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# *Public Utilities Commission of the State of California*

## *Results of Public Agenda 3157*

*Meeting Held on Thursday, August 25, 2005 10:00 a.m.*

*San Francisco, California*

### **Commissioners**

**Michael R. Peevey, President**

**John A. Bohn**

**Geoffrey F. Brown**

**Dian M. Grueneich**

**Susan P. Kennedy**

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

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### **Scheduled Commission Meetings** **505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <b>Closed to the Public</b>	<i>Commission Meeting</i> Auditorium (10 a.m.) <b>Open to the Public</b>
Tuesday, September 06, 2005 (San Francisco)	Thursday, September 08, 2005 (San Francisco)
Monday, September 19, 2005 (San Francisco)	Thursday, September 22, 2005 (San Francisco)
Monday, October 03, 2005 (San Francisco)	Thursday, October 06, 2005 (Los Angeles)
Monday, October 24, 2005 (San Francisco)	Thursday, October 27, 2005 (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](mailto: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 55:

- Angela Haywood (Legislative Aide) for Assemblyman Juan Arambula, Fresno, CA
- Dave Spaur, President/CEO, Economic Development Corp., Fresno, CA
- Jeff Booe, Plant Manager, Guardian Industries, Fresno, CA
- Judy Case, Supervisor, Board of Supervisors, Fresno, CA

Re 60:

- Alison Kiehl Friedman (Dist. Dir) for Congresswoman Jane Harman, El Segundo, CA
- John Parsons, Council Member, South Bay Cities Council of Governments, Redondo Beach, CA
- Marna Seltzer, President, Redondo Beach Chamber of Commerce, Redondo Beach, 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- 19062**

[4737]

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

**Outcome Approved**

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**2**

**Res ALJ 176-3157**

[4739]

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: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

- 3**  
[4716]      **A02-05-046 - Southern California Edison Company.**  
Application regarding the future disposition of the Mohave Generating Station. This decision awards Water and Energy Consulting \$262,578.00 in compensation for its contribution to D04-12-016.  
(Comr Peevey - ALJ Brown)  
Agenda 3156, Item 8 7/21/2005 (Bohn)  
**Outcome Held (9/8/05, Consent Agenda.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 4**  
[4724]      **I01-04-026 - Order Instituting Investigation into the revenue requirement of SureWest Telephone Company pursuant to Decision 00-11-039.**  
This decision authorizes Roseville Telephone Company (SureWest) to continue receiving an annual \$11.5 million California High Cost Fund (CHCF) payment to offset its intrastate regulated operating expenses on an interim basis. This decision requires SureWest to prepare a cost proxy model (CPM) based on its current cost data. The results of this study and resulting impact on its rates, on the Universal Lifeline Telephone Service fund, and on the CHCF-B fund shall be filed by SureWest as an application for authority to modify the CPM for SureWest within 12 months after the effective date of this decision. This decision also authorizes SureWest to file an Advice Letter to incorporate its rate design proposal of applying its CHCF-B draw from the period March 2001 through February 2002 as a reduction to its business access line rates. This proceeding is closed.  
(Comr Peevey - ALJ Galvin)  
Agenda 3156, Item 11 7/21/2005 (Staff)  
**Outcome Signed**  
D05-08-004  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 5**  
[4732]      **A04-11-003 - San Diego Gas & Electric Company (SDG&E).**  
This decision approves SDG&E's application to adopt procedures to recover costs of the Palomar Energy Center. This proceeding is closed.  
(Comr Brown - ALJ Barnett)  
**Outcome Signed**  
D05-08-005  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)

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- 6**  
[4736]      **A05-02-028 - NTI of California, LLC (fka Highspeed Communications of California, LLC).**  
This decision authorizes Highspeed Communications of California, LLC (Highspeed), now known as NTI of California, LLC to transfer control of Highspeed to Northwest Telephone, Inc. on a prospective basis only and conditional upon payment of a fine for violation of Pub. Util Code §854(a). This proceeding is closed.  
(Comr Kennedy - ALJ Galvin)  
**Outcome Signed**  
D05-08-006  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 7**  
[4764]      **C97-01-003 - C.J. Villalobos, et al. vs. Grand Oaks Water Company.**  
I97-06-037 - Related matters. This decision addresses the normalization of the operation and management of Grand Oaks Water Company, a Class D water utility which has been abandoned by its owners and is currently being operated by California Water Service Company.  
(Comr Brown - ALJ Kotz)  
**Outcome Signed**  
[D05-08-007](#)  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 8**  
[4780]      **C88-03-016 - The City of St. Helena, Town of Yountville, County of Napa, Napa Valley Vintners Association vs. Napa Valley Wine Train, Inc.**  
This decision closes this proceeding, since following issuance of the decision of the Court of Appeal on St. Helena's most recent petition, and denial of review by the California Supreme Court, D01-06-034 remains in effect and there is no further action for the Commission to take.  
(Comr Grueneich - ALJ Vieth)  
**Outcome Held (9/22/05, Consent Agenda.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)

