
Public Utilities Commission of the State of California

Public Agenda 3222

Thursday, October 2, 2008 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>
Friday, October 10, 2008 (San Francisco)	Thursday, October 16, 2008 (San Francisco)
Monday, November 03, 2008 (San Francisco)	Thursday, November 06, 2008 (San Francisco)
Monday, November 17, 2008 (San Francisco)	Friday, November 21, 2008 (San Francisco, Friday)
Monday, December 01, 2008 (San Francisco)	Thursday, December 04, 2008 (San Francisco)
Monday, December 15, 2008 (San Francisco)	Thursday, December 18, 2008 (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.
- 19

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**
[7926] **Res. ALJ 176-3222**
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://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351303
- 2**
[7764] **A07-09-012 - Warburg Pincus Private Equity IX, L.P., Warburg Pincus Private Equity X, L. P. (WP X) and Electric Lightwave, LLC (ELI), Eschelon Telecom, Inc. and Advanced Telecom, Inc. dba Eschelon Telecom, Inc. (together, Applicants).**
This decision approves Applicants' request for a transaction in which WP X has acquired indirect control of ELI and Eschelon Telecom, Inc. The Commission denies Applicants' request for approval of the transaction on a retroactive or nunc pro tunc basis. Applicants' motion to dismiss the application, on the grounds that the transaction did not result in a transfer of control under Section 854, is denied. Although Applicants violated Section 854 by finalizing the transaction without the Commission's advance approval, the Commission imposes no fines based on the unique circumstances of this case. This proceeding is closed.
(Comr Chong - ALJ Prestidge)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
Agenda 3218, Item 17 7/31/2008 (Staff);
Agenda 3219, Item 5 8/21/2008 (Simon);
Agenda 3220, Item 3 9/4/2008 (Simon);
Agenda 3221, Item 3 9/18/2008 (Peevey)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=352402

Consent Agenda - Orders and Resolutions (continued)

2a (Rev.)

[7961]

ALTERNATE TO ITEM 7764

This Alternate grants the request to dismiss the application for approval of a transfer of control. Similar to the Proposed Decision (PD), the Alternate finds that the case presents a close call as to whether Section 854 applies to the transaction. However, based on all the factors, the Alternate finds that Section 854 does not apply to this transaction. The Commission has not previously determined whether to view stock transfers on a "fully diluted" or nondiluted basis. In the absence of clear guidance on whether to view the transaction on a "fully diluted" basis or not, the Commission reviews other factors, including whether the acquiring entity has the power to appoint a majority of the members of the board or to direct management of the utility or its parent entity; or whether the acquiring entity has actual or working control of the day-to-day business of the utility. Based on review of the facts of this transaction, the Commission finds that a transfer of control has not occurred. Moreover, the Commission notes that under Section 853(b), the Commission may exercise authority not to apply Section 854 to a utility if it finds that it is not necessary in the public interest. Given the foregoing, the Commission grants the applicants' request to dismiss its application.

(Comr Peevey)

09/30/2008 - This revision was not shown on the Agenda mailed to the public.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E16428

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[7881]

A07-01-047 - San Diego Gas & Electric Company.

For authority to update Marginal Costs, Cost Allocation, and Electric Rate Design. Pursuant to Pub. Util. Code § 1701.5(a), the statutory deadline for resolving this proceeding is October 10, 2008. This decision extends the deadline for resolving this proceeding to December 9, 2008.

(Comr Bohn - ALJ Wong)

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=348772

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[7882]

A08-02-008 - Pacific Gas and Electric Company (Applicant).

This decision finds that Applicant's utility retained generation fuel procurement, administration of power purchase agreements, and least-cost dispatch power activities for the period beginning January 1, 2007 and ending December 31, 2007 (Record Period) were reasonable and prudent. The decision also finds Applicant's procurement-related revenue and expenses recorded in its Energy Resource Recovery Account balancing account during the Record Period reasonable and prudent. This proceeding is closed.

