
Public Utilities Commission of the State of California

Public Agenda 3192

Thursday, May 24, 2007 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

John A. Bohn

Rachelle B. Chong

Dian M. Grueneich

Timothy Alan Simon

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 04, 2007 (San Francisco)	Thursday, June 07, 2007 (San Francisco)
Monday, June 18, 2007 (San Francisco)	Thursday, June 21, 2007 (San Francisco)
Monday, July 09, 2007 (San Francisco)	Thursday, July 12, 2007 (San Francisco)
Monday, July 23, 2007 (San Francisco)	Thursday, July 26, 2007 (San Francisco)
Monday, August 20, 2007 (San Francisco)	Thursday, August 23, 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.

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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- 30, 48

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**
[6466] **Res TL-19088**
This resolution approves 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=274913
- 2**
[6467] **Res ALJ 176-3192**
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.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=277132
- 3 (Rev.)**
[6243] **Res W-4628 - Tahoe Park Water Company.**
This resolution authorizes a general rate increase producing additional annual revenue of \$145,925 or 70.6% in 2006.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Agenda 3185, Item 15 1/11/2007;
Agenda 3187, Item 3 2/15/2007 (Staff);
Agenda 3189, Item 3 3/15/2007 (Staff);
Agenda 3190, Item 3 4/12/2007 (Staff);
Agenda 3191, Item 1 5/3/2007 (Staff)
05/15/2007 - This revision was not shown on the Agenda mailed to the public.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=277746

Consent Agenda - Orders and Resolutions (continued)

4 **R06-02-013 - Order Instituting Rulemaking to integrate procurement policies and consider long-term procurement plans.**

[6454]

This decision addresses the Petition to Modify D06-07-029 filed by Southern California Edison Company (SCE). SCE requests approval to solicit in its current on-going standard-track request for offers (RFO) up to an additional 500 megawatts (MW) of power purchase agreements (PPA) with terms of up to 20 years from new generation facilities. SCE also seeks to extend the cost allocation methodology (CAM) adopted in D06-07-029 for these PPAs for the duration of their contract term. The Commission grants SCE's request to solicit an additional 500 MW in the standard-track of its open RFO, in addition to the 1,500 MW authorized in D06-07-029, and modify the 10-year limit on the CAM adopted in D06-07-029 by allowing SCE the option to continue the CAM by filing an advice letter in the ninth year of the PPA seeking an extension, with justification, of up to an additional 10 years. This proceeding is closed.

(Comr Peevey - ALJ Brown)

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

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

Agenda 3190, Item 20 4/12/2007 (Staff);

Agenda 3191, Item 5 5/3/2007 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=278127

5 **A06-04-012 - Pacific Gas and Electric Company (PG&E).**

[6457]

For approval of long-term request for offer results and for adoption of cost recovery and ratemaking mechanisms. This decision awards Aglet Consumer Alliance \$26,432.14, reduced from its requested award of \$53,740.01, in compensation for its contribution to D06-11-048. This proceeding is closed.

(Comr Peevey - ALJ Yacknin)

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

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

Agenda 3190, Item 22 4/12/2007 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=278270

6 **A00-05-032 - Pacific Gas and Electric Company (PG&E).**

[6550]

The Commission grants PG&E's Petition for Modification of D03-06-028, and authorizes it to allocate the gain-on-sale on a twelve-acre property in Antioch, known as the Los Medanos property, 33% to shareholders and 67% to ratepayers, consistent with D06-12-043, the Commission's recent decision in the generic gain-on-sale proceeding. This proceeding is closed.

(Comr Grueneich - ALJ Patrick)

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

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

Agenda 3191, Item 14 5/3/2007 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=279217

Consent Agenda - Orders and Resolutions (continued)

7 **A03-04-002 - Citizens Telecommunications Company of California Inc. dba Frontier**
[6558] **Communications of California (Frontier).**

This decision adopts an unopposed settlement, included as Attachment A to this decision, that resolves issues related to a New Regulatory Framework audit for 2001-2003 of Frontier, performed by the Division of Ratepayer Advocates. This proceeding is closed.