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- 9**  
[4786]      **Res T-16949 - Foresthill Telephone Company (Foresthill).**  
This resolution authorizes Foresthill to establish new promo campaigns schedule to its tariff reflecting the offering of new or optional services. (Advice Letter 252, filed June 16, 2005)  
**Outcome Approved**  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 10**  
[4787]      **A05-02-018 - Southern California Edison Company (Edison).**  
This decision authorizes Edison to issue Debt Securities not to exceed \$2.0 billion; issue \$700 million Cumulative Preferred Stock/Preference Stock; guarantee the obligations of others in respect of the issuance of debt and equity securities; and encumber utility property. This proceeding is closed.  
(Exam Coughlan)  
**Outcome Signed**  
D05-08-008  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 11**  
[4788]      **(ECP) C04-10-027 - Sotelo Car Care, Inc. (Complainant) vs. Nextel of California, Inc. (Defendant).**  
Complainant seeks a refund for overpayment of cell phone charges. Held: Relief denied. Charges for cell phone use were according to the agreement between complainant and defendant. This proceeding is closed.  
(Comr Peevey - ALJ Barnett)  
**Outcome Signed**  
D05-08-009  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)

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- 12**                    **(ECP) C05-06-001 - John D. McDermott vs. Pacific Gas and Electric Company.**  
[4789]                    The complaint in C05-06-001 is dismissed, and the proceeding is closed.  
                              (Comr Brown - ALJ Ryerson)  
                              **Outcome Signed**  
                              D05-08-010  
                              Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
                              No: (none)  
                              Abstain: (none)  
                              Absent: (none)
- 13**                    **A02-01-031 - Santa Clara Valley Transportation Authority.**  
[4792]                    This decision modifies D04-11-035 to change the location and design of warning devices, eliminate several requirements for traffic signs and directional information, and conform required signs to the new configuration, at the crossing at Sunol Street and Auzerais Avenue in the City of San Jose for the Vasona Light Rail Project of the Santa Clara Valley Transportation Authority. This proceeding is closed.  
                              (Comr Brown - ALJ Simon)  
                              **Outcome Signed**  
                              D05-08-011  
                              Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
                              No: (none)  
                              Abstain: (none)  
                              Absent: (none)
- 14**                    **C05-05-009 - James E. and Patricia C. Watkins vs. MCI-Metro Access Transmission Services (MCI/WORLDCOM), Inc.**  
[4793]                    This decision dismisses complaint for failure to state a claim upon which relief can be granted. This proceeding is closed.  
                              (Comr Grueneich - ALJ Bushey)  
                              **Outcome Signed**  
                              [D05-08-012](#)  
                              Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
                              No: (none)  
                              Abstain: (none)  
                              Absent: (none)

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- 15**  
[4794]      **A04-03-021 - Pacific Gas and Electric Company.**  
Application proposing cost of service and rates for gas transmission and storage services for 2005 and backbone level service and rates starting January 1, 2005, as required by Commission Decision 03-12-061. This decision awards The Utility Reform Network compensation of \$36,385.45 for its substantial contribution to D04-12-050. This proceeding is closed.  
(Comr Brown - ALJ Walwyn)  
**Outcome Held (9/8/05, Consent Agenda.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 16**  
[4795]      **Res W-4549 - Stirling Bluffs Corporation (SBC).**  
This resolution authorizes SBC a one-time surcharge to recover an increase in water testing costs producing an increase in annual revenues of \$353 or 0.90%. (Advice Letter 45, filed June 9, 2005)  
**Outcome Approved**  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 17**  
[4796]      **Res W-4550 - Arrowhead Manor Water Company, Inc. (AMWC).**  
This resolution authorizes AMWC an offset rate increase of \$91,952 or 25.5% in additional revenue due to contract work and purchased water costs. (Advice Letter 58-W, filed May 27, 2005)  
**Outcome Approved**  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 18**  
[4797]      **Res W-4551 - Alpine Village Water Company (Alpine).**  
This resolution authorizes Alpine a general rate increase producing an additional annual revenue of \$2,822 or 30% in 2005 and an additional \$2,823 or 30% in 2006, and an additional \$3,002 or 32% in 2007.  
**Outcome Approved**  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)

**19**  
[4800]      **Res W-4552 - Benbow Water Company.**  
This resolution authorizes Benbow Water Company an increase in facilities fees to fund plant.  
**Outcome Approved**  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)

**20**  
[4801]      **R04-03-017 - Order Instituting Rulemaking regarding policies, procedures and incentives for distributed generation and distributed energy resources.**  
This decision adopts changes to rules governing interconnections between distribution systems of electric utilities and distributed generation facilities, which are power generators owned and operated by customers and which may provide power to the utility. Many of the tariff changes the Commission orders today have recently been formally adopted in a report issued by the California Energy Commission.  
(Comr Peevey - ALJ Malcolm)  
**Outcome Signed**  
[D05-08-013](#)  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)

**21**  
[4803]      **A02-12-027 - Southern California Gas Company.**  
For authority to update its gas revenue requirement and base rates. A02-12-028, I03-03-016 - Related matters. This decision awards The Utility Consumer's Action Network \$575,491.00 in intervenor compensation for its substantial contributions to D04-12-015.  
(Comr Brown - ALJ Long)  
**Outcome Signed**  
D05-08-014  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)

