
Public Utilities Commission of the State of California

Public Agenda 3182

Thursday, November 9, 2006 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

John A. Bohn

Geoffrey F. Brown

Rachelle B. Chong

Dian M. Grueneich

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, November 27, 2006 (San Francisco)	Thursday, November 09, 2006 (San Francisco)
Monday, December 11, 2006 (San Francisco)	Thursday, November 30, 2006 (San Francisco)
Monday, January 08, 2007 (San Francisco)	Thursday, December 14, 2006 (San Francisco)
Monday, January 22, 2007 (San Francisco)	Thursday, January 11, 2007 (San Francisco)
	Thursday, January 25, 2007 (San Francisco)

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

Matters of Public Interest

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

For further information contact the Public Advisor
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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
-

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**
[6055] **Res TL - 19079**
Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=254041
- 2**
[6058] **Res ALJ 176 - 3182**
Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Rules 7.1(a) of the Commission's Rules of Practice and Procedure.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=253865
- 3**
[5975] **A00-11-038 - Southern California Edison Company.**
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 allocates the benefits and costs of a natural gas contract between California Department of Water Resources (DWR) and Williams, per the request of DWR. This proceeding is closed.
(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.
Agenda 3181, Item 4 10/19/2006 (Chong)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=256135

Consent Agenda - Orders and Resolutions (continued)

- 4**
[5991] **Res W-4615 - Live Oak Springs Water Company (Live Oak).**
This resolution authorizes Live Oak a general rate increase producing an additional annual revenue of \$46,400 or 320% in test year 2006.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Agenda 3181, Item 9 10/19/2006 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=253542
- 5**
[5997] **A04-02-026 - Southern California Edison Company (SCE).**
This order addresses the limited rehearing of D05-12-040 granted by D06-06-040 concerning SCE's application for approval of its steam generator replacement program (SGRP) for San Onofre Nuclear Generating Station Units 2 and 3. The decision provides the correct results of the cost-effectiveness calculation in D05-12-040 and explains the calculation of the greenhouse gas adder used therein. Based on the corrected results, the decision finds the SGRP cost-effective, and affirms the ordering paragraphs of D05-12-040 as modified by D06-06-040. This proceeding is closed.
(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.
Agenda 3181, Item 13 10/19/2006 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=254400
- 6**
[5998] **A06-03-020 - Southern California Edison Company (SCE).**
This decision approves SCE's application for ratemaking treatment of its early acquisition of the City of Anaheim's ownership share of San Onofre Nuclear Generating Station Units 2 & 3. This proceeding is closed.
(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.
Agenda 3181, Item 14 10/19/2006 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=255231

Consent Agenda - Orders and Resolutions (continued)

- 7**
[6006] **A06-04-018 - San Diego Gas & Electric Company (SDG&E).**
This decision finds the participation of SDG&E in the steam generator replacement program (SGRP) for San Onofre Nuclear Generating Station Units 2 & 3 (SONGS) reasonable and approve the attached unopposed settlement agreement. The settlement agreement includes ratemaking treatment of SDG&E's share of SGRP costs in a manner consistent with the ratemaking treatment authorized for Southern California Edison Company's share of SGRP costs in D05-12-040. The settlement agreement also authorizes SDG&E to recover SONGS operations and maintenance expenses through a two-way balancing account. This proceeding is closed.
(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.
Agenda 3181, Item 18 10/19/2006 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=255260
- 8**
[6034] **C06-05-001 - Harry Milor Childers, et al. vs. California Water Service Company.**
This decision dismisses the complaint of Harry Childers against California Water Service Company for failure to state a claim upon which relief may be granted. This proceeding is closed.
(Comr Bohn - ALJ DeBerry)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=255871
- 9**
[6053] **A04-01-034 - Southern California Gas Company.**
For authorization to establish a revenue sharing mechanism for the production of native gas. This decision awards The Utility Reform Network \$20,891.31 in compensation for its substantial contributions to D06-06-065. This proceeding is closed.
(Comr Brown - ALJ Wong)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=255908
- 10**
[6077] **A05-02-012 - California-American Water Company (Cal-Am).**
A05-02-013 - Related matters. This decision resolves the general rate case applications for the Monterey and Felton districts and the corporate general office rate case filed by Cal-Am. A05-02-012 and A05-02-013 are closed.
(Comr Bohn - ALJ Walwyn)
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=252533

Consent Agenda - Orders and Resolutions (continued)

