
Public Utilities Commission of the State of California

Results of Public Agenda 3183

Meeting Held on Thursday, November 30, 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

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <i>Closed to the Public</i>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <i>Open to the Public</i>
Monday, December 11, 2006 (San Francisco)	Thursday, December 14, 2006 (San Francisco)
Monday, January 08, 2007 (San Francisco)	Thursday, January 11, 2007 (San Francisco)
Monday, January 22, 2007 (San Francisco)	Thursday, January 25, 2007 (San Francisco)
Friday, February 09, 2007 (San Francisco)	Thursday, February 15, 2007 (San Francisco)
Monday, February 26, 2007 (San Francisco)	Thursday, March 01, 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.*

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; these are **HEX** and **EX** items.
-

Public Comment:

Re 48:

George Riley, Monterey, CA

Michele Mosher, Felton, CA

Nancy Pratt, HOPE Helping of Peninsula's Environment

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.

Orders and Resolutions

1

Res E-4022 - Pacific Gas and Electric Company (PG&E).

[5969]

PG&E requests approval of the Military Pass Road-Newberry LLC (Vulcan) renewable resource procurement contract. This contract is approved without modifications. (Advice Letter 2860-E, filed July 14, 2006)

Agenda 3179, Item 16 9/21/2006 (Staff);

Agenda 3180, Item 8 10/5/2006 (Staff);

Agenda 3181, Item 1 10/19/2006 (Staff)

Outcome Approved

Res E-4022

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

2

Res ALJ 176 - 3183

[6059]

Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Rule 7.1 of the Commission's Rules of Practice and Procedure.

Outcome Approved

[Res ALJ 176 - 3183](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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- 3**
[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.
Agenda 3181, Item 9 10/19/2006 (Staff);
Agenda 3182, Item 4 11/9/2006 (Bohn)
Outcome Approved
[Res W-4615](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 4**
[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)
Agenda 3181, Item 13 10/19/2006 (Staff);
Agenda 3182, Item 5 11/9/2006 (Staff)
Outcome Signed
[D06-11-024](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 5**
[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)
Agenda 3181, Item 14 10/19/2006 (Staff);
Agenda 3182, Item 6 11/9/2006 (Staff)
Outcome Signed
[D06-11-025](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)

6

[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)

Agenda 3181, Item 18 10/19/2006 (Staff);

Agenda 3182, Item 7 11/9/2006 (Staff)

Outcome Signed

[D06-11-026](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

7

[6016]

A05-08-018 - Main Event Transportation, Inc. (Main Event).

A06-07-006, A06-07-007 - Related matters. This decision grants requests by Main Event, a passenger stage corporation, to amend its Certificate of Public Convenience and Necessity by revising the Route Description and fare structure, and by adding Morgan Hill as a point within the Service Area. The decision denies Main Event's request for authority to establish a zone of rate freedom pursuant to Section 454.2 of the Public Utilities Code. These consolidated proceedings are closed.

(Comr Bohn - ALJ Ryerson)

Agenda 3181, Item 20 10/19/2006 (Staff)

Outcome Signed

[D06-11-027](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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- 8**
[6095] **P05-10-031 - Greenlining Institute (Greenlining).**
This decision orders utilities with annual revenues exceeding \$25 million to furnish annual reports showing Women/Minority/Disabled/Veteran Business Enterprises (WMDVBE) suppliers and money spent on WMDVBE suppliers by revenues. Greenlining petitioned for an order instituting rulemaking to track supplier diversity under General Order (GO) 156. It is not necessary to open a rulemaking. To the extent Greenlining's petition requests modification of GO 156, it is denied. This proceeding is closed.
(Comr Peevey - ALJ Grau)
Outcome Signed
[D06-11-028](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 9**
[6110] **Res TL-19080**
This resolution extends for one year the authority granted to vessel common carriers by Resolutions TL-19042, TL-19051, and TL-19066 to adjust fares and rates to offset higher fuel costs within a "zone of reasonableness" that has an upper limit of 20% above currently authorized base fares and rates.
Outcome Approved
Res TL-19080
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 10**
[6111] **A06-06-025 - Southern California Edison Company (SCE).**
This decision approves a settlement agreement between SCE and AES Huntington Beach, L.L.C. to resolve complex disputes involving two power purchase agreements. This proceeding is closed.
(Comr Peevey - ALJ Yacknin)
Outcome Signed
[D06-11-029](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)