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- 22**  
[4804]      **A02-12-027 - Southern California Gas Company.**  
For authority to update its gas revenue requirement and base rates. A02-12-028, I03-03-016 - Related matters. This decision awards the Greenlining Institute \$23,368.83 for its contribution to D04-12-015.  
(Comr Brown - ALJ Long)  
**Outcome Signed**  
D05-08-015  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 23**  
[4806]      **A02-12-027 - Southern California Gas Company.**  
For authority to update its gas revenue requirement and base rates. A02-12-028, I03-03-016 - Related matters. This decision awards The Utility Reform Network \$296,838.39 in compensation for its substantial contribution to D04-12-015.  
(Comr Brown - ALJ Long)  
**Outcome Signed**  
[D05-08-016](#)  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 24**  
[4807]      **A04-12-016 - Riley Property Holdings LLC, Riley Mezzanine Corp., CB Riley Investor LLC, Cerberus Partners, L.P., Cerberus Associates, L.L.C., LNR Property Corporation, and Valencia Water Company.**  
This decision conditionally approves the application for a change in control of Valencia Water Company. This proceeding is closed.  
(Comr Kennedy - ALJ Bushey)  
**Outcome Signed**  
D05-08-017  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)

**25**

[4809]

**Res T-16952**

This resolution revokes the certificate of public convenience and necessity (CPCN) held by the following companies at their requests: Qwest Communications Corporation (CPCN#(##) 5270); Capsule Communications, Inc. (#5287); Cal-One Cellular, L.P. (#5581); Teligent Services, Inc. (#5803); Cypress Telecommunications Corporation (#5853); Choctaw Communications, Inc. (#6008); Northwest Microwave Incorporated (#6387); United Systems Access Telecom, Inc. (#6634); Axius Communications (#6734); PLDT US Retail Incorporated (#6898).

**Outcome Approved**

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**26**

[4821]

**A05-03-015 - San Diego Gas & Electric Company (SDG&E).**

This decision grants the Motion to accept a settlement agreement between SDG&E and several parties to this proceeding, finding it to be reasonable in light of the whole record, consistent with law, and in the public interest. The settlement agreement establishes a pre-deployment funding level of \$3.4 million for the period of September 2005 through March 2006 as reasonable and establishes the manner by which the costs will be recovered. The settlement also establishes a bridge funding level of \$5.9 million for the period after March 2006 through the end of 2006 as reasonable and establishes the manner by which the costs will be recovered.

(Comr Grueneich - ALJ Cooke)

**Outcome Signed**

D05-08-018

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**27**

[4825]

**A04-09-013 - Alameda Corridor-East Construction Authority (ACE).**

This decision authorizes ACE to eliminate the existing main line at-grade highway-rail crossings (crossings) of Sunset Avenue and Orange Avenue by constructing Sunset Avenue grade-separated highway-rail crossing and drill track crossing and closing Orange Avenue crossing and to add one drill track and one temporary detour track across the existing California Avenue crossing of Union Pacific Railroad Company's Alhambra Subdivision in City of Industry, Los Angeles County. This proceeding is closed.

(Exam Clark)

**Outcome Signed**

D05-08-019

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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- 28**  
[4826]      **A05-02-002 - Cities of Azusa and Glendora.**  
This decision grants the request of the Cities of Azusa and Glendora to close North Rockvale Avenue and Palm Drive private at-grade highway-rail crossings and to construct Palm Drive and Citrus Avenue grade-separated highway-rail crossings, under the track with trains operated by the BNSF Railway Company; with the track, right-of-way, and appurtenances owned by the Los Angeles to Pasadena Metro Blue Line Construction Authority, and held in trust for Los Angeles County Metropolitan Transportation Authority, in Los Angeles County. This proceeding is closed.  
(Exam Clark)  
**Outcome Signed**  
D05-08-020  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 29**  
[4831]      **Res W-4557 - Warring Water Service Inc.**  
This resolution grants Warring Water Service Inc. authority for debt obligations secured without prior Commission approval, the proceeds of which were used for system improvements. (Advice Letter 40-W, filed July 15, 2005)  
**Outcome Approved**  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 30**  
[4832]      **(ECP) C04-12-018 - Ernest M. Espinoza vs. AT&T Communications of California, Inc.**  
Ernest Espinoza is denied a refund of \$240.00 from AT&T Communications of California, Inc. This proceeding is closed.  
(Comr Kennedy - ALJ Patrick)  
**Outcome Signed**  
[D05-08-021](#)  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)

- 31**  
[4833]      **A05-02-009 - Jun Hing, LLC (Applicant).**  
This decision authorizes Applicant to operate as a passenger stage corporation between points in the Counties of Los Angeles and Orange, on the one hand, and various airports and other named points, on the other hand; and between points in the Counties of San Diego, Orange, Los Angeles, Santa Clara, San Francisco, Alameda, Sacramento, Fresno and Kern; and to establish a zone of rate freedom. This proceeding is closed.  
(Exam Clark)  
**Outcome Signed**  
D05-08-022  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 32**  
[4834]      **A05-03-007 - Amy Transportation, LLC (Applicant).**  
This decision authorizes Applicant to operate as a passenger stage corporation between points in the Counties of Los Angeles and Orange, on the one hand, and Los Angeles International and John Wayne Airports, on the other hand; and between points in the Counties of San Diego, Orange, Los Angeles, Santa Clara, San Francisco, Alameda, Sacramento, Fresno and Kern; and to establish a zone of rate freedom. This proceeding is closed.  
(Exam Clark)  
**Outcome Signed**  
D05-08-023  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 33**  
[4837]      **A05-03-009 - Abbas T. Daryaei, dba American Shuttle, and Amir Ataei.**  
This decision authorizes Abbas T. Daryaei to transfer his passenger stage corporation certificate to Amir Ataei. This proceeding is closed.  
(Exam Clark)  
**Outcome Signed**  
D05-08-024  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)

**34**

[4838]

**A05-04-012 - Star & Crescent Boat Company, dba San Diego Harbor Excursion (Applicant).**

This decision authorizes Applicant to increase its one-way fare from \$2.00 to \$2.50 for passenger vessel service between San Diego and Coronado and to eliminate weekly and monthly passes. This proceeding is closed.

