
Public Utilities Commission of the State of California

Public Agenda 3139

Thursday, September 23, 2004 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

Geoffrey F. Brown

Susan P. Kennedy

Loretta M. Lynch

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>
Monday, October 04, 2004 (San Francisco)	Thursday, September 23, 2004 (San Francisco)
Monday, October 25, 2004 (San Francisco)	Thursday, October 07, 2004 (San Francisco)
Monday, November 15, 2004 (San Francisco)	Thursday, October 28, 2004 (San Francisco)
Monday, November 29, 2004 (San Francisco)	Friday, November 19, 2004 (San Francisco)
	Thursday, December 02, 2004 (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.
- 45a, 45

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**
[3623] **Res TL - 19048**
Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
- 2**
[3625] **Res ALJ 176-3139**
Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=179751
- 3**
[3736] **A99-12-025 - Valencia Water Company.**
For approval of its updated Water Management Program as ordered in Commission Resolution W-4154 dated August 5, 1999. This decision awards The Angeles Chapter of Sierra Club \$4,074.18 for its contribution to D01-11-048 and D03-10-063. This proceeding is closed.
(Comr Brown - ALJ Patrick)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
Agenda 3137, Item 23 8/19/2004 (Staff);
Agenda 3138, Item 7 9/2/2004 (Staff)

Consent Agenda - Orders and Resolutions (continued)

- 4**
[3817] **Res T-16873 - Verizon California Inc. (Verizon).**
This resolution authorizes Verizon to revise its Schedules Cal. P.U.C. Nos. A-46 and K-5, to withdraw Multi-Media Data Service due to Verizon's equipment vendor ADC withdrawing support for parts, technical assistance and repair of equipment needed to provide this service. (Advice Letter 10854, filed May 11, 2004)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180107
- 5**
[3819] **A03-10-017 - California Water Service Company (CWS).**
A03-10-018, A03-10-019, A03-10-020, A03-10-021, A03-10-031 - Related matters. This decision approves CWS and the Office of Ratepayer Advocates Settlement for Test Years 2004 & 2005 and Attrition Years 2006 & 2007 for South San Francisco and Bakersfield Districts. (Comr Kennedy - ALJ Thorson)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180498
- 6**
[3821] **A03-10-017 - California Water Service Company.**
A03-10-021 - Related matters. This decision finds no violation of General Order 103, based on failure to report Trichloropropane Action Level Exceedances, because utility reasonably relied on erroneous advice given by Department of Health Services. This proceeding is closed. (Comr Kennedy - ALJ Thorson)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180502
- 7**
[3824] **R98-07-038 - Rulemaking for purposes of revising General Order 96-A regarding informal filings at the Commission.**
This interim decision adopts rules revisions that will eventually be codified in General Order 96-B and that concern advice letter filing, service, and suspension. (Comr Kennedy - ALJ Kotz)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=178181

Consent Agenda - Orders and Resolutions (continued)

- 8**
[3849] **A03-10-047 - United States Telesis, Inc. dba US Telesis (Applicant).**
This decision grants Applicant a certificate of public convenience and necessity to provide limited facilities-based local exchange services. Applicant was previously authorized to resell local exchange and interexchange telecommunications services. This proceeding is closed.
(Comr Kennedy - ALJ O'Donnell)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=168263
- 9**
[3850] **A03-07-036 - California-American Water Company (Cal-Am).**
Cal-Am seeks rate changes for its Los Angeles district in the service areas of San Marino, Baldwin Hills, and Duarte. This decision approves an uncontested settlement resolving all matters in this application. This proceeding is closed.
(Comr Lynch - ALJ Malcolm)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180757
- 10**
[3853] **A04-04-004 - City of Sacramento.**
This decision grants the request of the City of Sacramento to construct a new at-grade bicycle/pedestrian crossing over the tracks of the California State Railroad Museum. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=175962
- 11**
[3855] **A04-04-032 - Burlington Northern Santa Fe Railway Company (BNSF).**
This decision grants the request of BNSF to construct, operate and maintain a new crossing across Napa Street to be referred to as CPUC Crossing No.2-93.9-C, DOT No.924596T in San Bernardino County. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=177979
- 12**
[3857] **Res W-4494 - Rogina Water Company, Inc. (RWC).**
This resolution authorizes RWC a surcharge of \$1.62 per month for one year to amortize \$18,425 in RWC's unanticipated event memorandum account. (Advice Letter 46, filed July 15, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180620

Consent Agenda - Orders and Resolutions (continued)

