

---

# ***Public Utilities Commission of the State of California***

## ***Public Agenda 3224***

***Thursday, November 6, 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.) <b><i>Closed to the Public</i></b>	<i>Commission Meeting</i> Auditorium (10 a.m.) <b><i>Open to the Public</i></b>
Monday, November 17, 2008 (San Francisco)	Thursday, November 06, 2008 (San Francisco)
Monday, December 01, 2008 (San Francisco)	Friday, November 21, 2008 (San Francisco, Friday)
Monday, December 15, 2008 (San Francisco)	Thursday, December 04, 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.***

For further information contact the Public Advisor  
(415) 703-2074 E-mail: [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov)



This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TTY# (415) 703-5282 or toll free # 1-866-836-7825 three business days in advance of the meeting.

## PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- 8, 10, 11, 12, 13, 33, 37, 49

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

**Res ALJ 176-3224**

[7994]

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=357898](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=357898)

---

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);

Agenda 3223, Item 2 10/16/2008 (Staff)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=357165](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 (AL) 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. (AL 3 filed, January 9, 2008)

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

Agenda 3223, Item 3 10/16/2008 (Staff)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=357847](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=357847)

**4** **Res W-4710 - Del Oro Water Company, Johnson Park District.**

[7907]

This resolution addresses an order authorizing a general rate increase producing an increase of \$85,701 or 87.90% in 2008 and \$36,400 or 19.87%, \$36,400 or 16.58% for escalation years 2009 and 2010, respectively.

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=357845](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=357845)

Consent Agenda - Orders and Resolutions (continued)

**5**

**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.

Agenda 3223, Item 11 10/16/2008 (Staff)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=358366](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=358366)

**6**

**A08-07-018 - Pacific Gas and Electric Company (PG&E).**

[7948]

This decision grants the motions to dismiss of the Western Power Trading Forum/the Alliance for Retail Energy Markets and the Independent Energy Producers Association of the Application of PG&E for Expedited Approval of the Tesla Generating Station and Issuance of a Certificate of Public Convenience and Necessity. This is reasonable because PG&E's proposal fails to conform to Commission policies under which all long-term power should be obtained through competitive procurements, rather than through preemptive actions by the Investor-owned Utilities, except in truly extraordinary circumstances. More specifically, the Commission finds that facts that Applicant has alleged in its application do not adequately establish that conducting a request for offer is infeasible; a central requirement to proposing utility owned generation outside of a competitive process, as required by Decision 07-12-052. This proceeding is closed.

(Comr Peevey - ALJ Brown, ALJ Sullivan)

*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=359851](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359851)

**7**

**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.**

[7950]

This decision grants a petition filed by GRID Alternatives. Decision 07-11-045 is modified to allow low-income solar incentive recipients to assign their incentive payments to third parties. 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=358312](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=358312)

Consent Agenda - Orders and Resolutions (continued)

**8** **C08-06-028 - Jibsail, Incorporated (Complainant) v. San Diego Gas & Electric Company.**  
[7960] This decision dismisses the complaint of Complainant for failure to state a cause of action that this Commission may adjudicate. 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 Adjudicatory.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=E16430](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E16430)

**9** **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.*  
Agenda 3223, Item 21 10/16/2008 (Chong)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=357172](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=357172)

**10** **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.*  
Agenda 3223, Item 22 10/16/2008 (Chong)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=356851](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=356851)

---

Consent Agenda - Orders and Resolutions (continued)

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

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.*

Agenda 3223, Item 23 10/16/2008 (Chong)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=356853](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=356853)

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

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.*

Agenda 3223, Item 25 10/16/2008 (Chong)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=356990](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=356990)

**13**                    **(EDM) C08-02-006 - Wild Goose Storage, LLC vs Roseville Land Development**  
[7980]                    **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.*

Agenda 3223, Item 28 10/16/2008 (Simon)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=356558](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=356558)

---

Consent Agenda - Orders and Resolutions (continued)