(Exam Clark)

**Outcome Signed**

D05-08-025

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**35**

[4839]

**C03-09-001 - Casmalia Community Services District vs. Unocal Corporation, aka Casmite Water System.**

A 03-12-024 - Related matters. This order extends the deadline for completing this ratesetting proceeding by 60 days. The parties have requested that the assigned ALJ's proposed decision not be issued until August 15, 2005, so that their settlement efforts will not be disrupted. Whether or not a settlement is reached, the Commission will be unable to resolve all issues within the 18-month statutory period.

(Comr Brown - ALJ Thorson)

**Outcome Signed**

D05-08-026

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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## Regular Agenda

### Legal Division Matters

**72**

[4830]

**Res L-320**

This resolution authorizes disclosure of records concerning a Consumer Protection and Safety Division, Safety and Reliability Branch, Utilities Safety Section investigation of an electric incident involving the facilities of the Pacific Gas and Electric Company in San Luis Obispo County, California on January 13, 2004, Incident No. E20040113-01.

**Outcome Approved**

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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**Legislative Matters - Discussion**

**73**                    **AB 903 (De La Torre)**  
[4483]                Cable television franchises.  
Agenda 3151, Item 32 4/21/2005 (Staff);  
Agenda 3152, Item 30 5/5/2005 (Staff);  
Agenda 3153, Item 56 5/26/2005 (Staff);  
Agenda 3154, Item 58 6/16/2005 (Staff);  
Agenda 3155, Item 48 6/30/2005 (Staff);  
Agenda 3156, Item 60 7/21/2005 (Staff)

**Outcome Withdrawn**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**74**                    **AB 1010 (Oropeza)**  
[4621]                Rail transit  
Agenda 3154, Item 59 6/16/2005 (Staff);  
Agenda 3155, Item 49 6/30/2005 (Staff);  
Agenda 3156, Item 61 7/21/2005 (Staff)

**Outcome Withdrawn**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**75**                    **SB 909 (Escutia)**  
[4723]                Telecommunications: video services: fair competition.  
Agenda 3155, Item 56 6/30/2005 (Staff);  
Agenda 3156, Item 62 7/21/2005 (Staff)

**Outcome Withdrawn**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

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**Commissioner's Reports****76**

[4855]

**President Peevey and Commissioner Grueneich Joint Report**

Discussion of and action on the Energy Action Plan II, as proposed by a subcommittee of the California Energy Commission and the California Public Utilities Commission. EAP II is an update of the first EAP, adopted by both agencies in spring 2003. EAP II describes a coordinated implementation plan for state energy policies.

**Outcome Approved**

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (Bohn)

Abstain: (none)

Absent: (none)

**77 (Rev.)**

[4868]

**President Peevey and Commissioner Kennedy Joint Report**

Discussion and action regarding statement that establishes the policy that the CPUC supports the principle of consumer choice in the voice communications market and that consumers should not be forced to purchase separate plain old telephone service in order to access broadband. Further, it directs Staff and General Counsel to promote this policy of consumer choice in communications with all relevant agencies and policymakers at the Federal and State level.

08/18/2005 - This revision was not shown on the Agenda mailed to the public.

**Outcome Approved**

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**78**

[4869]

**Commissioner Kennedy Report**

Discussion of a Memorandum of Understanding (MOU) between the California Public Utilities Commission, the California Energy Commission and the Jiangsu Provincial Economic & Trade Commission on the issue of demand side management programs, information and expert assistance.

**Outcome Item Discussed**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

## Management Reports and Resolutions

**79**

[4827]

### **Director Richard Clark Report**

Designation of Consumer Protection and Safety Division investigators authorized to exercise the limited powers of a peace officer within the scope of their duties as specified in Penal Code Section 830.11 and Pub. Util. Code Section 308.5. This matter will be presented before the Commission for discussion and action.

### **Outcome Approved-Staff Recommendation**

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

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

#### 81                    **A02-11-044 - Conference with Legal Counsel – Application for Rehearing**

[4705]

Disposition of Applications for Rehearing of D04-07-034 filed by the Office of Ratepayer Advocates, City of Fontana and the Fontana Unified School District. D04-07-034 authorizes a rate increase for the San Gabriel Valley Water Company (San Gabriel), Fontana Water Company Division. Among other things, the decision removes \$2.6 million from the ratebase, finding that is the amount of money the County of San Bernardino reimbursed San Gabriel for its water treatment facility, Plant F-10. The decision also finds that the Fontana Division is experiencing growth that is expected to continue and that it was barely able to meet its 2003 summer peak-day demand following four years of drought and closure of various contaminated wells. Further, the decision finds that it is not reasonable to defer addition for new plant in the Fontana Division until outside funding for contamination cleanup becomes available and finds that the utility has justified its proposed construction program including plans for needed plant additions that would increase its rate base at a rate of 10% per year. The decision advises that the utility to open a water quality memorandum account for any reimbursements from polluters or proceeds ultimately received. The decision permits the utility to purchase land for its new office building but requires it to defer building the new office building at this time. Because the utility has not, in the past, hired new personnel when funded to do so, the decision requires it to file an advice letter for inclusion of the costs of each new position authorized by it. In addition, the decision finds that the utility's executive salaries are not unreasonable.

