
Public Utilities Commission of the State of California

Public Agenda 3223

Thursday, October 16, 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>
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.
- 22, 23, 25, 26, 27, 28, 29, 30

Public Comment:

Re 38:

Gary Wyatt, Imperial County Bd. of Supervisors, El Centro, CA
Gina McBride, McBride Financial Advisory, Carlsbad, CA
John Valencia, Invitrogen, Sacramento, CA
Leon P. Sterling, North San Diego Assn. of Realtors, Encinitas, CA
Michael Babowal, Carlsbad, CA

Re 42:

Diana Scott, San Francisco, CA
Sandra Mack, Calif. Alliance for Retired Americans, San Francisco, CA
Vicki J. Westlin, San Francisco, CA

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****Res ALJ 176-3223**

[7927]

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=351308

Consent Agenda - Orders and Resolutions (continued)

2 **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.**
[7889]

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.

Agenda 3222, Item 7 10/2/2008 (Grueneich)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=357165

3 **Res T-17152 - ConnectTo Communications, Inc.**
[7901]

This resolution originally rejected the request of ConnectTo Communications (ConnectTo) to be designated as an Eligible Telecommunications Carrier (ETC) in California. However, after reviewing ConnectTo's supplement to its advice letter # 3 that included ConnectTo's comment to the draft resolution, Communications Division staff has determined that ConnectTo has satisfied the requirements for ETC designation and that its request to be designated as an ETC in California should be approved. Therefore, Resolution T-17152 grants ConnectTo's request to be designated as an ETC in California. (Advice Letter 3 filed, January 9, 2008)

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=355132

4 **Res E-4158 - Southern California Edison Company (SCE).**
[7918]

This resolution addresses SCE's request for approval of three one-month bilateral letter agreements for procurement of renewable energy with Geysers Power Company, LLC (GPC). SCE's Advice Letter (AL) 2201-E is approved without modification. (AL 2201-E filed, January 14, 2008)

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=356559

Consent Agenda - Orders and Resolutions (continued)

- 5**
[7919] **A06-12-023 - Southern California Gas Company (Applicant).**
Applicant seeks approval of a long-term gas transportation agreement with United States Gypsum Company on a firm basis. The decision finds that the long-term gas transportation agreement, as modified by the parties, is in the public interest and is reasonable. The long-term gas transportation agreement is approved and the proceeding is closed.
(Comr Bohn - ALJ Lakritz)
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=351190
- 6**
[7921] **Res T-17174**
This resolution addresses revocation of forty two (42) certificates issued to carriers with fifty six (56) authorities for failure to comply with Public Utilities Code Section 401, specifically the filing of Public Utilities Commission Reimbursement Account Reports and the remitting of applicable fees.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=356253
- 7**
[7923] **Res E-4196 - Pacific Gas and Electric Company (PG&E).**
This resolution addresses PG&E's request for approval of a renewable resource procurement contract with Finavera Renewables, Inc. This contract is rejected. (Advice Letter 3181-E filed, December 18, 2007)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=356583
- 8**
[7925] **R07-11-001 - Order Instituting Rulemaking to Determine Issues Relating to the California Utilities' Procurement of Natural Gas Supplies from Liquefied Natural Gas Sources.**
This decision determines that the procurement and cost recovery approval procedures applicable to natural gas supply shall continue to apply to liquefied natural gas supply. 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.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=356039

Consent Agenda - Orders and Resolutions (continued)

9

[7934]

R06-02-012 - Order Instituting Rulemaking to Develop Additional Methods to Implement the California Renewables Portfolio Standard Program.

This decision refines the methodology for the market price referent (MPR) for use in the California renewables portfolio standard (RPS) program in 2008 and later years. The MPR implements the Legislature's mandate that the Commission determines the market price of electricity in order to evaluate the reasonableness of prices of long-term power purchase agreement (PPAs) for RPS-eligible electric generation. This decision continues the use of a proxy plant for modeling the leveled price of a utility's long-term PPA with a new natural-gas fueled generation facility in California. The decision addresses several aspects of the existing MPR methodology in order to improve the accuracy, transparency, and simplicity of the modeling for the MPR proxy plant. It adjusts the method for determining the cost of natural gas fuel for the proxy plant. It refines the methodology for the capacity factor used for the combined cycle gas turbine proxy plant to increase consistency and transparency of the modeling. The decision makes minor updates to the methodology for calculating installed capital costs for the proxy plant. It also ends the use of a factor for calculating transmission line losses. The decision includes as a permanent feature of the MPR methodology the calculation of the cost of compliance with regulatory programs limiting greenhouse gas (GHG) emissions. It sets forth a method for determining the GHG compliance cost for the MPR proxy plant that takes into account the rapid changes occurring in this regulatory area. The decision also maintains the Commission's current practices of publicly disclosing the MPR calculation and of requiring the public disclosure of the information whether the price of an RPS procurement contract is at, below, or above the MPR. This proceeding remains open.