- 11** **A04-05-041 - Pacific Gas and Electric Company (PG&E).**
[6084] This decision increases the total amount of short-term debt that PG&E can issue by \$500 million so that PG&E may finance large margin calls on gas hedges. 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.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=255737
- 12** **Res E-4033 - Southern California Edison Company (SCE).**
[6086] SCE proposes to carry over unspent Research, Development and Demonstration Base Rate Funds.
(Advice Letter 2026-E, filed August 3, 2006)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=256246
- 13** **(ECP) C06-08-027 - Douglas L. Patton vs. Pacific Bell Telephone Company dba AT&T California.**
[6091] Complainant was charged for local toll telephone service for dial-up service on his computer, when he had always had local call charges. Held: Defendant failed to provide adequate service. Defendant ordered to refund \$353.32. C06-08-027 is closed.
(Comr Chong - ALJ Barnett)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=251389
- 14** **Res W-4622 - River Island Water Company (River Island).**
[6093] This resolution authorizes River Island a general rate increase producing additional annual revenue of \$72,190, or 51.6% in 2007.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=252965
- 15** **A06-05-019 - Sonic Telecom, LLC. (Applicant).**
[6094] This decision grants Applicant a Certificate of Public Convenience and Necessity authorizing the provision of limited facilities-based and resold local exchange and interexchange telecommunication services. This proceeding is closed.
(Comr Chong - ALJ Prestidge)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=250714

Consent Agenda - Orders and Resolutions (continued)

- 16** **R00-02-004 - Order Instituting Rulemaking on the Commission's own motion to establish consumer rights and consumer protection rules applicable to all telecommunications utilities.**
[6096] This decision awards a total of \$429,126.02 in compensation to California Small Business Roundtable; Disability Rights Advocates; Greenlining Institute; Latino Issues Forum; National Consumer Law Center, Inc.; and The Utility Reform Network for their substantial contributions to D06-03-013. (Comr Peevey - ALJ McVicar)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=248078
- 17** **R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.**
[6097] I95-04-044 - Related matters. This decision awards \$275,652.13 to The Utility Reform Network in compensation for its substantial contribution to D05-07-043, relating to the Commission's implementation of the Federal Communications Commission's Triennial Review Order. (Comr Peevey - ALJ Pulsifer)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=247907
- 18** **A06-05-032 - Concord's Express, LLC. (Applicant).**
[6100] This decision authorizes Applicant to operate as a passenger stage corporation between points in the Counties of San Diego, Orange, Los Angeles, San Bernardino, Riverside, Kern, Monterey, Tulare, Fresno, and Santa Clara; and to establish a zone of rate freedom. This proceeding is closed. (Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=254071
- 19** **A06-06-031 - Southern California Edison Company (SCE).**
[6101] This decision grants SCE authority to increase the level of its borrowing capacity from \$700 million to \$1,550 million to support energy procurement transactions. This proceeding is closed. (Comr Bohn - ALJ Pulsifer)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=256279

Consent Agenda - Orders and Resolutions (continued)

- 20**
[6103] **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. This decision denies Greenlining Institute's petition that asks Commission to reconsider award made in D05-08-028 of intervenor compensation for substantial contributions 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=252743
- 21**
[6105] **Res W-4623 - Del Oro Water Company (DOWC), Paradise Pines District.**
This resolution authorizes DOWC, Paradise Pines District an offset rate increase producing additional annual revenues of \$26,524 or 1.8% for increases in the cost of purchased power. (Advice Letter 151, filed September 8, 2006)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=254214
- 22**
[6106] **Res W-4624 - California Water Service Company (Cal Water) .**
This resolution authorizes Cal Water a 9-month extension of time, requested on behalf of customer Gus Skarakis, to submit a building permit to retain his water service connection in Cal Water's Coast Springs water system. (Advice Letter 1782, filed September 1, 2006)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=254227
- 23**
[6108] **A06-09-001 - Southern California Edison Company (SCE).**
This decision authorizes SCE to maintain its currently authorized Energy Resource Recovery Account (ERRA) rates for the duration of 2006. SCE shall consolidate any ERRA rate change with its other rate changes to become effective January 1, 2007. 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=253279

Consent Agenda - Orders and Resolutions (continued)