(Comr Peevey - 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://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=354315

Consent Agenda - Orders and Resolutions (continued)

- 5**
[7884] **Res W-4706 - San Jose Water Company (SJWC).**
This resolution addresses an order authorizing a rate base offset increase producing additional gross annual revenues of \$469,619 or 0.25% for SJWC. (Advice Letter 394, filed August 2, 2008)
Agenda 3221, Item 15 9/18/2008 (Staff)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=353362
- 6**
[7887] **Res L-368**
This resolution authorizes the disclosure of records concerning the California Public Utilities Commission Utilities Safety and Reliability Branch's investigation of an incident occurred on February 17, 2005 on Telegraph Canyon Road near San Diego Gas & Electric Substation in Chula Vista, San Diego County.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=353995
- 7**
[7889] **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.**
This decision addresses of a petition filed by Southern California Edison Company (SCE) to modify Decision (D.) 07-01-039. SCE requests that D.07 01 039 be modified to state that financial contribution requirements under preexisting contractual obligations are not subject to the provisions of Senate Bill (SB) 1368. The Commission finds the requested modification to be too broad and denies SCE's request. However, the Commission finds the capital expenditures requested by SCE in Application (A.) 07-11-011 for Units 4 and 5 of the Four Corners Generation Station do not fall within the Commission's definition of new ownership investments. Accordingly, these requested expenditures are not subject to the emissions performance standard under SB 1368 and SCE may seek rate recovery of these costs in A.07-11-011. This decision also directs SCE to conduct a study on future actions with respect to its ownership interest in Four Corners and to submit a report on its findings to the Commission within six months. This proceeding remains open.
(Comr Peevey - ALJ Yip-kikugawa)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=354251
- 8**
[7890] **Res E-4193 - Pacific Gas and Electric Company (PG&E).**
This resolution requests approval of amendments to a renewable procurement contract, which has previously received Commission approval. The amended contract is approved without modification. (Advice Letter 3132-E filed, October 9, 2007)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=354098

Consent Agenda - Orders and Resolutions (continued)

- 9**
[7894] **A07-04-020 - Pacific Adventure Cruises, Incorporated (Applicant).**
This decision finds it is in the public interest to grant Applicant's request for expanded authority to provide on-call and scheduled ferry service, on an individual fare basis, between Marina Del Rey and Santa Catalina Island. This proceeding is closed.
(Comr Simon - ALJ Rochester)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=354574
- 10**
[7910] **A08-04-023 - Main Event Transportation Inc (Applicant).**
This decision authorizes Applicant to increase fares \$5 for its passenger stage corporation service between points in Monterey County, San Jose International Airport, and San Francisco International Airport. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=350317
- 11**
[7911] **A08-06-007 - Golden State Paratransit, Inc. (Applicant).**
For approval pursuant to Public Utilities Code Section 851 et seq., of the Transfer by Sale of the Operating Authority in Passenger Stage Certificate #21112 from Golden State Paratransit, Inc. to Pineapple Express Transportation LLC. (Pineapple). Applicant is authorized to transfer its passenger stage corporation certificate to Pineapple. This proceeding is closed.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=350312
- 12**
[7912] **A08-04-033 - Sharew Kefelegn Haile dba Southwest Airporter (Applicant).**
Applicant is authorized to operate as a passenger stage corporation between points in Alameda, Contra Costa, Marin, 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://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=350313

Consent Agenda - Orders and Resolutions (continued)