Agenda 3155, Item 61 6/30/2005 (Bohn);

Agenda 3156, Item 64 7/21/2005 (Staff)

#### **Outcome   Signed**

D05-08-041

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**82**

[4776]

**R04-04-003 - Conference with Legal Counsel - Application for Rehearing**

Disposition of Applications for Rehearing of D04-12-048, filed by Strategic Energy, Constellation New Energy, and the Alliance for Retail Markets; Southern California Edison Company; South San Joaquin Irrigation District; and the Cogeneration Association of California and the Energy Producers and Users Coalition. In D04-12-048, the Commission adopted, with modifications, Pacific Gas and Electric Company, Southern California Edison Company and San Diego Gas & Electric Company's Long-Term Procurement Plans and provided direction to the utilities on the procurement of the resources identified therein.

Agenda 3156, Item 67 7/21/2005 (Staff)

**Outcome Held (9/8/05.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**83**

[4865]

**A05-02-022 - Conference with Legal Counsel - Application for Rehearing**

Disposition of application for rehearing of Resolution G-3372 filed by Pacific Gas and Electric Company. Resolution G-3372 addresses Pacific Gas and Electric Company's Advice Letter 2581-G/2568-E proposing modifications to electric and gas Rules 17.1 and 17.2 and an additional Rule 17.3, regarding retroactive billing of residential customers.

**Outcome Held (9/8/05.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

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## 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

**36 Res T-16954 - SBC California (SBC).**

[4840]

This resolution approves an Interconnection Agreement between SBC and Trans National Communications International, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letters 26886 and 26886A, filed June 10, 2005)

**Outcome Approved**

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**37 Res T-16940 - SBC California (SBC).**

[4841]

This resolution approves an Interconnection Agreement between SBC and Metropolitan Telecommunications, Inc. in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letters 26865 and 26865A, filed June 9, 2005)

**Outcome Approved**

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**38 Res T-16939 - SBC California (SBC).**

[4842]

This resolution approves an Interconnection Agreement between SBC and Worldwide Telecommunications, Inc. dba WTI Telecom, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 26863, filed June 7, 2005)

**Outcome Approved**

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

- 
- 39**  
[4847] **Res W-4558 - Del Oro Water Company (DOWC), Pine Flat District.**  
This resolution authorizes DOWC, Pine Flat District a general rate increase producing additional annual revenue of \$35,715 or 136% in 2005.  
**Outcome Approved**  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 40**  
[4848] **Res W-4559 - Del Oro Water Company (DOWC), Pine Mountain District.**  
This resolution authorizes DOWC, Pine Mountain District a general rate increase producing additional annual revenue of \$15,918 or 93.13% in 2005.  
**Outcome Approved**  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 41**  
[4849] **A02-11-017 - Pacific Gas and Electric Company.**  
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. A02-09-005, I03-01-012 - Related matters. This decision awards \$407,613.22 in compensation to The Utility Reform Network for its contributions to D04-05-055 and D04-10-034.  
(Comr Peevey - ALJ Halligan)  
**Outcome Signed**  
[D05-08-027](#)  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)

**42**

[4850]

**A02-11-017 - Pacific Gas and Electric Company.**

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. This decision awards the Greenlining Institute (Greenlining) \$185,279.65 in compensation for its substantial contribution to D04-05-055. This decision makes reductions to Greenlining's requested amount of \$339,018.54 because (a) some hours claimed were for work performed outside the scope of the proceeding; (b) Greenlining's requested multiplier is not reasonable and lacks adequate support, (c) some hours claimed were for work performed after D04-05-055 was issued; and (d) hourly rates approved were different from those requested.

(Comr Peevey - ALJ Halligan)

**Outcome Signed**

D05-08-028

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**43**

[4856]

**R04-04-003 - Order Instituting Rulemaking to promote policy and program coordination and integration in electric utility resource planning.**

The uncontested petition of Modesto Irrigation District (Modesto) and the City of Corona (Corona) for modification of D05-03-013 is granted. Ordering Paragraph 1 of that decision is modified by the insertion of language that clarifies the Commission's intent in naming electric service providers and community choice aggregators respondents in this proceeding.