- 14**  
[7983]      **A08-05-014 - Peerless Network of California LLC (Applicant).**  
This decision grants Applicant, a certificate of public convenience and necessity pursuant to Public Utilities Code § 1001 to provide limited facilities-based resold competitive local exchange and interexchange services, subject to the terms and conditions. This proceeding is closed.  
(Comr Chong - ALJ Patrick)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=331334](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=331334)
- 15**  
[7984]      **R06-02-013 - Order Instituting Rulemaking to Integrate Procurement Policies and Consider Long-Term Procurement Plans.**  
Following the Commission's issuance of Decision 07-12-052 on December 20, 2007, seven petitions for modification were filed. This decision grants in part, and denies in part, the requested modifications and clarifies some inconsistencies. 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.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=359662](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359662)
- 16**  
[7985]      **R02-11-039 - Rulemaking to implement the provisions of Public Utilities Code Section 761.3 enacted by Chapter 19 of the 2001-02 Second Extraordinary Legislative Session.**  
This decision grants a petition for modification of General Order 167 (Enforcement of Maintenance and Operation Standards for Electric Generating Facilities). The modifications add procedural details to enforcement protocols, consistent with the Commission's directions in Decision 06-01-047. The details include specification of the form and content of citations, and clarification of the process for issuance and review of citations. The result is a program with improved clarity, enhanced efficiency, and desirable consistency with other Commission citation programs. This proceeding is closed.  
(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 Quasi-Legislative.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=359612](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359612)
- 17**  
[7987]      **Res TL-19094**  
This resolution extends for one year the authority granted to vessel common carriers originally by Resolution TL-19042 and extended by subsequent resolutions to adjust fares and rates to offset higher fuel costs within a zone of rate reasonableness. The zone of reasonableness is increased from 20% to 30% above currently authorized base fares and rates.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=358811](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=358811)

Consent Agenda - Orders and Resolutions (continued)

- 18**  
[7989] **Res E-4205 - Southern California Edison Company (SCE).**  
In this resolution SCE, on behalf of all California Solar Initiative (CSI) Program Administrators, including the California Center for Sustainable Energy, propose a set of revisions to the CSI Program Handbook conforming to the Final Performance Data Provider Protocol.  
(SCE Advice Letter 2258-E and 2265-E filed, July 30, 2008 and August 14, 2008)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=359516](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359516)
- 19**  
[7990] **Res E-4195**  
This resolution requests approval of a modification to the current citation program enforcing compliance with system and local Resource Adequacy filing requirements by Load-Serving Entities. Commission Resolution E-40171 established a citation program to enforce the Commission's Resource Adequacy program for specific violations and in specific amounts and delegated to Energy Division the authority to issue citations. This Resolution supplements E-4017 and replaces it in its entirety; among other minor changes, this Resolution transfers authority to draft and issue citations from Energy Division to Commission Staff as a whole, broadens the scope of the Resolution to encompass all Load Serving Entities (LSEs) that are potentially subject to Resource Adequacy obligations, and adds a Specified Violation for failure to meet Resource Adequacy obligations with a small procurement deficiency.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*
- 20**  
[7992] **A08-04-007 - West Coast Gas Company (Applicant).**  
This decision approves a settlement between Applicant and the Division of Ratepayer Advocates (DRA). The terms of the settlement provide that Applicant will increase its rates by \$202,116 (9.49% increase) on January 1, 2009. Applicant had requested \$228,040 and DRA had recommended \$189,135. This decision finds that the settlement meets all of the Commission's requirements, and should be approved. This proceeding is closed.  
(Comr Simon - ALJ Barnett)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=349552](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=349552)
- 21**  
[7993] **Res T-17177**  
This resolution approves the California High Cost Fund-A Administrative Committee Fund Expense Budget for Fiscal Year 2009-2010 (July 1, 2009 through June 30, 2010) to comply with the requirements of Public Utilities Code Section 270 (a).  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=358511](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=358511)

---

Consent Agenda - Orders and Resolutions (continued)

