
Public Utilities Commission of the State of California

Public Agenda 3153

Thursday, May 26, 2005 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

John A. Bohn

Geoffrey F. Brown

Dian M. Grueneich

Susan P. Kennedy

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, June 13, 2005 (San Francisco)	Thursday, May 26, 2005 (San Francisco)
Monday, June 27, 2005 (San Francisco)	Thursday, June 16, 2005 (San Francisco)
Monday, July 18, 2005 (San Francisco)	Thursday, June 30, 2005 (San Francisco)
	Thursday, July 21, 2005 (San Francisco)

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

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.
- 41

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**
[4498] **Res TL- 19059**
Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
- 2**
[4500] **Res ALJ 176-3153**
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=196015
- 3**
[4461] **Res W-4531 - Mesa Crest Water Company (MCWC).**
This resolution authorizes MCWC a general rate increase producing an additional annual revenue of \$155,672 or 18.5% in 2004 and an additional \$107,696 or 10.82% in 2005.
Agenda 3151, Item 17 4/21/2005 (Staff);
Agenda 3152, Item 7 5/5/2005 (Staff)

Consent Agenda - Orders and Resolutions (continued)

- 4**
[4506] **A04-08-042 - Southern California Water Company (SCWC).**
This decision modifies a joint SCWC and Office of Ratepayers Advocates plan to transition SCWC's Region I to the rate case schedule specified in D04-06-018, whereby the next full general rate case for Region I will be for test year 2008. The rate increases authorized by this decision for the seven Region I customer service areas total \$2,266,600 (7.1%) for 2005, \$884,700 (2.6%) for 2006 and \$1,013,100 (2.9%) for 2007. This proceeding is closed.
(Comr Peevey - ALJ Fukutome)
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=195650
- 5**
[4511] **P04-08-038 - National Submetering and Utility Allocation Association.**
This decision denies the request to open a rulemaking governing the provision of submetered gas and electric service, finding that opening a rulemaking is unnecessary to accomplish the relief sought. Instead, this decision defines “new installations” in the existing Master Meter/Submetering Tariffs to allow residential customers served under a utility Master Meter Tariff to convert to the existing Master Meter/Submetering Tariff if the building for which service is sought was constructed prior to the Master Meter/Submetering Tariff being closed. This proceeding is closed.
(Comr Peevey - ALJ Cooke)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=196060
- 6**
[4512] **R03-03-015 - Order Instituting Rulemaking to establish policies and criteria to authorize an increase in the rate of return allowed an electrical corporation on its electric plant due to sustainable land and resource management practices pursuant to Pub. Util. Code §454.3.**
Because the issues identified in this proceeding would be more appropriately addressed in other contexts, this decision refers consideration of implementing Pub. Util. Code §454.3 to the “umbrella” procurement proceeding, R04-04-003. 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 Quasi-Legislative.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195712

Consent Agenda - Orders and Resolutions (continued)

- 7**
[4516] **A02-03-020 - Pacific Gas and Electric Company (PG&E).**
In its petition for modification of D03-10-014, PG&E asked that it be allowed to address funding of its nuclear decommissioning trust funds in its general rate case proceedings rather than in a separate nuclear decommissioning cost triennial proceeding as required by D03-10-014. This decision denies the petition in order to ensure that funding of nuclear decommissioning trusts is thoroughly reviewed in a manner that is consistent across the utilities.
(Comr Brown - ALJ O'Donnell)
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=195493
- 8**
[4523] **Res T-16903 - Verizon California, Inc. (Verizon).**
This resolution authorizes Verizon to grandfather Caller ID - Number Only, Call Waiting, Cancel Call Waiting, In Contact, In Contact Package and Smart Ring with Paks. There will be no rate increase for Verizon's existing customers. (Advice Letter (AL) 10926, AL-10926-A, AL-10926-B, filed July 26, 2004, August 20, 2004, March 2, 2005 respectively)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195064
- 9**
[4554] **R01-08-028 - Order Instituting Rulemaking to examine the Commission's future energy efficiency policies, administration and programs.**
This order grants the petition to modify D03-12-060 filed by ASW Engineering seeking approval to transfer \$238,154.89 from its 2003-04 Energy Savers Program budget to its 2004-05 Energy Savers Program budget.
(Comr Kennedy - ALJ Malcolm)
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=195626
- 10**
[4556] **Res T-16909 - AT&T Communications of California (AT&T).**
This resolution grants Eligible Telecommunications Carrier (ETC) status to AT&T as set forth in Res T-16086 and the Federal Communications Commission rules on ETC eligibility and service requirements.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195720