- 13**
[3858] **A04-05-033 - Mercury Telecom, Inc. (Applicant).**
This decision grants Applicant a certificate of public convenience and necessity to provide limited facilities based/UNE-P and resold local exchange and interexchange telecommunications services. This proceeding is closed.
(Comr Kennedy - ALJ Prestidge)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=177964
- 14**
[3859] **A04-05-011 - CommPartners, LLC (Applicant).**
This decision grants Applicant a certificate of public convenience and necessity to provide limited facilities based and resold local exchange and interexchange services. This proceeding is closed.
(Comr Kennedy - ALJ Prestidge)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=177941
- 15**
[3860] **A03-09-018 - American Farm Bureau, Inc. dba The Farm Bureau ® Connection SM (Applicant).**
This decision grants Applicant a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange telecommunications services. This proceeding is closed.
(Comr Brown - ALJ O'Donnell)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=170083
- 16**
[3861] **A04-04-038 - VCI Company, dba Vilaire (Applicant).**
This decision grants Applicant a certificate of public convenience and necessity to provide resold and UNE-P facilities-based local exchange telecommunications services as a competitive local carrier. This proceeding is closed.
(Comr Kennedy - ALJ Prestidge)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=177021
- 17**
[3862] **A04-01-007 - Comtech 21, LLC (Applicant).**
This decision grants Applicant a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange telecommunications services. This proceeding is closed.
(Comr Kennedy - ALJ O'Donnell)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=168499

Consent Agenda - Orders and Resolutions (continued)

- 18**
[3864] **A03-12-023 - Sierra Pacific Power Company (Sierra Pacific).**
This decision grants Sierra Pacific a Permit to Construct to modernize and increase the capacity of its Hobart Substation by rebuilding it on the same site. This proceeding is closed.
(Comr Kennedy - ALJ Simon)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=178167
- 19**
[3872] **A02-11-017 - Pacific Gas and Electric Company.**
For authority, among other things, to increase revenue requirements for electric and gas service and to increase rates and charges for gas service effective on January 1, 2003. I03-01-012, A02-09-005 - Related matters. This decision awards San Luis Obispo Mothers for Peace \$17,082.21 in compensation for its contribution to D04-05-055.
(Comr Peevey - ALJ Halligan)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=178034
- 20**
[3873] **A03-12-035 - Trans National Communications International, Inc. (Applicant).**
This decision grants Applicant a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange telecommunications services. The Applicant was previously authorized to resell interexchange services. This proceeding is closed.
(Comr Kennedy - ALJ O'Donnell)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=165364
- 21**
[3874] **Res W-4495 - California Water Service Company (CWSC), Los Altos-Suburban District.**
This resolution authorizes CWSC, Los Altos-Suburban District an offset rate increase producing additional annual revenues of \$487,000 or 3.5% for increases in the cost of purchased water and pump tax. (Advice Letter 1672, filed June 21, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=176862
- 22**
[3875] **A03-08-005 - Los Angeles County Metropolitan Transportation Authority (MTA).**
This decision grants MTA's request to construct across the existing Rowan Avenue the proposed at-grade highway-rail crossing of two proposed tracks, as part of the Eastside Corridor Light Rail Transit Line, in the County of Los Angeles. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=178881

Consent Agenda - Orders and Resolutions (continued)

- 23**
[3876] **Res W-4496 - Southern California Water Company (SCWC).**
This resolution authorizes the revision of the language in SCWC's Rule No. 14.1, mandatory water conservation and rationing plan to conform to the language approved by the California Public Utilities Commission in D01-10-042. (Advice Letter 1169-W, filed June 15, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=179460
- 24**
[3879] **A04-02-027 - Kenneth Van Gorder, Jay Gardner, Pam Simonson, Matt Fullner and Juell Fullner.**
This decision authorizes Kenneth Van Gorder to sell and transfer ownership of Meyers Water Company to Jay Gardner, Pam Simonson, Matt Fullner and Juell Fullner. This proceeding is closed. (Exam Jackson)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=179734
- 25**
[3880] **Res W-4497 - Del Oro Water Company (DOWC), Paradise Pines District.**
This resolution authorizes DOWC, Paradise Pines District a rate base offset revenue increase of \$15,510 or 1.21%. (Supplement Advice Letter 124-A, filed August 19, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180515
- 26**
[3881] **Res W-4499 - Apple Valley Ranchos Water Company (AVRW).**
This resolution authorizes a tariff deviation Agreement between AVRW and the Town of Apple Valley for a decrease in quantity rates from \$1.34/CcF to \$0.45/CcF. (Advice Letter 126-W, filed May 14, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=179793
- 27 (Rev.)**
[3882] **Res W-4498 - San Gabriel Valley Water Company (SGVW), Fontana Water Company Division.**
This resolution authorizes SGVW, Fontana Water Company Division a temporary surcharge to recover under-collections in its purchased power and water production balancing accounts, producing an annual increase in revenue of \$566,951 or 2.8% over 12 months. (Advice Letter 327, filed April 1, 2004)
09/20/2004 - This revision was not shown on the Agenda mailed to the public.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180612

Consent Agenda - Orders and Resolutions (continued)

- 28** **Res W-4500 - Del Oro Water Company, Paradise Pines District (DOWCPP).**
[3886] This resolution authorizes DOWCPP a one-time water quantity surcharge producing an increase in revenue of \$5,842 or 0.46% to offset costs of purchased water. (Advice Letter 128, filed February 11, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=175175
- 29** **A04-06-016 - Kay Kassab, dba City Express (Applicant).**
[3888] This decision authorizes Applicant to operate as a passenger stage corporation between points in San Francisco, Alameda, Contra Costa, Santa Clara, San Mateo, and Marin Counties, on the one hand, and San Francisco, Oakland, and San Jose International Airports, 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.
- 30** **A04-07-008 - Hani A. Abuhwaidi and Saker Shaker (Transferor) and Ahmad Mana (Transferee).**
[3889] This decision authorizes Transferor to transfer their passenger stage corporation certificate to Transferee. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Consent Agenda - Orders and Resolutions (continued)