- 13**
[7931] **Res W-4711 - Golden State Water Company (GSWC).**
This resolution addresses an order approving GSWC's plan to reduce water loss in the Clearlake Customer Service Area and mandating the filing of annual progress reports. (Advice Letter 1280 filed May 27, 2008)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=349585
- 14**
[7932] **Res W-4713 - Rolling Green Utilities, Inc. – Water.**
This resolution addresses an order authorizing amortization of \$15,101.57 in utility plant in service over six months at \$8.99 per customer per month. (Advice Letter 28-W filed June 18, 2008)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=350661
- 15**
[7935] **A07-06-026 - A to Bee Transportation, LLC (Applicant).**
This decision authorizes Applicant to operate as a passenger stage corporation to transport primarily children between points in Sacramento County; 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://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=354623
- 16**
[7937] **A08-04-040. - Pacific Gas and Electric Company (Applicant).**
This decision grants the request of Applicant for a certificate of public convenience and necessity to construct, operate and maintain the Camanche 230 kilovolt Transmission Line Interconnection Project. The project was requested by the East Bay Municipal Utility District (EBMUD) in order to interconnect the new Mokelumne Aqueduct/Camanche Pumping Plant and the associated EBMUD electric substation currently being constructed as part of the Freeport Regional Water Project. This proceeding is closed.
(Comr Grueneich - ALJ Fukutome)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=354505
- 17**
[7938] **Res W-4712 - Valencia Water Company (Valencia).**
This resolution addresses an order authorizing Valencia a rate base offset for an increase producing an increase in gross annual revenues of \$548,190 or 2.61%. (Advice Letter (AL) 121 filed August 1, 2008 and Supplemental AL 121-A filed August 20, 2008)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=350948

Consent Agenda - Orders and Resolutions (continued)

- 18**
[7939] **Res W-4714 - North Gualala Water Company.**
This resolution addresses an order authorizing a general rate increase, producing additional annual revenues of \$236,147 or 44.3% for test year 2008.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=354565
- 19**
[7946] **C06-10-015 - Pasadena Avenue Monterey Road Committee vs. Los Angeles County Metropolitan Transportation Authority; Los Angeles to Pasadena Metro Blue Line Construction Authority, nka Metro Gold Line Foothill Extension Construction Authority; and City of South Pasadena (Defendents)**
This decision extends the 12-month deadline for resolution of this complaint proceeding until October 9, 2009. This extension will enable the Commission to continue to monitor the compliance of the parties with the Settlement Agreement approved in Decision (D.) 05 02-032, as modified by D. 05-09-040, and will allow additional time needed for defendants to complete the mitigation measures required by the settlement agreement. This proceeding shall remain open.
(Comr Grueneich - ALJ Prestidge)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=352326
- 20**
[7947] **A08-02-014 - Citizens Telecommunications Company of California, Inc., dba Frontier Communications of California et al.**
This decision authorizes the consolidation of Citizens Communications Company's four California Incumbent Local Exchange Carriers (ILECs) by merging its three smaller ILECs into the largest of those four: Citizens Telecommunications Company of California Inc. dba Frontier Communications of California (Frontier-California). Frontier-California is a mid-sized ILEC regulated under the Commission's Uniform Regulatory Framework (URF), and its service territory is open to competition. The three smaller ILECs operate under a rate-of-return regulatory structure and their service areas are not open for competition. With the granting of this application, the service territories of the three smaller ILECs will be incorporated into the service territory of Frontier-California and be subject to competition. Until January 1, 2011, the basic primary residential rate of the three merged service areas will be capped at their current levels. This proceeding is closed.
(Comr Chong - ALJ Patrick)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Consent Agenda - Intervenor Compensation Orders**21** **R06-02-013 - Order Instituting Rulemaking to Integrate Procurement Policies and Consider Long-Term Procurement Plans.**
[7920]

R04-04-003 - Related matters. This decision awards the Natural Resources Defense Council (NRDC) \$20,859.52 in compensation for its substantial contributions to Decision (D.) 07 12-052. Today's award payment will be allocated to the affected utilities pursuant to D.00-01-020. These proceedings remain open.