- 22**  
[7996]            **Res E-4203 - Pacific Gas and Electric Company (PG&E).**  
This resolution approves PG&E request for amendments to a renewable procurement contract, which has previously received Commission approval. The amended contract is approved without modification. (Advice Letter 3260-E filed, April 30, 2008)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=359101](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359101)
- 23**  
[7999]            **A08-04-017 - California Department of Transportation (Applicant).**  
This decision grants Applicant permission to widen the existing grade-separated crossing of Interstate 215 freeway, Redlands Loop Overhead and construct an adjacent new grade-separated crossing over the Redlands Subdivision railroad tracks of the San Bernardino Associated Governments within the City of San Bernardino, County of San Bernardino. 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=354912](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=354912)
- 24**  
[8000]            **A08-05-008 - California Department of Transportation (Applicant).**  
This decision grants Applicant the authority to construct a six-lane bridge structure, to extend Bob Hope Drive, over Union Pacific Railroad Company's Yuma Subdivision tracks, in the unincorporated area of Thousand Palms, in Riverside County. 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=354851](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=354851)
- 25**  
[8001]            **A08-06-032 - City of Tustin (Applicant).**  
This decision grants the request of the Applicant to construct a grade-separated highway-rail crossing of Tustin Ranch Road, in the City of Tustin, Orange County. 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=355043](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=355043)
- 26**  
[8005]            **Res W-4718 - West Riverside Canal Company (West Riverside).**  
This Resolution addresses an order decertificating West Riverside and determines that it is providing water as an accommodation under Section 2704 of the Pub. Util. Code.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=359689](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359689)

---

Consent Agenda - Orders and Resolutions (continued)

- 27**                    **A08-06-015 - Mini-Bus Systems, Inc. (Applicant).**  
[8009]                    For authority to provide service between Los Angeles International Airport, Long Beach Airport, John Wayne Airport, Ontario Airport, Burbank Airport, Palm Springs Airport, San Bernardino Airport, Los Angeles Harbor, Long Beach Harbor, and Los Angeles Amtrak Station, and points in Los Angeles, Orange, San Bernardino, Riverside, San Diego, and Ventura Counties. This decision authorizes Applicant to increase fares for its passenger stage corporation service and to establish a new 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=354174](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=354174)
- 28**                    **A08-06-033 - Jose Ricardo Espinoza Espinoza dba Inter (Applicant).**  
[8010]                    This decision authorizes Applicant to operate as a passenger stage corporation between San Jose and San Ysidro; 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=356125](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=356125)
- 29**                    **A08-08-016 - Silverado Stages, Inc. (Applicant).**  
[8011]                    This decision authorizes Applicant to extend its passenger stage corporation service to include transportation between points in Contra Costa County, on the one hand, and Berkeley, 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=353004](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=353004)
- 30**                    **A08-08-012 - Terrestrial Trolley LLC dba Mickeys Space Ship Shuttle (Applicant).**  
[8012]                    This decision authorizes Applicant to establish a zone of rate freedom for its passenger stage corporation service. 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=353243](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=353243)

---

Consent Agenda - Orders and Resolutions (continued)

- 31 (Rev.)**            **A08-07-002 - California Airport Shuttle Inc. (Applicant).**  
[8013]                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.*  
11/04/2008 - This revision was not shown on the Agenda mailed to the public.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=353996](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=353996)
- 32**                    **R02-01-011 - Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill 1X and Decision 01-09-060.**  
[8014]                This decision closes this proceeding.  
(Comr Peevey - ALJ Pulsifer)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=359770](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359770)
- 33**                    **C08-01-020 - Wei Ping Chen, an Individual vs. Southern California Edison Company.**  
[8016]                C08-01-021 - Related matters. This decision grants an extension for resolving these proceedings to July 30, 2009 because of the need to hold a hearing, review the record and prepare a decision. This proceeding remains open.  
(Comr Bohn - ALJ Barnett)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=355375](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=355375)
- 34**                    **Res W-4719 - California-American Water Company (Cal Am), Felton Service Area (Felton).**  
[8018]                This resolution addresses an order authorizing Cal Am to withdraw service to its Felton customers and withdraw certain Felton-specific tariffs in conjunction with the condemnation of its Felton service area. (Advice Letter 697 filed, July 15, 2008)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=356079](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=356079)
- 35**                    **Res W-4720 - Big Basin Sanitation Company, Inc.**  
[8019]                This Resolution addresses an order authorizing a general rate increase producing additional annual revenues of \$15,739 or 75.2% in 2008.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=356831](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=356831)

---

Consent Agenda - Orders and Resolutions (continued)

