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

## ***Public Agenda 3226***

***Thursday, December 4, 2008 10:00 a.m.***

***San Francisco, California***

### **Commissioners**

**Michael R. Peevey, President**

**John A. Bohn**

**Rachelle B. Chong**

**Dian M. Grueneich**

**Timothy Alan Simon**

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

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

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### **Scheduled Commission Meetings**

**505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <b><i>Closed to the Public</i></b>	<i>Commission Meeting</i> Auditorium (10 a.m.) <b><i>Open to the Public</i></b>
Monday, December 15, 2008 (San Francisco)	Thursday, December 04, 2008 (San Francisco)
Monday, January 26, 2009 (San Francisco)	Thursday, December 18, 2008 (San Francisco)
Friday, February 13, 2009 (San Francisco)	Thursday, January 29, 2009 (San Francisco)
Monday, March 09, 2009 (San Francisco)	Friday, February 20, 2009 (San Francisco)
Monday, March 23, 2009 (San Francisco)	Thursday, March 12, 2009 (San Francisco)

*\*Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

#### ***Matters of Public Interest***

***For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.***

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## PUBLIC COMMENT

### The following items are not subject to public comment:

- All items on the closed session agenda.
- 3, 4, 5, 15, 23

### Public Comment:

## Consent Agenda

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

### Consent Agenda - Orders and Resolutions

- 1**                    **ALJ 176-3226**  
[8108]                Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Rule 7.1 of the Commission's Rules of Practice and Procedure.
- 2**                    **Res T-17152 - ConnectTo Communications, Inc.**  
[7901]                This resolution originally rejected the request of ConnectTo Communications (ConnectTo) to be designated as an Eligible Telecommunications Carrier (ETC) in California. However, after reviewing ConnectTo's supplement to its Advice Letter (AL) 3 that included ConnectTo's comment to the draft resolution, Communications Division staff has determined that ConnectTo has satisfied the requirements for ETC designation and that its request to be designated as an ETC in California should be approved. Therefore, Resolution T-17152 grants ConnectTo's request to be designated as an ETC in California. (AL 3 filed, January 9, 2008)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
Agenda 3223, Item 3 10/16/2008 (Staff);  
Agenda 3224, Item 3 11/6/2008 (Staff);  
Agenda 3225, Item 10 11/21/2008 (Staff)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=363595](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=363595)

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Consent Agenda - Orders and Resolutions (continued)

**3**                    **C07-10-017 - Pac-West Telecomm, Inc. (Complainant) vs. Blue Casa Communications, Inc. (Defendant)**  
[7968]

This Modified Presiding Officer's decision (decision) orders Defendant to pay unpaid call termination fees to Complainant in the amount of \$309,348.65. This decision also addresses the appeals received on the Presiding Officer's decision. This proceeding is closed.

(Comr Simon - ALJ Bemserfer)

*Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*

Agenda 3223, Item 22 10/16/2008 (Chong);

Agenda 3224, Item 10 11/6/2008 (Simon);

Agenda 3225, Item 3 11/21/2008 (Staff)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=363542](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=363542)

**4**                    **C07-10-018 - Pac-West Telecomm, Inc (Complainant) vs. Telscape Communications, Inc. (Defendant).**  
[7969]

This Modified Presiding Officer's decision (decision) orders Defendant to pay unpaid call termination fees to Complainant in the amount of \$554,605.39. This decision also addresses the appeals received on the Presiding Officer's decision. This proceeding is closed.

(Comr Simon - ALJ Bemserfer)

*Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*

Agenda 3223, Item 23 10/16/2008 (Chong);

Agenda 3224, Item 11 11/6/2008 (Simon);

Agenda 3225, Item 4 11/21/2008 (Staff)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=363545](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=363545)

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Consent Agenda - Orders and Resolutions (continued)

**5** **C07-09-010 - Pac-West Telecomm, Inc. (Complainant) vs. Comcast Phone of California LLC. (Defendant).**  
[7971]

C07-11-015 - Related matters. This Modified Presiding Officer's decision (decision) finds that Defendant owes Complainant \$379,446.43 in unpaid termination charges for terminating traffic originated by Defendant during the period April 4, 2004 through August 27, 2007. The decision closes Case (C.) 07-09-010. The decision leaves open related case C.07-11-015 to resolve the question whether Defendant may recover amounts paid to Complainant pursuant to this decision from AT&T Corporation (AT&T) pursuant to a separate contract between Defendant and AT&T or on other legal grounds.

(Comr Simon - ALJ Bemserfer)

*Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*

Agenda 3223, Item 25 10/16/2008 (Chong);

Agenda 3224, Item 12 11/6/2008 (Simon);

Agenda 3225, Item 5 11/21/2008 (Staff)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=363559](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=363559)

**6** **Res W-4718 - West Riverside Canal Company (West Riverside).**  
[8005]

This Resolution addresses an order decertificating West Riverside and determines that it is providing water as an accommodation under Section 2704 of the Pub. Util. Code.