(Comr Peevey - ALJ Brown)

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=342893

22 **R06-02-013 - Order Instituting Rulemaking to Integrate Procurement Policies and Consider Long-Term Procurement Plans.**
[7928]

This decision awards The Utility Reform Network (TURN) \$265,111.39 in compensation for its substantial contributions to Decision (D.) 06-07-029, D.07-09-044, and D.07-12-052 in Rulemaking 06-02-013. This proceeding remains open to address further long-term procurement issues.

(Comr Peevey - ALJ Brown)

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351046

Regular Agenda

Regular Agenda - Energy Orders

23 **A07-07-015 - Pacific Gas and Electric Company (PG&E) and San Diego Gas & Electric Company (SDG&E).**
[7564]

This decision authorizes Emerging Renewable Resource Programs (ERRP) for PG&E and SDG&E, and allows PG&E and SDG&E to expend up to \$30 million and \$15 million, respectively for a period of two years. The decision provides ERRP oversight through the Energy Division, assisted by consultants and approves ERRP spending for the University of California Merced Solar Center, a wastewater bio-methane project, and a wave energy project. This proceeding is closed.

(Comr Simon - ALJ DeBerry)

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

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

Agenda 3214, Item 25 5/29/2008 (Simon);

Agenda 3216, Item 37 6/26/2008 (Staff);

Agenda 3218, Item 29 7/31/2008 (Staff);

Agenda 3219, Item 37 8/21/2008 (Peevey);

Agenda 3220, Item 30 9/4/2008 (Chong);

Agenda 3221, Item 29 9/18/2008 (Peevey)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=352367

24 **A07-01-047 - San Diego Gas & Electric Company (SDG&E).**
[7726]

For authority to update marginal costs, cost allocation, and electric rate design. This decision addresses the proposal of SDG&E to gradually increase the electric rates over time of its residential customers whose usage falls within Tiers 1 and 2. SDG&E's proposal would eliminate the rate cap imposed by Water Code Section 80110 by January 1, 2016. This decision also addresses what is meant by the California Department of Water Resources' (DWR) recovery of its costs as power as set forth in that code section. Since SDG&E's phase-out proposal would increase the rates of these customers, and because DWR has not yet recovered its costs of power, i.e., its power charges and bond charges, SDG&E's proposal is not adopted. This proceeding is closed.

(Comr Bohn - ALJ Wong)

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

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

Agenda 3218, Item 33 7/31/2008 (Bohn);

Agenda 3219, Item 38 8/21/2008 (Peevey);

Agenda 3220, Item 32 9/4/2008 (Peevey);

Agenda 3221, Item 31 9/18/2008 (Staff)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=350440

Regular Agenda - Energy Orders (continued)

24a (Rev.) ALTERNATE TO ITEM 7726

[7977]

The alternate proposed decision also rejects SDG&E's proposal to gradually increase Tier 1 and Tier 2 electric rates starting in 2008. SDG&E's proposal would eliminate the rate cap imposed by Water Code Section 80110 by January 1, 2016. The alternate proposed decision declines to reach the question of whether DWR will have recovered its "costs of power" under Water Code Section 80110. The alternate proposed decision finds that since SDG&E's phase-out proposal would increase the rates of these customers, and since DWR is still responsible for power contracts procured on behalf of SDG&E's customers, SDG&E's proposal cannot be adopted at this time. This proceeding is closed.
(Comr Peevey)

10/02/2008 - This revision was not shown on the Agenda mailed to the public.

25 A08-05-033 - Pacific Gas and Electric Company (Applicant).

[7867]

This decision grants Applicant the authority to issue \$4 billion of Debt Securities consisting of long-term debt and preferred stock, as requested in Application 08-05-033. This decision also authorizes Applicant to: encumber utility property, including its accounts receivable, to secure Debt Securities; enter into interest-rate caps, collars, swaps, hedges, and other financial instruments (collectively hedges) subject to the conditions enumerated in the body of this decision; exempt certain Debt Securities from the Commission's Competitive Bidding Rule as enumerated in the body of this order; exclude credit enhancements that do not increase the amount of debt owed by Applicant from the determination of its outstanding debt; and, report all Debt Securities information required by General Order 24-B to the Commission on a quarterly basis.