- 36**  
[8022]      **A08-04-001 - Southern California Edison Company (Applicant).**  
For a Commission Finding that its Procurement-Related and Other Operations for the Record Period January 1 Through December 31, 2007 Complied with its Adopted Procurement Plan; for Verification of its Entries in the Energy Resource Recovery Account and Other Regulatory Accounts; and for Recover of \$13.947 Million Recorded in Two Memorandum Accounts. This decision grants Applicant's requested relief in unopposed Energy Resource Recovery Account proceeding. This proceeding is closed.  
(Comr Peevey - ALJ Sullivan)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=359835](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359835)
- 37**  
[8023]      **I06-06-014 - Investigation on the Commission's Own Motion into the Practices of Southern California Edison Company to Determine the Violations of the Laws, Rules and Regulations Governing Performance Based Ratemaking, its Monitoring and Reporting to the Commission, Refunds to Customers and Other Relief, and Future Performance Based Ratemaking for this Utility.**  
Public Utilities Code Section 1701.2(d) provides that adjudication 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 that deadline. In this proceeding, the 12-month deadline was June 15, 2007. In Decision (D.) 07-06-008, The Commission authorized a six-month extension of deadline to December 20, 2007 because of complexity of the record: ten days of hearings, 107 exhibits, thousands of pages of transcripts, briefs and exhibit pages to review and consider. In D.07-11-044 the Commission authorized a further extension of the deadline to December 19, 2008 to consider the proposed final decision in Phase 1 of this investigation. That decision was issued September 18, 2008 in D.08-09-038. This Order Instituting Investigation requires the resolution of additional issues, to be heard in Phase 2, necessitating further evidentiary hearings, briefs, and a proposed decision, which cannot be accomplished by December 19, 2008. Therefore, a further extension of the deadline is needed. Because of the foregoing reasons, a 12-month extension order is required. This proceeding remains open.  
(Comr Peevey - ALJ Barnett)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=354854](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=354854)
- 38**  
[8024]      **Res E-4201 - San Diego Gas & Electric Company (SDG&E).**  
This Resolution authorizes SDG&E to enter into contracts with private vendors to implement Phase I of its Advanced Metering Infrastructure (AMI) Project as requested. (Advice Letter 2016-E filed, August 13, 2008)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=359504](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359504)

Consent Agenda - Orders and Resolutions (continued)

- 39**  
[8025]      **A07-01-036 - California American Water Company (Applicant).**  
To Decrease Revenues for Water Service in its Coronado District by (\$73,100) or (0.46%) in 2008, and Increase Revenues by \$266,200 or 1.67% in 2009, and \$260,900 or 1.61% in 2010.  
A07-01-037, A07-01-038, A07-01-039 - Related matters. This decision adopts the all-party settlements in Phase II, the conservation rate design phase, of Applicant's general rate case for its Coronado, Larkfield, and Village districts. The adopted rate design includes consumption blocks and tier rates, and related decoupling mechanisms which encourage conservation while ensuring the revenue requirement is collected. This proceeding is closed.  
(Comr Bohn - 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=358981](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=358981)
- 40**  
[8027]      **A08-07-041 - Asfaw A. Bedada dba Asfaw Airport Limo Door to Door Shuttle (Applicant).**  
Applicant is authorized 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://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=356581](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=356581)
- 41**  
[8028]      **A08-08-025 - California-American Water Company (Applicant).**  
This decision grants Applicant authority to issue long-term notes to an affiliate, American Water Capital Corporation (Capital Corp.), for up to \$35,000,000 in cash. Capital Corp. will fund these notes under the terms of an existing Financial Services Agreement between the two companies, dated June 15, 2000. This authority is granted pursuant to authority under Cal. Pub. Util. Code §§ 816–830. Notes issued under the authority granted herein are exempt from the Commission’s competitive bidding rule. This proceeding is closed.  
(Comr Bohn - ALJ Long)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=359854](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359854)

---

Consent Agenda - Orders and Resolutions (continued)