Consent Agenda - Orders and Resolutions (continued)

- 11**
[4557] **Res E-3927 - Pacific Gas and Electric Company (PG&E).**
PG&E submits revisions to its rate schedules to update the Transmission Access Charge Balancing Account Adjustment rate. This resolution approves the rate change proposed by PG&E as approved by Federal Energy Regulatory Commission. (Advice Letter 2648-E, filed April 1, 2005)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195841
- 12**
[4563] **A04-10-012 - Communication Impact Inc. (Applicant).**
Applicant seeks a certificate of public convenience and necessity under Pub. Util. Code §1001 for authority to provide interexchange services and resold local exchange telecommunications services as a competitive local carrier. This decision grants the requested authority subject to the terms and conditions set forth. This proceeding is closed.
(Comr Kennedy - ALJ Patrick)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=185857
- 13**
[4568] **A01-02-024 - AT&T Communications of California, Inc. and WorldCom, Inc.**
To reexamine the recurring costs and prices of unbundled switching in its first annual review of unbundled network element costs pursuant to Ordering Paragraph 11 of D99-11-050. A01-02-035, A02-02-031, A02-02-032, A02-02-034, A02-03-002 - Related matters. This decision modifies Appendix C of D04-09-063 to correct an error in the rate element for unbundled tandem switching setup per completed message and a corresponding error in Appendix B to D05-03-037. This proceeding is closed.
(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 Ratesetting.
- 14**
[4569] **A04-07-017 - City of Fremont.**
This decision authorizes the City of Fremont to construct two grade separated crossings (grade separated crossings) and to eliminate six at grade crossings. The six at-grade crossings will be eliminated as a result of the two new separated crossings. This proceeding is closed.
(Comr Kennedy - ALJ DeBerry)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=191948

Consent Agenda - Orders and Resolutions (continued)

- 15** **Res T-16926**
[4570] This resolution authorizes the Great Valley Center to act as fiscal agent for the Rural Telecommunications Grant Program.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=194235
- 16** **A04-11-009 - Southwest Gas Corporation (Southwest).**
[4573] This decision approves Southwest’s application to establish a gas cost incentive mechanism (GCIM). The adopted GCIM will provide an objective standard by which to measure Southwest’s gas procurement performance, an incentive to lower overall gas costs, and a sharing of gas procurement benefits between ratepayers and Southwest. This proceeding is closed.
(Comr Peevey - ALJ DeBerry)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195555
- 17** **A05-03-027 - Southern California Edison Company (SCE).**
[4576] This decision authorizes SCE to maintain its currently authorized Energy Resource Recovery Account (ERRA) rate levels so that it may draw down its February 2005 undercollected ERRA balance within four months. This proceeding is closed.
(Comr Peevey - ALJ Galvin)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195529
- 18** **A03-09-037 - Fernando Hernandez, dba The Desert Ruby (Applicant).**
[4577] This decision authorizes Applicant to operate as a passenger stage corporation between hotels and motels in Palm Springs, on the one hand, and points in the Cities of Palm Springs, Cathedral City, Rancho Mirage, Palm Desert, Desert Hot Springs, Indian Wells, and La Quinta, 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.
- 19** **A04-11-006 - Quick Shuttle, LLC (Applicant).**
[4578] This decision authorizes Applicant to operate as a passenger stage corporation between points in the Counties of Los Angeles and Orange, on the one hand, and Los Angeles International, John Wayne, and Long Beach 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.