- 24** **A06-02-014 - San Jose Water Company (SJWC).**
[6109] This decision approves the General Rate Case settlement between SJWC and the Commission's Division of Ratepayer Advocates, and approves a revenue increase, which when adjusted to reflect revenue changes attributable to two advice letter filings in 2006, will yield the following net revenue increases: \$3,488,000 or 2.00% in 2007; \$5,402,000 or 3.02% in 2008; and \$3,959,000 or 2.15% in 2009. This proceeding is closed.
(Comr Bohn - ALJ Vieth)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=255920
- 25** **A06-04-001 - Southern California Edison Company (SCE).**
[6117] This decision finds that SCE's administration of power purchase agreements and procurement of least-cost dispatch power activities beginning January 1, 2005 and ending December 31, 2005 (Record Period) were reasonable and prudent. The decision also finds that its \$42 Million undercollected Energy Resource Recovery Account (ERRA) balance and \$20.57 million non-ERRA regulatory account balances at December 31, 2005, and transactions throughout the Record Period in other non-ERRA regulatory accounts reasonable and recoverable. Finally, SCE is authorized to close regulatory accounts no longer serving regulatory purposes. 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=256215
- 26** **R04-12-001 - Order Instituting Rulemaking into implementation of Federal Communications Commission Report and Order 04-87, as it affects The Universal Lifeline Telephone Service Program (ULTS).**
[6119] This decision ratifies an Assigned Commissioner's Ruling that temporarily suspends portions of General Order 153 relating to annual verification procedures for existing ULTS customers and provides interim procedures for the suspension period.
(Comr Grueneich - ALJ Jones)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=256264
- 27** **Res ALJ-196**
[6121] This resolution approves the change in preliminary determination of category made earlier by the Commission (and confirmed by the scoping memo ruling) in R06-03-004.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=255178

Regular Agenda

Regular Agenda - Energy Orders

28 **I05-06-041 - Order Instituting Investigation on the Commission's own motion into methodology for economic assessment of transmission projects.**
[5776]

This decision adopts general principles and minimum requirements and provides other guidance for economic evaluations of proposed transmission projects that may be submitted in Commission certificate of public convenience and necessity proceedings. This proceeding is closed.

(Comr Grueneich - ALJ TerKeurst)

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

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

Agenda 3176, Item 44 7/20/2006 (Grueneich);

Agenda 3177, Item 46 8/24/2006 (Grueneich);

Agenda 3178, Item 29 9/7/2006 (Peevey);

Agenda 3181, Item 39 10/19/2006 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=253541

28a **ALTERNATE TO ITEM 5776**
[6102]

This proposed alternate decision adopts general principles and minimum requirements for the economic evaluation of proposed transmission projects, generally consistent with the proposed decision. In addition, it provides for a rebuttable presumption in CPCN proceedings in favor of an economic evaluation approved by the California Independent System Operator (CAISO) provided: (1) the CAISO Board has made certain explicit findings regarding the economic value of the proposed transmission project; (2) the CAISO Board-approved evaluation is consistent with the adopted principles and minimum requirements; and (3) the CAISO Board-approved evaluation is submitted to the Commission within sufficient time to be included within the scope of the proceeding.

(Comr Peevey)

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

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=256194

Regular Agenda - Energy Orders (continued)

- 29** **R05-10-030 - Order Instituting Rulemaking concerning relationship between California energy utilities and their holding companies and non regulated affiliates.**
[6075]
- This decision adopts and makes applicable to California's major energy utilities and their holding companies (Southern California Edison Company/Edison International, Pacific Gas and Electric Company (PG&E)/PG&E Corporation, and Southern California Gas Company and San Diego Gas & Electric Company, both owned by Sempra Energy) certain revisions to (1) the Commission's Affiliate Transaction Rules and (2) General Order 77-L, which governs reporting of executive compensation and other information by public utilities. This proceeding is closed.
(Comr Brown - ALJ Vieth)
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=E1666
- 30** **R05-02-023 - Order Instituting Rulemaking to revise Commission General Order Number 95 pursuant to D05-01-030.**
[6082]
- The Commission on February 24, 2005 issued R05-02-023 to consider uniform rules for attaching wireless antennas to jointly used utility poles and towers. This decision adopts the amended Rule 94 and approves and adopts the settlement agreement. This proceeding is closed.
(Comr Brown - ALJ Walker)
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=256083
- 31** **A06-05-033 - Wild Goose Storage Inc. (Wild Goose), EnCana Corp., Carlyle/Riverstone Global Energy and Power Fund III, L.P., Carlyle/Riverstone Global Energy and Power Fund II, L.P. and Niska Gas Storage US, LLC.**
[6083]
- This decision (1) authorizes the transfer control of Wild Goose from EnCana Corporation to Niska Gas Storage, which is 80%-owned by Carlyle/Riverstone Funds and 20%-owned by SemGroup, but conditions this authorization upon Wild Goose annually reporting on the identity, nature and amount of any investments made by its affiliates in electric and/or natural gas assets in California and Western North America; (2) authorizes the proposed financing, and (3) under § 853(b) exempts an ancillary transaction to invest in KMI from the provisions of § 852. This proceeding is closed.
(Comr Peevey - ALJ Vieth)
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=256247