31

[3890]

Res T-16875

This resolution revokes 264 competitive carrier authorities for failure to comply with Commission Decisions: Dana Point Marine Telephone Co., High Sierra Bus Radio, High Tech Communications of Calif. Inc., Radio Call Corporation, Riggs Communication, Inc., Tempo Personal Communications, Alert Communications, Signal One Paging Inc., Meta Rcc Inc., Cellular Pacific, The Aspen Company, Computer Help International, Inc., Allied Paging Company, Butte County Cellular License Corp., Chico Msa Cellular Inc., Zephyr Communications, LLC., Conxus Spectrum, Inc., Virtutel Communications, American Mobile Communications, Inc., Mall Telecommunications, Southland Communications, Ultratelecom, Inc., Pacific Communications Industries Inc., Celltech, ATH Com, Inc., VCI Cellular Mobile Phone Corp., Cellular Communications Corp., Americom L.A. Systems, Celluland, Inc., Fresno Cellular Telephone Company, Sacramento Cellular Telephone Company, City Cellular Corp., Pacific West Cellular, L.A. Pacific Telecom, Continental Cellular, Connector, Xcell Cellular, Lucid Cellular Communications, Inc., Delta Telecom Mobile Services, Inc., Golden West Cellular Telecom, Karfone Leasing, Inc., C.I.S. of Imperial, Ca, Inc., National Cellular Network, Inc., Spectron Cellular Services, Inc., Transportation Communications, Cellutone Cellular Comms. Systems, People Telephone Company, All-Carr Communications Inc., PTC Cellular, Inc., Newport Telecom, Inc., Air Time Communications Inc., Rampage Cellular Inc., Prepay L.A., Inc., Allnet Communication Services Inc., Access West Telemanagement Inc., Wilshire Cellular, Inc., C-Cellular Research, Inc., Air Net Communications Inc., Wireless Switching Services, Access Plus Communications Inc., Answerphone, Superior Cellular Inc., Transamerica Communications Network, Cellular Phone Rentals/America, Utility Source, Inc. (WBC), First Pay Cellular, Lawrence Bramon & Associates, The Furst Group, Inc., People Communications Services, Cellular Direct, Centsible Cellular Solutions, Inc., Telemac Cellular Corp., Universal Wireless Network Inc., Western Cellular Inc., Ergo-Tronics, Inc., Max Air Wireless, Inc., Robin Hood Telecomm, Precell Communications, L.C., The Equitable Network Inc., American National Communications, Pre-Paid Cellular LLP, Desert Telecommunications Ltd. Ptnshp., Amra Industries, Inc., Cie Cell-Tell Inc., UC Computers Inc., Atlas Equity, Inc., California Cellular, Teltek Communication International Inc., Momentum Telecom, Inc., Caminito Cellular Partnership, Cellutel Corporation, Cancall Cellular Communications, Women's International Net-Work, Inc., Wincom 1 Inc., Ameritel Communications, Clear Choice Pcs, LLC, et al.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=179893

32

[3891]

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

This decision addresses the August 19, 2004, emergency motion of AT&T Communications of California, Inc., TCG Los Angeles Inc., TCG San Diego and TCG San Francisco, for order maintaining status quo pending resolution of complaint.

(Comr Brown - ALJ Econome)

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

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180654

Consent Agenda - Orders and Resolutions (continued)

33 **C04-08-026 - AT&T Communications of California, Inc., TCG Los Angeles, Inc., TCG San Diego and TCG San Francisco vs. Verizon California Inc.**
[3892]

This decision addresses the appeal of categorization by Verizon California, Inc.
(Comr Brown - ALJ Econome)

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

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=179888

34 **A04-06-027 - Habla Comunicaciones, Inc. (Applicant).**
[3894]

This decision grants Applicant a certificate of public convenience and necessity to provide limited facility-based local exchange telecommunications, access, and interexchange telecommunications services within California. This proceeding is closed.

(Comr Kennedy - ALJ Galvin)

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

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=179701

35 **A04-03-031 - Vanya Rohner and Bernard J. MacElhenny, Jr.**
[3909]

This decision authorizes the transfer of ownership and control from Vanya Rohner to Bernard J. MacElhenny, Jr. of the Sonoma Springs Water Company, LLC and the Water System (WTD 412). This proceeding is closed.