Agenda 3224, Item 26 11/6/2008 (Staff);

Agenda 3225, Item 6 11/21/2008 (Staff)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=363574](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=363574)

**7** **Res T-17175 - TracFone Wireless, Inc. (TracFone).**  
[8008]

This Resolution grants the request of TracFone to be designated as Eligible Telecommunications Carrier in California for a limited purpose of offering Federal Lifeline and Link-Up Service. (Advice Letter #1 filed, August 20, 2008)

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

Agenda 3225, Item 12 11/21/2008 (Staff)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=360425](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=360425)

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Consent Agenda - Orders and Resolutions (continued)

**8****Res ALJ-227**

[8021]

This resolution resolves the appeal of 3 Phases Renewables LLC of Citation E-4017-9023-4. The citation was issued because Respondent submitted its month-ahead resource adequacy filing on April 4, 2008, three days late. The resolution concludes that the \$2500 fine should be reduced to \$2000 because Respondent could have sent its submission by e-mail if it had known it would be accepted, and also because of an error in describing the violation. Moreover, respondent has made no late filings since the one due on April 1st, and has represented that changes to its internal procedures should eliminate any late filings in the future.

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

Agenda 3225, Item 14 11/21/2008 (Bohn )

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=363403](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=363403)

**9****Res W- 4722 - San Gabriel Valley Water Company.**

[8038]

This resolution addresses an order authorizing sale of certain assets to Sam's Club Real Estate Trust. (Advice Letter 363 filed, June 30, 2008)

Agenda 3224, Item 45 11/6/2008 (Staff);

Agenda 3225, Item 7 11/21/2008 (Staff)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=363583](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=363583)

**10****Res W-4723 - San Gabriel Valley Water Company.**

[8039]

This resolution addresses an order authorizing sale of certain assets to California Department of Transportation. (Advice Letter 364 filed, June 30, 2008)

Agenda 3224, Item 46 11/6/2008 (Staff);

Agenda 3225, Item 8 11/21/2008 (Staff)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=363587](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=363587)

**11****A08-08-024 - Lightyear Network Solutions, LLC (Lightyear) and Wherify Wireless Inc. (Wherify), (Collectively Applicants)**

[8040]

This decision grants the Applicants' request for approval of the proposed indirect transfer of control of Lightyear to Wherify. Applicants state that the proposed transaction will enable Lightyear to obtain access to additional financial resources, thereby allowing Lightyear to strengthen its competitive position in California. According to Applicants, the proposed transfer of control will be seamless and virtually transparent to the customers of Lightyear. This proceeding is closed.

(Comr Bohn - ALJ Patrick)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3224, Item 47 11/6/2008 (Simon);

Agenda 3225, Item 9 11/21/2008 (Simon)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364401](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364401)

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Consent Agenda - Orders and Resolutions (continued)

**12**

[8050]

**A06-12-005 - Exposition Metro Line Construction Authority.**

A06-12-020, A07-01-004, A07-01-017, A07-01-044, A07-02-007, A07-02-017, A07-03-004, A07-03-012, A07-03-013 - Related matters. The Exposition Metro Line Construction Authority filed the 10 subject applications in this consolidated proceeding requesting authority to construct 38 rail crossings along the new Exposition Boulevard Corridor Light Rail Transit Line in Los Angeles County. Interim Decision (D.) 07-12-029 authorized construction of 36 of the 38 crossings. Today's decision addresses the two remaining crossings, at Farmdale Avenue and Harvard Boulevard, requested in Application (A.) 07-05-013 and A.06-12-020, respectively. Both crossings are located in the City of Los Angeles adjacent to school sites. A.07-05-013, for an at-grade crossing at Farmdale Avenue, is denied. Grade-separated crossings provide a higher level of safety than at-grade crossings and the Commission finds here that it is practicable to construct a grade-separated pedestrian bridge and close Farmdale to vehicular traffic. The application for a grade-separated pedestrian tunnel crossing at Harvard Boulevard, one of the 11 crossings requested in A.06-12-020, also is denied. The Commission finds that the proposed Harvard Boulevard crossing would not comply with the Americans with Disabilities Act, and further that it would not provide an adequate level of general public access or safety. The Commission finds that a pedestrian bridge at Harvard would provide a better alternative. Today's decision also adds environmental impacts to the list of issues the Commission will use as criteria for judging practicability. These consolidated proceedings remain open to allow the applicant to amend its applications regarding Farmdale Ave. and Harvard Blvd. (Comr Simon - ALJ Koss)

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

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3225, Item 20 11/21/2008 (Staff)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=363228](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=363228)

**13**

[8059]

**Res E-4188 - Southern California Edison Company (SCE).**

This resolution addresses SCE's request for approval of a renewable portfolio standard power purchase agreement with Gaskell SunTower, LLC (Gaskell), owned by eSolar. The Gaskell contract is approved without modifications. (Advice Letter (AL) 2253-E filed July 11, 2008 and AL 2253-E-A filed September 3, 2008)