Consent Agenda - Orders and Resolutions (continued)

- 20** **A05-01-006 - Powercomm Company, Inc. (Applicant).**
[4579] This decision authorizes Applicant to operate as a passenger stage corporation between points in the Counties of Los Angeles, Orange, San Bernardino, Riverside, and Ventura, on the one hand, and Los Angeles International, John Wayne, and Ontario 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.
- 21** **A04-11-023 - Abdolkarim Nouranian, dba SuperSave Shuttle (Applicant).**
[4580] This decision authorizes Applicant to operate as a passenger stage corporation between points in Orange County and John Wayne Airport. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
- 22** **I _____ - Order Instituting Investigation on the Commission's own motion into the rates, operations, practices, service and facilities of Southern California Edison Company.**
[4582] This order institutes a companion investigation to Southern California Edison Company's (SCE) test year 2006 general rate case, to be consolidated and heard on a consolidated evidentiary hearing record with A04-12-014. This investigatory proceeding is opened for the purpose of taking evidence and entering orders within the Commission's jurisdiction in connection with SCE's revenue requirement, rates, service, practice, maintenance and facilities.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=193849
- 23** **Res W-4535 - Graeagle Water Company, Inc. (Graeagle).**
[4585] This resolution grants Graeagle authority to secure a \$250,000 loan, and to execute and deliver a new loan contract to replace the transaction executed May 21, 2004 without authorization from the Commission. (Advice Letter 42, filed April 18, 2005)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=193848
- 24** **Res W-4536 - Warring Water Service, Inc. (WWS).**
[4586] This resolution authorizes WWS a general rate increase producing additional annual revenue of \$77,570 or 24.5% in test year 2005.

Consent Agenda - Orders and Resolutions (continued)

- 25**
[4587] **A04-12-006 - Port of Stockton.**
This decision grants the request of the Port of Stockton to construct a new at-grade highway-rail crossing over its own tracks in San Joaquin 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=193409
- 26**
[4588] **A02-10-009 - City of San Marcos.**
This decision grants the request of City of San Marcos to construct three at-grade bikeway-rail crossings and modify two existing at-grade highway-rail crossings as part of its Inland Rail Trail Project, a Class I Bikeway, in the City of San Marcos, San Diego 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=192241
- 27**
[4589] **A05-01-024 - Peninsula Corridor Joint Powers Board (Caltrain).**
This decision grants Caltrain's request to construct a new at-grade pedestrian crossing over its own tracks at the Palo Alto Station in Santa Clara 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=194321
- 28**
[4593] **A04-03-003 - Santa Clara Valley Transportation Authority, Town of Los Gatos, and Sobrato Interests III (Applicants).**
This decision grants Applicants' application to convert an existing private at-grade crossing in Los Gatos to a public crossing and to provide enhanced safety features and other improvements at the crossing. This proceeding is closed.
(Comr Grueneich - ALJ Simon)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=193875
- 29**
[4596] **Res T-16936 - SBC California (SBC).**
This resolution approves a CMRS Agreement between SBC and United States Cellular, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 26393, filed March 14, 2005)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195041

Consent Agenda - Orders and Resolutions (continued)

- 30**
[4597] **Res T-16937 - SBC California (SBC).**
This resolution approves an Interconnection Agreement between SBC and VCI Company, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 26281, filed February 28, 2005)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195042
- 31**
[4604] **A05-02-007 - Pacific Gas and Electric Company (PG&E).**
This decision grants PG&E's application pursuant to Pub. Util. Code §851 to grant an easement to Michael L. Browning and Deborah H. Browning (Browning) for installation, operation, maintenance, and use of domestic water wells on a parcel of land near Manton, Shasta County, California for which PG&E owns all surface and subsurface water and water rights. PG&E does not need access to the water; the easement limits the amount of water the Brownings may draw; and the grant will not otherwise interfere with PG&E's ability to serve the public. The grant therefore is in the public interest pursuant to §851, and the decision grants the application. This proceeding is closed.
(Comr Kennedy - ALJ Thomas)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=194219
- 32**
[4605] **Res W-4537 - Trinity Village Water Company, Inc. (Trinity).**
This resolution authorizes Trinity an interim general rate increase subject to refund, producing an increase in gross annual revenues of \$4,500 or 7.9%.
- 33**
[4606] **Res W-4539 - The Sea Ranch Water Company (SRWC).**
This resolution authorizes SRWC a general rate increase in water rates producing an increase in annual revenue of \$146,904 or 22.98% for test year 2004.
- 34**
[4609] **A05-01-032 - Genaro E. Elizondo, dba Bay Area Connection (Transferor) and Jahangir M. Saiyed (Transferee).**
This decision authorizes Transferor to transfer his passenger stage corporation (PSC) certificate to Transferee, and authorizes Transferee to extend the PSC authority 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.
- 35**
[4610] **Res E-3931 - Pacific Gas and Electric Company (PG&E).**
PG&E requests confirmation of DeWitt F. Bowman and John E. Hulse to the Committees of its Nuclear Decommissioning Trust Funds. Request approved with modifications. (Advice Letter 2651-E, filed April 15, 2005)