11

[6112]

Res M-4817

This resolution sets fee levels for passenger vehicle operators, vessel operators, commercial air operators and pipeline corporations are unchanged from the fee levels set for fiscal year 2005-06. The fee level set for the railroad corporations reflects a \$1,125,000 reduction from the level set for fiscal year 2005-06 due to a surplus in the 2005-06 fiscal year attributed to attrition and the timing of filling new positions for increased railroad inspections and investigations.

Outcome Approved[Res M-4817](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

12

[6115]

A05-11-008 - Southern California Edison Company (SCE) and San Diego Gas & Electric Company (SDG&E).

For the 2005 Nuclear Decommissioning Cost Triennial Proceeding to Set Contribution Levels for the Companies' Nuclear Decommissioning Trust Funds and Address Other Related Decommissioning Issues. A05-11-009 - Related matters. This decision adopts an all-party settlement for SCE and SDG&E which resolves all issues in a Joint Application 05-11-008. The Commission also adopts a separate settlement for Pacific Gas and Electric Company in A05-11-009 which resolves all ratemaking issues exclusive of the issues litigated by a customer intervenor. The Commission declines to create an Independent Board of Consultants; the Commission provides guidelines applicable to all three applicants concerning the necessity to ensure that the utilities employ sufficient well-trained and experienced personnel to plan and direct the complex task of decommissioning a retired nuclear generating facility; and the Commission directs the parties to perform in depth analyses of storage costs and contingencies for the next triennial proceedings for all three utilities. A05-11-008 and A05-11-009 are closed.

(Comr Brown - ALJ Long)

Outcome Held (12/14/06, Consent Agenda. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

- 13**
[6116] **Res ALJ-195**
D06-03-013 addressed the Commission staff's ability to obtain information from telecommunications carriers and the merits of a process to resolve disputes concerning information requests made outside of a formal proceeding. Ordering Paragraph 6 of the decision required the Commission's General Counsel and Chief Administrative Law Judge to prepare a resolution setting forth an appropriate process for resolving timing, format, scope, and burden issues regarding Commission staff's access to information. This draft resolution reaffirms staff authority to obtain information from regulated entities and sets forth a graduated process to resolve disputes concerning the timing, format, scope, and burden of staff information requests (including prompt initial review, meet and confer opportunities, review by division director, and review by the Commission's General Counsel).
Outcome Held (12/14/06, Consent Agenda.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 14**
[6118] **Res G-3393 - Pacific Gas and Electric Company (PG&E).**
This resolution approves PG&E's Advice Letters (AL) seeking approval under Public Utilities Code Section 851 to consent to Shiloh I Wind Project LLC's use of PG&E's exclusive easement to construct, use, and maintain an access road. This resolution has been prepared pursuant to a pilot program specified in Resolution ALJ-186 granting expedited treatment to utility proposals meeting certain requirements. (AL 2743-G/2859-E, filed July 11, 2006)
Outcome Approved
Res G-3393
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 15**
[6124] **A06-03-005 - Pacific Gas and Electric Company (PG&E).**
To revise its electric marginal costs, revenue allocation, and rate design. This decision grants the motion of PG&E, Agricultural Energy Consumers Association, California Farm Bureau Federation, and California Rice Millers requesting adoption of an agricultural class definition settlement. The settlement is uncontested, reasonable in light of the whole record, consistent with law, in the public interest, and adopted without modification. This proceeding remains open to consider all other issues related to PG&E's electric marginal cost, revenue allocation and rate design application.
(Comr Chong - ALJ Fukutome)
Outcome Signed
[D06-11-030](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)

