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

## ***Public Agenda 3227***

***Thursday, December 18, 2008 9:30 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>*

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### **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, January 26, 2009 (San Francisco)	Thursday, December 18, 2008 (San Francisco 9:30AM)
Friday, February 13, 2009 (San Francisco)	Thursday, January 29, 2009 (San Francisco)
Monday, March 09, 2009 (San Francisco)	Friday, February 20, 2009 (San Francisco)
Monday, March 23, 2009 (San Francisco)	Thursday, March 12, 2009 (San Francisco)
Monday, April 13, 2009 (San Francisco)	Thursday, March 26, 2009 (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.
- 25, 47, 48, 54

### 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 176-3227**

[8109]

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=360815](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=360815)

#### **2 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);

Agenda 3224, Item 3 11/6/2008 (Staff);

Agenda 3225, Item 10 11/21/2008 (Staff);

Agenda 3226, Item 2 12/4/2008 (Staff)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364948](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364948)

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Consent Agenda - Orders and Resolutions (continued)

- 3**  
[8008]            **Res T-17175 - TracFone Wireless, Inc. (TracFone).**  
This Resolution grants the request of TracFone to be designated as Eligible Telecommunications Carrier in California for a limited purpose of offering Federal Lifeline and Link-Up Service. (Advice Letter #1 filed, August 20, 2008)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
Agenda 3225, Item 12 11/21/2008 (Staff);  
Agenda 3226, Item 7 12/4/2008 (Staff)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364864](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364864)
- 4**  
[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)  
Agenda 3224, Item 45 11/6/2008 (Staff);  
Agenda 3225, Item 7 11/21/2008 (Staff);  
Agenda 3226, Item 9 12/4/2008 (Staff)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364945](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364945)
- 5**  
[8039]            **Res W-4723 - San Gabriel Valley Water Company.**  
This resolution addresses an order authorizing sale of certain assets to California Department of Transportation. (Advice Letter 364 filed, June 30, 2008)  
Agenda 3224, Item 46 11/6/2008 (Staff);  
Agenda 3225, Item 8 11/21/2008 (Staff);  
Agenda 3226, Item 10 12/4/2008 (Staff)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=366014](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=366014)
- 6**  
[8069]            **Res E-4180**  
This resolution grants American Telephone and Telegraph Company and Pacific Gas and Electric Company exemption from Undergrounding Requirement of Public Utilities Code Section 320, and resolves related issues regarding a Rule 20/Rule 32 project in Gualala, Mendocino County.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=358841](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=358841)

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Consent Agenda - Orders and Resolutions (continued)

- 7**  
[8090]            **Res E-4214**  
This resolution formally adopts the 2008 Market Price Referent values for the use in the 2008 Renewable Portfolio Standard solicitations. This resolution is made on the Commission's own motion. *Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
Agenda 3226, Item 17 12/4/2008 (Staff)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=365301](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365301)
- 8**  
[8103]            **Res E-4210 - Pacific Gas and Electric Company (PG&E).**  
This resolution addresses PG&E's request for establishment of electric Preliminary Statement Part EX – Dynamic Pricing Memorandum Account to record the incremental expenditures required to implement specific dynamic pricing rates. (Advice Letter 3335-E, filed, September 3, 2008)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=365423](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365423)
- 9**  
[8104]            **A08-03-004 - ATC Outdoor DAS, LLC (Applicant).**  
This decision grants Applicant, a certificate of public convenience and necessity pursuant to Pub. Util. Code § 1001 to provide full facilities-based and resold competitive local exchange and interexchange services, subject to the terms and conditions set forth in the decision. The Commission also specifies a procedure to be followed if Applicant wishes to pursue full facilities-based construction activities that involve potential exemptions from environmental review under the California Environmental Quality Act. This proceeding is closed.  
(Comr Chong - ALJ Patrick)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=365982](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365982)
- 10**  
[8105]            **R07-01-021 - Order Instituting Rulemaking to address the needs of telecommunications customers who have limited English proficiency.**  
This decision modifies Decision (D.) 08-10-016 by requiring carriers to implement Ordering Paragraph (OP) No. 10 of D.08-10-016 no later than 180 days from the effective date of D.08-10-016. D.08-10-016, addressed non-English language market trials, fraud notification and reporting, and consumer complaint and language preference tracking for limited English proficient telecommunications consumers. D.08-10-016 inadvertently did not provide carriers a schedule for implementing the notice requirement ordered in OP No. 10. This proceeding remains open for consideration of intervenor compensation request.  
(Comr Peevey - ALJ Smith)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=366128](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=366128)