This proceeding is closed.

(Comr Bohn - ALJ Galvin)

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

Agenda 3220, Item 28 9/4/2008 (Simon);

Agenda 3221, Item 9 9/18/2008 (Simon)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=352404

26 A08-06-012 - Southern California Edison Company (Applicant).

[7877]

This decision grants Applicant the authority requested in Application 08-06-012 to modify Decision 06-11-012 and all previous decisions for authority to finance its regulatory balancing accounts and procurement-related collateral costs. Specifically, this decision grants Applicant's request to increase its authority by \$450,000,000, from \$1,550,000,000 to \$2,000,000,000, exempts this authority from the Commission's competitive bidding rules, imposes certain reporting requirements, imposes a fee of \$231,000, and supersedes all prior decisions for authority to finance Edison's regulatory balancing accounts and procurement-related collateral costs. This proceeding is closed.

(Comr Bohn - ALJ Long)

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

Agenda 3221, Item 11 9/18/2008 (Simon)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=352156

Regular Agenda - Energy Orders (continued)

27

[7883]

A08-06-013 - Southern California Edison Company (Applicant).

This decision grants the Applicant the relief requested in Application 08-06-013 to modify Decision 05-06-020 and does not impose any expiration date on the authority. This decision exempts Applicant from the complicated formula limit imposed by Pub. Util. Code § 823(c), exempts this authority from the Commission's competitive bidding rules, imposes certain reporting requirements, imposes a fee of \$561,500, and supersedes the prior decision for short-term borrowing authority. Pursuant to § 823(b) and the Commission's broad authority under § 701 this decision grants Applicant's request to have a flat sum limit to its authority to borrow up to \$2 billion in short-term debt to finance its various short-term borrowing needs, i.e., no portion of this sum is fixed and no portion relies on and varies pursuant § 823(c). This proceeding is closed.

(Comr Bohn - ALJ Long)

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

Agenda 3221, Item 14 9/18/2008 (Simon)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=352462

Regular Agenda - Energy Resolutions and Written Reports

- 28**
[7888] **Res G-3422 - Southern California Gas Company (SoCalGas).**
This resolution addresses SoCalGas's request for approval of the establishment of a memorandum account to track increased Pacific Gas and Electric Company (PG&E) exchange fee expenses related to the provision of wholesale service to Southwest Gas Company. SoCalGas's request is approved effective the date of this resolution. (Advice Letter 3882-G filed, July 16, 2008)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=349297
- 29**
[7899] **Res E-4192 - San Diego Gas & Electric Company (SDG&E) .**
This resolution addresses SDG&E's request for approval of two bilateral renewable power purchase and sale agreements with NaturEner Glacier Wind Energy 1 and 2, LLCs. These agreements are approved without modification. (Advice Letter 1997-E filed June 4, 2008)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=349606

Regular Agenda - Communication Orders

30 **R93-04-003 - Rulemaking on the Commission's Own Motion to Govern Open Access to Bottleneck Services and Establish a Framework for network Architecture Development of Dominant Carrier Networks.**
[7729]

I93-04-002 - Related matters. This decision determines that the adopted Unbundled Network Element (UNE) reexamination process will apply to Pacific Bell Telephone Company dba AT&T California (AT&T), as well as Verizon California Inc. (Verizon). A price cap mechanism is adopted for annual updates to the UNE rates adopted for Verizon and AT&T, but the Commission finds that § 252 of the Telecommunications Act of 1996 requires the state to conduct periodic cost-study proceedings to update UNE rates, based on the Total Element Long Run Incremental Cost (TELRIC) methodology. A schedule is established for future TELRIC costing proceedings for AT&T and Verizon, and the use of the HM 5.3 model is mandated for use in those costing proceedings. This proceeding remains open.