(Exam Jackson)

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

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=179979

Regular Agenda

Regular Agenda - Energy Orders

- 36** **A02-11-017 - Pacific Gas and Electric Company (PG&E).**
[3431] For authority, among other things, to increase revenue requirements for electric and gas service and to increase rates and charges to gas service effective on January 1, 2003. I03-01-012, A02-09-005 - Related matters. This interim decision addresses Storm and Reliability issues raised in PG&E's Test Year 2003 General Rate Case.
(Comr Peevey - ALJ Halligan)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
Agenda 3133, Item 42 5/6/2004 (Wood);
Agenda 3134, Item 37 5/27/2004 (Wood);
Agenda 3136, Item 50 7/8/2004 (Brown);
Agenda 3137, Item 65 8/19/2004 (Kennedy)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180245

- 36a** **ALTERNATE TO ITEM 3431**
[3697] This alternate differs from the proposed decision in only one respect. It approves, with modifications, the Joint Proposal by PG&E/CUE for a reliability performance incentive mechanism.
(Comr Wood)
Agenda 3136, Item 50a 7/8/2004 (Brown);
Agenda 3137, Item 65a 8/19/2004 (Kennedy)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=175097

Regular Agenda - Energy Orders (continued)

37 **R01-08-028 - Order Instituting Rulemaking to examine the Commission's future energy efficiency policies, administration, and programs.**
[3790]

The Energy Action Plan, adopted by the Commission, the California Energy Commission and the California Consumer Power and Conservation Financing Authority, identifies reduction of energy use per capita as the overall, highest goal for resource procurement. This decision has translated this mandate into explicit, numerical goals for electricity and natural gas savings for the four largest investor-owned utilities: Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company. The adopted annual and cumulative goals for energy savings through the year 2013 are presented in Tables 1a-1d, by IOU service territory. These goals will be updated every three years, in concert with a three-year program planning and funding cycle for energy efficiency. In preparation for the program year (PY) 2006-2008 planning cycle, the Commission is in the process of designing the future administrative structure for energy efficiency in a separate phase of this proceeding. The program administrators that the Commission selects under this structure will be required to submit energy efficiency program plans and funding levels for PY2006-PY2008 in the coming months to meet the electric and natural gas savings goals adopted today. Future updates to these goals will be considered for the PY2009-PY2011 planning cycle, based on updated savings potential studies, accomplishment data and other evaluation studies, as appropriate.

(Comr Kennedy - ALJ Gottstein)

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

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

Agenda 3138, Item 30 9/2/2004 (Staff)

http://www.epuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180625

38 **A00-11-038 - Southern California Edison Company.**
[3899]

For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. The primary purpose of this decision is to adopt a cost allocation methodology that will be applied to the revenue requirement of the California Department of Water Resources for its power purchases in 2004 and beyond.

(Comr Brown, Comr Lynch - ALJ Allen)

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

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

Regular Agenda - Energy Orders (continued)

- 38a**
[3900] **ALTERNATE TO ITEM 3899**
A00-11-056, A00-10-028 - Related matters. This alternate uses the ALJ's proposed decision as a starting point, but reaches a different conclusion on the appropriate percentage unavoidable cost allocation to each utility. SDG&E is allocated a slightly lower percentage than under the ALJ's decision, with the remainder of the costs split between PG&E and SCE, in the manner to which they agreed in the Settlement Agreement.
(Comr Peevey)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=179741
- 38b**
[3905] **ALTERNATE TO ITEM 3899**
A00-11-056, A00-10-028 - Related matters. This alternate decision adopts the same allocation methodology as the Proposed Decision. DWR's revenue requirement is the same in this alternate as in the Proposed Decision. The alternate decision departs from ALJ Allen's draft decision by describing the \$290 million in excess monies the Energy Division has identified DWR would overcollect given its current revenue requirement.
(Comr Lynch)
- 38c**
[3906] **ALTERNATE TO ITEM 3899**
A00-11-056, A00-10-028 - Related matters. This alternate adopts a permanent allocation of the DWR revenue requirement by allocating the costs among utilities as follows: costs up to market level are allocated on a cost-follows-contracts basis, and above market costs are allocated on an equal cents per kilowatt-hour basis.
(Comr Brown)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180004

Regular Agenda - Energy Resolutions and Written Reports

- 39** **Res E-3875 - Pacific Gas & Electric Company (PG&E), Southern California Edison Company (SCE) and San Diego Gas & Electric Company (SDG&E).**
[3646] PG&E, SCE, and SDG&E request approval of Agency Agreements with the California Department of Water Resources for the implementation of the California Consumer Power and Conservation Financing Authority Demand Reserves Partnership Program. (PG&E Advice Letter (AL) 2505-E, SCE AL 1720-E-A, and SDG&E AL 1512-E-A, filed May 10, 2004)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Agenda 3136, Item 65 7/8/2004 (Lynch);
Agenda 3137, Item 74 8/19/2004 (Lynch)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180877
- 40** **Res E-3880 - Southern California Edison Company (SCE).**
[3786] SCE submits an Advice Letter containing its first annual filing requesting recovery of costs recorded in the bark beetle Catastrophic Event Memorandum Account for the period April 3, 2003 through December 31, 2003. SCE's request is approved with modifications. (Advice Letter 1801-E, filed June 4, 2004)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Agenda 3138, Item 31 9/2/2004 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180424
- 40a** **ALTERNATE TO ITEM 3786**
[3908] Southern California Edison Company (SCE) submits an Advice Letter containing its first annual filing requesting recovery of costs recorded in the bark beetle Catastrophic Event Memorandum Account for the period April 3, 2003 through December 31, 2003. SCE's request is approved.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180742
- 41** **Res E-3890 - San Diego Gas & Electric Company (SDG&E).**
[3883] SDG&E requests approval of a new renewable resource procurement contract. (Advice Letter 1596-E, filed June 15, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180760
- 42** **Res E-3892 - San Diego Gas & Electric Company (SDG&E).**
[3893] SDG&E submits revisions to electric transmission and reliability services rates pursuant to Federal Energy Regulatory Commission approval of these rates in Docket ER04-1078-000 and ER04-1017-000, respectively. (Advice Letter 1617-E, filed August 20, 2004)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180623