- 42**  
[8029]                    **A06-01-005 - California American Water Company (Applicant).**  
For an order authorizing it to increase its rates for water service in its Los Angeles District to increase revenues by \$2,020,466 or 10.88% in the year 2007; by \$634,659 or 3.08% in the year 2008; and by \$666,422 or 3.14% in the year 2009. This decision grants the September 22, 2008 joint petition of Applicant and the Division of Ratepayer Advocates to modify Decision 08-06-002 to include a conservation memorandum account with a budget capped at \$100,000 for 2008 and \$260,000 for 2009 and to allow the account to be expanded to include one additional staff person to conduct customer audits of water usage. This proceeding is closed.  
(Comr Bohn - ALJ Walwyn)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=356941](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=356941)
- 43**  
[8030]                    **Res ST-98 - North County Transit District (NCTD).**  
This Resolution grants NCTD's request for a variance to General Order (GO) 143-B, Section No. 9.06 c (1) Side Clearance requirements on NCTD's Sprinter Line high level station platforms. The resolution also imposes special safety procedures on NCTD's Sprinter Line's high level station platforms with retractable gangways. These special safety procedures are necessary to ensure safe operations on NCTD's right-of-way shared by both freight railroad trains operated by the BNSF Railway and light rail transit vehicles as permitted by the Federal Railroad Administration's and Federal Transit Administration's temporal separation provisions.  
(Exam Clark)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=356577](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=356577)
- 44**  
[8032]                    **Res W-4721 - West San Martin Water Works, Inc.**  
This resolution addresses an order authorizing a surcharge to recover an increase in water quality expenses producing an increase in annual revenue of \$4,090.30 or 1.39%. (Advice Letter 42 filed September 19, 2008)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=357191](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=357191)
- 45**  
[8038]                    **Res W- 4722 - San Gabriel Valley Water Company.**  
This resolution addresses an order authorizing sale of certain assets to Sam's Club Real Estate Trust. (Advice Letter 363 filed, June 30, 2008)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=357155](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=357155)

Consent Agenda - Orders and Resolutions (continued)

- 46**                    **Res W-4723 - San Gabriel Valley Water Company.**  
[8039]                This resolution addresses an order authorizing sale of certain assets to California Department of Transportation. (Advice Letter 364 filed, June 30, 2008)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=357162](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=357162)

- 47**                    **A08-08-024 - Lightyear Network Solutions, LLC (Lightyear) and Wherify Wireless Inc. (Wherify), (Collectively Applicants)**  
[8040]                This decision grants the Applicants' request for approval of the proposed indirect transfer of control of Lightyear to Wherify. Applicants state that the proposed transaction will enable Lightyear to obtain access to additional financial resources, thereby allowing Lightyear to strengthen its competitive position in California. According to Applicants, the proposed transfer of control will be seamless and virtually transparent to the customers of Lightyear. This proceeding is closed.  
(Comr Bohn - ALJ Patrick)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=354074](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=354074)

---

**Consent Agenda - Intervenor Compensation Orders****48**                    **R06-02-013 - Order Instituting Rulemaking to Integrate Procurement Policies and Consider Long-Term Procurement Plans.**  
[7998]

This decision awards Aglet Consumer Alliance (Aglet) \$16,708.27 in compensation for its substantial contributions to the Procurement Review Groups of Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company, as detailed below. This represents a slight decrease from the amount requested due to ineligible expenses claimed by Aglet. 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=353016](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=353016)

**49**                    **C00-05-010 - Rita Boppana vs. Southern California Gas Company.**  
[8007]

C00-05-011, C00-05-012 - Related matters. This decision awards Grassroots Coalition (GR) \$138,030 in compensation for its substantial contributions to Decision (D.) 07-12-035 for the time period May 2000 through December 2007 on the three complaint proceedings, Case (C.) 00-05-010, C.00-05-011 and C.00-05-012. This decision denies GR compensation for its contributions to Application (A.) 99-05-029. Today's award is approximately \$6,412 less than what GR requests because the decision disallows compensation for GR's work on A.99-05-029 before the date the three complaints were filed, May 11, 2000, and it reduces the amount of the hourly rate for preparation of the request for compensation. These proceedings are closed.

(Comr Bohn - ALJ Brown)

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=346894](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=346894)

**50**                    **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.**  
[8015]

This decision awards \$60,608.50 in compensation to the Green Power Institute for its substantial contributions to D.07-09-017 and D.08-03-018. This award will be paid from the intervenor compensation program fund. This proceeding remains open to consider issues in Phase 1 and Phase 2.