(Comr Peevey - 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=275787

8 **A07-03-002 - Yak Communications (America) Inc. (Yak America), Yaktastic, Inc.**
[6559] **(Yaktastic), and Blackbird Corporation (Blackbird).**

This decision grants the unopposed application of Applicants for a transfer of control of Yak America to Blackbird effective today, on a prospective basis only. The Commission denies Applicants' request for retroactive approval of this transaction, which was previously consummated without prior Commission approval, in violation of Section 854(a). This decision also requires Applicants to pay a fine of \$10,000 based on their failure to obtain Commission authorization for this transfer of control, as required by § 854(a), before the closing of the sale of Yak America to Blackbird. The Commission notes that Applicants recently committed another violation of Section 854(a) by transferring Yak America to Yaktastic without prior Commission authorization. This proceeding is closed.

(Comr Chong - ALJ Prestidge)

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=279245

9 **A06-02-026 - Golden State Water Company (Golden State).**

[6575]

This decision approves a settlement agreement resolving certain contested issues in this proceeding, specifically, the ratemaking treatment of past (\$5.5 million) and future litigation expenses incurred by Golden State in participating in the superior court adjudication of the Santa Maria groundwater basin. The settlement is among Golden State, the Division of Ratepayer Advocates, and Orcutt Area Advisory Group, Inc. This decision authorizes a second phase to this proceeding and extends the statutory deadline for completing this proceeding to February 25, 2008.

(Comr Bohn - ALJ Thorson)

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

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

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=278335

Consent Agenda - Orders and Resolutions (continued)

- 10**
[6576] **A06-05-029 - AboveNet Communications fka Metromedia Fiber Network Services, Inc. (AboveNet).**
This decision denies the application of AboveNet for modification of D00-09-039. 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=279287
- 11**
[6580] **A06-12-017 - Royal Phone Company LLC.**
This decision grants a certificate of public convenience and necessity under Public Utilities Code §1001 to provide resold local exchange services as a competitive local carrier subject to certain terms and conditions. A06-12-017 is closed.
(Comr Chong - ALJ Patrick)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=270203
- 12 (Rev.)**
[6583] **A06-04-012 - Pacific Gas and Electric Company (PG&E).**
For approval of long-term request for offer results and for adoption of cost recovery and ratemaking mechanisms. This decision awards The Utility Reform Network \$47,630.83 in compensation for its contribution to D06-11-048, reduced from its requested award of \$81,495.81 to reflect work claimed but which did not contribute to the Commission's resolution of issues in D06-11-048. This proceeding is closed.
(Comr Peevey - ALJ Yacknin)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
05/23/2007 - This revision was not shown on the Agenda mailed to the public.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=274851
- 13**
[6596] **A05-05-023 - Southern California Edison Company.**
For authority to establish marginal costs, allocate revenues, and design rates. This decision denies the Petition of Western Manufactured Housing Community Association to Modify D06-06-067. 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 Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=277045

Consent Agenda - Orders and Resolutions (continued)