Regular Agenda - Energy Resolutions and Written Reports (continued)

43

Res E-3891 - San Diego Gas & Electric Company (SDG&E).

[3898]

SDG&E submits revisions to its electric tariffs to increase electric transmission rates pursuant to Federal Energy Regulatory Commission approval of these rates in Docket ER04-1126-000. (Advice Letters 1615-E and -E-A, filed August 16, 2004 and August 23, 2004, respectively)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180693

Regular Agenda - Telecommunication Orders**44**

[2636]

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

I01-09-002 - Related matters. This proposed decision addresses Phase 2B audit issues. The proposed decision sustains most of the findings of an audit of Pacific's intrastate financial results for the period 1997-1999 that were considered during Phase 2B. Despite the audit adjustments, this decision, read in combination with the findings reached by the Commission in Phase 2A of this proceeding, does not increase Pacific's earnings to a level requiring it to make refunds to its ratepayers.

(Comr Kennedy - ALJ Thomas)

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

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

Agenda 3123, Item 40 11/13/2003 (Staff);

Agenda 3125, Item 70 12/18/2003 (Staff);

Agenda 3126, Item 57 1/8/2004 (Kennedy);

Agenda 3129, Item 31 2/26/2004 (Wood);

Agenda 3131, Item 39 4/1/2004 (Staff);

Agenda 3134, Item 45 5/27/2004 (Staff);

Agenda 3135, Item 30 6/9/2004 (Kennedy);

Agenda 3136, Item 68 7/8/2004 (Peevey);

Agenda 3137, Item 81 8/19/2004 (Lynch);

Agenda 3138, Item 33 9/2/2004 (Lynch)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=174168

Regular Agenda - Telecommunication Orders (continued)

44a**ALTERNATE TO ITEM 2636**

[2637]

I01-09-002 - Related matters. This alternate resolves Phase 2B audit issues. This alternate, read in combination with the findings in D04-02-063, does not increase Pacific's earnings to a level requiring it to make refunds to its ratepayers. The alternate proposed decision accepts Pacific's claim of lawyer-client confidentiality concerning certain information, but prohibits the booking of contingent liability accruals that rely on that information. The alternate proposed decision denies Pacific's request to recover audit costs because of its failure to cooperate with the audit. The alternate orders corrections to the regulatory accounts concerning the booking of Local Number Portability costs and reducing the levels of authorized "Cash Working Capital." The alternate also orders Pacific to make other error-correcting adjustments, with the timing of the adjustments consistent with GAAP (which was previously adopted by this Commission to guide telecommunications accounting).

(Comr Kennedy)

Agenda 3123, Item 40a 11/13/2003 (Staff);

Agenda 3125, Item 70a 12/18/2003 (Staff);

Agenda 3126, Item 57a 1/8/2004 (Kennedy);

Agenda 3129, Item 31a 2/26/2004 (Wood);

Agenda 3131, Item 39a 4/1/2004 (Staff);

Agenda 3134, Item 45a 5/27/2004 (Staff);

Agenda 3135, Item 30a 6/9/2004 (Kennedy);

Agenda 3136, Item 68a 7/8/2004 (Peevey);

Agenda 3137, Item 81a 8/19/2004 (Lynch);

Agenda 3138, Item 33a 9/2/2004 (Lynch)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=177162

Regular Agenda - Telecommunication Orders (continued)

45

[3199]

I02-06-003 - Investigation on the Commission's own motion into the operations, practices, and conduct of Pacific Bell Wireless LLC dba Cingular Wireless and related entities (collectively Cingular) to determine whether Cingular has violated the laws, rules and regulations of this State in its sale of cellular telephone equipment and service and its collection of an early termination fee and other penalties from customers.

This modified decision finds that Cingular's corporate practice and policy from January 2000 to April 31, 2002 violated (1) Pub.Util.Code §451 and D95-04-028 because it allowed no trial of its wireless service and prohibited early termination of wireless service contracts unless the customer paid an early termination fee of \$150 or more, even though testing wireless service by using the phone is the best way for a customer to ascertain whether the service meets his or her needs, and (2) violated §§451, 702 and 2896 and D95-04-028 because it failed to disclose known network problems during 2001 and, in spite of these problems, continued to prohibit refunds/returns and require early termination fees for early cancellation of wireless service contracts. Decision orders a penalty of \$12,140,000 and requires reparations to customers. This modified decision addresses the issues raised by the Commission's Consumer Protection and Safety Division, Utility Consumers Action Network, and Cingular in their appeals to the Presiding Officer's Decision filed October 9, 2003. This proceeding is closed.