(Comr Peevey - ALJ Simon)

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

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=356548

10

[7941]

A08-07-021 - Southern California Edison Company.

For Approval of its 2009-2011 Energy Efficiency Program Plans and Associated Public Goods Charge (PGC) and Procurement Funding Requests. A08-07-022, A08-07-023, A08-07-031 - Related matters. This decision allows Pacific Gas and Electric Company, Edison, San Diego Gas & Electric Company, and Southern California Gas Company to expend funds to continue certain 2008 energy efficiency programs into 2009 until the Commission adopts a final decision in this docket. These proceedings remain open.

(Comr Grueneich - ALJ Gamson)

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=356696

Consent Agenda - Orders and Resolutions (continued)

- 11** **Res ST-100**
[7944] This resolution grants Los Angeles County Metropolitan Transportation Authority (LACMTA) temporary variance from General Order 143-B, Section No. 9.06c (1) Side Clearance requirements on the station platforms, specifically for the Between-Car-Barrier (BCB) demonstration project. The duration of this resolution is for six-months. This resolution will allow LACMTA to install BCB's along the Pasadena Goldline station platforms to comply with the Federal Americans with Disabilities Act requirements Title 49 CFR 38.85.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=351810
- 12** **A08-06-019 - Kwang Weon Bae dba Bae Kwang Weon (Applicant).**
[7952] Applicant is authorized to operate as a passenger stage corporation between points in Alameda, Contra Costa, San Francisco, San Mateo, and Santa Clara 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=351453
- 13** **A08-07-013 - Theodros Ashenafi (Applicant).**
[7953] For authority to control California Airporter, Inc. pursuant to Section 854 of the California Public Utilities Code. Applicant is authorized to purchase all of the issued and outstanding stock of California Airporter, Inc., a passenger stage corporation, from Suhil M. Babikir, Bhaeldeen Elfadul, and Marvin A. Ibrahim. 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=351789
- 14** **A08-08-007 - A Greener Oakland-Marin Shuttle, LLC (Applicant).**
[7954] Applicant is authorized to operate as a passenger stage corporation between points in Marin County and Oakland International Airport; 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=352387

Consent Agenda - Orders and Resolutions (continued)

- 15** **Res W-4715 - Owens Valley Water Company.**
[7957] This resolution addresses an order authorizing a surcharge of \$6.85 for twelve months for recovery of its unanticipated expense memorandum account for a total of \$9,130. (Advice Letter 40, filed July 9, 2008)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=356400
- 16** **Res E-4200 - PacificCorp.**
[7958] This Resolution approves PacifiCorp Advice Letter 362-E seeking approval under Public Utilities Code Section 851 to option the sale of Simonson Substation subject to Commission's approval to Arcata Redwood Company. This resolution has been prepared pursuant to a pilot program specified in Resolution ALJ-202 granting expedited treatment to utility proposals meeting certain requirements. (Advice Letter 362-E filed, July 3, 2008)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=352911
- 17** **Res W-4716 - The Sea Ranch Water Company.**
[7963] This resolution addresses an order authorizing a rate surcharge in order to recover the cost of unexpected repairs. (Advice Letter 75-W filed, August 1, 2008)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=354085
- 18** **Res T-17170 - Citizens Telecommunications Company of Tuolumne dba Frontier Communications of Tuolumne (Frontier).**
[7964] This resolution approves a compensation agreement between Frontier and Pac-West Telecomm, Inc., Pursuant to Section 252 of the Telecommunications Act of 1996. (Advice Letter No. 198 filed, July 25, 2008)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=353112
- 19** **Res T-17171 - Citizens Telecommunications Company of Golden State dba Frontier Communications of Golden State (Frontier).**
[7965] This resolution approves a compensation agreement between Frontier and Pac-West Telecomm, Inc., Pursuant to Section 252 of the Telecommunications Act of 1996. (Advice Letter 212 filed, July 25, 2008)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=353117