## Consent Agenda - Orders and Resolutions (continued)

- 11**  
[8110] **A08-06-011 - Pacific Gas and Electric Company (Applicant).**  
By this decision, the Commission adopts a 2009 electric procurement cost revenue requirement forecast of \$4,692.5 million for Applicant as well as Applicant's 2009 sales forecast and resulting rates. The forecast consists of Applicant's 2009 Energy Resources Recovery Account revenue requirement forecast of \$4,109.5 million, an ongoing Competition Transition Charge revenue requirement forecast of \$617.8 million, and a Power Charge Indifference Amount credit of \$34.7 million. The rate changes will be effective on or after January 1, 2009. The increased 2009 revenue requirement will be consolidated with the revenue requirement effects of other Commission decisions in the Annual Electric True-Up process. This application is closed.  
(Comr Peevey - ALJ O'Donnell)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364268](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364268)
- 12**  
[8113] **Res T-17172 - Citizens Telecommunications Company of California Inc. (Frontier).**  
This resolution addresses a request for approval of a Compensation Agreement between Frontier and Ernest Communications, Inc., Pursuant to Section 252 of the Telecommunications Act of 1996. (Advice Letter No. 1024 filed, August 21, 2008)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=365862](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365862)
- 13**  
[8114] **Res T-17173 - Verizon California Inc. (Verizon).**  
This resolution approves Verizon's request for a compensation agreement between Verizon and Access Point, Inc., Pursuant to Section 252 of the Telecommunications Act of 1996. (Advice Letter No. 12261 filed, September 2, 2008)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=365858](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365858)
- 14**  
[8115] **Res T-17185 - AT&T California (AT&T).**  
This resolution approves AT&T's request for a compensation agreement between AT&T and Access Point, Inc., Pursuant to Section 252 of the Telecommunications Act of 1996. (Advice Letter No. 33534 filed, September 16, 2008)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=365809](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365809)

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Consent Agenda - Orders and Resolutions (continued)

- 15**                    **Res TL-19095**  
[8119]                This resolution sets the Public Utilities Commission Transportation Reimbursement Account (PUCTRA) fees for the 2008-09 fiscal year for passenger stage corporations, charter-party carriers of passengers, vessel common carriers, for-hire vessel operators, commercial air operators, railroad corporations, and pipeline corporations. It also defines charter bus for purposes of collecting PUCTRA fees and renewal application fees from charter-party carriers of passengers who also conduct interstate operations under federal operating authority.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=365448](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365448)
- 16**                    **A08-08-015 - Central Coast Shuttle Services, Inc. (Applicant).**  
[8122]                This decision grants the application of Central Coast Shuttle Services, Inc., a corporation, pursuant to Pub. Util. Code § 1031 et seq., to expand its certificate of public convenience and necessity to operate as a passenger stage corporation, as defined in Public Utilities Code § 226, and to establish a zone of rate freedom, pursuant to Public Utilities Code § 454.2. This proceeding is closed.  
(Comr Peevey - ALJ Cooke)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
Agenda 3226, Item 28 12/4/2008 (Staff)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=365813](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365813)
- 17**                    **A08-01-004 - Suburban Water Systems (Applicant).**  
[8124]                For Authority to Increase Rates Charged for Water Service for the years 2009-2011. This decision authorizes Applicant to increase rates for the years 2009-2011 in the following amounts: for year 2009, 11.08% increase with an amount increase of \$5,570,563; for year 2010, 2.70% increase with an estimate amount increase of \$1,508,585; for year 2011, 2.22% increase with an estimate amount increase of \$1,280,008. This decision also approves a related settlement agreement between Suburban and the Commission's Division of Ratepayer Advocates. As a result of the settlement, the rates authorized today are approximately 18% less than the rates initially requested. This proceeding is closed.  
(Comr Bohn - ALJ Koss)  
*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=E17861](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E17861)

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Consent Agenda - Orders and Resolutions (continued)

