
Public Utilities Commission of the State of California

Public Agenda 3097

Thursday, October 17, 2002 11:30 a.m.

San Francisco, California

Commissioners

Loretta M. Lynch, President

Geoffrey F. Brown

Henry M. Duque

Michael R. Peevey

Carl W. Wood

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

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Thursday, October 17, 2002 (San Francisco at 9:00 a.m.) (Will Be Held)	Thursday, October 17, 2002 (San Francisco at 11:30 a.m.)
Tuesday, October 22, 2002 (San Francisco)	Thursday, October 24, 2002 (San Francisco)
Monday, November 04, 2002 (San Francisco)	Thursday, November 07, 2002 (San Francisco)
Monday, November 18, 2002 (San Francisco)	Thursday, November 21, 2002 (San Francisco)
Monday, December 02, 2002 (San Francisco)	Thursday, December 05, 2002 (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.

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



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

PUBLIC COMMENT

The following items are not subject to public comment:

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

Regular Agenda

Commissioner's Reports

CR-1 **Commissioners' Reports**
1198 Miscellaneous Commissioners' Reports.

Management Reports and Resolutions

M-1 General Counsel's Report

1195

Consideration of Authority given (and to be given) to the General Counsel with respect to the California Department of Water Resources bond transaction, including, but not limited to, matters covered by the Summary of Material Terms.

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the

Non-Federal Items

Orders

- EX-1** **Conference with Legal Counsel – Applications for Rehearing.**
1168 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
- EX-2** **Conference with Legal Counsel – Threatened Litigation**
1169 Significant exposure to litigation.
Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session
- EX-3** **Conference with Legal Counsel – Initiation of Litigation.**
1170 Significant exposure to litigation.
Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session
- EX-4** **Personnel Matters**
1171 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
- EX-5** **A00-11-038, A00-11-056, A00-10-028 - Conference with Legal Counsel - Application for Rehearing.**
1174 Disposition of Application for Rehearing of D02-09-045 filed by Pacific Gas and Electric Company. D02-09-045 clarifies that California Department of Water Resources' (DWR) rates for recovery of its 2001-2002 annual revenue requirements continue beyond the end of 2002 until replaced by new rates approved by the Commission to recover DWR's 2003 annual revenue requirement.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

Federal Items**Items**

- FEX-1
1172** **Conference with Legal Counsel – Initiation of Litigation.**
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
- FEX-2
1173** **Case No. 01 30923 DM - Conference with Legal Counsel - Existing Litigation.**
Pacific Gas and Electric Company (Debtor), United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 01 30923 DM.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session
- FEX-3
1184** **Case No. 01-56879, DC. No. CV-00-12056-RSWL - Conference with Legal Counsel – Existing Litigation.**
Southern California Edison v. Lynch, et al., United States Court of Appeal for the Ninth Circuit, Case No. 01-56879, DC. No. CV-00-12056-RSWL.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session
- FEX-4
1183** **Case No. C01-3023 VRW - Conference with Legal Counsel – Existing Litigation.**
Pacific Gas and Electric Company v. Lynch, et al., United States District Court for the Northern District of California, San Francisco Division, Case No. C01-3023 VRW.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session
- FEX-5
1194** **FERC Docket Nos. ER02-10-000 and ER02-239-000, et al. - Conference with Legal Counsel - Existing Litigation.**
Duke Energy Oakland, LLC, et al., FERC Docket No. ER02-10-000; and Duke Energy South Bay, LLC, et al., FERC Docket Nos. ER02-239-000, et al.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session
- FEX-6
1197** **FERC Docket Nos. ER02-925-000 and ER02-925-001 - Conference with Legal Counsel – Existing Litigation**
Southern California Edison Company, FERC Docket Nos. ER02-925-000 & ER02-925-001.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session