Coastal Water Project and an earlier Coastal River Dam project, and dismisses this application without prejudice to the Commission's requirement that a new application be filed. This proceeding is closed.
(Comr Kennedy - ALJ Cooke)
Outcome Held (9/4/03. Further consideration.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

Transportation/Rail Safety Orders

- 112** **A02-07-047 - Phuong Transportation, Inc. (Applicant).**
 [2397] For authority to operate as a passenger stage corporation between points in Pomona, Westminster, San Gabriel, San Jose and Oakland, and to establish a zone of rate freedom. This decision denies Applicant's request because of operations without prior authority and lack of understanding of Commission rules and regulations. This proceeding is closed.
 (Comr Wood - ALJ Rosenthal)
 Outcome Signed
 D03-08-070
 Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 113** **A03-05-039 - Hot Air Balloon Operators.**
 [2530] P03-05-040 - Related matters. Consideration of enforceability of the undertaking requirement for self-insurance as set forth in Interim Decision 03-07-047 and further direction, as necessary, for the ongoing rulemaking in Petition 03-05-040.
 (Comr Kennedy - ALJ Walker)
 Outcome Withdrawn (Further review.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 114** **A02-05-065 - City of Richmond.**
 [2596] This decision grants the request of the City of Richmond to prevent removal of the wigwag warning devices (wigwags) at the Richmond Avenue crossing (Crossing) by The Burlington Northern Santa Fe Railroad Company (BNSF), because BNSF did not apply for or receive Commission approval of the work on the Crossing that includes removing the wigwags. BNSF may not undertake any work on removing, changing the type, or adding to the automatic warning devices at the Crossing until it has received approval from the Commission. This proceeding is closed.
 (Comr Peevey - ALJ Simon)
 Outcome Held (9/4/03. Further consideration.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)

114a

[2598]

ALTERNATE TO ITEM 2596

President Peevey's Order to Item 2596 - This decision denies the request of the City of Richmond to prevent removal of the wigwag warning devices at the Richmond Avenue crossing (Crossing) by The Burlington Northern Santa Fe Railroad Company (BNSF). In addition, the decision explicitly authorizes BNSF to resume work on the Crossing that includes removing the wigwags. This proceeding is closed.

(Comr Peevey)

Outcome Held (9/4/03. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Transportation/Rail Safety Resolutions and Reports

115

[2503]

Res ST-59

This resolution approves the Consumer Protection and Safety Division's final audit report titled "2002 Safety Audit of the San Francisco Municipal Railway Rail Transit Safety Program" and orders Muni to implement the report's recommendations.

Outcome Approved

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

No: (none)

Abstain: (none)

Absent: (none)

Other Utility Orders

- 116** **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).**
 [2413] 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)
 Agenda 3116, Item CA-36 7/10/2003 (Peevey)
Outcome Signed
 D03-08-071
 Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 117 (Rev.)** **P02-12-039, R_____ - The Greenlining Institute and Latino Issues Forum.**
 [2441] This decision grants, in part, the petition of the Greenlining Institute and Latino Issues Forum and initiates a rulemaking to amend General Order 77-K.
 Petition 02-12-039 is closed.
 (Comr Peevey - ALJ Jones)
 08/13/2003 - This revision was not shown on the Agenda mailed to the public.
Outcome Signed (Comr. Lynch will file a concurrence.)
 R03-08-019
 Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 118 (Rev.)** **R _____ - Rulemaking for the purpose of considering policies and rules governing utility construction contracting processes.**
 [2447] Order Instituting Rulemaking on the Commission's own motion into utility construction contracting processes and possible future rules governing those contracting processes. This rulemaking seeks to develop an understanding of the construction contracting processes of the electric, natural gas, telecommunication and water utilities, as well as to consider rules to ensure utility construction contracting practices are consistent with rules governing state and federal public works contracting practices.
 Agenda 3116, Item 9 7/10/2003 (Brown)
 08/20/2003 - This revision was not shown on the Agenda mailed to the public.
Outcome Held (9/4/03.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)

Other Utility Resolutions and Reports

119

[2461]

Res ALJ-183

This resolution terminates the Advocates Trust Fund and directs the Trustee to distribute all remaining assets to the Department of Consumer Affairs, an agency of the State of California, in accordance with the terms of the Declaration of Trust approved in D82-05-009, and modified in D82-08-059 and D92-03-090.