- 18**                    **A08-06-017 - San Diego Gas & Electric Company (Applicant).**  
[8127]                    For Expedited Approval of the Miramar Energy Facility II Project (MEF II). This decision approves the request of Applicant for a project with MEF II for an Engineering, Procurement and Construction contract with Wellhead Services, Inc. and a contract with General Electric for the supply of a simple cycle gas-fired combustion turbine with a capacity of approximately 46.5 megawatts to provide peaking energy and capacity. The MEF II project will interconnect to the Applicant's system via the existing Miramar substation that also serves the Miramar Energy Facility I Project unit that is on the same site and was brought on-line in summer 2005. Applicant owns the Miramar site, as well as the turbine/generator, and offered the MEF II project to the market for a competitive bid on a turnkey basis in its 2008 Peaker Request for Offers. Upon completion, the project will be owned and operated by Applicant. Applicant is authorized to collect full cost recovery in rates for MEF II. 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=365893](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365893)
- 19**                    **Res L-369**  
[8128]                    This resolution authorizes the disclosure of certain records concerning the California Public Utilities Commission Consumer Protection and Safety Division's investigation of a December 5, 2007 railroad/pedestrian incident that occurred at the Alvarado Street Crossing in San Leandro, California.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=365972](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365972)
- 20**                    **Res ALJ-226**  
[8130]                    This resolution grants the appeal of Residential Weatherization, Inc. (RWI) pursuant to General Order 156 and finds that RWI is a woman-owned business. This proceeding is closed.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=363193](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=363193)
- 21**                    **A07-02-022 - Southern California Edison Company (Applicant).**  
[8131]                    This decision certifies the Environmental Impact Report and grants Applicant a Permit to Construct the El Casco Systems Project in Riverside and San Bernardino Counties. This proceeding is closed.  
(Comr Grueneich - ALJ Kolakowski)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=366001](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=366001)

Consent Agenda - Orders and Resolutions (continued)

- 22**  
[8133]            **Res E-4213 - Pacific Gas and Electric Company (PG&E).**  
This resolution addresses PG&E's request for approval of two contracts for procurement of renewable energy resources resulting from PG&E's Power Purchase Agreements with San Joaquin SOLAR 1 LLC and San Joaquin SOLAR 2 LLC. (Advice Letter 3280-E filed, June 12, 2008)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=365768](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365768)
- 23**  
[8137]            **Res E-4216 - Pacific Gas and Electric Company (PG&E).**  
This resolution addresses PG&E's request for approval of a renewable resource procurement contract, with Klondike III Wind Power Project, LLC in Sherman County, Oregon and a firming and shaping agreement with Bonneville Power Administration (collectively, the Agreements). The Agreements are approved without modification. (Advice Letter 3322-E filed, August 21, 2008)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=365311](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365311)
- 24**  
[8143]            **R97-10-016 - Order Instituting Rulemaking on the Commission's Own Motion into Monitoring Performance of Operations Support Systems.**  
I97-10-017 - Related matters. This decision adopts the consensus modifications to AT&T California's performance incentives plan submitted by AT&T California and several competitive local exchange carriers. These proceedings are closed.  
(Comr Peevey - ALJ Reed)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=365991](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365991)
- 25**  
[8145]            **I07-06-020 - Order Instituting Investigation into the Water and Service Quality of Alco Water Company (Alco).**  
This order extends the statutory deadline for resolution of this investigation until April 30, 2009. The proceeding cannot be concluded by the statutory deadline of December 20, 2008, therefore, an extension until April 30, 2009, is necessary.  
(Comr Bohn - ALJ Rochester)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=363184](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=363184)

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Consent Agenda - Orders and Resolutions (continued)

**26** **A08-04-019 - California-American Water Company (Applicant).**  
[8146] For an Order Authorizing (1) the Transfer of Already-Incurred Costs for its Long-Term Water Supply Solution for the Monterey District to Its Special Request 1 Surcharge Balancing Account; and (2) An Annual Review Process for the Transfer of Pre-Construction Costs to the Special Request 1 Surcharge Balancing Account. This decision approves a comprehensive settlement agreement (Amended Settlement Agreement) entered into by the Applicant, the Division of Ratepayer Advocates and the Monterey Peninsula Water Management District for this proceeding. Applicant is authorized to recover \$3,741,714, as compensation in full for all Coastal Water Project costs incurred through December 31, 2007. Applicant will recover these costs from ratepayers through the Special Request 1 Surcharge authorized by Decision (D.) 06-12-040. The Amended Settlement Agreement adopted today does not affect Applicant's ability to recover preconstruction costs incurred after December 31, 2007 and tracked in the memorandum account approved in D.03-09-022. This proceeding is closed. (Comr Bohn - ALJ DeBerry)