Regular Agenda - Energy Resolutions and Written Reports

- 32**
[6085] **Res E-4031 - Southern California Edison Company (SCE).**
SCE requests the Commission's approval to establish the Peaker Generation Memorandum Account and to revise the Generation Sub-account of the Base Revenue Requirement Balancing Account. (Advice Letter 2031-E, filed August 24, 2006)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=256197
- 33**
[6087] **Res G-3388 - Southern California Gas Company (SoCalGas).**
SoCalGas requests authority to revise the language of Rule 12, Section F, Late Payment Charges. Request is denied. (Advice Letter 3612, filed March 23, 2006)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=256168
- 34**
[6088] **Res E-4039 - Southern California Edison Company (SCE).**
This resolution authorizes SCE to revise Schedule I-6 and Schedule TOU-BIP to offer a 15 minute interruptible product. (Advice Letter 2032-E, filed August 24, 2006)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=256213
- 35**
[6090] **Res E-4013 - Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E).**
PG&E, SCE, and SDG&E proposed tariffs for the implementation of the Community Choice Aggregation Program are adopted, as modified. (PG&E Advice Letter (AL) 2784-E, SCE AL 1965-E, and SDG&E AL 1773-E, filed February 14, 2006)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=256084

Regular Agenda - Telecommunication Orders**36**

[5778]

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 disposes the Petitions for Modification of Decision 05-07-043 (Petitions), filed respectively by Verizon California Inc. (Verizon) on January 5, 2006, and by AT&T California dba SBC California (SBC) on February 3, 2006. Verizon and SBC seek to terminate the requirement for arbitration of batch hot cut process and pricing disputes. A prehearing conference shall be conducted in the consolidated arbitration proceedings for Verizon and SBC in order to address ultimate disposition of parties' remaining disputes relating to batch hot cut processes and pricing.

(Comr Peevey - ALJ Pulsifer)

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

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

Agenda 3176, Item 51 7/20/2006 (Peevey);

Agenda 3177, Item 56 8/24/2006 (Brown);

Agenda 3178, Item 34 9/7/2006 (Peevey);

Agenda 3179, Item 21 9/21/2006 (Brown);

Agenda 3180, Item 46 10/5/2006 (Chong);

Agenda 3181, Item 43 10/19/2006 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=254151

37

[6089]

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 resolves issues relating to intercarrier compensation for "virtual" NXX traffic transported over the networks of Small Local Exchange Carriers, pursuant to the directives in D03-09-005.

(Comr Peevey - ALJ Pulsifer)

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

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=256048

Regular Agenda - Other Utility Orders**39**

[6022]

R06-04-022 - Rulemaking on the Commission's Intervenor Compensation Program.

This decision adopts amendments to the Rules of Practice and Procedure regarding intervenor compensation. The amendments (1) codify Commission precedent regarding eligibility and compensable costs, (2) provide intervenors with greater flexibility in filing notices of intent, (3) enact accounting and documentation requirements to facilitate Commission review and determination of eligibility and compensable costs, and (4) adopt a mechanism for providing notices of intent to claim compensation for judicial review costs. The decision also eliminates the intervenor compensation fund adopted in D00-01-020, and allocates intervenor compensation payment responsibility in quasi-legislative rulemakings among all utilities in the affected industry with California-jurisdictional revenues over a stated threshold. R06-04-022 is closed.

(Comr Bohn - ALJ Yacknin)

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

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

Agenda 3181, Item 44 10/19/2006 (Grueneich)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=254042

Regular Agenda - Legal Division Matters

38

[6032]

CC Docket No. 80-286, FCC 06-70

The FCC is inviting comment on reform of the jurisdictional separations process by which incumbent local exchange carriers apportion regulated costs between the intrastate and interstate jurisdictions.

CC Docket No. 80-286, FCC 06-70.

Agenda 3180, Item 53 10/5/2006 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=255685

Regular Agenda - Legislative and Other Matters

Regular Agenda - Commissioner's Reports

40 Commissioner Grueneich Report

[6107]

Presentation by Commissioner Grueneich on the status of transmission permitting cases before the Commission. The Commissioner will describe the Commission's permit streamlining efforts; outline the projected decision dates for several large transmission cases pending before the Commission; explain some of the common reasons for delays in these cases; and report on actions taken to address delays.

Regular Agenda - Management Reports and Resolutions

- 41** **Executive Director Larson Report**
[5977] Update on Clean Energy Fund activities
 Agenda 3179, Item 34 9/21/2006 (Staff);
 Agenda 3180, Item 57 10/5/2006 (Staff);
 Agenda 3181, Item 48 10/19/2006 (Staff)

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).