- 14**
[6597] **A07-01-048 - Sage Telecom, Inc. (Sage) and SP Sage LLC (Buyer).**
This decision grants Applicants' joint request to transfer control of Sage to Buyer including the transfer of the certificate of public convenience and necessity of Sage. This proceeding is closed.
(Comr Bohn - ALJ Smith)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=274546
- 15**
[6598] **Res ST-86 - Angels Flight Railway Company (AFRC).**
This resolution grants approval of the Safety Certification Plan (SCP) for the Angels Flight Restoration Project. General Order (GO) 164-C requires a project specific SCP for each major Rail Fixed Guideway System, including the Angel's Flight Funicular System. GO 164-C requires AFRC to also submit a written Safety Certification Verification Report (SCVR) at the end of the project. The Commission Staff (Staff) shall approve the SCVR after confirming AFRC has completed all requirements of the SCP and will send a formal letter to AFRC accepting the SCVR. Staff has met with the Angels Flight management and engineering teams on February 26, 2007. Project details and the submitted SCP were discussed and a number of recommendations were made by Staff. Staff advised that although the SCP was comprehensive and satisfactory, more detail would be necessary as the project moves forward.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=273499
- 16**
[6599] **Res W-4647 - San Jose Water Company.**
This resolution authorizes the acquisition of Redwood Mutual Water Company, now San Jose's Mountain District, and authorizes rate increases to finance plant improvements for Mountain District. (Advice Letter 372, filed December 1, 2006)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=279603
- 17**
[6601] **Res E-4088 - San Diego Gas & Electric Company (SDG&E).**
This resolution approves with modifications SDG&E's request to establish a Market Redesign and Technology Upgrade (MRTU) Memorandum Account to record its incremental costs associated with the California Independent System Operator's MRTU initiative. (Advice Letter 1867-E, filed January 29, 2007)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=278272

Consent Agenda - Orders and Resolutions (continued)

- 18**
[6602] **Res E-4087 - Southern California Edison Company (SCE).**
This resolution approves with modifications SCE's request to establish a Market Redesign and Technology Upgrade (MRTU) Memorandum Account to record its incremental costs associated with the California Independent System Operator's MRTU initiative. (Advice Letter 2091-E, filed January 18, 2007)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=278271
- 19**
[6603] **A07-01-002 - Southern California Edison Company (SCE).**
This decision approves five renewable resource power procurement agreements (PPAs) between SCE and affiliates of the Caithness Corporation, and to consider these PPAs as meeting SCE's renewable portfolio standard requirements. The PPAs each are for a term of 20 years and the total output is up to 272.6 megawatts. This proceeding is closed.
(Comr Peevey - ALJ Kolakowski)
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=277062
- 20**
[6605] **P06-12-002, R _____ - Alliance for Retail Energy Markets et al. (AREM).**
This decision grants AREM Petition, subject to the preliminary scope and schedule outlined in this decision. Accordingly, the Commission hereby institutes this rulemaking to examine whether, or subject to what conditions, the current suspension on "direct access" may be lifted pursuant to Assembly Bill 1X.
(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 Quasi-Legislative.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=279204
- 21**
[6606] **R06-03-004 - Order Instituting Rulemaking regarding policies, procedures and rules for California Solar Initiative, the self-generation incentive program and other distributed generation issues.**
This decision establishes a process for approval of interim marketing and outreach plans for the California Solar Initiative (CSI). The interim process will remain in place until such time as the Commission provides more complete guidance to the CSI program administrators regarding CSI marketing and outreach activities at a later date in Phase II of this rulemaking.
(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 Quasi-Legislative.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=278115

Consent Agenda - Orders and Resolutions (continued)

- 22** **Res W-4648 - Del Oro Water Company Inc., Strawberry District.**
[6607] This resolution authorizes a general rate increase, producing gross annual revenues of \$203,892 or an increase in gross annual revenues of \$58,255 or 40% in test year 2006.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=279108
- 23** **Res E-4068 - Southern California Edison Company (SCE).**
[6608] This resolution approves with modification SCE's request for an agreement between the Mono Power Company and UOS Energy, LLC, and authorizes SCE to make credit entries to its Energy Resource Recovery Account, to account for royalties resulting from the agreement. (Advice Letter 2089-E, filed January 12, 2007.)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=278016
- 24** **A06-03-005 - Pacific Gas and Electric Company (PG&E).**
[6612] Application of PG&E to revise its electric marginal costs, revenue allocation, and rate design. This decision awards Agricultural Energy Consumers Association \$6,143.44 in compensation for its substantial contributions to D06-11-030, which adopted the “Agricultural Definition Settlement in A06-03-005.”
(Comr Chong - ALJ Fukutome)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=268140
- 25** **A04-09-013 - Alameda Corridor-East Construction Authority (ACE).**
[6613] This decision grants ACE's Petition for Modification of D05-08-019, which authorized the elimination of two main line at-grade crossings over Union Pacific Railroad Company’s Alhambra Subdivision; by construction of a grade separation and at-grade drill track at Sunset Avenue and Orange Avenue in the City of Industry, County of Los Angeles. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=275436