(Comr Peevey - ALJ Duda)

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

Agenda 3218, Item 38 7/31/2008 (Staff)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=337522

31 (Rev.) **R08-01-005 - Rulemaking Regarding Whether to Adopt, Amend, or Repeal Regulations Governing the Retirement by Incumbent Local Exchange Carriers of Copper Loops and Related Facilities Used to Provide Telecommunications Services.**
[7822]

This decision declines to adopt rules requiring California's incumbent local exchange carriers (ILECs) to seek this Commission's permission before permanently removing copper wire local loops from the telephone network. The Commission finds instead that the incumbent local exchange carriers shall file copies of its copper retirement notices concurrently with Commission staff and on all CLECs that interconnect with the ILEC when the ILEC files such notices with the FCC. This decision also requires that the ILEC negotiate in good faith for 30 days with any CLEC that seeks to use the copper loop that the ILEC intends to retire, and that the ILEC and CLEC shall arbitrate the dispute if such negotiations fail. This proceeding is closed.

(Comr Chong - ALJ Thomas)

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

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

Agenda 3220, Item 11 9/4/2008 (Simon);

Agenda 3221, Item 42 9/18/2008 (Simon)

09/30/2008 - This revision was not shown on the Agenda mailed to the public.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=354490

Regular Agenda - Communication Orders (continued)

31a (Rev.)

[7976]

ALTERNATE TO ITEM 7822

The alternate proposed decision recognizes that the record does not indicate any current harm, but recognizes the potential for marketplace harm. The alternate proposed decision proposes a process to facilitate the access to copper facilities and affords them opportunity to negotiate terms with the ILEC. The Commission's Advice Letter Tier 2 process will apply to notice and respond to an ILEC's intention to retire copper facilities. The rules apply to any copper retirement and to both business and residential customers, and apply whether or not the CLEC currently has a customer on the route to be retired as long as the CLEC is willing to pay the costs that it causes to preserve and/or restore the copper. The Commission asserts willingness and ability to ultimately impose a resolution if none can be negotiated or arbitrated.

(Comr Simon)

10/01/2008 - This item was not listed on the agenda distributed to the public.

32

[7823]

R07-01-021 - Order Instituting Rulemaking to Address the Needs of Telecommunications Customers Who Have Limited English Proficiency.

Decision 07-07-043 adopted rules to ensure that customers with limited English proficiency (LEP) have just, adequate and reasonable access to the information and assistance they need to obtain and maintain telecommunications services, and help LEP customers protect themselves from fraud or abuse (In-Language Marketing Rules). This decision further develops the In-Language Marketing Rules by resolving issues concerning: 1) tracking and reporting LEP consumer complaints and language preference, 2) fraud notification to LEP consumers and fraud reporting to the Commission, and 3) market trials in non-English languages.

(Comr Peevey - ALJ Smith)

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

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

Agenda 3220, Item 38 9/4/2008 (Peevey);

Agenda 3221, Item 43 9/18/2008 (Staff)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=354643

Regular Agenda - Communication Orders (continued)

33 **R07-12-001 - Order Instituting Rulemaking to Establish Uniform Construction Standards for Pole-Top Antennas.**
[7850]

This decision adopts an uncontested proposal to revise General Order (GO) 95. The adopted revisions to GO 95 establish uniform construction standards for wireless antennas installed on utility poles above or between power lines operating at zero to 50,000 volts. The purpose of the adopted revisions is to facilitate the expansion of California's wireless infrastructure in a way that protects the safety of workers and the public, minimizes costs and potential environmental impacts, and maintains the reliability of equipment and facilities attached to poles by electric utilities and telecommunications providers. This proceeding is closed.

(Comr Chong - ALJ Kenney)

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

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

Agenda 3221, Item 44 9/18/2008 (Simon)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=352476

Regular Agenda - Water/Sewer Orders**34**

[7869]

A07-01-035 - San Jose Water Company (Applicant).