(Comr Peevey - ALJ Lakritz)

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=354572](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=354572)

---

## Regular Agenda

### Regular Agenda - Energy Orders

**51**                    **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);

Agenda 3223, Item 32 10/16/2008 (Staff)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=356972](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=356972)

**52**                    **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);

Agenda 3222, Item 24 10/2/2008 (Pub. Util. Code §311(e))

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=357577](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=357577)

---

Regular Agenda - Energy Orders (continued)

**52a**

[7977]

**ALTERNATE TO ITEM 7726**

The alternate proposed decision also rejects San Diego Gas & Electric Company's (SDG&E) 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 Department of Water Resources (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)

Agenda 3222, Item 24a 10/2/2008 (Pub. Util. Code §311(e))

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=357640](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=357640)

**53**

[7940]

**A08-05-022 - Pacific Gas and Electric Company (Applicant).**

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.*

Agenda 3223, Item 35 10/16/2008 (Peevey)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=359828](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359828)

---

Regular Agenda - Energy Orders (continued)

**54**

[8003]

**A07-12-021 - Pacific Gas and Electric Company (Applicant).**

This decision authorizes Applicant to contract for long-term capacity on the proposed Ruby Pipeline and for matching downstream capacity on Applicant's Redwood Path Pipeline. If built, the Ruby Pipeline will transport gas from Wyoming to Malin, Oregon where it will interconnect with Applicant's existing Redwood Path Pipeline. Applicant is authorized to recover the costs it incurs to transport gas on the Ruby Pipeline and Redwood Path. This decision also finds there was a conflict of interest when Applicant negotiated its Ruby contract at a time when Applicant's parent company had an option to acquire an ownership interest in the Ruby Pipeline. To prevent conflicts of interest in the future, Applicant is henceforth prohibited from negotiating, without prior Commission approval, for gas supplies or gas-transportation services with entities in which unregulated affiliates have an option to acquire an equity interest. This proceeding is closed.

(Comr Simon - ALJ Kenney)

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

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=359830](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359830)

**55**

[8004]

**A07-01-024 - Southern California Edison Company.**

For Approval of Embedded Energy Efficiency Pilot Programs for 2007-2008. A07-01-026, A07-01-029, A07-01-030 - Related matters. This decision denies the Petition of the California Water Association (CWA) for Modification of Decision (D.) 07-12-050. D.07-12-050 approved pilot water conservation programs within the energy utilities' energy efficiency programs. However, the decision directs that six of CWA's proposed thirteen individual projects (three in Pacific Gas and Electric Company jurisdiction and three in Southern California Edison Company jurisdiction) should be considered through the energy utility 2009-2011 energy efficiency program application proceeding, Application 08-07-021 et al., if they do not duplicate existing programs. This decision also approves the unopposed Petition of Southern California Edison Company to modify D.07 12-050 to cancel a pilot program, the Lake Arrowhead Water Conservation Project. This proceeding is closed.

(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=E16655](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E16655)

**55a**

[8035]

**ALTERNATE TO ITEM 8004**

For Approval of Embedded Energy Efficiency Pilot Programs for 2007-2008. A07-01-026, A07-01-029, A07-01-030. - Related matters. This alternate order approves the petition filed by Southern California Edison Company and denies the petition filed by the California Water Association (CWA). The Commission on its own motion authorizes the programs contained in CWA's petition.

(Comr Bohn )

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=E17091](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E17091)

Regular Agenda - Energy Orders (continued)

---

**Regular Agenda - Energy Resolutions and Written Reports****56**

[7949]

**Res E-4178**

This resolution adopts a report written collaboratively between the California Public Utilities Commission (CPUC) and the California Energy Commission. The Joint Commission Staff Report evaluates whether the renewable energy generation tracking system established under Public Utilities Code Section 399.13 (c) satisfies the requirements in Public Utilities Code Section 399.16 (a) (1). This determination has to be made before the CPUC can authorize renewable energy credits for compliance with the Renewables Portfolio Standard program. This Resolution is made on the Commission's own motion.

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=352278](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=352278)

**57**

[7988]

**Res E-4123 - Pacific Gas & Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E).**

This resolution requests approval of filers' respective tariffs containing modified Community Choice Aggregation (CCA) Cost Responsibility Surcharge (CRS) calculations pursuant to D.07-01-025, D.07-04-007 and D.07-05-005.