Consent Agenda - Orders and Resolutions (continued)

26 **R05-04-005 - Order Instituting Rulemaking on the Commission's own motion to assess and**
[6618] **revise the regulation of telecommunications utilities.**

This decision grants intervenor awards of \$284,157.48 to The Utility Reform Network and \$44,562.50 to the Greenlining Institute. These awards are made for each intervenor's substantial contributions to D06-08-030.

(Comr Chong - ALJ Reed)

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

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=278316

27 **R04-04-026 - Order Instituting Rulemaking to implement the California Renewables**
[6619] **Portfolio Standard Program.**

This decision awards Aglet Consumer Alliance \$22,013.21 and Green Power Institute \$24,532.00 for their substantial contributions to D06-05-039.

(Comr Peevey - ALJ Mattson)

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

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=274526

28 **(ECP) C07-01-043 - Peter Tynberg vs. Southern California Edison Company (SCE).**
[6621]

Complainant seeks a \$450 rebate pursuant to SCE Summer Discount Plan. SCE's tariff requires a customer to sign up for the discount and complainant admits he did not sign up. Relief denied. This proceeding is closed.

(Comr Grueneich - ALJ Barnett)

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

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=274778

29 **A05-12-012 - California Water Service Company (CalWater) and Grand Oaks Water**
[6626] **Company (Grand Oaks).**

The Commission grants Applicants the authority to transfer the assets and certificate of public convenience and necessity of Grand Oaks to CalWater. Also, the Commission grants CalWater's request for ratemaking treatment beyond that historically provided by the Commission as incentive for large water utilities to acquire small, poorly-run water utilities such as Grand Oaks. This proceeding is closed.

(Comr Bohn - ALJ Patrick)

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=279073

Consent Agenda - Orders and Resolutions (continued)

- 30**
[6627] **I06-09-007 - Investigation on the Commission's own motion into the operations and practices of Sebastian Enterprises, Inc., Fortel, Inc., and Foresthill Telephone Company.**
This decision approves an agreement settling a Commission-instituted investigation. The Commission initiated this investigation to determine whether Sebastian Enterprises, Inc., Fortel, Inc., and Foresthill Telephone Company violated any law in obtaining a loan and entering into a merger without the Commission's prior approval. I06-09-007 is closed.
(Comr Chong - ALJ Thomas)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=274721
- 31**
[6628] **A07-02-004 - Hayelom M. Nerie dba All Area Express Shuttle.**
This decision authorizes Applicant to operate as a passenger stage corporation between points in Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Solano Counties, on the one hand, and San Francisco, Oakland, and San Jose International Airports, on the other hand; and to establish a zone of rate freedom. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=276883
- 32**
[6631] **A06-06-032 - San Diego Gas & Electric Company (SDG&E).**
For approval of low-income assistance programs for Program Years 2007 and 2008. A06-06-033; A06-06-034; A06-07-001 - Related matters. This decision awards Nonprofit Housing Association of Northern California \$2,537.50 and Disability Rights Advocates \$29,507.05 in compensation for its substantial contributions to D06-12-038. D06-12-038 adopted budgets, policies and program parameters for the Low Income Energy Efficiency and California Alternate Rate for Energy programs of Pacific Gas and Electric Company, Southern California Edison Company, Southern California Gas Company and SDG&E for 2007 and 2008.
(Comr Grueneich - ALJ Malcolm)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=275480
- 33**
[6632] **R06-05-027 - Order Instituting Rulemaking to continue implementation and administration of California Renewables Portfolio Standard Program.**
This decision grants an unopposed Petition for Modification of D07-02-011 regarding the definition of Green Attributes.
(Comr Peevey - ALJ Mattson)
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=278099