Consent Agenda - Orders and Resolutions (continued)

36

A05-03-008 - Sebastian Enterprises, Inc. and Foresthill Telephone Company.

[4613]

This decision authorizes Rose A. Hoepfer (Hoepfer) to transfer control of Foresthill Telephone Company (Foresthill) to Sebastian Enterprises, Inc. (Sebastian) through the sale of 100% of the issued and outstanding capital stock of Foresthill by Hoepfer to Sebastian.

This proceeding is closed.

(Comr Brown - ALJ Galvin)

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

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195878

Regular Agenda

Regular Agenda - Energy Orders

- 37** **A00-11-038 - Southern California Edison Company.**
 [4517] 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. This decision denies San Diego Gas & Electric Company's petition to modify D04-12-014, which adopted a permanent methodology for allocating the Department of Water Resources' annual revenue requirement.
 (Comr Brown - ALJ Allen)
 Pub. Util. Code § 311 – This item was mailed for Public Comment.
 Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
- 38** **R04-01-025 - Order Instituting Rulemaking to establish policies and rules to ensure reliable, long-term supplies of natural gas to California.**
 [4520] This decision addresses The Utility Reform Network's request for compensation regarding D04-09-022.
 (Comr Kennedy - ALJ Wong)
 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=195574
- 38a** **ALTERNATE TO ITEM 4520**
 [4524] This decision awards TURN \$31,002.49 in compensation for its contribution to D04-09-022. This award reflects the amount that TURN requested, less the amount TURN is seeking for activities it engaged in before the proceeding commenced.
 (Comr Kennedy)
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=193696
- 39 (Rev.)** **A05-01-031 - San Diego Gas & Electric Company (SDG&E).**
 [4567] The decision grants SDG&E's application for authority to issue \$400 million of short-term debt through 2010 and to eliminate the requirement to reduce its outstanding short-term debt to 5% of its long-term capital at least once every 12 months. This proceeding is closed.
 (Comr Peevey - ALJ Kenney)
 Pub. Util. Code § 311 – This item was mailed for Public Comment.
 Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
 05/23/2005 - This revision was not shown on the Agenda mailed to the public.
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=196012

Regular Agenda - Energy Orders (continued)