Outcome Approved

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

No: (none)

Abstain: (none)

Absent: (none)

Legislative Matters

- 120** **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);
Agenda 3116, Item HLEG-2 7/10/2003 (Staff)
Outcome Held (9/4/03.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 121** **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);
Agenda 3116, Item HLEG-3 7/10/2003 (Staff)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 122** **AB 816 (Reyes)**
[2453] Local publicly owned electric utilities: Public Utilities Commission: direct transactions.
Agenda 3116, Item LEG-2 7/10/2003 (Staff)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

-
- 123** **AB 845 (Vargas)**
[2454] Household goods carriers.
Agenda 3116, Item LEG-3 7/10/2003 (Staff)
**Outcome Approved-Staff Recommendation (Legislative Subcommittee
Recommendation: Support, with amendments.
)**
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 124** **AB 909 (Reyes)**
[2455] Telecommunications: local and long-distance service.
Agenda 3116, Item LEG-4 7/10/2003 (Staff)
**Outcome Approved-Staff Recommendation (Legislative Subcommitte
Recommendation: Support the bill.)**
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 125** **AB 1329 (Levine)**
[2456] Public Utilities Commission: telecommunications.
Agenda 3116, Item LEG-5 7/10/2003 (Staff)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 126** **SB 118 (Bowen)**
[2457] Public Utilities Commission: conflict of interest.
Agenda 3116, Item LEG-6 7/10/2003 (Staff)
Outcome Approved (Support bill.)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

127 **SB 521 (Bowen)**
[2458] Public Utilities Commission: customers.
Agenda 3116, Item LEG-7 7/10/2003 (Staff)
Outcome Approved (Support bill, as is.)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

128 **SB 584 (Alarcon)**
[2459] Advertising.
Agenda 3116, Item LEG-8 7/10/2003 (Staff)
Outcome Held (9/4/03. Further discussion with author.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

129 **SB 703 (Florez, Denham & Poochigan)**
[2460] Electricity rates: agricultural irrigation districts.
Agenda 3116, Item LEG-9 7/10/2003 (Staff)
Outcome Held (9/4/03.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

Commissioner's Reports

- 130** **Commissioners' Report**
[2271] Miscellaneous Commissioners' reports.
Outcome Information Only
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 131** **Commissioner Lynch Report**
[2364] Discussion of and possible action on Press Guidelines issued by President Peevey.
Agenda 3115, Item CR-3 6/19/2003 (Peevey);
Agenda 3116, Item CR-3 7/10/2003 (Staff)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 132** **Commissioner Lynch Report**
[2451] Discussion of and possible action on the draft budget and staffing proposal.
Agenda 3116, Item CR-4 7/10/2003 (Lynch)
Outcome Item Discussed
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 133** **President Peevey Report**
[2546] Request by President Peevey that the Commission take a formal position in opposition to the "Racial Privacy Initiative" due to be included on the October 7, 2003 statewide ballot.
Outcome Approved (Oppose Racial Privacy Initiative.)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

Management Reports and Resolutions

134

Management Reports

[2272]

Miscellaneous Management reports.

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

- 140** **A00-10-045 - Conference with Legal Counsel - Application for Rehearing**
 [2412] 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.
 Agenda 3116, Item EX-6 7/10/2003 (Lynch)
Outcome Signed (Comr. Lynch reserves the right to file a dissent. Comr. Wood reserves the right to file a dissent.)
 D03-08-072
 Yes: (Brown, Kennedy, Peevey)
 No: (Lynch, Wood)
 Abstain: (none)
 Absent: (none)
- 141** **I00-11-002 - Conference with Legal Counsel - Application for Rehearing**
 [2525] Disposition of application for rehearing of D02-11-073 by Southern California Generation Coalition in the Order Instituting Investigation on the Commission's own motion into the adequacy of the Southern California Gas Company's and San Diego Gas & Electric's (SDG&E's) gas transmission systems to serve the present and future gas requirements of SDG&E's core and noncore customers.
Outcome Signed
 D03-08-073
 Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (none)

142

[2560]

R93-04-003 - Conference with Legal Counsel – Application for Rehearing

I93-04-002 - Related matters. Disposition of application for rehearing of D03-03-033 filed by Verizon California Inc. (Verizon). In D03-03-033, the Commission adopted interim rates for certain unbundled network elements (UNEs) that Verizon sells to competitive local exchange carriers. These interim rates would be subject to adjustment at the time Verizon's permanent UNE rates were established.

Outcome Signed

D03-08-074

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

No: (none)

Abstain: (none)

Absent: (none)

143

[2561]

A00-10-012 - Conference with Legal Counsel - Application for Rehearing

A00-10-020, A00-10-033, A00-10-039, A00-10-050, A00-11-015, A00-11-016, A00-11-029, A00-11-032, A00-11-033, A00-11-034, A00-11-040, A00-11-050, A01-06-011 - Related matters. Order disposing of application for rehearing of D02-11-029 filed by Pasadena Avenue Monterey Road Committee (PAMRC). In D02-11-029, the Commission denied PAMRC's petition for modification of D02-05-047, which had granted permission to the Los Angeles to Pasadena Metro Blue Line Authority to construct various grade crossings along the route of its proposed light rail facility. PAMRC's petition requested, among other things, modification of the portion of D02-05-047 that approved a single at-grade crossing at Pasadena Avenue. D02-11-029 denied PAMRC's petition on both substantive and procedural grounds.