(Advice Letters 3002-E (PG&E), 1881-E (SDG&E), and 2109-E (SCE), filed March 12, 2007. SCE filed supplemental AL 2109-E-A on May 14, 2007, replacing AL 2109-E in its entirety.)

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=355146](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=355146)

**58**

[8002]

**Res G-3421 - Pacific Gas and Electric Company (PG&E).**

This resolution requests authorization to shift up to \$63.2 million in unspent, uncommitted electric and gas Energy Efficiency (EE) program funds from prior years to augment the program funding for the 2006-2008 EE program cycle. PG&E's request of \$46.3 million is approved.

(Advice Letter 2938-G/3298-E filed on July 16, 2008 and by Supplemental Advice Letter 2938-G-A/3298-E-A filed on October 3, 2008)

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=359113](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359113)

## Regular Agenda - Communication Orders

59

[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 Telcom, 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);

Agenda 3222, Item 2 10/2/2008 (Pub. Util. Code §311(e))

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=355025](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=355025)

59a

[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)

Agenda 3222, Item 2a 10/2/2008 (Pub. Util. Code §311(e))

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=359833](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359833)

Regular Agenda - Communication Orders (continued)

**60**

[7822]

**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.**

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);

Agenda 3222, Item 31 10/2/2008 (Pub. Util. Code §311(e))

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=359922](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359922)

**60a**

[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)

Agenda 3222, Item 31a 10/2/2008 (Pub. Util. Code §311(e))

Regular Agenda - Communication Orders (continued)

**61**                    **A08-09-009 - Global Tel\*Link Corporation (Global), GTEL Holdings, Inc. and GTEL**  
[8052]                    **Acquisition Corp. (collectively, Applicants).**

This decision grants Applicants' request for approval of merger and transfer of control. Global was issued a Certificate of Public Convenience and Necessity to operate as a reseller of InterLATA and IntraLATA Telecommunications Services within California (Decision 96-09-078). Applicants state that the transfer of control will be made in a transparent fashion that will not affect the provision of telecommunications services. The rates, terms, and conditions currently available to Global's customers will not change as a result of the transaction. This proceeding is closed.

(Comr Simon - ALJ Patrick)

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=352822](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=352822)

---

**Regular Agenda - Water/Sewer Orders**

- 62**  
[7991]      **A07-10-012 - Alisal Water Corporation dba Alco Water Service (Applicant).**  
This decision grants Applicant authority under Public Utilities Code § 816 et seq., and § 851 to issue \$8 million of secured long-term debt and equity. Applicant may use the debt and equity to finance additional plant, reimburse treasury funds, and repay short-term debt. Applicant is also ordered to reduce its debt-to-equity ratio from approximately 10-to-1 today to 3-to-1 by December 31, 2011. Finally, Applicant is required to file a general rate case application by June 1, 2009, with a 2010 test year. This proceeding is closed.  
(Comr Bohn - ALJ Kenney)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*
- 63**  
[7995]      **R07-05-025 - Rulemaking Regarding Whether, or Subject to What Conditions, the Suspension of Direct Access May Be Lifted Consistent with Assembly Bill 1X and Decision 01-09-060.**  
In this decision the Commission determines that it is in the public interest to adopt a plan to accelerate the removal of the Department of Water Resources from its role of supplying electric power to retail customers. This proceeding remains open.  
(Comr Peevey - ALJ Pulsifer)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=E16635](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E16635)

---

**Regular Agenda - Transportation/Rail Safety Resolutions and Reports****64**

[7488]

**Res ROSB-002**

This resolution approves a citation program under the administration of the Director of the Consumer Protection and Safety Division for enforcing compliance with certain General Orders and other requirements for railroad carriers operating in California such as those for walkways, clearances, notification of hazardous materials release, and certain railroad operating rules agreed to by the Union Pacific Railroad Company and BNSF Railway Company.