Consent Agenda - Orders and Resolutions (continued)

20 Res T-17146 - United Way Monterey County.

[7966]

This resolution grants the request for certification of United Way Monterey County as the 2-1-1 service provider for Monterey County.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=352643

21 A07-10-003 - Bigredwire.com, Inc (Applicant).

[7967]

For Registration as an Interexchange Carrier Telephone Corporation pursuant to the provisions of Public Utilities Code Section 1013. This decision grants the joint motion of Applicant and the Commission's Division of Consumer Protection and Safety (CPSD) for Commission adoption of a settlement agreement and approves the settlement agreement without changes. The settlement requires Applicant to pay a fine of \$20,000 based on its unlawful operation in this state during the years 2000-2001 and from September 23, 2004 to the present, and Applicant's failure to pay required fees and surcharges or to file required reports with the Commission at any time of its operations in this state, and Applicant's violation of Rule 1.1 by failing to disclose in this application the prior revocation of its Certificate of public convenience and necessity (CPCN) and a settlement agreement with the Florida Public Service Commission. The settlement also requires Applicant to pay all fees and surcharges owed to the Commission, to timely file required reports with the Commission, and to file a new application for registration that discloses the prior revocation of its CPCN, and the settlement with the Florida Public Service Commission. CPSD will monitor Applicant's compliance with the settlement. Applicant has admitted the violations and has agreed that the settlement is reasonable. This proceeding is closed.

(Comr Simon - ALJ Prestidge)

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=357172

22 C07-10-017 - Pac-West Telecomm, Inc. (Complainant) vs. Blue Casa Communications, Inc. (Defendant)

[7968]

This Modified Presiding Officer's decision (decision) orders Defendant to pay unpaid call termination fees to Complainant in the amount of \$309,348.65. This decision also addresses the appeals received on the Presiding Officer's decision. This proceeding is closed.

(Comr Simon - ALJ Bemederfer)

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.

Consent Agenda - Orders and Resolutions (continued)

23 **C07-10-018 - Pac-West Telecomm, Inc (Complainant) vs. Telscope Communications, Inc. (Defendant).**
[7969]

This Modified Presiding Officer's decision (decision) orders Defendant to pay unpaid call termination fees to Complainant in the amount of \$554,605.39. This decision also addresses the appeals received on the Presiding Officer's decision. This proceeding is closed.

(Comr Simon - ALJ Bemserfer)

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.

24 **Res W-4717 - Agate Bay Water Company.**
[7970]

This resolution addresses an order authorizing an increase in rates for a ratebase offset of \$11,393 or 3.89% and a one-time surcharge of \$1.26 per connection to recover annual Department of Public Health Fees. (Advice Letter No. 27 filed, August 20, 2008)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=355805

25 **C07-09-010 - Pac-West Telecomm, Inc. (Complainant) vs. Comcast Phone of California LLC. (Defendant).**
[7971]

C.07-11-015 - Related matters. This Modified Presiding Officer's decision (decision) finds that Defendant owes Complainant \$379,446.43 in unpaid termination charges for terminating traffic originated by Defendant during the period April 4, 2004 through August 27, 2007. The decision closes Case (C.) 07-09-010. The decision leaves open related case C.07-11-015 to resolve the question whether Defendant may recover amounts paid to Complainant pursuant to this decision from AT&T Corporation (AT&T) pursuant to a separate contract between Defendant and AT&T or on other legal grounds.

(Comr Simon - ALJ Bemserfer)

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.

26 **C07-11-012 - Mr. & Mrs. Stephen H. Schimmel vs. Southern California Edison Company.**
[7972]

This decision extends the 12-month statutory deadline for resolving the complaint by three months, to February 20, 2009.