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=360662](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=360662)

**27** **A08-04-024 - Sanitation Districts of Los Angeles County (Applicant).**  
[8147] This decision grants the Applicant authority for the construction of a railroad spur track crossing at-grade three existing public roads, on U.S. government land maintained by Bureau of Land Management, near Glamis in the County of Imperial. 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=362972](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=362972)

**28** **Res E-4217 - Pacific Gas and Electric Company (PG&E).**  
[8151] This resolution addresses PG&E's submission of electric tariff revisions to recover balances in balancing accounts, establish the Energy Recovery Bonds Balancing Account revenue requirement, and consolidate changes to electric rates effective January 1, 2009. Approved with modifications. (Advice Letter 3349-E filed, October 1, 2008)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=366150](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=366150)

**29** **A08-09-002 - Christoph H. Monecke and Kristin R. Monecke dba The Santa Cruz Airport Flyer (Applicants).**  
[8152] Applicants are authorized to operate as a passenger stage corporation between points in Santa Cruz County, on the one hand, and San Jose International and San Francisco 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=363322](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=363322)

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Consent Agenda - Orders and Resolutions (continued)

- 30**                    **A08-09-026 - American Shuttle, LLC (Applicant).**  
[8153]                    Applicant is authorized to operate as a passenger stage corporation between points in Los Angeles, Orange, Riverside, and San Bernardino Counties, on the one hand, and Los Angeles International, Long Beach, and Ontario International Airports, and Los Angeles and Long Beach Harbors, 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=363466](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=363466)
- 31**                    **A08-06-001 - Southern California Edison Company (Edison).**  
[8154]                    A08-06-002, A08-06-003 - Related matters. This decision allows Pacific Gas and Electric Company, Edison, and San Diego Gas & Electric Company (collectively, IOU's) to expend funds to continue certain 2008 demand response programs until the Commission adopts a final decision on the IOUs' demand response activity and budget applications for 2009-2011. In addition, this decision authorizes several pilot programs to test the use of demand response to provide participating load to the California Independent System Operator (CAISO). This decision will ensure that California continues to get the benefits of existing IOU demand response programs to reduce peak electricity load until final programs for 2009-2011 can be adopted, and will provide valuable information on the potential for demand response to provide participating load after implementation of the CAISO's Market Redesign and Technology Upgrade.  
(Comr Chong - ALJ Hecht)  
*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=365952](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365952)
- 32**                    **A08-09-016 - EMC Telecom Corporation (Applicant).**  
[8155]                    This decision grants Applicant a certificate of public convenience and necessity pursuant to Public Utilities Code § 1001 et seq., to provide limited facilities-based and resold competitive local exchange and interexchange services, subject to the terms and conditions set forth below. This proceeding is closed.  
(Comr Chong - ALJ Farrar)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=361530](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=361530)

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Consent Agenda - Orders and Resolutions (continued)

- 33**                    **A08-09-006 - San Francisco Bay Area Rapid Transit District (Applicant).**  
[8157]                This decision grants the request of Applicant to construct an underground subway structure crossing under Union Pacific Railroad Company's realigned Warm Springs Subdivision mainline track in the City of Fremont, County of Alameda. 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=364526](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364526)
- 34**                    **A08-05-029 - City of Los Angeles, Harbor Department (Applicant).**  
[8158]                This decision grants the request of the Applicant to construct an at-grade pedestrian-rail crossing adjacent to Signal Place, in the City of Los Angeles, Los Angeles 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=364538](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364538)
- 35**                    **A08-08-010 - City of Sacramento, Department of Transportation (Applicant).**  
[8159]                This decision grants the request of the Applicant to construct a new grade-separated highway-rail crossing at Cosumnes River Boulevard over the tracks of the Union Pacific Railroad Company. 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=365351](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365351)
- 36**                    **Res W-4729 - Alisal Water Corporation – Salinas District (Alco).**  
[8160]                This resolution addresses an order authorizing a rate base offset revenue increase, for Alco producing an increase in gross annual revenues of \$312,039 or 5.33%. (Advice Letter 121 filed, September 8, 2008)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364168](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364168)