(Comr Peevey - ALJ Wetzell)

**Outcome Signed (Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.**

)

D05-08-029

Yes: (Bohn, Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

- 
- 44**  
[4857]      **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 awards \$40,459.66 to The Utility Reform Network for its substantial contributions to D04-07-025, D05-01-040, D05-02-051, and D05-03-025, involving the suspension of direct access (DA) and the establishment of cost responsibility surcharges for DA customers.  
(Comr Brown - ALJ Pulsifer)  
**Outcome Signed**  
D05-08-030  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 45**  
[4860]      **A03-12-008 - California Water Service Company.**  
For an order authorizing treatment of net proceeds from real property sales as subject to PU Code Section 790 and for establishment of memorandum accounts to record net sales proceeds.  
A04-08-017 - Related matters. The 18-month statutory deadline of September 4, 2005 in this proceeding is extended by 60 days to November 4, 2005.  
(Comr Kennedy - ALJ Galvin)  
**Outcome Signed**  
[D05-08-031](#)  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 46**  
[4861]      **A05-01-020 - Citizens Telecommunications Company of California, Inc., dba Frontier Communications of California.**  
This decision approves the joint stipulation between the parties setting price floors for certain services.  
(Comr Grueneich - ALJ Bushey)  
**Outcome Signed**  
[D05-08-032](#)  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)

- 
- 47**  
[4862] **Res E-3949 - Pacific Gas and Electric Company (PG&E).**  
PG&E requests approval of a new wind power contract with PPM Energy, Inc. This contract is approved without modifications. (Advice Letter 2678-E, filed June 21, 2005)  
**Outcome Approved**  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 48**  
[4867] **I04-08-023 - In the Matter of the Order Instituting Investigation and Order to Show Cause on the Commission's own motion into the operations and practices of Globe Van Lines of California, Inc., a Florida corporation, and its President Isaac Nagar.**  
This decision addresses the appeals to the Presiding Officer's Decision filed by Respondents and Consumer Protection and Safety Division. This proceeding is closed.  
(Comr Brown - ALJ Walwyn)  
**Outcome Signed**  
D05-08-033  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 49**  
[4872] **A05-06-037 - MCI WorldCom Communications, Inc. (MCI).**  
This decision grants MCI's application to transfer certain assets to vCustomer Corporation. This proceeding is closed.  
(Comr Brown - ALJ Barnett)  
**Outcome Signed**  
[D05-08-034](#)  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)

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## Regular Agenda

### Energy Orders

- 50**                    **I02-04-026 - Order Instituting Investigation into the ratemaking implications for Pacific Gas and Electric Company (PG&E) pursuant to the Commission's Alternative Plan of Reorganization under Chapter 11 of the Bankruptcy Code for PG&E, in the United States Bankruptcy Court, Northern District of California, San Francisco Division, In re Pacific Gas and Electric Company, Case No. 01-30923 DM.**

[4623]

A04-07-032 - Related matters. This decision grants in part and denies in part petitions to modify D04-02-062 and D04-11-015. The petitions are granted to the extent they seek to exempt new MDL from the RAC and ERB charges, subject to certain limitations. The petitions are denied to the extent they seek to exempt transferred load from the RAC and ERB charges. A04-07-032 is closed.

I02-04-026 remains open.

(Comr Peevey - ALJ Kenney)

Agenda 3154, Item 39 6/16/2005 (Peevey);

Agenda 3156, Item 46 7/21/2005 (Staff)

**Outcome Signed (Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)**

D05-08-035

Yes: (Bohn, Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

- 51**                    **R04-04-026 - Order Instituting Rulemaking to implement the California Renewables Portfolio Standards Program.**

[4748]

This decision sets forth the basic parameters for the participation of Energy Service Providers, Community Choice Aggregators, and small and multi-jurisdictional utilities in the Renewables Portfolio Standards program.

(Comr Peevey - ALJ Allen)

**Outcome Held (9/8/05. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

- 
- 52**                    **A05-03-025 - Southern California Edison Company (Edison).**  
[4791]                Edison's method for allocating the Assembly Bill 1X generation revenue shortfall for residential customers is approved. The method allocates the shortfall to residential customers in the Tier 3 and Tier 4 rates. This proceeding is closed.  
(Comr Peevey - ALJ Barnett)  
**Outcome Signed**  
D05-08-036  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 53**                    **A04-06-035 - San Diego Gas & Electric Company (SDG&E).**  
[4798]                This decision allows SDG&E to recover certain costs incurred to restore service of the 2003 Wildfires. This proceeding is closed.  
(Comr Kennedy - ALJ Long)  
**Outcome Withdrawn**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 53a**                    **ALTERNATE TO ITEM 4798**  
[4799]                This alternate decision finds San Diego Gas & Electric Company (SDG&E) prudently managed its response to the firestorm of 2003 in its service territory and allows the recovery of certain recorded costs incurred to restore service and repair or replace those portions of its gas or electric distribution systems damaged or destroyed by a series of catastrophic wildfires. This decision allows SDG&E to recover the full amount of its request, \$40.595 million.  
(Comr Kennedy)  
**Outcome Signed**  
D05-08-037  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)

**54 (Rev.)**  
[4802]

**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 final decision adopts limited changes to General Order 167 regarding logbook minimum requirements and the filing of data required by Pub. Util. Code § 761.3(d). It requires electric corporations to serve a preliminary report by November 1, 2005 with respect to qualifying facility data due by March 31, 2006. It establishes a process for voluntary mediation to be convened by October 2005. The Executive Director will file a notice of exemption from the California Environmental Quality Act, serve a copy of this order on the California Independent System Operator, and serve a notice of this decision on the owner or operator of each covered electric generating facility. This proceeding is closed.

(Comr Peevey - ALJ Mattson)

08/22/2005 - This revision was not shown on the Agenda mailed to the public.