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364459](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364459)

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Consent Agenda - Orders and Resolutions (continued)

**14**                    **R08-03-008 - Order Instituting Rulemaking Regarding Policies, Procedures and Rules for  
[8061]                    the California Solar Initiative, the Self-Generation Incentive Program and Other Distributed  
                                 Generation Issues.**

This decision grants, in part, a petition for modification of Decision 06-01-024 filed jointly by San Diego Gas and Electric Company (SDG&E) and Southern California Edison Company (SCE) requesting a temporary suspension in collections from their ratepayers to fund the California Solar Initiative (CSI) in 2009. The portion of electric rates that funds CSI will be decreased in 2009 for ratepayers of SCE and SDG&E, without jeopardizing the payment of CSI incentives or the future success of the program. The decision adopts a revised schedule for revenue requirements for CSI. (Comr Peevey - ALJ Duda)

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

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364370](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364370)

**15**                    **C07-12-019 - Pacific Bell Telephone Company dba AT&T California (Complainant) vs Sprint  
[8063]                    Spectrum L.P., Wireless Co., L.P. and Cox Communications PCS, L.P., jointly dba Sprint  
                                 PCS (Defendant).**

In this decision the Commission determines that Defendant violated the terms of its interconnection agreement with Complainant by refusing to pay the transiting rates mandated by that agreement. Defendant is ordered to immediately pay Complainant all amounts Complainant has billed for transiting that Defendant has withheld. Defendant is also ordered to pay interest on the payments it withheld. This proceeding is closed.

(Comr Peevey - ALJ Jones)

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

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364236](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364236)

**16**                    **Res W-4726 - Lukins Brothers Water Company.**

[8089]                    This resolution addresses an order authorizing a distribution system improvement charge of \$169,840.

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364334](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364334)

**17**                    **Res E-4214**

[8090]                    This resolution formally adopts the 2008 Market Price Referent values for the use in the 2008 Renewable Portfolio Standard solicitations. This resolution is made on the Commission's own motion.

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=359749](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359749)

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Consent Agenda - Orders and Resolutions (continued)

**18**                    **R06-07-010 - Order Instituting Rulemaking to Consider the Annual Revenue Requirement**  
[8094]                    **Determination of the California Department of Water Resources.**

At the request of the California Department of Water Resources (DWR), this decision allocates DWR's revised 2009 revenue requirement determination, using the allocation methodology adopted in Decision 05-06-060, to Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company. This allocation recovers DWR's bond charges and power charges for 2009 from the electric customers of these three utilities. This proceeding remains open. (Comr Peevey - ALJ Wong)

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

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364563](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364563)

**19**                    **A08-09-003 - Airdis, LLC, dba Airdis Telecom (Applicant).**  
[8099]

This decision grants Applicant, a certificate of public convenience and necessity pursuant to Public Utilities Code § 1001 to provide resold local exchange service as a competitive local carrier and interexchange telecommunications services. This proceeding is closed.

(Comr Chong - ALJ Patrick)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=357621](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=357621)

**20**                    **A05-07-024 - Pacific Bell Telephone Company dba SBC California.**  
[8100]

For Generic Proceeding to Implement Changes in Federal Unbundling Rules Under Sections 251 and 252 of the Telecommunications Act of 1996. In this decision, the Commission determines that there is no need to set batch hot cut prices. Since this was the only outstanding issue in the proceeding, the Commission closes the proceeding.

(Comr Peevey - ALJ Jones)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=359452](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359452)

**21**                    **Res E-4211 - Pacific Gas and Electric Company (PG&E).**  
[8101]

This Resolution approves PG&E's Advice Letter (AL) 3343-E seeking authority under Public Utilities Commission Code Section 851 to grant the City of Fresno the requested six two foot wide pedestrian walkway easements on the driveway approaches to the Fresno Service Center on PG& E property.

This resolution has been prepared pursuant to a pilot program specified in Resolution ALJ-202 granting expedited treatment to utility proposals meeting certain requirements.

(AL 3343-E filed, September 23, 2008)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=360561](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=360561)

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Consent Agenda - Orders and Resolutions (continued)