Consent Agenda - Orders and Resolutions (continued)

- 34** **Res E-4075 - Southern California Edison Company (SCE).**
[6633] This resolution approves SCE's request for authorization that costs it claims to have incurred pursuant to a standstill agreement entered into with the Black Mesa Pipeline Company, Inc. were fuel-related costs that may be recorded into the Energy Resource Recovery Account balancing account. (Advice Letter 2087-E, filed January 5, 2007)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=279064
- 35** **Res L-343**
[6634] This resolution authorizes disclosure of certain records concerning the Consumer Protection and Safety Division's investigation of a June 29, 2004 electric incident in Fresno, California.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=277055
- 36** **Res E-4081 - San Diego Gas & Electric Company.**
[6636] This resolution approves without modifications a five-year extension to an existing renewable energy contract resulting from its 2005 Renewable Portfolio Standard solicitation. (Advice Letter (AL) 1879-E, filed March 1, 2007 and Supplemental AL 1879-E-A, filed April 20, 2007.)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=279232
- 37** **Res ST-88 - Santa Clara Valley Transportation Authority (VTA).**
[6639] This resolution approves VTA's Capitol Expressway Light Rail Safety and Security Certification Plan (SSCP) dated March 2, 2007. General Order 164-C requires VTA to also submit a written Safety Certification Verification Report (SCVR) at the end of the project. The Commission Staff shall approve the SCVR after confirming VTA has completed all requirements of the SSCP and will send a formal letter to VTA accepting the SCVR.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=276382

Consent Agenda - Orders and Resolutions (continued)

- 38**
[6643] **A05-12-002 - Pacific Gas and Electric Company (PG&E).**
For authorization, among other things, to increase rates and charges for electric and gas service effective on January 1, 2007. I06-03-003 - Related matters. This decision adopts an uncontested Settlement Agreement that allows PG&E to close nine of its 84 front counters where customers can pay their bills and perform other transactions. The Settlement requires PG&E to provide customers with notice of the closure and to take certain steps to mitigate the impact of the closure on customers. This decision resolves all remaining issues identified in the Scoping Memo and is being issued within 18 months of the Scoping Memo as required by Public Utilities Code § 1701.5. However, this proceeding cannot be closed at this time because of pending applications to rehear a prior decision in this proceeding.
(Comr Bohn - ALJ Kenney)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=275680
- 39**
[6644] **Res G-3400 - Pacific Gas and Electric Company (PG&E).**
This resolution approves PG&E's Advice Letter (AL) 2807-G/2983-E. This resolution has been prepared pursuant to a pilot program specified in Res ALJ-186 granting expedited treatment to utility proposals meeting certain requirements. (AL 2807-G/2983-E, filed February 13, 2007)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=279126
- 40**
[6645] **Res E-4089 - Pacific Gas and Electric Company (PG&E).**
This resolution approves PG&E's request to enter into an Encroachment Agreement with Saintsbury Winery (Saintsbury) permitting Saintsbury to construct a solar collection system within a PG&E easement. This resolution has been prepared pursuant to a pilot program specified in Res ALJ-186 granting expedited treatment to utility proposals meeting certain requirements. (Advice Letter 2994-E, filed February 27, 2007)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=276975
- 41**
[6647] **R06-04-009 - Order Instituting Rulemaking to implement the Commission's procurement incentive framework and to examine the integration of greenhouse gas emissions standards into procurement policies.**
The Commission amends the April 13, 2006 Order Instituting Rulemaking to modify the scope of Phase 2 of this proceeding regarding consideration of greenhouse gas (GHG) emission policies for the natural gas sector. The natural gas inquiry is expanded to address GHG emissions associated with the transmission, storage, and distribution of natural gas in California, in addition to the combustion of natural gas by non-electricity generator end-use customers.
(Comr Peevey - ALJ Lakritz, ALJ TerKeurst)
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=278320

Consent Agenda - Orders and Resolutions (continued)