- 16**
[6130] **R05-06-040 - Order Instituting Rulemaking to implement Senate Bill No. 1488 (2004 Cal. Stats., Ch. 690 (Sept. 22, 2004)) relating to confidentiality of information.**
This decision awards The Utility Reform Network (TURN) and the Green Power Institute \$44,344.70 and \$39,670, respectively, in compensation for their substantial contributions to D06-06-066. TURN's award is slightly less than the amount requested (\$44,587.82) because the Commission awards a slightly lower hourly rate to its attorneys for work in 2006 than it requests. This proceeding remains open for Phase II.
(Comr Grueneich - ALJ Thomas)
Outcome Signed
[D06-11-031](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 17**
[6132] **A05-12-030 - Southern California Edison Company.**
Application for approval of a power purchase agreement between the utility and an affiliate and for authority to recover the costs of such power purchase agreement in rates. This decision awards \$10,525.65 to The Utility Reform Network and \$28,679.14 to Aglet Consumer Alliance in intervenor compensation for their contributions to D06 05-034. This proceeding is closed.
(Comr Brown - ALJ DeBerry)
Outcome Signed
[D06-11-032](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 18**
[6133] **A06-05-020 - InteraTel, LLC. (InteraTel) FKA Nucomnet, LLC.**
This decision grants the application of InteraTel for expanded certificate of public convenience and necessity to provide limited facilities-based local exchange services. This proceeding is closed.
(Comr Bohn - ALJ Prestidge)
Outcome Signed
[D06-11-033](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)

- 19**
[6135] **A05-06-029 - Pacific Gas and Electric Company (PG&E).**
Application for approval of an agreement concerning certain generation assets known as “Contra Costa 8” pursuant to a settlement and release of claims agreement approved by the Commission on January 14, 2005, for authority to recommence construction, and for adoption of cost recovery and ratemaking mechanisms related to the acquisition, completion and operation of the assets. This decision awards The Utility Reform Network \$12,549.95 in compensation for its substantial contribution to D06-06-035.
(Comr Peevey - ALJ Brown)
Outcome Signed
[D06-11-034](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 20**
[6136] **(ECP) C06-09-010 - Cruise Holiday of Arcadia vs. Pacific Bell Telephone Company, d/b/a AT&T California.**
Complainant seeks authority to enforce a contract it alleges provides telephone service forever at non-tariffed rates. Held. Dismissed for failure to state a cause of action. C06-09-010 is closed.
(Comr Chong - ALJ Barnett)
Outcome Signed
[D06-11-035](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 21**
[6137] **Res T-17056 - TDS Telecommunications Corporation (TDS) as agent for Happy Valley Telephone Company (Happy Valley), Hornitos Telephone Company (Hornitos), and Winterhaven Telephone Company (Winterhaven).**
This resolution approves a Commercial Mobile Radio Service Interconnection Agreement between TDS and Verizon Wireless pursuant to Section 252 of the Telecommunications Act of 1996, and in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter (AL) 291 of Happy Valley, AL 259 of Hornitos, and AL 187 of Winterhaven respectively, filed September 27, 2006)
Outcome Approved
[Res T-17056](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)

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- 22**
[6138] **Res T-17066 - Citizens Telecommunications Company of California, Inc. dba Frontier Communications of California (Frontier).**
This resolution approves one interconnection agreement between Frontier and Frontier Communications of America, Inc. dba Citizens Long Distance, pursuant to Section 252 of the Telecommunications Act of 1996, and in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 953, filed October 11, 2006)
Outcome Approved
[Res T-17066](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 23**
[6139] **Res T-17065 - Citizens Telecommunications Company of California, Inc. dba Frontier Communications of California (Frontier).**
This resolution approves one interconnection agreement between Frontier and Comcast Phone of California, LLC, pursuant to Section 252 of the Telecommunications Act of 1996, and in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 954, filed October 19, 2006)
Outcome Approved
[Res T-17065](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 24**
[6140] **Res T-17067 - Verizon California Inc. (Verizon).**
This resolution approves an interconnection agreement between Verizon and ConnectTo Communications, Inc., pursuant to Section 252 of the Telecommunications Act of 1996, and in accordance with the provisions of General Order 96-A, and Resolution ALJ-181. (Advice Letter 11663, filed October 19, 2006)
Outcome Approved
[Res T-17067](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)