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Consent Agenda - Orders and Resolutions (continued)

- 37**  
[8163]      **Res E-4218 - Pacific Gas and Electric Company (PG&E).**  
This resolution approves PG&E's Advice Letter (AL) 3338-E to sell electric distribution facilities to McEvoy Power L.L.C (McEvoy), for a purchase price of \$108,107. The distribution facilities include approximately three miles of primary and secondary conductor and seven service transformers at different locations on the McEvoy Olive Ranch. McEvoy is associated with the McEvoy Olive Ranch, an olive growing and oil production facility located on 550 acres west of Petaluma in Sonoma County, California. This resolution has been prepared pursuant to a pilot program specified in Resolution ALJ-202 granting expedited treatment to utility proposals meeting certain requirements. (AL 3338-E filed, September 8, 2008)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364353](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364353)
- 38**  
[8164]      **Res W-4730 - Sierra City Water Works.**  
This resolution addresses an order authorizing a general rate increase, producing an increase of \$28,391 or 95.89% in test year 2009 and \$11,295 or 19.47% for escalation year 2010.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=365402](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365402)
- 39**  
[8165]      **(ECP) C08-10-002 - Shaikh Abdul-Ghani vs Pacific Bell Telephone Company dba AT&T California (Defendant).**  
This decision dismisses the case because Defendant granted the relief requested. This proceeding is closed.  
(Comr Grueneich - ALJ Barnett)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=363216](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=363216)
- 40 (Rev.)**  
[8166]      **A08-07-040 - County of San Diego (Applicant).**  
This decision grants the request of Applicant for authority to construct a grade-separated crossing of existing elevated rail tracks of the Metropolitan Transit System and San Diego Arizona and Eastern Railway and a proposed shared-use path, along the Otay Valley Regional Park Trail in the County of San Diego. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
12/10/2008 - This revision was not shown on the Agenda mailed to the public.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364886](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364886)

Consent Agenda - Orders and Resolutions (continued)

- 41**  
[8169]                   **A08-07-029 - Pacific Gas and Electric Company (Applicant).**  
For Expedited and Ex Parte Approval Of Termination Of Standard Offer No. 2 Power Purchase Agreement Between Pacific Gas and Electric Company and Diamond Foods Inc. (Diamond Foods). This decision approves a settlement agreement between Applicant and Diamond Foods. Although the predecessor of Diamond Foods, Diamond Walnut Growers, consistently delivered 4.15 megawatts of firm capacity and energy from its cogeneration plant to PG&E from 1984 to 2004, troubles in meeting this commitment began in 2004. After Applicant gave notice in late 2005 that it would reduce the contract capacity of the project, Diamond Foods shut down the cogeneration plant. Under the settlement agreement, the parties' Standard Offer No. 2 contract will be deemed terminated as of December 1, 2005, Diamond Foods will make certain payments to Applicant, and Applicant will dismiss the lawsuit it filed in January 2006, in which it sought the return of capacity payments from Diamond Foods because the latter had only delivered capacity for 21 years, rather than the 28 years called for by the Standard Offer No. 2 contract. Applicant's request to keep confidential the amounts received from Diamond Foods is granted, as is Applicant's request to pass these amounts through in rates to Applicant's ratepayers. This proceeding is closed.  
(Comr Peevey - ALJ McKenzie)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=363617](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=363617)
- 42**  
[8170]                   **A08-08-002 - Chevron Pipe Line Company (Chevron).**  
This decision approves the amended application of Chevron to increase its rates and charges for crude oil transportation on its California Pipelines. This proceeding is closed.  
(Comr Peevey - ALJ Bemserfer)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=365551](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365551)
- 43**  
[8171]                   **A08-09-012 - First Communications, LLC. (FCL), Xtension Services, Inc. (Xtension), and Globalcom, Inc. (Globalcom), and Renaissance Acquisition Corp. ( RAC), (Jointly referred to as Applicants).**  
This decision grants the request of Applicants, pursuant to Pub. Util. Code § 854, for approval of a proposed transaction that will result in the transfer of control of FCL, Xtension, and Globalcom to RAC. This proceeding is closed.  
(Comr Chong - ALJ Kim)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364853](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364853)

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Consent Agenda - Orders and Resolutions (continued)

**44**                    **R06-02-012 - Order Instituting Rulemaking to Develop Additional Methods to Implement the California Renewables Portfolio Standard Program.**  
[8172]

This decision extends the statutory deadline for resolving this proceeding to March 1, 2009.