(Comr Simon - ALJ Yacknin)

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=354121

Consent Agenda - Orders and Resolutions (continued)

- 27**
[7979] **C07-09-010 - Pac-West Telecomm, Inc. vs. Comcast Phone of California, LLC.**
C07-11-015 - Related matters. Pub. Util. Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending the deadline. Case (C.) 07-11-015 was initiated on November 27, 2007 and subsequently consolidated with C.07-09-010. The statutory deadline for resolving C.07-09-010 is extended until March 31, 2009. The statutory deadline for resolving C.07-11-015 is extended until November 30, 2009. This proceeding remains open.
(Comr Simon - ALJ Bemserfer)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
- 28**
[7980] **(EDM) C08-02-006 - Wild Goose Storage, LLC vs Roseville Land Development Association.**
The Modified Presiding Officer's Decision denies appeal of Presiding Officer's Decision and finds that proposed condemnation would serve the public interest. This proceeding is closed
(Comr Simon - ALJ Bushey)
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.
- 29**
[7981] **C07-10-018 - Pac-West Telecomm, Inc. vs. Telscape Communications, Inc.**
Pub. Util. Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending the deadline. This case was initiated on October 19, 2007. The Presiding Officer's Decision was issued on July 10, 2008. Today's decision extends the deadline for resolving this proceeding to March 31, 2009. This proceeding remains open.
(Comr Simon - ALJ Bemserfer)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=354627
- 30**
[7982] **C07-10-017 - Pac-West Telecomm, Inc. vs Blue Casa Communications Inc.**
Pub. Util. Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending the deadline. This case was initiated on October 19, 2007. The Presiding Officer's Decision was issued on July 10, 2008. Today's decision extends the deadline for resolving this proceeding to March 31, 2009. This proceeding remains open.
(Comr Simon - ALJ Bemserfer)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=354637

Consent Agenda - Intervenor Compensation Orders**31 R06-02-013 - Order Instituting Rulemaking to Integrate Procurement Policies and Consider
[7962] Long-Term Procurement Plans.**

This decision awards \$18,130.18 to Aglet Consumer Alliance (Aglet) and \$12,847.76 to Women's Energy Matters (WEM) for their substantial contributions to Decision 06-07-029. From the amounts requested, the intervenor compensation award represents a decrease of \$4,348.98 for Aglet and of \$5,865.00 for WEM. This proceeding remains 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=350695

Regular Agenda

Regular Agenda - Energy Orders

32 **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);

Agenda 3222, Item 23 10/2/2008 (Staff)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=356972

33 **R08-03-008 - Order Instituting Rulemaking Regarding Policies, Procedures and Rules for the California Solar Initiative, the Self-Generation Incentive Program and Other Distributed Generation Issues.**
[7908]

This decision establishes a \$108 million solar incentive program for multifamily affordable solar housing as part of the California Solar Initiative (CSI). The Multifamily Affordable Solar Housing (MASH) program will provide solar incentives to qualifying affordable housing developments. Incentive levels depend on whether the solar installation provides power to common areas of the affordable housing complex or directly to tenant units, with incentive levels of \$3.30 per watt for systems offsetting common area load, and \$4.00 per watt for systems offsetting tenant load. Applicants for MASH incentives may also apply for higher incentive levels through a competitive application process. This decision establishes MASH program budget and evaluation details and specifies that the program will be administered by the existing CSI program administrators. The decision also directs Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company, to file tariffs for a “virtual net metering” program to encourage solar installations on multitenant affordable housing properties. Virtual net metering will allow the electricity produced by a single solar installation to be credited to the benefit of multiple tenants in the building without requiring the system to be physically connected to each tenant’s meter. This proceeding remains open.

(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://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=356364

Regular Agenda - Energy Orders (continued)

34 **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.**
[7922]

This proposed decision makes joint recommendations with the California Energy Commission to the California Air Resources Board (ARB) regarding greenhouse gas (GHG) emission reduction strategies for the electricity and natural gas sectors, as ARB implements Assembly Bill (AB) 32. The decision recommends that regulatory programs be expanded to pursue all cost-effective energy efficiency and that reliance on renewables be expanded so that 33% of California's energy needs are met by renewable resources by 2020. It recommends, if ARB adopts a GHG emissions allowance cap-and-trade program that includes the electricity sector, that ARB distribute allowances to the electricity sector based on its proportion of actual historical emissions. Twenty percent of allowances for the electricity sector would be auctioned initially, transitioning to 100% auctioning in 2016. Electricity sector allowances that are not auctioned would be distributed without cost to entities that deliver electricity to the grid. All or most of the remaining electricity sector allowances would be distributed to retail providers, which would be required to sell them in a centralized auction and use auction proceeds in a manner consistent with AB 32. The proposed decision also addresses cap-and-trade market design and flexible compliance issues, and treatment of GHG emissions from combined heat and power facilities. This proceeding is closed.