Closed Session - Applications for Rehearing

- 42** **Conference with Legal Counsel - Applications for Rehearing**
[6061] 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.
- 43** **A05-02-004 - Conference with Legal Counsel - Application for Rehearing**
[5815] Disposition of application for rehearing of D06-01-025 filed by Golden State Water Company (Formerly Southern California Water Company.) D06-01-025 involves requested rate increases for the company's Region III service area for 2006, 2007 and 2008.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
Agenda 3176, Item 68 7/20/2006 (Staff);
Agenda 3178, Item 42 9/7/2006 (Staff);
Agenda 3180, Item 60 10/5/2006 (Bohn);
Agenda 3181, Item 51 10/19/2006 (Chong)
- 44** **R00-02-004 - Conference with Legal Counsel - Application for Rehearing**
[6021] Disposition of application for rehearing of D06-03-013 filed by the California Attorney General and jointly by The Utility Reform Network and the Division of Ratepayer Advocates. In D06-03-013, the Commission adopted revised General Order 168, Market Rules to Empower Consumers and to Prevent Fraud.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
Agenda 3180, Item 61 10/5/2006 (Peevey);
Agenda 3181, Item 52 10/19/2006 (Staff)

Closed Session - Applications for Rehearing (continued)

- 45** **R04-09-003 - Conference with Legal Counsel - Application for Rehearing**
[6044] Disposition of Joint Application for Rehearing of D06-05-041. The application was filed jointly by The Utility Reform Network and Division of Ratepayer Advocates. Responses were filed by a group of energy utilities, called the “Joint Parties,” The California Water Association, Park Water Company, and Pacific Gas and Electric Company. The Decision adopted rules for the allocation of gain on sale under ordinary circumstances, continued the current framework for addressing gain on sale issues where a municipal utility takes over a portion of a public utility, and interpreted the provisions of Public Utilities Code Section 790, among other things.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
Agenda 3181, Item 53 10/19/2006 (Staff)
- 46** **A05-12-039 - Conference with Legal Counsel - Application for Rehearing**
[6051] Disposition of Application for Rehearing of D06-04-008 filed by Southwest Gas Corporation (Southwest). In D06-04-008, the Commission authorized Southwest to establish a memorandum account to provide for the recovery of revenue shortfalls resulting from a delay in the implementation of the 2006 attrition increase authorized in D04-03-034.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
Agenda 3181, Item 55 10/19/2006 (Staff)
- 47** **R05-04-005 - Conference with Legal Counsel - Application for Rehearing**
[6078] Disposition of Applications for Rehearing filed by The Utility Reform Network and Division of Ratepayer Advocates (jointly) and Disability Rights Advocates of D06-08-030. This Decision established a Uniform Regulatory Framework for telecommunications utilities.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
Agenda 3181, Item 56 10/19/2006 (Staff)
- 48** **C88-03-016 - Conference with Legal Counsel – Application for Rehearing**
[6104] Disposition of application for rehearing of D06-05-003 filed by Napa Valley Wine Train, Inc. (Wine Train). D06-05-003 denied the Petition for Modification of D01-06-034 filed by Wine Train, and leaves standing D01-06-034 wherein the Commission determined that Wine Train’s excursion service is not a public utility service. In D06-05-003, the Commission concludes that the recent decision of the California Supreme Court, Gomez v. Superior Court of Los Angeles (2005) 35 Cal.4th 1125, does not require a different result.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Closed Session - Initiation of Litigation - Non-Federal

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

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

Closed Session - Threatened Litigation - Non-Federal

Significant exposure to litigation

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

Closed Session - Existing Litigation - Non-Federal

Closed Session - Threatened Litigation - Federal

Significant exposure to litigation in federal agency or court proceedings.

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

Closed Session - Initiation of Litigation - Federal

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

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

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[6113]

FERC Docket No. RR06-3-000 - Conference with Legal Counsel - Initiation of Litigation

North American Electric Reliability Council, North American Electric Reliability Corporation, FERC Docket No. RR06-3-000.

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

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[6114]

FERC Docket No. EC07-____-000 - Conference with Legal Counsel - Initiation of Litigation

San Diego Gas & Electric Company and Otay Mesa Energy Center, LLC, FERC Docket No. EC07-____-000.

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

Closed Session - Federal

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FERC Docket No. ER06-615 - Conference with Legal Counsel - Existing Litigation

[6064]

California Independent System Operator Corporation, FERC Docket No. ER06-615, also known as Market Redesign and Technology Update (MRTU).

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

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

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

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

Closed Session - Personnel Matters

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

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