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

Scheduled Commission Meetings
505 Van Ness Avenue, San Francisco

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

*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.

For further information contact the Public Advisor
(415) 703-2074     E-mail:  public.advisor@cpuc.ca.gov

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

The following items are not subject to public comment:

- All items on the closed session agenda.
- 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

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
Consent Agenda - Orders and Resolutions (continued)

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

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 Bemesderfer)

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

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

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 Bemesderfer)

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
Consent Agenda - Orders and Resolutions (continued)

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

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 Bemesderfer)

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

6  Res W-4718 - West Riverside Canal Company (West Riverside).

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

7  Res T-17175 - TracFone Wireless, Inc. (TracFone).

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
8  Res ALJ-227

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

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

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

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

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

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

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
Consent Agenda - Orders and Resolutions (continued)

12
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

13
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

12/3/2008  3:53 pm
Consent Agenda - Orders and Resolutions (continued)

14

**R08-03-008 - Order Instituting Rulemaking Regarding Policies, Procedures and Rules for 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

15

**C07-12-019 - Pacific Bell Telephone Company dba AT&T California (Complainant) vs Sprint 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

16

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

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

17

**Res E-4214**

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
18 **R06-07-010 - Order Instituting Rulemaking to Consider the Annual Revenue Requirement 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).**

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.**

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).**

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)
Consent Agenda - Orders and Resolutions (continued)

22  A08-07-014 - Pacific Gas and Electric Company and PG&E Corporation.

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

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.

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

24  A04-03-014 - Verizon California Inc.

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
A08-07-028 - Pacific Gas and Electric Company (Applicant).

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

A08-08-013 - Affordable Airport Shuttle, LLC (Applicant).

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

A08-07-016 - SuperShuttle of San Francisco, Inc.

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
Consent Agenda - Orders and Resolutions (continued)

28  A08-08-015 - Central Coast Shuttle Services, Inc. (Applicant).
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

29  A08-08-023 - Bhupinder Pal Singh dba USExpress Shuttle (Applicant).
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

30  Res W-4727 - Del Oro Water Company.
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

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
Consent Agenda - Intervenor Compensation Orders

32  A06-11-007 - Southern California Edison Company (Edison).
For Approval of Results of Summer 2007 Track of its New Generation Request for Offers and for Cost Recovery. This decision awards CAIifornians 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

33  A05-03-015 - San Diego Gas & Electric Company.
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

34  A07-01-024 - Southern California Edison Company.
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
R06-02-012 - Order Instituting Rulemaking to Develop Additional Methods to Implement 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


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
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.

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

38 A08-06-031 - Southwest Gas Corporation.

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

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).

(Comm 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
ALTERNATE TO ITEM 8065

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
ALTERNATE TO ITEM 8065
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

R06-04-010 - Order Instituting Rulemaking to examine the Commission's post-2005 energy efficiency policies, programs, evaluation, measurement, and verification, and related issues.
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
ALTERNATE TO ITEM 8083


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

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
Regular Agenda - Energy Orders (continued)

42  R_______ - Order Instituting Rulemaking to consider Smart Grid Technologies Pursuant to 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
Regular Agenda - Communication Orders

43  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


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(c));
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
ALTERNATE TO ITEM 7764

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
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

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

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

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
Regular Agenda - Legislative and Other Matters
Regular Agenda - Commissioner's Reports
Regular Agenda - Management Reports and Resolutions
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

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  FERC Docket No. ER-05-849-002 - Conference with Legal Counsel - Existing Litigation

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

51  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*