**Outcome Signed**

D05-08-038

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**55**  
[4818]

**A04-04-008 - Southern California Edison Company (SCE).**

A04-06-018 - Related matters. The economic development tariffs proposed in these applications were designed to attract, expand, or retain business in California. This decision rejects the proposed economic development rates on the ground that, as proposed, they are so loosely structured that ineligible businesses would be the principal beneficiaries, getting a substantial reduction in electric rates, essentially, a free ride. These proceedings are closed.

(Comr Kennedy - ALJ Barnett)

**Outcome Held (9/8/05. For alternate.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

- 
- 55a**  
[4822]                    **ALTERNATE TO ITEM 4818**  
A04-06-018 - Related matters. This alternate decision accepts SCE and PG&E's joint application for the authority to offer three types of Economic Development Rate (EDR) agreements to attract business to California, expand business in California, or retain business in the state. This alternate also sets forth for the utilities detailed compliance measures designed to help the revised EDR programs meet these aforementioned goals.  
(Comr Kennedy)  
**Outcome Held (9/8/05. For alternate.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 56**  
[4859]                    **A04-12-003 - Southern California Edison Company (SCE).**  
This decision approves a settlement agreement for the recovery of 2003 Firestorm Costs in SCE's Catastrophic Event Memorandum Account. This proceeding is closed.  
(Comr Kennedy - ALJ Long)  
**Outcome Signed**  
D05-08-039  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 57 (Rev.)**  
[4870]                    **R \_\_\_\_\_ - Order Instituting Rulemaking concerning Broadband Over Power Line (BPL) deployment by electric utilities in California.**  
08/18/2005 - This revision was not shown on the Agenda mailed to the public.  
**Outcome Held (9/8/05. Further review.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)

**Energy Resolutions and Written Reports****58**

[4824]

**Res E-3943**

This resolution directs Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (SCE) to take additional actions to be in full compliance with the Commission Decision 04-07-028, which would be consistent with their approved short-term procurement plans. PG&E and SCE are ordered to develop a new Operating Procedure in cooperation with the California Independent System Operator to help congestion mitigation by using effectiveness factors in procurement and scheduling activities.

(Exam Gallagher)

**Outcome Held (9/8/05.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

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**Telecommunication Orders**
**59**

[4765]

**C04-08-026 - AT&T Communications of California, Inc., TCG Los Angeles, Inc., TCG San Diego and TCG San Francisco vs. Verizon California Inc.**

C04-09-001, C04-09-010 - Related matters. In this complaint case, the presiding officer's decision (POD) ordered that Verizon California Inc. (Verizon) continue to allow Complainants AT&T Communications of California, Inc., TCG Los Angeles, Inc, TCG San Diego and TCG San Francisco (collectively AT&T); Complainants Telescape Communications, Inc and Wholesale Airtime, Inc.; Intervenor NII Communications, Inc.; Intervenor MCI, Inc.; and Intervenor A New Telecommunications Corporation d/b/a Call America and Navigator Telecommunications, LLC to purchase unbundled Local Switching and Common Transport network elements under the terms of their interconnection agreements. The POD finds that Verizon may not decline to sell the unbundled network elements on the grounds that Verizon has changed certain hardware (i.e., replaced the circuit switch with a packet switch) used to provide the network elements. Complainant ACN Communications Services, Inc. is not granted relief because its interconnection agreement with Verizon has expired. Intervenor Fones4All is not granted relief because of its failure to prosecute. Complainants Blue Casa Communications, LLC, Covad Communications Company, and Vycera Communications, Inc.'s motions to withdraw from this proceeding are granted. The decision also disposes of the appeal to the POD's decision filed by Verizon, as well as AT&T's motion to withdraw its complaint. These proceedings are closed.

(Comr Brown - ALJ Econome)

Agenda 3156, Item 52 7/21/2005 (Kennedy)

**Outcome Held (9/8/05. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**59a**

[4858]

**ALTERNATE TO ITEM 4765**

C04-09-001, C04-09-010 - Related matters. PROPOSED ORDER OF COMMISSIONER KENNEDY DIFFERENT FROM PRESIDING OFFICER'S DECISION - This decision grants Verizon's appeal and modifies the Presiding Officer's Decision thus allowing Verizon to replace circuit switches with packet switches and to migrate those customers to Resale.

(Comr Kennedy)

**Outcome Held (9/8/05. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**60**

[4808]

**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 approves a plan for the implementation of a new 424 area code in the form of an all-services overlay to the existing 310 area code. The previously adopted plan for a geographic split is rescinded and accordingly the Joint Parties' Petition is granted for Modification of D00-09-073, filed on March 9, 2005.

(Comr Peevey - ALJ Pulsifer)

**Outcome Signed**

D05-08-040

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**61**

[4819]

**R01-09-001 - Order Instituting Rulemaking on the Commission's own motion to assess and revise the new regulatory framework for Pacific Bell and Verizon California Incorporated.**

I01-09-002 - Related matters. This decision grants the petition of The Utility Reform Network and Office of Ratepayer Advocates to expand the years covered by the proposed New Regulatory Framework audit and denies the petition of Verizon to limit the scope of the audit in Phase III, but states that it will consider whether and how to set a cost cap for the audit in Phase III. In addition, the decision defers the commencement of the audit until the conclusion of A05-04-020 or Phase 3 of the instant proceeding, whichever is later.