- 22**                    **A08-07-014 - Pacific Gas and Electric Company and PG&E Corporation.**  
[8102]                For limited exemption from Rule V.E. of the Commission's Affiliate Transaction Rules. The temporary waiver of Rule V.E granted in Decision 08-09-013 is hereby extended, and shall continue to be effective for a limited period not to exceed the effective date of a final decision on this application. (Comr Bohn - ALJ Pulsifer)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=360027](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=360027)
- 23**                    **C07-12-019 - Pacific Bell Telephone Company dba AT&T California vs. Sprint Spectrum L.P., Wireless Co., L.P., and Cox Communications PCS, L.P., jointly dba Sprint PCS.**  
[8106]                This decision extends the 12 month statutory deadline for resolving this proceeding to June 19, 2009. (Comr Peevey - ALJ Jones)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=359700](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359700)
- 24**                    **A04-03-014 - Verizon California Inc.**  
[8107]                For Arbitration of an Amendment to Interconnection Agreements with Competitive Local Exchange Carriers and Commercial Mobile Radio Service Providers in California Pursuant to Section 252 of the Telecommunications Act of 1934, as Amended, and the Triennial Review Order. In this decision, the Commission determines that there is no need to set Batch Hot Cut prices. Since this was the only outstanding issue in the proceeding, the Commission closes the proceeding. (Comr Peevey - ALJ Jones)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=358998](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=358998)

Consent Agenda - Orders and Resolutions (continued)

- 25**                    **A08-07-028 - Pacific Gas and Electric Company (Applicant).**  
[8112]                For Expedited and Ex Parte Approval of Termination of Standard Offer No. 2 Power Purchase Agreement Between Pacific Gas and Electric Company and Sunnyside Cogeneration Partners, L.P. (Sunnyside). This decision approves a settlement agreement between Applicant and Sunnyside. Although Sunnyside consistently delivered 5.5 megawatts of firm capacity and energy to Applicant from 1991 to 2005, Sunnyside shut down its cogeneration facility in early 2006 when Applicant gave notice that it would be changing Sunnyside's terms of dispatch. Under the settlement agreement, the Standard Offer No. 2 power contract that the parties signed in 1986 will be terminated and lawsuits that (a) Sunnyside filed against Applicant in 2006 for breach of contract, and (b) Applicant filed against Sunnyside in 2007 seeking the return of excess capacity payments, will be dismissed. Applicant will also make a payment to Sunnyside. Applicant's request to keep the amount of its payment to Sunnyside confidential is granted, as is Applicant's request to recover the amount of the payment in rates. This proceeding is closed.  
(Comr Peevey - ALJ McKenzie)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=363900](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=363900)
- 26**                    **A08-08-013 - Affordable Airport Shuttle, LLC (Applicant).**  
[8116]                This decision authorizes Applicant to operate as a passenger stage corporation between Los Angeles International Airport, Long Beach Airport, the City of Anaheim, John Wayne Airport, and the Irvine Metrolink/Amtrak Station; and to establish a zone of rate freedom. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=360072](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=360072)
- 27**                    **A08-07-016 - SuperShuttle of San Francisco, Inc.**  
[8121]                For authority to establish revised rates and Zones of Rate Freedom for service between the Oakland International Airport, the San Francisco International Airport, and the San Jose Airport, on the one hand, and points in Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Solano Counties, on the other hand. SuperShuttle of San Francisco, Inc. is authorized to increase fares for its passenger stage corporation service, modify its child fare and baggage charges, and establish a new zone of rate freedom. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=358605](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=358605)

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Consent Agenda - Orders and Resolutions (continued)

- 28**                    **A08-08-015 - Central Coast Shuttle Services, Inc. (Applicant).**  
[8122]                This decision authorizes Applicant to extend its passenger stage corporation service to include the transportation of passengers and their baggage on an on-call basis between points in San Luis Obispo and Santa Barbara Counties, on the one hand, and San Luis Obispo County Regional Airport, Santa Maria Public Airport, and Santa Barbara Municipal Airport, on the other hand; and to establish a zone of rate freedom. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=359232](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359232)
- 29**                    **A08-08-023 - Bhupinder Pal Singh dba USExpress Shuttle (Applicant).**  
[8123]                For Approval of the Transfer by Sale of Passenger Stage Operating Authority from Applicant to Milen Dotchkov Dontchev and Maria Roumenova Djapounova dba East Bay Shuttle pursuant to the provisions of Section 851 et seq. of the Public Utilities Code. Granted.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=360863](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=360863)
- 30**                    **Res W-4727 - Del Oro Water Company.**  
[8134]                This resolution addresses an order authorizing recovery of water testing related expenses recorded in a Water Quality Memorandum Account for five districts by a temporary surcharge. (Advice Letter 198 filed, August 5, 2008)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=361252](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=361252)
- 31**                    **Res W-4728 - California Water Service Company (Cal Water).**  
[8135]                This resolution addresses an order authorizing a 3-month extension of time, requested on behalf of customer Erda Labuhn, to submit a building permit to retain her water service connection in Cal Water's Redwood Valley District's Coast Springs Water System. (Advice Letter No. 1886 filed, October 8, 2008)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=362094](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=362094)

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**Consent Agenda - Intervenor Compensation Orders**