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

Agenda 3213, Item 4 5/15/2008 (Staff);

Agenda 3215, Item 2 6/12/2008 (Staff);

Agenda 3216, Item 2 6/26/2008 (Staff);

Agenda 3217, Item 2 7/10/2008 (Simon);

Agenda 3218, Item 2 7/31/2008 (Staff);

Agenda 3219, Item 2 8/21/2008 (Simon);

Agenda 3220, Item 2 9/4/2008 (Grueneich);

Agenda 3221, Item 2 9/18/2008 (Pub. Util. Code §311(e))

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=359129](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359129)

**64a**

[7943]

**ALTERNATE TO ITEM 7488**

Alternate Resolution ordering alternative dispute resolution between parties in order to determine whether to adopt a railroad citation program for enforcing compliance with general orders and other requirements including procedures for appeal of citations issued to railroad carriers.

(Comr Simon)

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

Agenda 3221, Item 2a 9/18/2008 (Pub. Util. Code §311(e))

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=358436](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=358436)

---

**Regular Agenda - Other Utility Orders****65                    R\_\_\_\_\_ - Order Instituting Rulemaking to Revise and Clarify Commission Regulations  
[8036]                Relating to the Safety of Electric Utility and Communications Infrastructure Provider  
                         Facilities.**

This Order Instituting Rulemaking is initiated to consider revising and clarifying the Commission's regulations designed to protect the public from potential hazards, including fires, which may be caused from electric utility transmission or distribution lines or communications infrastructure providers' facilities in proximity to the electric overhead transmission or distribution lines. The Commission's current General Orders 95, 128, and 165 are already designed to promote the safe operation of electric utility and communications infrastructure facilities, and provide the minimum safety requirements which the utilities are supposed to supplement with additional safety precautions when local conditions warrant. Nevertheless, as the devastating fires in Southern California during the last two years have shown, there may be potential problems associated with the electric utilities' and communications infrastructure providers' facilities, which may necessitate additional Commission safeguards.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=359924](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359924)

## **Regular Agenda - Legal Division Matters**

**66**

[8031]

**WC Docket No. 08-190; FCC 08-203 - In the Matter of Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering, Notice of Proposed Rulemaking.**

The Federal Communications Commission seeks comment on changes to carrier reporting requirements, and whether to extend such requirements to all classes of providers.

**Regular Agenda - Legislative and Other Matters**

**Regular Agenda - Commissioner's Reports**

## **Regular Agenda - Management Reports and Resolutions**

**67**

### **General Counsel's Report**

[8055]

Possible Addendum to Summary of Material Terms of Department of Water Resources Bonds to Facilitate Refinancing of some of the bonds.

## 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

**68**

#### **Conference with Legal Counsel - Applications for Rehearing**

[7956]

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.*

**69**

#### **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);

Agenda 3223, Item 44 10/16/2008 (Peevey)

Closed Session - Applications for Rehearing (continued)

**70 (Rev.)**

[8020]

**C07-11-019 - Conference with Legal Counsel - Application for Rehearing**

Disposition of application for rehearing filed by Summit Road Association of Decision (D.) 08-06-021.

The underlying proceeding concerns a complaint filed by Verizon to condemn reciprocal negative easements in a five-mile stretch of property on Summit Drive in Santa Clara and Santa Cruz Counties owned by individual property owners and a voluntary group of owners, collectively known as the Summit Road Association. (SRA or defendants) D.08-06-021 determines that construction that would be performed by Verizon for purposes of installing underground fiberoptic cable on a portion of the private road will impact less than 2% of the roadway surface and should not result in any change to the ultimate use of the private portion of Summit Drive and that the public benefits of the project are significant. D.08-06-021 also adopts Implementation Requirements which require Verizon to ensure that it repairs any damages to the private road caused by its facilities or construction.

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

10/30/2008 - This revision was not shown on the Agenda mailed to the public.

---

**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.*

**71**

[8034]

**I \_\_\_\_\_ - Conference with Legal Counsel - Initiation of Litigation**

Deliberation on institution of investigation of proceedings or disciplinary actions against persons or entities under the Commission's jurisdiction. Disclosure of the case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary actions is not commenced.

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

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

**72**

[8037]

**I \_\_\_\_\_ - Conference with Legal Counsel - Initiation of Litigation**

Deliberation on institution of investigation of proceedings or disciplinary actions against persons or entities under the Commission's jurisdiction. Disclosure of the case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary actions is not commenced.

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

*Gov. Code § 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**

**73**

[7955]

**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.*

**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*