(Comr Kennedy - ALJ Kenney)

**Outcome Held (9/8/05. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**61a**

[4873]

**ALTERNATE TO ITEM 4819**

I01-09-002 - Related matters. This alternate decision varies from the draft decision in that it does not attempt to direct ORA's audit of Verizon nor does it put limitations on ORA's audit via the allocation of funding for the audit.

(Comr Brown)

**Outcome Held (9/8/05. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

---

**Water/Sewer Orders**

**62**

[4823]

**A04-04-040 - California American Water Company (Cal-Am).**

A04-04-041, A04-08-013 - Related matters. This decision adopts a proposed settlement in the general rate cases, defers adoption of a low-income customer assistance program, and denies Cal-Am's request to consolidate rates in its Sacramento and Larkfield Districts. This proceeding is closed.

(Comr Brown - ALJ Walwyn)

**Outcome Held (9/8/05.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

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**Water/Sewer Resolutions and Reports**

- 63**                    **Res W-4553 - Great Oaks Water Company.**  
[4810]                    This resolution authorizes Great Oaks Water Company an expansion of service area. (Advice Letter 170, filed April 29, 2005)  
**Outcome Held (9/8/05.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 64 (Rev.)**            **Res W-4554 - Rural Water Company, Sewer Service (Rural).**  
[4811]                    This resolution authorizes Rural a thirty-six month rate surcharge for recovery of its Unanticipated Expense Memorandum Account producing an annual increase of \$25,289 or 15.2% for a total of \$75,867. (Advice Letter 2, filed February 14, 2005)  
08/24/2005 - This revision was not shown on the Agenda mailed to the public.  
**Outcome Approved**  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 65**                    **Res W-4555 - Nacimiento Water Company.**  
[4828]                    This resolution authorizes Nacimiento Water Company an increase in rates producing additional annual revenues of \$182,333 or 68.10% in test year 2003 including consumer price index increases of \$8,057 or 1.9% for 2004, and \$14,261 or 3.3% for 2005.  
**Outcome Approved**  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 66**                    **Res W-4556 - Great Oaks Water Company.**  
[4829]                    Great Oaks Water Company requests a waiver of the requirements of the Commission's general rate case plan for Class A water utilities, Decision 04-06-018, to file its next general rate case by an advice letter instead of an application. Approved. (Advice Letter 172, filed June 10, 2005)  
**Outcome Approved**  
Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)

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**Other Utility Orders****67**

[4777]

**R03-08-019 - Order Instituting Rulemaking on the Commission's own motion to amend General Order 77-K.**

General Order (GO) 77-L will not be amended and remains in effect as originally adopted in August 2004. Tier I Utilities (those with over \$1 billion annual operating revenue) are directed to include in all future GO 77 reports an internet site-link to all documents filed with the Securities and Exchange Commission that relate to executive compensation.

(Comr Peevey - ALJ Koss)

Agenda 3156, Item 55 7/21/2005 (Peevey)

**Outcome Held (9/8/05. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**68**

[4835]

**R \_\_\_\_\_ - Rulemaking for the purpose of amending General Order 156.**

This order instituting rulemaking proposes to amend General Order (GO) 156 to achieve greater reporting uniformity in the utilities' annual GO 156 reports.

**Outcome Signed**

R05-08-029

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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**Administrative Law Judge Division Reports and Resolutions****69**

[4649]

**Res ALJ-185**

The Commission, building upon existing practices, hereby establishes a program under the supervision of the Chief Administrative Law Judge to encourage and evaluate the use of alternative dispute resolution (ADR) processes in formal proceedings and other appropriate disputes arising within the Commission's jurisdiction. This resolution sets forth the need for and purpose of this initiative; basic procedures; and the respective responsibilities of parties, ALJs, and the Commission in implementing this program. The Commission's fundamental mission is to define and protect the public interest as it relates to utility rates and service. The Commission believes that ADR, in appropriate instances, helps it to fulfill the Commission's mission; however, ADR does not relieve the Commission of its ultimate responsibility to act in the public interest.

Agenda 3155, Item 42 6/30/2005 (Bohn);

Agenda 3156, Item 56 7/21/2005 (Bohn)

**Outcome Approved**

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**70**

[4805]

**Res ALJ-186**

This resolution initiates Pub. Util. Code §851 pilot program, as revised to reflect comments, and discusses next steps in improving the processing of §851 applications.

**Outcome Approved**

Yes: (Bohn, Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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## Legal Division Matters

71

### WC Docket No. 04-36 (FCC)

[4564]

In the matter of IP-Enabled Services, WC Docket No. 04-36 (FCC). To consider filing comments in the FCC's rulemaking proceeding regarding IP-enabled services.

Agenda 3152, Item 23 5/5/2005 (Staff);

Agenda 3153, Item 49 5/26/2005 (Staff);

Agenda 3154, Item 52 6/16/2005 (Brown);

Agenda 3155, Item 43 6/30/2005 (Kennedy);

Agenda 3156, Item 57 7/21/2005 (Kennedy)

### **Outcome Approved-Staff Recommendation**

Yes: (Bohn, Grueneich, Kennedy, Peevey)

No: (Brown)

Abstain: (none)

Absent: (none)