- 32**                    **A06-11-007 - Southern California Edison Company (Edison).**  
[8047]                    For Approval of Results of Summer 2007 Track of its New Generation Request for Offers and for Cost Recovery. This decision awards CALifornians for Renewable Energy, Inc. (CARE) \$20,729.50 in compensation for its substantial contributions to Decision (D.) 07-01-041. This is a decrease of \$15,642.50 (43%) from the amount requested by CARE, due to excessive hours, lack of substantial contribution to D.07-04-049, and incorrect hourly rates. Today's award will be paid by Edison. This proceeding is closed.  
(Comr Peevey - ALJ Brown)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=363768](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=363768)
- 33**                    **A05-03-015 - San Diego Gas & Electric Company.**  
[8051]                    For Adoption of an Advanced Metering Infrastructure Deployment Scenario and Associated Cost Recovery and Rate Design. This decision awards Utility Consumers' Action Network \$460,324.00 in compensation for its substantial contributions to Decision 07-04-043, a decrease of \$5,967 from the amount originally requested. This proceeding is closed.  
(Comr Grueneich - ALJ Gamson)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
Agenda 3225, Item 30 11/21/2008 (Chong)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=363550](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=363550)
- 34**                    **A07-01-024 - Southern California Edison Company.**  
[8054]                    For Approval of Embedded Energy Efficiency Pilot Programs for 2007-2008. A07-01-026, A07-01-029, A07-01-030 - Related matters. This decision awards \$41,430.75 to Natural Resources Defense Council and \$76,349.76 to The Utility Reform Network for substantial contributions to Decision 07-12-050.  
(Comr Grueneich - ALJ Gamson)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
Agenda 3225, Item 31 11/21/2008 (Chong)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364487](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364487)

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Consent Agenda - Intervenor Compensation Orders (continued)

**35**                    **R06-02-012 - Order Instituting Rulemaking to Develop Additional Methods to Implement  
[8138]                    the California Renewables Portfolio Standards Program.**

This decision awards The Utility Reform Network (TURN) \$81,089.24 and the Union of Concerned Scientists (UCS) \$12,645.25 in compensation for their substantial contributions to Decision (D.) 06-10-019, D.07-05-028, and D.07-07-044. TURN's award reflects a \$607.50 reduction in the requested amount for work performed a year prior to the start of this proceeding. UCS' award reflects a \$210 reduction to correct an arithmetic error and a reduction of \$1,182.00 in the award for work on UCS' compensation request. Today's award payment will be allocated to the affected utilities. This proceeding remains open.

(Comr Peevey - ALJ Simon)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=358379](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=358379)

**36**                    **R06-02-013 - Order Instituting Rulemaking to Integrate Procurement Policies and Consider  
[8141]                    Long-term Procurement Plans.**

This decision awards Aglet Consumer Alliance \$20,350.05 in compensation for its substantial contributions to Decision 07-09-044. Today's award payment will be allocated to the affected utilities. This proceeding remains open.

(Comr Peevey - ALJ Brown)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=358164](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=358164)

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## Regular Agenda

### Regular Agenda - Energy Orders

**37**                    **R06-02-012 - Order Instituting Rulemaking to Develop Additional Methods to Implement the California Renewables Portfolio Standard Program.**  
[8058]

This decision authorizes the use of unbundled and tradable renewable energy credit (TRECs) for compliance with the California renewables portfolio standard (RPS) program. It also delineates the structure and rules for a TREC market and for the integration of TRECs into the RPS flexible compliance system. The use of TRECs for RPS compliance will provide more options and flexibility for RPS-obligated load-serving entities to comply with RPS mandates in both the near and longer term. It will also provide additional resources and incentives for the development of RPS-eligible generation over time. This proceeding is closed.

(Comr Peevey - ALJ Simon)

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

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=E17311](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E17311)

**38**                    **A08-06-031 - Southwest Gas Corporation.**  
[8064]

For Approval of Low-Income Programs and Budgets for Program Years 2009-2011. A08-07-005, A08-07-007, A08-07-015, A08-07-019, A08-07-027 - Related matters. This decision acts on the Small and Multijurisdictional Utilities' (SMJUs) 2009-2011 budget requests for Low Income Energy Efficiency and California Alternate Rates for Energy. The Commission approves the SMJUs' requests, for the most part, while focusing on small ways in which the SMJUs can increase their contribution to the energy efficiency of the state's electric and gas customers. These proceedings are closed.

(Comr Grueneich - ALJ Thomas)

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

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364571](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364571)

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Regular Agenda - Energy Orders (continued)

**39                    A06-08-010 - San Diego Gas & Electric Company (SDG&E).**

[8065]                This decision denies the application of SDG&E for a Certificate of Public Convenience and Necessity (CPCN) to construct the Sunrise Powerlink Transmission Project (Sunrise); Public Utilities Code § 399.25, under which a proposed transmission line may be deemed necessary, is inapplicable because Sunrise is not necessary to facilitate the achievement of California's Renewable Portfolio Standard (RPS); further, SDG&E has no reliability need before 2014, Sunrise is not needed for SDG&E to meet its statutory goal of 20% RPS by 2010, Sunrise is not economic assuming 20% RPS, and the Commission has no assurance under 20% RPS that the generation carried over Sunrise will offset Sunrise's construction-related CO2 emissions in light of evidence that Sunrise could facilitate the development of new coal fired generation in the western United States; finally, Sunrise and all proposed transmission alternatives, whether built through Anza-Borrego Desert State Park or through Cleveland National Forest, will create significant, unavoidable environmental impacts while the environmentally superior generation based alternatives provide proxies for likely development under the No Project Alternative. Consideration of this matter will be held to December 18, 2008, pursuant to Pub. Util. Code Section 311(e).