- 25**
[6154] **A02-04-037 - City of Bakersfield (City).**
To construct Akers Road, a public street, across the tracks of the Union Pacific Railroad Company in City of Bakersfield, County of Kern. A02-04-038, A02-04-039, A02-04-040 - Related matters.
This decision grants the Petition for Modification by the City of D04-08-013 for an extension of time to March 30, 2007 to complete construction of at grade railroad crossings at Akers Road and Mountain Vista Drive (two of the four subject crossings). This decision also reflects a previous extension of time to November 21, 2006, to construct all of the subject crossings, granted by letter from the Executive Director. These consolidated proceedings are closed.
(Comr Peevey - ALJ Koss)
Outcome Signed
[D06-11-036](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 26**
[6155] **A06-08-005 - City of Santa Maria (City).**
This decision grants the City authority to construct a new public at-grade highway-rail crossing of Santa Maria Valley Railroad Company's Airbase Branch and Battles Road, in City of Santa Maria, County of Santa Barbara. This proceeding is closed.
(Exam Clark)
Outcome Signed
[D06-11-037](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 27**
[6160] **Res W-4626 - Lake Alpine Water Company (LAWC).**
This resolution authorizes LAWC a general rate increase producing additional annual revenue of \$64,368 or 20.8% in 2005.
Outcome Approved
[Res W-4626](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)

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- 28**
[6161] **R04-04-003 - Order Instituting Rulemaking to promote policy and program coordination and integration in electric utility resource planning.**
This decision awards the Natural Resources Defense Council \$34,308.29 in compensation for its substantial contribution to the Mohave Alternatives/Complements Study that was part of the follow-up work ordered by the Commission in D04-12-016.
(Comr Peevey - ALJ Brown)
Outcome Signed
[D06-11-038](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 29**
[6169] **Res E-4048 - Pacific Gas and Electric Company (PG&E).**
This resolution approves PG&E's request for transfer of the Advanced Metering Infrastructure Memorandum Accounts and disposition and recovery of the balances in the Advanced Metering and Demand Response Account (AMDRA) and the Gas Advanced Metering Account (GAMA). This resolution also approves PG&E's request for disposition of the balances through the Distribution Revenue Adjustment Mechanism and the Core Fixed Cost Account consistent with the AMDRA and GAMA preliminary statements. (Advice Letter 2836-E/2729-G, filed May 26, 2006)
Outcome Approved
Res E-4048
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 30**
[6175] **A05-03-001 - Pacific Gas and Electric Company (PG&E).**
Application of PG&E for adoption of policy and process for acquisition of incremental core gas storage in compliance with Ordering Paragraph 5 of D04-09-022, and for adoption of a core reliability planning standard. This decision awards The Utility Reform Network \$23,050.80 in compensation for its substantial contribution to D06-07-010. This proceeding is closed.
(Comr Grueneich - ALJ Wong)
Outcome Signed
[D06-11-039](#)
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)

- 31** **A06-07-011 - Patricia Hurlbutt dba Garberville Water Company (Garberville).**
[6180] This decision approves Garberville authority to sell its water system to Garberville Sanitary District.
This proceeding is closed.

(Exam Coughlan)

Outcome Signed

[D06-11-040](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

- 32** **I05-04-019 - In the matter of the Order Instituting Investigation and Order to Show Cause on**
[6181] **the Commission's own motion into the operations and practices of Mr. Move Moving & Storage, Inc. (Mr. Move), a California corporation, dba Load Rock N Roll Moving and Storage, Right Now Moving and Storage, Same Day Moving, Short Notice Moving and Storage, A All-American Relocation, Load Lock N Roll, Long Beach Security Storage, Mister Move, and its president, Eli Galam.**

This decision holds that Mr. Move has failed to comply with applicable law and Commission regulations for household goods carriers. Most such violations, however, occurred prior to the 2004 criminal court stipulation which required respondents to bring operations into compliance with the law and regulations. Mr. Move has substantially, albeit not completely, complied with the requirements of the criminal court stipulation. The officers and management of Mr. Move are admonished for several recent moves, directed to make refunds for overcharges, required to resolve loss and damage claims, and pay a fine. The Commission staff shall implement a plan for enhanced supervision of Mr. Move. In addition, this decision finds that the appeals of the Presiding Officer's Decision (POD) do not show the POD to be unlawful or erroneous, and accordingly makes no changes to the POD. This proceeding is closed.