(Comr Peevey - ALJ Simon)

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364260](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364260)

**45**                    **A07-11-011 - Southern California Edison Company (Applicant).**  
[8173]

For Authority to, Among Other Things, Increase Its Authorized Revenues For Electric Service in 2009, And to Reflect That Increase in Rates. I08-01-026 - Related matters. Applicant is authorized to establish a General Rate Case Revenue Requirement Memorandum Account (RRMA) to track the change in revenue requirement adopted in this proceeding during the period between January 1, 2009 and the effective date of the final decision. Likewise, San Diego Gas & Electric Company is authorized to establish a San Onofre Nuclear Generating Station (SONGS) RRMA to track the change in revenue requirement related to its interest in SONGS adopted in this proceeding during the period between January 1, 2009 and the effective date of the final decision.

(Comr Peevey - ALJ DeAngelis)

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=362866](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=362866)

**46**                    **Res W-4731 - Golden State Water Company.**  
[8175]

This resolution addresses an order authorizing a rate base offset increase in rates producing additional gross annual revenues of \$16,492 or 0.15% for its Arden-Cordova District. (Advice Letter 1310 filed, November 24, 2008)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364520](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364520)

**47**                    **C07-11-012 - Mr. & Mrs. Stephen H. Schimmel (Complainants) vs. Southern California Edison Company (Defendant).**  
[8177]

This modified Presiding Officer's Decision (Decision) resolves this complaint filed by Complainants against Defendant, alleging that Defendant had overbilled the Complainants \$15,076.57 since 2002. This Decision finds that the meter on the Complainants property was not operating properly and directs Defendant to refund to the Complainants charges associated with 40% of kilowatt hour use for each bill, plus interest, for the period November 19, 2004 through February 28, 2007, the date Defendant changed the Complainants' meter. This proceeding is closed.

(Comr Simon - ALJ Yacknin)

*Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.*

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=358457](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=358457)

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Consent Agenda - Orders and Resolutions (continued)

- 48**                    **C07-01-007 - Harbor City Estates, LLC. vs. Southern California Gas Company.**  
[8180]                This decision extends the statutory deadline for resolution of this proceeding in order to allow the Commission to consider the appeal of the Southern California Gas Company. The new deadline will be May 29, 2009.  
(Comr Bohn - ALJ Kolakowski)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364753](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364753)
- 49**                    **A08-07-025 - Shasta County Telecom, Inc. (Shasta).**  
[8181]                This decision grants Shasta a certificate of public convenience and necessity under Public Utilities Code Section 1001 to construct telecommunications facilities and provide local exchange and interexchange service to and within previously-unserved territory in the Northeastern Intermountain area of Shasta County, subject to the terms and conditions set forth in the decision. This proceeding is closed.  
(Comr Chong - ALJ Ryerson)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364356](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364356)
- 50**                    **A08-06-030 - United Communications Systems, Inc. dba Call One (Applicant).**  
[8183]                Applicant is granted a certificate of public convenience and necessity pursuant to Public Utilities Code § 1001 to provide resold local exchange service as a competitive local carrier and interexchange telecommunications services. 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=364417](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364417)
- 51 (Rev.)**           **Res L-370 - Public Release of the Report of the Consumer Protection and Safety Division**  
[8184]                **Regarding the October 2007 Malibu Fire.**  
This resolution authorizes the release of the Report of the Consumer Protection and Safety Division regarding the October 2007 Malibu Fire.  
[12/08/2008 - This revision was not shown on the Agenda mailed to the public.](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365987)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=365987](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365987)

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**Consent Agenda - Intervenor Compensation Orders**