- 40**
[4571] **A04-07-004 - Pacific Gas and Electric Company (PG&E).**
This order resolves all outstanding issues in PG&E's application to allocate certain costs among various rates for natural gas services and to establish gas throughput forecasts upon which to base those rates. This order adopts several settlements filed by the parties on various issues and resolves three other outstanding disputed matters. As a result of this order, PG&E's residential gas rates will increase by about 1.2% per therm. Small commercial rates will decrease very marginally by 1%. Large commercial core rates will fall by 5% and the rates of large commercial customers that take transportation only will fall by 22.7% as a result of partial deaveraging ordered today. Industrial transportation rates increase by 1.9% for transmission level service and distribution rates increase by 3.6%.
(Comr Brown - 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=196058
- 41**
[4581] **C04-01-020 - Almond Tree Hulling Co.; Arakelian Farms; Baugher Ranch; Beretta Property Management; Campos Brothers Farms; Central California Almond Growers Association; Central Valley Almond Association, Inc.; CF Koehen & Sons, Inc.; Dairyland Hullers; Farmers Cooperative; Harriet Baldwin; Harris-Woolf Almond Huller; Hashem Naraghi; Hilltop Circle L. Ranch; James M. Paiva; James R. Lewis Orchards Inc.; John Wynn; et al. vs. Pacific Gas and Electric Company and Does 1 through 100.**
This decision upholds the Presiding Officer's (POD) opinion which found that almond hulling and shelling do not qualify for an agricultural rate under Pacific Gas and Electric Company's tariffs, with minor modifications to the POD made in response to complainant's appeal. This proceeding is closed.
(Comr Peevey - ALJ Prestidge)
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.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=194476
- 41a**
[4612] **ALTERNATE TO ITEM 4581**
PROPOSED ORDER OF PRESIDENT PEEVEY DIFFERENT FROM PRESIDING OFFICER'S DECISION - This decision grants the request of the complainants and finds that almond hulling and shelling qualify for an agricultural rate under Pacific Gas and Electric Company's tariffs. This proceeding is closed.
(Comr Peevey)

Regular Agenda - Energy Resolutions and Written Reports**42** **Res E-3921 - Southern California Edison Company (SCE) and San Diego Gas & Electric Company (SDG&E).**
[4468]

This resolution approves, subject to modification, changes to new residential electric and gas line and service extension allowances, and monthly charges for unused capacity of line extensions for new non-residential customers of SCE and SDG&E per Rules 15 and 16. It also requires SCE and SDG&E to clarify and coordinate language in Rules 2, 15, 16 and associated rules, to explain how the monthly cost of ownership charge relates to the Cost of Service (COS) factor, which is used in the calculation of the allowances. SDG&E shall work with the Energy Division to revise the language of the Agreement for Extension and Construction of Overhead/Underground Electric and Gas Facilities. (SCE Advice Letter (AL) 1847-E, filed December 15, 2004 and SDG&E AL 1647-E/1494-G, filed December 20, 2004)

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

Agenda 3152, Item 18 5/5/2005 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=192634

43 **Res E-3919 - San Diego Gas & Electric Company (SDG&E).**
[4510]

SDG&E requests clarification that its Net Energy Metering Tariff for Biogas Customer-Generators applies to non-residential customers only. SDG&E's request to exclude residential load is denied. (Advice Letter 1599-E, filed July 15, 2004)

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

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=193398

44 **Res E-3930**
[4561]

This resolution establishes a Process for Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company to pass through rate changes for transmission costs that have been filed with and become effective at the Federal Energy Regulatory Commission.

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

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=196047

45 **Res E-3918 - Pacific Gas and Electric Company (PG&E).**
[4572]

PG&E submits electric rate Schedule E-SDL to specify charges and provisions applicable to Split-Wheeling Departing Load. Approved with modifications. (Advice Letter 2579-E, filed November 5, 2004)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=194257

Regular Agenda - Energy Resolutions and Written Reports (continued)

46

Res E-3933 - Pacific Gas and Electric Company (PG&E).

[4617]

PG&E submits electric tariff revisions to implement in rates the revised 2005 Department of Water Resources (DWR) revenue requirement and the Transmission Access Charge Balancing Account revenue requirement effective June 1, 2005 pursuant to D05-04-025. This resolution considers PG&E's unopposed request to implement new rates in a manner which deviates from D04-02-062. (Advice Letter 2647-E-B, filed May 13, 2005)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=196026

Regular Agenda - Telecommunication Orders**47**

[4508]

A04-05-017 - WilTel Communications, LLC aka Williams Communications, LLC (WilTel).

This decision denies the application of WilTel to amend its certificate of public convenience and necessity. WilTel asks the Commission to allow it to build out its fiber optic telecommunications facilities without analysis under the California Environmental Quality Act of the environmental impact of the new construction it proposes. This proceeding is closed.