- 42** **A05-12-007 - NOS Communications, Inc. (NOS).**
[6648] A05-12-008 - Related matters. This decision adopts an uncontested Settlement Agreement in which Applicants agree to pay a fine of \$10,000 for a violation of Rule 1 of the Commission's Rules of Practice and Procedure that NOS and Affinity Networks, Incorporated (ANI) claim was inadvertent. Of the total amount, \$9,500 is suspended and will be waived after two years if there are no further violations of Rule 1 by either NOS or ANI. These proceedings are closed.
(Comr Bohn - ALJ McKenzie)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=277090
- 43** **Res E-4090 - PacifiCorp.**
[6649] This resolution approves PacifiCorp's request under Public Utilities Code Section 851 to sell PacifiCorp's share of the switchyard associated with the now defunct Trojan Nuclear Project to Portland General Electric. (Advice Letter 338-E, filed February 9, 2007)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=278761
- 44** **Res E-4076 - Pacific Gas and Electric Company.**
[6654] This resolution approves without modifications the BioEnergy renewable resource procurement contract. (Advice Letter 2979-E, filed February 2, 2007)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=279133

Regular Agenda

Regular Agenda - Energy Orders

- 45**
[6570] **C05-12-004 - Chevron Products Company vs. Equilon Enterprises LLC, dba Shell Oil Products US, and Shell Trading (US) Company.**
- This decision grants the Defendants' Motion for Summary Adjudication finding that Defendant Equilon Enterprises LLC is not operating its 20-inch heated pipeline as a common carrier. C05-12-004 is closed.
- (Comr Peevey - ALJ Bemesderfer)
- 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=274034
-
- 45a**
[6572] **ALTERNATE TO ITEM 6570**
- This alternate decision grants Complainant's Motion for Summary Adjudication finding that Defendant Equilon Enterprises LLC is operating its 20-inch heated pipeline as a common carrier. C05-12-004 is closed.
- (Comr Peevey)
- 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=274059
-
- 46**
[6604] **A06-11-005 - Pacific Gas and Electric Company (PG&E).**
- PG&E has not met the Catastrophic Event Memorandum Account (CEMA) eligibility tests to recover any incremental costs for the hot weather impacts it experienced in July 2006. No competent state or federal authority, which the Commission has previously found to only include the Governor of California and the President of the United States, issued an emergency declaration. PG&E therefore fails to satisfy the threshold eligibility requirements of its own tariff and the Commission's Res E-3238. Further, Public Utilities Code Section 454.9 did not supersede the CEMA procedures and requirements adopted in Commission Res E-3238. Therefore the Commission denies the application to recover under the CEMA procedures the costs associated with the hot weather in July 2006. This proceeding remains open to consider PG&E's request to recover any incremental costs for the 2005 2006 new year's storms pursuant to its CEMA tariff.
- (Comr Bohn - ALJ Long)
- 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=279238

Regular Agenda - Energy Orders (continued)

47 **A06-09-016 - SFPP, L.P. (SFPP), Calnev Pipeline, L.L.C (Calnev), Kinder Morgan, Inc. (KMI), and Knight Holdco LLC (Knight Holdco).**

[6610]

A06-09-021 - Related matters. This interim decision resolves all issues except whether Carlyle Partners IV and Carlyle/Riverstone Global Energy and Power Fund III, two of the investors in Knight Holdco, should be granted the same exemption from Public Utilities Code Section 852 granted to Goldman Sachs and American International Group, Inc., also investors in Knight Holdco. Resolution of the deferred issue affects two other decisions concerning another utility and notice is defective. This interim decision approves transfer, subject to specified conditions, of indirect ownership and control over jurisdictional portions of SFPP, Calnev from KMI to Knight Holdco. The major conditions include: Commission access to books, records and witnesses; Knight Holdco must recognize, as a first priority, the capital requirements of SFPP and Calnev; assurance that SFPP and Calnev have been adequately ring-fenced; provision of liquid collateral of the pipelines choosing to ensure payment of up to \$100 million in potential intrastate rate refunds.