(Comr Wood - ALJ Vieth)

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 3128, Item 48 2/11/2004 (Kennedy);

Agenda 3131, Item 45 4/1/2004 (Kennedy);

Agenda 3133, Item 50 5/6/2004 (Staff);

Agenda 3134, Item 47 5/27/2004 (Peevey);

Agenda 3136, Item 69 7/8/2004 (Peevey);

Agenda 3137, Item 82 8/19/2004 (Staff);

Agenda 3138, Item 34 9/2/2004 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=179693

Regular Agenda - Telecommunication Orders (continued)

- 45a** **ALTERNATE TO ITEM 3199**
[3815] PROPOSED ORDER OF COMMISSIONER KENNEDY DIFFERENT FROM PRESIDING OFFICER'S DECISION - This decision finds that Cingular Wireless committed one violation of Section 451 of the Public Utilities Code by unreasonably including a substantial early termination fee in its long-term contracts without including a grace period in which a customer could try out a new cellular telephone. The decision orders Cingular to refund early termination fees to (1) all customers who paid such fees within 14 days of entering a contract in the period from January 1, 2000 to May 1, 2002 and (b) all customers who paid such fees during the period February 1, 2001 through April 30, 2001. The decision also fines Cingular \$890,000, equal to \$10,000 per day for each day from February 1, 2001 through April 30, 2001, a period in which Cingular knowingly failed to disclose serious network problems and continued to aggressively market its services. This decision is final. (Comr Kennedy)
Agenda 3137, Item 82a 8/19/2004 (Staff);
Agenda 3138, Item 34a 9/2/2004 (Staff)
- 46** **A01-02-024 - AT&T Communications of California, Inc. and WorldCom, Inc.**
[3523] A01-02-035, A02-02-031, A02-02-032, A02-02-034, A02-03-002 - Related matters. This decision adopts revised monthly recurring unbundled network element (UNE) rates for several UNEs that Pacific Bell Telephone Company dba SBC-California sells to competitive local exchange carriers. The UNEs for which revised monthly recurring rates are adopted are loops (including 2-wire, DS-1 and DS-3), switching, dedicated transport, signaling system 7 (SS7) links, and the DS-3 entrance facility without equipment. The rates in today's order replace interim rates for loops and switching that were set in D02-05-042 and replace rates for other UNEs originally adopted in D99-11-050. This order adopts a statewide average 2-wire loop rate of \$10.16 and a flat rate for switching usage of \$2.80 per port. These rates result in a UNE-Platform rate of \$14.18 per month. The Commission sets these rates based on the HAI Model, Version 5.3, (HM 5.3) proposed by AT&T Communications of California and WorldCom, Inc. Although the order finds that HM 5.3 and the models proposed by SBC-CA are flawed, the SBC-CA models are not used to set UNE rates because they fail the Commission's modeling criteria to a significant extent. These proceedings are closed.
(Comr Wood - ALJ Duda)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
This matter may be considered during the Ratesetting Deliberative Meeting.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
Agenda 3135, Item 33 6/9/2004 (Peevey);
Agenda 3136, Item 70 7/8/2004 (Staff);
Agenda 3137, Item 83 8/19/2004 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180182

Regular Agenda - Telecommunication Orders (continued)

46a

[3524]

ALTERNATE TO ITEM 3523

A01-02-035, A02-02-031, A02-02-032, A02-02-034, A02-03-002 - Related matters. This alternate decision adopts revised monthly recurring unbundled network element (UNE) rates for several UNEs that Pacific Bell Telephone Company dba SBC-California sells to competitive local exchange carriers. The UNEs for which revised monthly recurring rates are adopted are loops (including 2-wire, DS-1 and DS-3), switching, dedicated transport, signaling system 7 (SS7) links, and the DS-3 entrance facility without equipment. The rates in today's decision replace interim rates for loops and switching that were set in D02-05-042 and replace rates for other UNEs originally adopted in D99-11-050. This decision adopts a statewide average 2-wire loop rate of \$11.94 and a flat rate for switching usage of \$3.47 per port. These rates result in a UNE-Platform rate of \$16.67 per month. The Commission sets these rates based on the HAI Model, Version 5.3, (HM 5.3) proposed by AT&T Communications of California and WorldCom, Inc. Although the decision finds that HM 5.3 and the models proposed by SBC-CA are flawed, the SBC-CA models are not used to set UNE rates because they fail the Commission's modeling criteria to a significant extent. The alternate decision modifies asset lives, cost of capital, labor costs in response to comments. This alternate assumes the use of 60% Integrated Digital Loop Carrier equipment as a modeling input. These proceedings are closed.