(Comr Peevey - ALJ Bushey)

Outcome Signed

[D06-11-041](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

33 **A06-06-022 - NOS Communications, Inc. (NOS), Blue Ridge Telecomm Systems LLC, Affinity Networks Incorporated (ANI), NOSVA Limited Partnership and Samuel P. Delug (all referred as Applicants)**
[6183]

This decision grants the uncontested request of Applicants to allow Samuel P. Delug (who is also an applicant) to increase his interest in each company from 25% to 75% by purchasing the 50% interest in each company now held by Robert A. Lichtenstein. The application notes that Delug is the most active major shareholder in each company, while Lichtenstein's role has been that of a passive investor for many years. Although the Federal Communications Commission (FCC) recently opened a new investigation into NOS's marketing activities, and NOS and ANI have been the subject of enforcement proceedings before this Commission in the past, this enforcement history and the pendency of the new FCC proceeding is not a reason to disapprove the instant application. If it turns out that further enforcement action is required against any of the applicant companies, this Commission has ample powers to pursue such enforcement under the Public Utilities Code. This proceeding is closed.

(Comr Chong - ALJ McKenzie)

Outcome Signed

[D06-11-042](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

34 **A06-09-018 - Lodi GasStorage, LLC. (LGS).**
[6184]

This decision grants LGS's request to issue up to \$25 Million in long-term debt to finance its Kriby Hills Expansion project, secure LGS' working capital facility with its assets and enter into financial hedging contracts for the purpose of managing interest rate risks. This proceeding is closed.

(Comr Bohn - ALJ Lakritz)

Outcome Signed

[D06-11-043](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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- 35**
[6185] **A06-08-029 - Vasken Toutjian dba Zippy Shuttle (Applicant).**
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 Long Beach, Los Angeles International, John Wayne, Ontario International, and Bob Hope Airports, on the other hand; and to establish a zone of rate freedom. This proceeding is closed.
(Exam Clark)
Outcome Signed
D06-11-044
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 36**
[6186] **A06-09-014 - Andu D. Marie dba Valley Express Shuttle (Applicant).**
The decision authorizes Applicant to operate as a passenger stage corporation between points in San Francisco, Alameda, Contra Costa, Santa Clara, Solano, Marin, and San Mateo 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)
Outcome Signed
D06-11-045
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 37**
[6187] **A06-08-008 - 2 Ways Executive Shuttle, Inc. (Applicant).**
This decision authorizes Applicant to operate as a passenger stage corporation between points in Orange County, on the one hand, and Long Beach, Los Angeles International, John Wayne, and Ontario International Airports, on the other hand. This proceeding is closed.
(Exam Clark)
Outcome Signed
D06-11-046
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)

38

[6188]

A06-08-031 - Alemu, Inc. dba Bay Area Airporter (Applicant).

This decision authorizes Applicant to operate as a passenger stage corporation between points in the Counties of San Francisco, Alameda, Contra Costa, Santa Clara, Solano, Marin, and San Mateo, 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)