(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=276568

48 **A02-11-017 - Pacific Gas and Electric Company (PG&E).**

[6617]

For authority, among other things, to increase revenue requirements for electric and gas service and to increase rates and charges for gas service effective on January 1, 2003. I03-01-012; A02-09-005 - Related matters. This decision finds that PG&E systematically violated its tariff Rule 17.1 by issuing backbills related to periods of no bills and to estimated bills, where the cause for the estimation was within PG&E's control, beyond the time limits permitted under the tariff. The Commission orders PG&E to refund, at shareholder expense, approximately \$23 million for illegal backbill charges. The Commission further orders PG&E to refund reconnection fees (with interest) and pay credits to certain customers whose service was shutoff for nonpayment of illegal backbills. These proceedings are closed.

(Comr Peevey - ALJ Yacknin)

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.

Regular Agenda - Water/Sewer Orders**49 R06-12-016 - Order Instituting Rulemaking to consider revisions to the General Rate Case Plan For Class A Water Companies.**
[6535]

This decision adopts several significant changes to the Rate Case Plan (RCP) for Class A water utilities approved in D04-06-018. This decision adopts a new schedule for filing general rate cases (GRCs). Under the Commission's new schedule, the largest multi-district water utilities will be required to eventually file a single GRC for all districts at the same time. The transition to this new schedule will be gradual. This decision also requires separate applications for cost of capital determinations. The Commission will require Class A water utilities to file cost of capital applications on a triennial basis and the Commission will adopt an adjustment mechanism for the intervening years in the first cost of capital proceedings under this RCP. The largest Class A water utilities will file their first cost of capital applications in May 2008. The smaller Class A water utilities will file their first cost of capital applications in May 2009. All of the cost of capital applications filed in the same year will be consolidated. R06-12-016 is closed.

(Comr Bohn - ALJ DeAngelis)

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

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

Agenda 3191, Item 51 5/3/2007 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=279184

Regular Agenda - Legal Division Matters

50

FCC-96-45, WC Docket 05-337

[6652]

Opening Comments Federal - State Joint Board on Universal Service seeks Comment on Long Term, Comprehensive High-Cost Universal Service Reform- FCC-96-45, WC Docket 05-337.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=278231

Regular Agenda - Legislative and Other Matters

- 51** **AB 224 (Wolk)**
[6672] Water supply planning.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=278264
- 52** **AB 633 (Galgiani)**
[6670] Grade separation projects.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=278265
- 53** **AB 809 (Blakeslee)**
[6661] Energy: renewable energy resources.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=278295
- 54** **AB 918 (Torrico)**
[6669] Public Utilities: stocks and security transactions.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=278288
- 55** **AB 1064 (Lieber)**
[6662] Energy: heat corps.: self-generation incentive program.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=278276
- 56** **AB 1109 (Huffman)**
[6663] Energy resources: lighting efficiency: hazardous waste.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=278300
- 57** **AB 1173 (Keene)**
[6673] Water charges: multiunit residential structures.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=278311
- 58** **AB 1310 (Leno)**
[6671] Charter-party carriers.

Regular Agenda - Legislative and Other Matters (continued)

- 59** **AB 1428 (Gagliani)**
[6509] Net metering for bio-mass self generation.
 Agenda 3190, Item 76 4/12/2007 (Staff);
 Agenda 3191, Item 53 5/3/2007 (Staff)
- 60** **AB 1435 (Salas)**
[6496] Charges: conservation rate structure.
 Agenda 3190, Item 77 4/12/2007 (Staff);
 Agenda 3191, Item 54 5/3/2007 (Staff)
- 61** **AB 1470 (Huffman)**
[6664] Solar energy: Solar Hot Water & Efficiency Act of 2007.
- 62** **SB 411 (Simitian)**
[6665] Energy: renewable energy resources.
- 63** **SB 412 (Simitian)**
[6666] CA Energy Commission (CEC): Liquefied Natural Gas (LNG) terminals.
- 64** **SB 428 (Dutton)**
[6499] Electrical corporations: interruptible tariffs.
 Agenda 3190, Item 85 4/12/2007 (Staff);
 Agenda 3191, Item 55 5/3/2007 (Staff)
- 65** **SB 451 (Kehoe)**
[6667] Energy: governmental energy producers.
- 66** **SB 463 (Negrete McLeod)**
[6668] Energy: biogas digester customer-generator pilot program.