This decision grants Applicant's request for an order approving the sale of its main office under § 851 of the Public Utilities Code because the main office is not an adequate facility and because the main office cannot be sufficiently renovated to make it an adequate facility. The decision's approval of the request to sell the main will ensure that Applicant's facilities are adequate to provide public utility services.

The decision denies Applicant's request for a Commission determination that its main office is no longer necessary or useful, and denies authorization to reinvest the net proceeds of the sale in infrastructure under § 790. Although the main office is inadequate, it continues to be necessary and useful property. Instead, the decision requires the net proceeds from the sale of the main office to be allocated pursuant to the Percentage Allocation Rule. The decision approves an increase of \$1,133,520 in the revenue requirement for 2008 resulting from the replacement of the main office, and approves the proposed rate design to recover 50% of this additional revenue requirement through the service charge component and 50% through the quantity rate component of SJWC's tariffed rates. Finally, the decision finds that Applicant did not require prior Commission approval to purchase 1265 South Bascom Avenue, and that Applicant did not mislead the Commission in violation of Rule 1.1 by failing to notify the Commission that Applicant purchased 1265 South Bascom Avenue in May 2007. This proceeding is closed.

(Comr Grueneich - ALJ Smith)

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

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

Agenda 3221, Item 46 9/18/2008 (Bohn)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=352463

Regular Agenda - Consumer Services Division Reports and Resolutions

35

Director Clark Report

[7929]

Designation of Consumer Protection and Safety Division investigators authorized to exercise the limited powers of a peace officer within the scope of their duties as specified in Penal Code Section 830.11 and Pub. Util. Code Section 308.5. This matter will be presented before the Commission for discussion and action.

Regular Agenda - Legislative and Other Matters

Regular Agenda - Commissioner's Reports

36

[7917]

Commissioner Grueneich Report

Discussion and action regarding re-appointment of David P. Stephenson to the water representative position on the Commission's Low-Income Oversight Board. Mr. Stephenson is the Director of Rates at California American Water.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=354310

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

- 37** **Conference with Legal Counsel - Applications for Rehearing**
 [7913] Compilation of applications for rehearing recently filed with the Commission. 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.
- 38** **R07-09-008 - Conference with Legal Counsel - Applications for Rehearing**
 [7762] Disposition of Applications for Rehearing and Motion for Stay of Decision (D.) 08-04-039 as modified by D.08-04-054 filed by The Utility Reform Network, the Division of Ratepayer Advocates, and the Utility Consumers Action Network (collectively, the Joint Parties), and by the Consumer Federation of California. The Decision approved establishment of the California Institute for Climate Solutions (CICS). The CICS will be a grant-making body to fund applied research and development of practical and commercially viable technologies to reduce greenhouse gas emissions and slow global warming. The Decision authorizes \$60 million per year for 10 years to be collected via a new surcharge on electricity and gas utility customer bills, and also requires CICS to obtain by Year 5, non-ratepayer matching funds that equal or exceed the amount of ratepayer funding on an annual basis.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
 Agenda 3218, Item 47 7/31/2008 (Staff);
 Agenda 3219, Item 50 8/21/2008 (Staff);
 Agenda 3220, Item 40 9/4/2008 (Staff);
 Agenda 3221, Item 51 9/18/2008 (Staff)
- 39** **A07-02-023 - Conference with Legal Counsel - Application for Rehearing**
 [7909] Disposition of application for rehearing of Decision (D.) 08-05-036 filed by Monterey Peninsula Water Management District. D.08-05-036 approves the authorized rate of return as the appropriate carrying cost for amounts properly recorded in California American Water Company's San Clemente Dam Memorandum Account.
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.

Closed Session - Federal

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[7914]

FERC Docket No. ER06-615 - Conference with Legal Counsel- Exisiting 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.

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