(Comr Peevey - 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://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=193355

Regular Agenda - Other Utility Orders**48 R_____ - Order Instituting Rulemaking to implement Senate Bill No. 1488 (2004 Cal. Stats., Ch. 690 (Sept. 22, 2004)) relating to confidentiality of information.**
[4611]

This order implements Senate Bill No. 1488 (2004 Cal. Stats., Ch. 690 (Sept. 22, 2004)), which requires that the Commission examines its practices regarding confidential information (Public Utilities Code §§ 454.5(g) and 583, and the Public Records Act, Gov. Code § 6250, et seq) to ensure meaningful public participation in the Commission's proceedings, and open decisionmaking, while taking account of the Commission's obligations under §§ 454.5(g) and 583 to protect the confidentiality of certain types of information.

Regular Agenda - Legal Division Matters

- 49** **WC Docket No. 04-36 (FCC)**
[4564] In the matter of IP-Enabled Services, WC Docket No. 04-36 (FCC). To consider filing comments in the FCC's rulemaking proceeding regarding IP-enabled services.
Agenda 3152, Item 23 5/5/2005 (Staff)
- 50** **Res L-317**
[4565] This Resolution would authorize the Commission's Executive Director to cancel, suspend or revoke the license of Household Goods Carriers whose principals have been convicted of misdemeanors involving the HHG statute or certain types of felonies; including burglary, robbery, fraud or intentional dishonesty for personal gain. The Consumer Protection and Safety Division would report information about criminal convictions to the Executive Director who would in turn take action with regard to the operating permit of the carrier. The Executive Director is authorized to act (without prior notice to the carrier) to revoke, suspend or cancel the carriers' license pursuant to PU Code 5285(d).
Agenda 3152, Item 24 5/5/2005 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=194093
- 51** **Res L-318**
[4566] This Resolution would authorize the Commission's Executive Director to cancel, suspend or revoke the license of Charter Party Carrier whose principals have been convicted of misdemeanors involving the Charter Party Carrier statute or certain categories felonies including robbery, larceny, burglary, fraud or intentional dishonesty. The Consumer Protection and Safety Division would report information about criminal convictions to the Executive Director who would in turn take action with regard to the operating permit of the carrier. The Executive Director is authorized to act without prior notice to the carrier to revoke, suspend or cancel the carriers' license pursuant to PU Code 5378(a)(3).
Agenda 3152, Item 25 5/5/2005 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195010

Regular Agenda - Legislative Matters

- 52** **AB 67 (Levine)**
[4600] Electricity: rates: report to Legislature.
- 53** **AB 158 (Bermudez)**
[4603] Railroads: safety study.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195859
- 54** **AB 374 (Bermudez)**
[4599] Water replenishment districts.
- 55** **AB 736 (J. Horton)**
[4492] Public utilities: regulation.
Agenda 3151, Item 40 4/21/2005 (Staff);
Agenda 3152, Item 27 5/5/2005 (Staff)
- 56** **AB 903 (De La Torre)**
[4483] Cable television franchises.
Agenda 3151, Item 32 4/21/2005 (Staff);
Agenda 3152, Item 30 5/5/2005 (Staff)
- 57** **AB 1380 (Gordon)**
[4562] Telco: new area codes.
Agenda 3152, Item 36 5/5/2005
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195854
- 58** **AB 1383 (Pavley)**
[4536] Solar energy: Low-income Housing Development Revolving Loan Program.
Agenda 3152, Item 37 5/5/2005 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=194424
- 59** **AB 1458 (De La Torre)**
[4527] Telco: lease of state property for wireless facilities.
Agenda 3152, Item 38 5/5/2005 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195858

Regular Agenda - Legislative Matters (continued)