Outcome Signed

D03-08-075

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

No: (none)

Abstain: (none)

Absent: (none)

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- 144**
[2568] **R02-01-011 - Conference with Legal Counsel - Application for Rehearing**
Disposition of applications for rehearing of Decision D03-07-028 (MDL Decision) filed by California Municipal Utilities Association (CMUA), Pacific Gas and Electric Company (PG&E), City of San Marcos (San Marcos), City of Corona and City of Irvine (Cities), South San Joaquin Irrigation District (SSJID), Modesto Irrigation District (MID) and City of Industry (Industry). In D03-07-028, the Commission imposed a cost responsibility surcharge (CRS) on Municipal Departing Load (MDL) within the service territories of PG&E, Southern California Edison Company (Edison) and San Diego Gas & Electric Company (SDG&E). This surcharge would be applied to all MDL customers that took bundled service from PG&E, Edison and SDG&E since before February 1, 2001 as well as new municipal load for new MDL customers in the service territories of PG&E, Edison and SDG&E.
- Outcome Signed**
D03-08-076
Yes: (Brown, Lynch, Wood)
No: (Kennedy, Peevey)
Abstain: (none)
Absent: (none)
- 145**
[2569] **R93-04-003 - Conference with Legal Counsel - Application for Rehearing.**
I93-04-002 - Related matters. Disposition of Application for Rehearing of D02-12-081, filed by (1) the California Association of Competitive Telecommunications Companies, the Competitive Telecommunications Association, Association of Communications Enterprises, Office of Ratepayer Advocates, The Utility Reform Network, Pac-West Telecomm, Inc. and Working Assets long Distance (jointly) and (2) WorldCom, Inc., Time Warner Telecom of California, L.P., Pac-West Telecomm, Inc. and the California Association of Competitive Telecommunications Companies (jointly). D02-12-081 is the Commission's final decision on the Public Utilities Code section 709.2(c) inquiry regarding Pacific Bell's application to provide intrastate interexchange telecommunications service.
- Outcome Held (9/18/03.)**
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 146**
[2570] **(ECP) C02-05-015 - Conference with Legal Counsel - Application for Rehearing**
Disposition of Application for rehearing of D03-04-012, filed by Pacific Bell Telephone Company (SBC California). In this decision, the Commission issued an order canceling toll charges in the amount of \$435.42 allegedly owed by complainant to SBC California for calls made by Complainant to her Internet Service Provider.
- Outcome Held (9/4/03. Further review.)**
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
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- 147** **(ECP) C02-04-043 - Conference with Legal Counsel – Application for Rehearing**
[2572] Disposition of application for rehearing of D03-04-013, filed by Pacific Bell Telephone Company (SBC California). In this decision, the Commission issued an order canceling toll charges in the amount of \$389.70 allegedly owed by complainant to SBC California for calls made by Complainant to his Internet Service Provider.
Outcome Held (9/4/03. Further review.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 148** **(ECP) C01-12-044 - Conference with Legal Counsel – Application for Rehearing**
[2573] Disposition of application for rehearing of D03-04-014, filed by Pacific Bell Telephone Company (SBC California). In this decision, the Commission issued an order canceling toll charges in the amount of \$314.87 allegedly owed by complainant to SBC California for calls made by Complainant to his Internet Service Provider.
Outcome Held (9/4/03. Further review.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 149** **C01-06-008 - Conference with Legal Counsel - Application for Rehearing**
[2574] Disposition of application for rehearing of D03-01-063 filed by Yucaipa Mobilehome Residents' Association, Len Tyler, Edna Jenkins, and Nancy L. Carlisle (complainants). In D03-01-063, the Commission determined that replacement of the water system at Knollwood Mobilehome Estates does not come under the Commission's jurisdiction under Public Utilities Code Sections 1705.5 and 2705.6. D03-01-063 further found that complainants failed to meet their burden to demonstrate that trenching costs should be allocated among gas, electric and water utility system improvements.
Outcome Signed
D03-08-077
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

150

[2577]

A98-02-017 - Conference with Legal Counsel - Application for Rehearing

A98-04-048 - Related matters. Order disposing of application for rehearing of D02-12-062 filed jointly by the Office of Ratepayer Advocates (ORA) and The Utility Reform Network (TURN). In D02-12-062, the Commission denied ORA's petition to modify the Commission's 1999 decision (D99-06-053) granting Pacific Bell's application to recategorize its Inside Wire Repair WirePro service from Category II (for discretionary or partially competitive services) to Category III (for fully competitive services). In its petition to modify D99-06-053, ORA had asked the Commission to recategorize WirePro back to Category II and to reset the ceiling price for this service from \$2.99/month to \$1.20/month.

Outcome Held (9/4/03.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

151

[2579]

R92-03-050 - Conference with Legal Counsel - Application of Rehearing

Disposes of the application for rehearing of decision D03-03-032 filed by Pacific Utility Installation, Inc., Utility Design, Inc., and Utility Service & Electric, Inc. (collectively, the Utility Services Group or USG). D03-03-032 addressed additional proposed changes to the Line Extension Rules governing the extension of gas and electric service to new customers, including changes to the utilities' line extension rules for applicant-installed projects.

Outcome Signed as Modified (Change pages 14, 16 & 17.)

D03-08-078

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

No: (none)

Abstain: (none)

Absent: (none)