(Comr Grueneich - ALJ Vieth)

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

*This matter may be considered during the Ratesetting Deliberative Meeting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=E17443](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E17443)

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Regular Agenda - Energy Orders (continued)

**39a**                    **ALTERNATE TO ITEM 8065**

[8066]

This Alternate decision conditionally grants the application of San Diego Gas & Electric Company (SDG&E) for a Certificate of Public Convenience and Necessity (CPCN) to construct the Sunrise Powerlink Transmission Project (Sunrise) using the Final Environmentally Superior Southern Route; Public Utilities Code § 399.25, under which a proposed transmission line may be deemed necessary, is inapplicable because Sunrise is not necessary to facilitate the achievement of California's Renewable Portfolio Standard (RPS); SDG&E has no reliability need before 2014 and while Sunrise is not needed for SDG&E to meet its statutory goal of 20% RPS by 2010, at 33% RPS the Final Environmentally Superior Southern Route will generate net benefits of over \$100 million per year and is the highest ranked Alternative that will facilitate Commission policy to achieve greenhouse gas (GHG) reductions through renewable procurement at 33% RPS levels in the shortest time possible, which warrants a statement of overriding considerations under the California Environmental Quality Act; to ensure the GHG emission reductions and economic benefits estimated for the Final Environmentally Superior Southern Route, the CPCN is conditioned upon SDG&E developing and filing, within 90 days of the effective date of the decision, a compliance plan for Commission approval; finally, pursuant to Public Utilities Code § 1005.5(a), a cost cap of \$1.719 billion (\$2012) is set. Consideration of this matter will be held to December 18, 2008, pursuant to Public Utilities Code Section 311(e).

(Comr Grueneich)

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

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=E17445](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E17445)

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Regular Agenda - Energy Orders (continued)

**39b****ALTERNATE TO ITEM 8065**

[8136]

This Alternate decision grants the application of San Diego Gas & Electric Company for a Certificate of Public Convenience and Necessity to construct to Sunrise Powerlink Transmission Project (Sunrise) using the Final Environmentally Superior Southern Route; Public Utilities Code § 399.25, under which a proposed transmission line may be deemed necessary, is applicable because at both 20 % and 33% RPS Sunrise will deliver renewable generation that would otherwise remain unavailable and the cost of Sunrise is appropriately balanced against the certainty of the line's contribution to economically rational RPS compliance; the Final Environmentally Superior Southern Route will generate net benefits of over \$125 million per year and is the highest ranked Alternative that will facilitate Commission policy to achieve greenhouse gas (GHG) reductions through renewable procurement at 33% RPS levels in the shortest time possible, which warrants a statement of overriding considerations under the California Environmental Quality Act; the Commission currently has sufficient methods to monitor, evaluate, influence and enforce utility compliance with its policies and no additional compliance requirements are needed in order to guarantee that renewable generation is delivered via Sunrise; finally, pursuant to Public Utilities Code § 1005.5(a), a cost cap of \$1.89 billion (\$2012) is set. Consideration of this matter will be held to December 18, 2008, pursuant to Public Utilities Code § 311(e).

(Comr Peevey)

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

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=E17908](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E17908)

**40****R06-04-010 - Order Instituting Rulemaking to examine the Commission's post-2005 energy efficiency policies, programs, evaluation, measurement, and verification, and related issues.**

[8083]

This Decision denies the Petition for Modification of D.07-09-043 and D.08-01-042, filed by Southern California Edison Company, Pacific Gas and Electric Company, Southern California Gas Company, and San Diego Gas & Electric Company (Joint Utilities). Joint Utilities sought to modify how the first and second interim claims for energy efficiency savings would be calculated, so as to eliminate Energy Division review of interim claims for 2006 and 2007 incentives. These claims for 2006 and 2007 will be determined by utility Advice Letter following the final Energy Division verification report due January 15, 2009. This proceeding remains open.

(Comr Grueneich - ALJ Gamson)

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

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364549](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364549)

Regular Agenda - Energy Orders (continued)

**40a**

[8086]

**ALTERNATE TO ITEM 8083**

The proposed decision (PD) denies the Petition for Modification of D.07-09-043 and D.08-01-042, filed by Southern California Edison Company, Pacific Gas and Electric Company, Southern California Gas Company, and San Diego Gas & Electric Company (Joint Utilities).