- 60** **AB 1576 (Nunez)**
[4538] Electrical corporations: rates; repowering projects.
 Agenda 3152, Item 39 5/5/2005 (Staff)
- 61** **AB 1723 (La Malfa)**
[4544] Integrated energy policy report.
 Agenda 3152, Item 40 5/5/2005 (Staff)
- 62** **SB 426 (Simitian)**
[4537] State Energy Resources Conservation.
 Agenda 3152, Item 47 5/5/2005 (Staff)
- 63** **SB 431 (Battin)**
[4541] Electricity: repowering of facilities.
 Agenda 3152, Item 48 5/5/2005 (Staff)
- 64** **SB 580 (Escutia)**
[4542] Public Utilities Commission: Low-income Oversight Board.
 Agenda 3152, Item 49 5/5/2005 (Staff)
- 65** **SB 608 (Escutia)**
[4491] PUC: Division of Ratepayer Advocates: office of the public advisor.
 Agenda 3151, Item 39 4/21/2005 (Staff);
 Agenda 3152, Item 50 5/5/2005 (Staff)
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195861
- 66** **SB 769 (Simitian)**
[4540] Energy Reliability and Affordability Act.
 Agenda 3152, Item 51 5/5/2005 (Staff)
- 67** **SB 1003 (Escutia)**
[4535] Energy resources: liquefied natural gas terminals.

 Agenda 3152, Item 52 5/5/2005 (Staff)

Regular Agenda - Legislative Matters (continued)

68 **SB 1047 (Bowen)**
[4601] Railroad corporations: safety.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195857

69 **SB 1059 (Escutia)**
[4528] Electric transmission corridors.

Agenda 3152, Item 54 5/5/2005 (Staff)

70 **SB 1068 (Escutia)**
[4546] Telco: consumer protection.
Agenda 3152, Item 55 5/5/2005 (Staff)

71 **SCR 40 (Lowenthal)**
[4602] Liquefied natural gas facilities.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195855

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

- 72** **Conference with Legal Counsel - Applications for Rehearing**
[4502] 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.
- 73** **C03-05-023/A106210 - Conference with Legal Counsel - Application for Rehearing/Existing**
[4515] **Litigation**
Disposition of Application for Rehearing of D05-01-034, filed by SBC of California and SBC Advanced Solutions (collectively SBC) & Consideration of Case No. A106210, Raw Bandwidth Communications, Inc. v. Public Utilities Commission of the State of California, California Court of Appeal, First Appellate District, Division Four.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.
Agenda 3152, Item 59 5/5/2005 (Staff)
- 74** **R01-10-024 - Conference with Legal Counsel - Application for Rehearing**
[4592] Disposition of Applications for Rehearing of D04-06-011 filed by The Utility Reform Network and the Utility Consumers Action Network, the City of Chula Vista and the Alliance for Retail Energy Markets. In D04-06-011, the Commission approved a motion filed by San Diego Gas & Electric Company (SDG&E) to enter into new electric resource contracts with Comverge, Envirepel, Ramco, Palomar and Otay Mesa. These contracts were the result of a request for proposal issued by SDG&E to solicit bids to procure energy to meet its short- and long-term grid reliability needs.
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.

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[4594]

Conference with Legal Counsel - Initiation of Litigation

Deliberation on institution of proceeding or disciplinary actions against person or entities under the Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced and disclosure could also jeopardize the ability to effect personal service on the Respondent.)
Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.
Gov. Code § 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 - 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.

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[4598]

FERC Docket No. ER05-____-000 - Conference with Legal Counsel - Initiation of Litigation

Pastoria Energy Facility, LLC, FERC Docket No. ER05-____-000 (docket number not yet assigned)

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

Closed Session - Federal

- 77**
[4504] **Case Nos. C 04-00580 VRW (Bankruptcy Case No. 01 30923 DM) - Conference with Legal 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.
- 78**
[4574] **FERC Docket No. ER05-138 - Conference with Legal Counsel - Existing Litigation**
Reliant Energy Etiwanda, Inc., FERC Docket No. ER05-138.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.
- 79**
[4575] **FERC Docket No. ER05-406 - Conference with Legal Counsel - Existing Litigation**
Williams Power Company, Inc., FERC Docket No. ER05-406.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.
- 80**
[4584] **FERC Docket No. ER02-1656 - Conference with Legal Counsel - Existing Litigation**
California Independent System Operator, FERC Docket No. ER02-1656, et al. (MRTU or MD02).
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.
- 81**
[4590] **9th Cir. Nos. 04-73650 and 04-75240 - Conference with Legal Counsel - Existing Litigation**
Californians for Renewable Energy, Inc. and California Public Utilities Commission v. FERC, 9th Cir Nos. 04-73650 and 04-75240.
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.