(Comr Wood)

Agenda 3135, Item 33a 6/9/2004 (Peevey);

Agenda 3136, Item 70a 7/8/2004 (Staff);

Agenda 3137, Item 83a 8/19/2004 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=179114

46b

[3896]

ALTERNATE TO ITEM 3523

A.01-02-035, A02-02-031, A02-02-032, A02-02-034, A02-03-002 - Related matters. This alternate proposed decision finds that both SBC-CA's LoopCAT and JA's HM 5.3 have serious flaws. The alternate determines that it is reasonable to set the UNE rates for loops (excluding DS1 and DS3) through the averaging of the results produced by each model. For all other UNE rates, this alternate relies on HM 5.3 which produces reasonable outcomes. The alternate finds that SBC-CA's non-loop modules offer results that generally differ little from HM 5.3 and are extremely difficult to use, and it is therefore unreasonable to use them. In addition, this alternate modifies several of the inputs used in the revised proposed decision of ALJ Duda (revised and mailed on August 11, 2004) to model UNE costs and to set UNE rates. In particular, the alternate adopts the depreciation schedule proposed by SBC-CA and sets a Cost of Capital of 10.37%. The alternate adopts modifications to HM 5.3's modeling of labor costs concerning aerial and buried terminals, splices, and SAI investment proposed by MCI. To model the mix of 'new' and 'growth' loops, the alternate averages the forecasts of SBC-CA and JA. Concerning Digital Loop Carrier, the alternate determines that a mix of approximately 95% UDLC and 5% IDLC better reflects the likely deployment of this loop technology.

(Comr Kennedy)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180012

Regular Agenda - Telecommunication Orders (continued)

46c **ALTERNATE TO ITEM 3523**

[3897]

A01-02-035, A02-02-031, A02-02-032, A02-02-034, A02-03-002 - Related matters.

ALTERNATE PAGES TO ITEM 3896, COMR. KENNEDY'S ALTERNATE: These alternate pages to Item 3896 sets the cost of capital at 9.82%. The UNE rates are calculated upon a 9.82% cost of capital.

(Comr Peevey)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180818

47

[3764]

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

I95-04-044 - Related matters. This decision addresses the approval and implementation of batch hot cut processes and related pricing applicable to SBC California and Verizon California, Inc. These findings are the result of the workshops and evidentiary hearings conducted pursuant to the Federal Communications Commission Triennial Review Order, adopted on February 20, 2003.

(Comr Kennedy - ALJ Pulsifer)

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

Agenda 3138, Item 37 9/2/2004 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180350

48

[3851]

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

I95-04-044 - Related matters. This decision implements the 310/424 area code split as previously authorized in D00-09-073. The new 424 area code can be dialed on a permissive basis beginning May 28, 2005 and on a mandatory basis on September 10, 2005.

(Comr Lynch - ALJ Pulsifer)

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

Regular Agenda - Telecommunication Orders (continued)

48a**ALTERNATE TO ITEM 3851**

[3856]

I95-04-044 - Related matters. This alternate draft decision finds that with over two million unused and available telephone numbers still in existence in the 310 area code, substantial resources are still available to support customer and carrier needs in the 310 even at the rate center level. Accordingly, it is not necessary at this time to split the 310 area code by implementing the back-up area code split plan adopted in D00-09-073. The alternate further finds that recent conservation measures implemented in the 310 have resulted in a significant return of numbers to the 310 number pool as well as to the NXX code reserves. Given the effectiveness of past conservation efforts, further conservation measures should be taken to increase the efficient management of number resources and to extend the life of the 310 area code.

(Comr Lynch)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180541

Regular Agenda - Telecommunication Resolutions and Reports**49**

[3852]

Res T-16874 - AT&T Communications of California, Inc. (AT&T).

This resolution grants Carrier of Last Resort status to AT&T in Verizon's service territory; denies AT&T's request to file for California High Cost Fund-B subsidy in Verizon's service territory based on UNE-P without a Commission directive; denies AT&T's request for exemption from the Customer Primary Line certification requirements of Resolution T-16018. The resolution orders Telecommunications Division to inform AT&T of status of its remittances to the Commission; recommend suitable penalties for violation of Resolution T-16018; and design and maintain a data base with input from utilities to identify duplicate claims in overlapping service territories.

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

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=179912

Regular Agenda - Water/Sewer Resolutions and Reports**50**

[3600]

Res W-4477 - California Water Service Company (CWSC).

CWSC - Bakersfield, Bear Gulch, Chico, Dixon, Dominguez-South Bay, East Los Angeles, Hermosa-Redondo, King City, Livermore, Los Altos, Marysville, Mid-Peninsula, Salinas, Selma, South San Francisco, Stockton, Palos Verdes, Westlake, Willows, Visalia Districts - Resolution recording status of reserve account recovery filings and results of earnings tests. (Advice Letter (AL) 1622 and AL 1624, filed March 25, 2004, and AL 1642, AL 1643, AL 1647, AL 1648, AL 1649, and AL 1650, filed April 1, 2004)

Agenda 3135, Item 17 6/9/2004 (Staff);

Agenda 3136, Item 9 7/8/2004 (Staff);

Agenda 3137, Item 89 8/19/2004 (Staff);

Agenda 3138, Item 43 9/2/2004 (Kennedy)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=180639

Regular Agenda - Legal Division Matters

51

Res L-312

[3841]

This resolution approves new confidentiality provisions for exempt wholesale generators, and replaces confidentiality language in Resolution L-293.