Joint Utilities sought to modify how the first and second interim claims for energy efficiency savings would be calculated, so as to eliminate Energy Division review of interim claims for 2006 and 2007 incentives.

Per the PD, these claims for 2006 and 2007 will be determined by utility Advice Letter following the final Energy Division verification report due January 15, 2009.

In contrast, the alternate decision grants in part and denies in part the Petition for Modification to D.07-09-043 and D.08-01-042.

Specifically, for the 2006-2008 period, the alternate decision grants the request that the interim claim amounts under the energy efficiency risk reward incentive mechanism be based on the utility submitted quarterly savings reports rather than on the Energy Division's verification reports.

(Comr Peevey)

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

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=E17566](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E17566)

**41**

[8092]

**A08-02-001 - San Diego Gas and Electric Company (SDG&E) and Southern California Gas Company (SoCal Gas) (collectively, Applicants)**

For Authority to Revise Their Rates Effective January 1, 2009, in Their Biennial Cost Allocation Proceeding. After the conclusion of the Phase One evidentiary hearings, a joint motion was filed by Applicants and nine other parties to adopt the Settlement Agreement.

This decision grants the motion to adopt the Settlement Agreement, and the terms of the Settlement Agreement are adopted.

Among other things, the settlement resolves all of the Phase One issues, including the total amount of the gas storage assets that will be made available for balancing purposes and to core and noncore customers in southern California.

The Settlement Agreement also resolves the sharing mechanism that ratepayers and shareholders will use to allocate the net revenues from the sales of unbundled storage and from hub services.

(Comr Simon - ALJ Wong)

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

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364396](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364396)

Regular Agenda - Energy Orders (continued)

**42**                    **R\_\_\_\_\_ - Order Instituting Rulemaking to consider Smart Grid Technologies Pursuant to**  
[8111]                    **Federal Legislation and on the Commission's own Motion to Actively Guide Policy in**  
                              **California's Development of a Smart Grid System.**

This rulemaking is initiated pursuant to the federal Energy Independence and Security Act of 2007 and the Commission's own motion to consider Smart Grid policies for California's investor-owned electric utilities.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364616](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364616)

## Regular Agenda - Communication Orders

43

[7729]

**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 determines that the adopted Unbundled Network Element (UNE) reexamination process will apply to Pacific Bell Telephone Company dba AT&T California (AT&T), as well as Verizon California Inc. (Verizon). A price cap mechanism is adopted for annual updates to the UNE rates adopted for Verizon and AT&T, but the Commission finds that § 252 of the Telecommunications Act of 1996 requires the state to conduct periodic cost-study proceedings to update UNE rates, based on the Total Element Long Run Incremental Cost (TELRIC) methodology. A schedule is established for future TELRIC costing proceedings for AT&T and Verizon, and the use of the HM 5.3 model is mandated for use in those costing proceedings. This proceeding remains open.

(Comr Peevey - ALJ Duda)

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

Agenda 3218, Item 38 7/31/2008 (Staff);

Agenda 3222, Item 30 10/2/2008 (Staff)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=345049](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=345049)

44

[7764]

**A07-09-012 - Warburg Pincus Private Equity IX, L.P., Warburg Pincus Private Equity X, L. P. (WP X) and Electric Lightwave, LLC (ELI), Eschelon Telecom, Inc. and Advanced Telecom, Inc. dba Eschelon Telecom, Inc. (together, Applicants).**

This decision approves Applicants' request for a transaction in which WP X has acquired indirect control of ELI and Eschelon Telecom, Inc. The Commission denies Applicants' request for approval of the transaction on a retroactive or nunc pro tunc basis. Applicants' motion to dismiss the application, on the grounds that the transaction did not result in a transfer of control under Section 854, is denied. Although Applicants violated Section 854 by finalizing the transaction without the Commission's advance approval, the Commission imposes no fines based on the unique circumstances of this case. This proceeding is closed.

(Comr Chong - ALJ Prestidge)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3218, Item 17 7/31/2008 (Staff);

Agenda 3219, Item 5 8/21/2008 (Simon);

Agenda 3220, Item 3 9/4/2008 (Simon);

Agenda 3221, Item 3 9/18/2008 (Peevey);

Agenda 3222, Item 2 10/2/2008 (Pub. Util. Code §311(e));

Agenda 3224, Item 59 11/6/2008 (Bohn );

Agenda 3225, Item 46 11/21/2008 (Bohn )

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364569](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364569)

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Regular Agenda - Communication Orders (continued)

**44a****ALTERNATE TO ITEM 7764**

[7961]

This Alternate grants the request to dismiss the application for approval of a transfer of control. Similar to the Proposed Decision (PD), the Alternate finds that the case presents a close call as to whether Section 854 applies to the transaction. However, based on all the factors, the Alternate finds that Section 854 does not apply to this transaction. The Commission has not previously determined whether to view stock transfers on a "fully diluted" or nondiluted basis. In the absence of clear guidance on whether to view the transaction on a "fully diluted" basis or not, the Commission reviews other factors, including whether the acquiring entity has the power to appoint a majority of the members of the board or to direct management of the utility or its parent entity; or whether the acquiring entity has actual or working control of the day-to-day business of the utility. Based on review of the facts of this transaction, the Commission finds that a transfer of control has not occurred. Moreover, the Commission notes that under Section 853(b), the Commission may exercise authority not to apply Section 854 to a utility if it finds that it is not necessary in the public interest. Given the foregoing, the Commission grants the applicants' request to dismiss its application.