(Comr Peevey - ALJ Lakritz, ALJ TerKeurst)

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=356721

35 **A08-05-022 - Pacific Gas and Electric Company (Applicant).**
[7940]

A08-05-024, A08-05-025, A08-05-026 - Related matters. This decision approves the energy-related low income programs totaling approximately \$3.6 billion for our four major investor-owned utilities for 2009-11. The Low Income Energy Efficiency program budgets the Commission approves today are almost \$1 billion for that period, and the California Alternate Rates for Energy subsidy budgets, based on recent experience, will be \$2.6 billion.

These proceedings are closed.

(Comr Grueneich - 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://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=356759

Regular Agenda - Energy Resolutions and Written Reports**36**

[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.

Agenda 3222, Item 28 10/2/2008 (Staff)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=355058

37

[7924]

Res E-4198 - San Diego Gas & Electric Company (SDG&E).

This resolution denies without prejudice SDG&E's request to revise its gas and electric Schedules GS – Submetered Multi-Family and Mobile home Park Natural Gas Service, DS – Submetered Multi-Family Service, and DT – Submetered Multi-Family Service – Mobile home Park, to limit the credit applicable to discounted master-metered facilities that submeter their tenants. SDG&E may request these tariff changes in a rate design proceeding or Application. (Advice Letter (AL) 2011-E, AL 1788-G filed July 31, 2008)

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=356697

Regular Agenda - Communication Orders**38**

[7933]

A07-06-018 - North American Numbering Plan Administrator (Applicant).

Application of the North American Numbering Plan Administrator, on behalf of the California Telecommunications Industry for Relief of the 760 Numbering Plan Area. This decision resolves the Petition for Modification filed by Assemblyman Martin Garrick and the Chambers of Commerce of Carlsbad, Encinitas, Escondido, San Marcos, Oceanside and Vista. This proceeding is closed. (Comr Peevey - ALJ Bushey)

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

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

Regular Agenda - Transportation/Rail Safety Orders**39 R_____ - Order Instituting Rulemaking to determine whether the temporary measures
[7975] adopted in Resolution SX-88 or other measures banning personal use of electronic devices
by rail transit personnel should be adopted on a permanent basis.**

This Order Instituting Rulemaking (OIR) is being opened to determine whether the temporary measures adopted in Resolution SX-88 or other measures banning personal use of electronic devices by rail transit personnel should be adopted on a permanent basis. The Commission adopted Resolution SX-88 on September 18, 2008, as an interim emergency order to ban personal use of Commercial Mobile Radio Services (CMRS) and devices (e.g., cell phones, satellite phones, pagers, personal communications service) by certain rail transit employees. The Resolution was adopted in response to three recent accidents, including the September 12, 2008, multiple-fatality Metrolink collision, where preliminary investigations implicated personal cell phone use as a factor contributing to the accidents. This OIR will consider whether the temporary ban should be made permanent and whether the scope of the ban should be broadened.

Regular Agenda - Transportation/Rail Safety Resolutions and Reports

40

Director Clark Report

[7951]

Designation of Consumer Protection and Safety Division staff 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

Regular Agenda - Management Reports and Resolutions

- 41** **Executive Director Clanon Report**
[7959] Pacific Forest and Watershed Lands Stewardship Council biannual report to the California Public Utilities Commission.
- 42** **Director Leutza Report**
[7986] Status Report on AT&T detariffing advice letter and update on Residential Service Agreement.

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

43

Conference with Legal Counsel - Applications for Rehearing

[7915]

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.

44

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);

Agenda 3222, Item 38 10/2/2008 (Staff)

Closed Session - Applications for Rehearing (continued)

45

A.07-02-026 - Conference with Legal Counsel - Application for Rehearing

[7945]

Disposition of Application for Rehearing of D.08-05-028, filed by CALifornians for Renewable Energy, Inc. (CARE). D.08-05-028 grants the application by Southern California Edison Company (SCE) for approval to enter into a 10-year power purchase agreement (Blythe/SCE contract) with Blythe Energy, LLC (Blythe) for up to 490 megawatts of capacity and energy deliverable from August 1, 2010 through July 31, 2020. In addition, D.08-05-028 grants SCE the authority to allocate the costs and benefits of the Blythe/SCE contract to all benefiting customers in accordance with the cost allocation methodology adopted in D.06-07-029.

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

[7916]

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