Outcome Signed

D06-11-047

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Regular Agenda

Energy Orders

- 39** **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)
 Agenda 3182, Item 29 11/9/2006 (Staff)
Outcome Held (12/14/06. Further consideration.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 40** **A06-04-012 - Pacific Gas and Electric Company (PG&E).**
 [6098] This decision approves the seven long-term commitments to procure 2,250 megawatts of new generation resources resulting from PG&E's Long-Term Request for Offer. The decision also adopts ratemaking mechanisms for the recovery of the reasonable costs of the approved contracts and projects. This proceeding is closed.
 (Comr Peevey - ALJ Yacknin)
Outcome Signed
[D06-11-048](#)
 Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 41** **A05-06-006 - Pacific Gas and Electric Company (PG&E).**
 [6120] A05-06-008, A05-06-017 - Related matters. This decision adopts a number of augmentations and improvements to existing utility demand response programs and budgets originally adopted in D06-03-024. The Commission adopts these changes in order to promote system reliability during the summer peak demand periods of 2007 and 2008. These proceedings are closed.
 (Comr Chong - ALJ Malcolm)
Outcome Signed
[D06-11-049](#)
 Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
 No: (none)
 Abstain: (none)
 Absent: (none)

42 **A04-12-004 - San Diego Gas & Electric Company (SDG&E) and Southern California Gas**
[6125] **Company (SoCalGas).**

For authority to integrate their gas transmission rates, establish firm access rights, and provide off-system gas transportation services. This decision addresses the Phase 2 issues. A system of firm access rights, patterned after the proposal of SDG&E and SoCalGas and which incorporates elements of the joint proposal, is adopted as the market structure for the natural gas transmission systems of SDG&E and SoCalGas. The decision also addresses off-system delivery service to Pacific Gas and Electric Company from SoCalGas, and whether SoCalGas' peaking rate should remain in effect. This proceeding is closed.

(Comr Brown - ALJ Wong)

Outcome Held (12/14/06. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

42a **ALTERNATE TO ITEM 6125**

[6128]

Similar to the Proposed Decision, this Alternate Proposed Decision adopts a Firm Access Rights system based on the SDG&E and SoCalGas' proposal. This Alternate also incorporates elements of the Joint Proposal and approves the off-system delivery service to PG&E and the gas pooling service. This Alternate differs from the Proposed Decision in that it concludes that SoCalGas' peaking rate tariff should be eliminated. This proceeding is closed.

(Comr Brown)

Outcome Held (12/14/06. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Energy Resolutions and Written Reports

- 43**
[6092] **Res E-3999 - Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (SCE).**
PG&E and SCE request approval of proposed tariffs applicable to transferred municipal departing load. (PG&E Advice Letter (AL) 2433-E-C, filed September 2, 2005 and SCE AL 1980-E, filed March 8, 2006)
Outcome Approved
Res E-3999
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 44**
[6122] **Res E-4043 - Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E).**
This resolution orders PG&E, SCE, SDG&E to extend the filing of monthly reports regarding Direct Access (DA) implementation activity indefinitely, as long as DA service continues in California.
Outcome Approved
Res E-4043
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 45**
[6129] **Res E-4032 - Pacific Gas and Electric Company (PG&E).**
PG&E submits electric tariff revisions to recover balances in balancing accounts, establish the Energy Recovery Bonds Balancing Account revenue requirement, and consolidate changes to electric rates effective January 1, 2007. Approved with modifications. (Advice Letter 2895-E, filed September 1, 2006)
Outcome Approved
Res E-4032
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
No: (none)
Abstain: (none)
Absent: (none)

Telecommunication Orders**46** **R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into
[6089] 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)

Agenda 3182, Item 37 11/9/2006 (Peevey)

Outcome Held (12/14/06. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

47 **A05-03-005 - SBC California (SBC).**

[6123]

This decision authorizes SBC to implement modified surcharge to recover costs of undergrounding lines in the City of San Diego as required by San Diego ordinance.

(Comr Peevey - ALJ Bushey)

Outcome Held (12/14/06.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Water/Sewer Orders**48**

[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)

Agenda 3182, Item 10 11/9/2006 (Staff)

Outcome Signed

D06-11-050

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

49

[6198]

A05-02-012 - California-American Water Company.

A05-02-013 - Related matters. Public Utilities Code §1701.5 (a) provides that ratesetting cases shall be resolved within 18 months of the scoping memo unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the 18 month deadline for resolving this matter is November 30, 2006. Because the proposed decision in this proceeding was held at the November 9, 2006 agenda, this proceeding cannot be resolved within the 18-month deadline. A05-02-012 and 05-02-013 remain open.