(Comr Peevey)

Agenda 3222, Item 2a 10/2/2008 (Pub. Util. Code §311(e));

Agenda 3224, Item 59a 11/6/2008 (Bohn );

Agenda 3225, Item 46a 11/21/2008 (Bohn )

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=363556](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=363556)

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**Regular Agenda - Communication Resolutions and Reports**

- 45**  
[8075]            **Res T-17184 - Calaveras Telephone Company, Inc. (Calaveras).**  
This resolution authorizes California High Cost Fund -A support for Calaveras of \$1,943,960 with an overall Intrastate Rate of Return of 10.00% for test year 2009, resulting in an Intrastate revenue of \$6,177,181. (Advice Letter No. 303 filed, December 21, 2007)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=359888](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359888)
- 46**  
[8077]            **Res T-17157 - Ducor Telephone Company (Ducor).**  
This resolution authorizes California High Cost Fund-A support for Ducor of \$2,434,584 with an overall Intrastate Rate of Return of 10.00% for test year 2009, resulting in an Intrastate revenue of \$3,981,993. (Advice Letter (AL) 318, AL 318A filed, December 19, 2007 and July 21, 2008)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=337519](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=337519)
- 47**  
[8088]            **Res T-17158 - Pinnacles Telephone Company (Pinnacles).**  
This resolution authorizes California High Cost Fund-A support for Pinnacles of \$245,181, with an overall Intrastate Rate of Return of 10.00% for test year 2009. resulting in an Intrastate revenue of \$775,798.  
(Advice Letter (AL) Nos. 231, AL 231A Filed, December 19, 2007, and July 21, 2008)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=355159](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=355159)

## **Regular Agenda - Water/Sewer Resolutions and Reports**

**48**

**Res W-4725 - Alisal Water Corporation, dba Alco Water Service (Alco).**

[8068]

This resolution addresses an order authorizing Alco permission to provide water service to five properties within its service area. (Advice Letter 124 filed, September 22, 2008)

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364399](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364399)

**Regular Agenda - Legislative and Other Matters**

**Regular Agenda - Commissioner's Reports**

**Regular Agenda - Management Reports and Resolutions**

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## 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 disclosures required by Government Code Sections 11125.2 and 11126.3(f).*

### Closed Session - Applications for Rehearing

**49**

**Conference with Legal Counsel - Applications for Rehearing**

[8142]

Compilation of applications for rehearing recently filed with the Commission.

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

**Closed Session - Initiation of Litigation - Non-Federal**

Consideration of possible Commission initiation of, or intervention in, litigation.

*Gov. Code § 11126(e)(2)(C)(i) and/or § 11126(d)(2), allows this item to be considered in Closed Session.*

**Closed Session - Threatened Litigation - Non-Federal**

Significant exposure to litigation

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

**Closed Session - Existing Litigation - Non-Federal**

**Closed Session - Threatened Litigation - Federal**

Significant exposure to litigation in federal agency or court proceedings.

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

**Closed Session - Initiation of Litigation - Federal**

Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

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

**Closed Session - Federal**

- 50**  
[8098]            **FERC Docket No. ER-05-849-002 - Conference with Legal Counsel - Existing Litigation**  
California Independent System Operator Corp., FERC Docket No. ER-05-849-002; Public Utilities Commission of the State of California v. Federal Energy Regulatory Commission, U.S. Court of Appeals, D.C. Circuit Case No. 05-1327 and Consolidated Case, Southern California Edison Company v. Federal Energy Regulatory Commission, U. S. Court of Appeals, D.C. Circuit Case No. 05-1331.  
*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*
- 51**  
[8144]            **FERC Docket No. ER06-615 - Conference with Legal Counsel - Existing Litigation**  
California Independent System Operator Corporation, FERC Docket No. ER06-615, also known as Market Redesign and Technology Update (MRTU).  
*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

**Closed Session - FERC Docket No. EL00-95-000, et al.**

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., FERC Docket No. EL00-95, Investigation of Practices of the California Independent System Operator and the California Power Exchange, FERC Docket EL00-98, and related dockets, CPUC v. FERC, Ninth Circuit Nos. 01-71051, et al., and 01-71934, et al., and related dockets.

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

### **Closed Session - Personnel Matters**

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

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