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

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=178791

Regular Agenda - Commissioner's Reports

Regular Agenda - Management Reports and Resolutions

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 - Non-Federal

- 52** **Conference with Legal Counsel - Applications for Rehearing**
 [3627] 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.
- 53** **C98-04-004 - Conference with Legal Counsel - Application for Rehearing**
 [3601] C98-06-003; C98-06-027; C98-06-049; I90-02-047 - Related matters. Disposition of
 Applications for Rehearing of D03-11-021 filed by The Latino Issues Forum (LIF), The Utility Reform
 Network, and SBC California. On November 13, 2003, the Commission issued D03-11-021,
 awarding intervenor compensation to The Greenlining Institute and LIF for its contribution to
 D01-09-058.
 Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
 Agenda 3136, Item 97 7/8/2004 (Staff);
 Agenda 3137, Item 97 8/19/2004 (Staff);
 Agenda 3138, Item 48 9/2/2004 (Staff)
- 54** **A02-12-027 - Conference with Legal Counsel - Application for Rehearing**
 [3606] A02-12-028, I03-03-016 - Related matters. Disposition of the application for rehearing of
 D03-12-058 filed by Southern California Edison Company (SCE). D03-12-058 found Local 483
 Utility Workers Union of America eligible for intervenor compensation under Chapter 9, Article 5,
 Section 1801, et seq., of the Public Utilities Code.
 Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
 Agenda 3135, Item 66 6/9/2004 (Staff);
 Agenda 3136, Item 98 7/8/2004 (Wood);
 Agenda 3137, Item 98 8/19/2004 (Staff);
 Agenda 3138, Item 49 9/2/2004 (Staff)

Closed Session - Non-Federal (continued)

- 56**
[3814] **A03-10-017 - Conference with Legal Counsel - Application for Rehearing**
A03-10-018, A03-10-019, A03-10-020, A03-10-021, A03-10-031 - Related matters. Disposition of Application for Rehearing of D04-05-060 filed by California Water Service Company (CWSC). D04-05-060 is an interim opinion concerning water quality issues and also authorizes dismissal of certain applications. The underlying proceeding concerns authorization for CWSC to increase its rates for water service in certain districts as well as a request by CWSC that the Commission find that it is in compliance with General Order 103.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
Gov. Code § 11126.3(d), allows this item to be considered in Closed Session.
Agenda 3138, Item 53 9/2/2004 (Staff)
- 57**
[3833] **R01-09-001 - Conference with Legal Counsel - Application for Rehearing**
I01-09-002 - Related matters. Disposition of Applications for Rehearing of D04-02-063 filed by the Office of Ratepayer Advocates and The Utility Reform Network. In D04-02-063, the Commission allowed SBC Pacific Bell Telephone Company to write off approximately \$400 million of a Post Retirement Benefit Other Than Pension regulatory assets above the line in 1998.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
Agenda 3138, Item 55 9/2/2004 (Staff)
- 58**
[3887] **R00-02-004 - Conference with Legal Counsel – Application for Rehearing**
Disposition of Applications for Rehearing of D04-05-057 filed by AT&T Wireless, et al. (Joint Wireless Carriers), Nextel of California, Inc., and the Wireline Group. D04-05-057 issued General Order 168, Rules Governing Telecommunications Consumer Protection. Rehearing applicants allege that the provisions and the adoption of G.O. 168 are preempted, unconstitutional, and in violation of state law. Applicants also assert that the time allowed for implementation is impracticable and not supported by the record. The Wireline Group also filed a second application for rehearing solely concerning issues of timing and implementation.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
- 59**
[3895] **R03-09-006 - Conference with Legal Counsel – Application for Rehearing**
Disposition of the application for rehearing of D04-04-038 filed by AT&T Wireless Services of California, LLC, Pacific Bell Wireless, LLC dba Cingular Wireless, Nextell of California, Inc, Sprint Spectrum L.P. dba Sprint, Omnipoint Communications, Inc. dba T-Mobile, and Verizon Wireless (collectively 'Wireless Carriers'). D04-04-038 resolved petitions to modify R03-09-006 and motions that sought to change the named respondents to this proceeding. D04-04-038 also granted motions for confidentiality filed by several utilities.
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), 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 - 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

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**60** **Case Nos. C 04-00580 VRW (Bankruptcy Case No. 01 30923 DM) - Conference with Legal**
[3629] **Counsel - Existing Litigation**

Loretta Lynch vs. California Public Utilities Commission, Pacific Gas and Electric Company (Debtor), U.S. District Court for the Northern District of California, Case No. C 04-00580 VRW; 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.

61 **FERC Docket Nos. RP04-248-000; RP04-251-000 - Conference with Legal Counsel -**
[3901] **Existing Litigation**

El Paso Natural Gas Company, FERC Docket Nos. RP04-248-000; RP04-251-000.

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

62 **FERC Docket No. ER03-262-009 - Conference with Legal Counsel - Existing Litigation**

[3902]

California Independent System Operator, FERC Docket No. ER03-262-009.

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

Closed Session - FERC Docket No. EL00-95-000

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., EL00-95-000

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