(Comr Bohn - ALJ Walwyn)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

50

[6194]

A05-10-028 - Valencia Water Company (Valencia).

This decision authorizes Valencia to implement a system-wide Low-Income Ratepayer Assistance program, along with its related tariff schedule. A05-10-028 is closed.

(Comr Bohn - ALJ Koss)

Outcome Signed

D06-11-051

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

- 51** **A06-01-014 - Cal-American Water Company. (Cal-Am).**
[6195] This resolution authorizes Cal-Am to implement a Low-Income Ratepayer Assistance program in its Sacramento and Larkfield Districts. This proceeding is closed.
 (Comr Bohn - ALJ Koss)
 Outcome Signed
 D06-11-052
 Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 52** **A05-10-035 - California Water Service Company (CSW).**
[6196] This resolution authorizes CSW to implement a Low-Income Ratepayer Assistance program, along with related tariff schedules, in all 24 of its rate-making districts, effective January 1, 2007. This proceeding is closed.
 (Comr Bohn - ALJ Koss)
 Outcome Signed
 D06-11-053
 Yes: (Bohn, Brown, Chong, Grueneich, Peevey)
 No: (none)
 Abstain: (none)
 Absent: (none)

Other Utility Orders**53**

[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. R06-04-022 is closed.

(Comr Bohn - ALJ Yacknin)

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

Agenda 3182, Item 39 11/9/2006 (Staff)

Outcome Held (12/14/06.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

54

[6099]

R05-06-040 - Order Instituting Rulemaking to implement Senate Bill No. 1488 (2004 Cal. Stats., Ch. 690 (Sept. 22, 2004)) relating to confidentiality of information.

This decision addresses one issue left open for consideration in D06-06-066: which individuals and entities are "market participants" and which are "non-market participants" for purposes of having access to confidential electric procurement, resource adequacy and renewables portfolio standard data under Pub. Util. Code § 454.5(g).

(Comr Grueneich - ALJ Thomas)

Outcome Held (12/14/06. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Legal Division Matters

55

[6157]

Res L-338

This resolution authorizes disclosure of Commission Consumer Protection and Safety Division (Safety and Reliability Branch) Investigation Records Regarding July 10, 2003 excavation in City of Sonoma, California, pursuant to the subpoena of Geo Dynamics in PG&E v. Geo Dynamics, Sonoma Superior Court (No. SCV-238946).

Outcome Approved

Res L-338

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Commissioner's Reports

56

[6134]

Commissioner Grueneich's Report

Consideration and vote to adopt the West Coast Commissions' Joint Action Framework on Climate Change. The Framework is a commitment by the Public Utilities Commissions of Oregon, Washington and California to work cooperatively to address the contribution of the energy sector to climate change.

Outcome Approved

Comr Grueneich's Report

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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

Applications for Rehearing

- 58** **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.
 Agenda 3180, Item 61 10/5/2006 (Peevey);
 Agenda 3181, Item 52 10/19/2006 (Staff);
 Agenda 3182, Item 44 11/9/2006 (Staff)
Outcome Held (12/14/06. Further consideration.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 59** **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.
 Agenda 3181, Item 53 10/19/2006 (Staff);
 Agenda 3182, Item 45 11/9/2006 (Staff)
Outcome Held (12/14/06. Further consideration.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)

60

[6078]

R05-04-005 - Conference with Legal Counsel - Application for Rehearing

Disposition of Application for Rehearings filed by The Utility Reform Network and Division of Ratepayer Advocates (jointly) and Disability Rights Advocates of D06-08-030, and related protests to AT&T California's Advice Letter filings 28800 and 28982. This Decision established a Uniform Regulatory Framework for telecommunications utilities.

Agenda 3181, Item 56 10/19/2006 (Staff);

Agenda 3182, Item 47 11/9/2006 (Staff)

Outcome Approved (AL 28800 and AL 28982. Comr. Brown reserves the right to file a dissent. Comr. Grueneich reserves the right to file a dissent.)

Res L-339

Yes: (Bohn, Chong, Peevey)

No: (Brown, Grueneich)

Abstain: (none)

Absent: (none)