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 - Applications for Rehearing

- 67** **Conference with Legal Counsel - Applications for Rehearing**
 [6468] 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.
- 68** **R06-04-009 - Conference with Legal Counsel - Application for Rehearing**
 [6635] Disposition of Applications for Rehearing of D07-01-039, filed by the Center for Energy and
 Economic Development and the Community Environmental Council. D07-01-039 adopts an interim
 Greenhouse Gas emissions performance standard applicable to load serving entities' long-term
 commitments to baseload generation.
 Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
- 69** **A06-11-007 - Conference with Legal Counsel - Application for Rehearing**
 [6656] Disposition of Application for Rehearing of D07-01-041 filed by Californians for Renewable Energy,
 Inc (CARE) and CARE's motion to withdraw its Application for Rehearing. D07-01-041 approved a
 power purchase agreement between Southern California Edison Company and Long Beach
 Generation, LLC.
 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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FERC Docket No. ER07-xxx

[6676]

PacifiCorp, FERC Docket No. ER07-xxx.

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

Closed Session - Federal

- 72**
[6469] **FERC Docket No. ER06-615 - Conference with Legal Counsel - Existing Litigation**
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.
- 73 (Rev.)**
[6611] **Case Docket No. 1:07-CV-0001-OWW-DLB (E.D. Cal. 2006) - Conference with Legal Counsel - Existing Litigation**
UP & BNSF v. CPUC, et al., No. 1:07-CV-0001-OWW-DLB (E.D. Cal. 2006)
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.
05/16/2007 - This revision was not shown on the Agenda mailed to the public.
- 74**
[6646] **FERC Docket No. RP06-407-000 - Conference with Legal Counsel - Existing Litigation**
Gas Transmission Northwest Corporation, Docket No. RP06-407-000.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.
- 75**
[6658] **FERC Docket Nos. ER03-1094, ER03-214, ER07-xxx. - Conference with Legal Counsel - Existing Litigation**
Southern California Edison Company, FERC Docket Nos. ER03-1094, ER03-214, ER07-xxx.
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.

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[6204]

FERC Docket Nos. EL00-95 & -98, et al.; 9th Cir. Nos. 01-71051 & 01-71934 et al.; PG&E et al v AZ Electric Power Coop., et al, US Dist. Ct, Eastern District CA No. 2:06CV-00559-MCE-KJM; SDG&E et al v AZ Electric Power Coop, et al, US Dist. Ct, ED CA No. 2:06CV-0592

FERC Docket Nos. EL00-95 and EL00-98, et al.; Ninth Circuit Nos. 01-71051 and 01-71934, and related dockets; Pacific Gas and Elec. Co., et al. v. Arizona Elec. Power Coop., et al., United States District Court, Eastern District of California No. 2:06-CV-00559-MCE-KJM; and San Diego Gas and Elec. Co., et al v. Arizona Elec. Power Coop., et al., United States District Court, Eastern District of California No. 2:06-CV-0592.

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

Agenda 3184, Item 69 12/14/2006 (Staff);

Agenda 3185, Item 41 1/11/2007;

Agenda 3186, Item 48 1/25/2007 (Staff);

Agenda 3187, Item 63 2/15/2007 (Staff);

Agenda 3188, Item 39 3/1/2007;

Agenda 3189, Item 55 3/15/2007 (Staff);

Agenda 3190, Item 98 4/12/2007;

Agenda 3191, Item 64 5/3/2007 (Staff)

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