- 52**  
[8051]            **A05-03-015 - San Diego Gas & Electric Company.**  
For Adoption of an Advanced Metering Infrastructure Deployment Scenario and Associated Cost Recovery and Rate Design. This decision awards Utility Consumers' Action Network \$460,324.00 in compensation for its substantial contributions to Decision 07-04-043, a decrease of \$5,967 from the amount originally requested. This proceeding is closed.  
(Comr Grueneich - ALJ Gamson)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
Agenda 3225, Item 30 11/21/2008 (Chong);  
Agenda 3226, Item 33 12/4/2008 (Staff)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364619](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364619)
- 53**  
[8126]            **A06-03-005 - Pacific Gas and Electric Company (PG&E).**  
To Revise Its Electric Marginal Costs, Revenue Allocation, and Rate Design. This decision awards The Utility Reform Network \$115,398.73 and Vote Solar Initiative \$23,088.75 in intervenor compensation for substantial contributions to settlements of PG&E's 2006 General Rate Case in Decision 07-09-004 and denies compensation to Agricultural Energy Consumers Association because of deficiencies in its request for compensation.  
(Comr Chong - ALJ Fukutome)  
*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=362979](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=362979)
- 54**  
[8156]            **C06-10-023 - Utility Consumers' Action Network (UCAN) vs. MCI Communications Services, Inc. dba WorldCom LLC and related entities (collectively MCI).**  
This decision awards UCAN \$19,872.50 in compensation for its substantial contribution to Decision 08-03-015. This is a reduction of \$4,512.75 (18.5%) from the amount requested due to simple miscalculations and a reduction in hours to reflect our policy on excessive hours claimed. Case 06-10-023 is closed.  
(Comr Chong - ALJ Reed)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=360061](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=360061)

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Consent Agenda - Intervenor Compensation Orders (continued)

- 55**                    **A07-05-020 - Southern California Edison Company (Edison).**  
[8168]                    For Authorization to Incur and Recover Costs Necessary to Determine Feasibility of a Clean Hydrogen Power Generation Plant. This decision awards The Utility Reform Network \$13,964.00 in compensation for its substantial contribution to Decision 08-04-038. Today's award payment will be paid by Edison. This proceeding is closed.  
(Comr Peevey - ALJ Yip-kikugawa)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364503](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364503)
- 56**                    **R07-01-021 - Order Instituting Rulemaking to address the needs of telecommunications customers who have limited English proficiency.**  
[8176]                    This Decision awards a total of \$87,851.46 in compensation to California Consumer Federation, Greenlining Institute, and Latino Issues Forum for their substantial contributions to Decision 07-07-043. Awards payments will be paid from the intervenor compensation program fund. This proceeding remains open for consideration of intervenor compensation requests.  
(Comr Peevey - ALJ Smith)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=364437](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364437)
- 57**                    **A06-12-009 - San Diego Gas & Electric Company (SDG&E).**  
[8179]                    For authority to update its gas and electric revenue requirement and base rates effective on January 1, 2008. A06-12-010, I07-02-013 - Related matters. This decision awards Utility Consumers' Action Network (UCAN) \$586,488.00 in compensation for its substantial contributions to Decision 08-07-046. This represents a reduction of \$24,113.61 from the amount requested due to miscalculations by UCAN, an adjustment in the hourly rate for one of its experts, and reductions for excess hours. Today's award payment will be paid by SDG&E and Southern California Gas Company. These proceedings remain open to address other matters.  
(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=359990](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=359990)

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## Regular Agenda

### Regular Agenda - Energy Orders

**58**                    **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);

Agenda 3224, Item 51 11/6/2008 (Simon);

Agenda 3225, Item 36 11/21/2008 (Pub. Util. Code §311(e))

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=366144](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=366144)

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Regular Agenda - Energy Orders (continued)

**58a**                    **ALTERNATE TO ITEM 7564**

[8118]

Today's alternate decision denies without prejudice the proposed Emerging Renewable Resource Programs (ERRP). ERRP would have allowed Pacific Gas and Electric Company (PG&E) and San Diego Gas & Electric Company to expend up to \$30 million and \$15 million, respectively, on external costs for a period of two years. The decision, nonetheless, authorizes assessment expenditures for the WaveConnect project of up to \$2 million. The three projects proposed concurrently with the establishment of ERRP could potentially aid the state in its efforts to increase renewable generation and decrease greenhouse gas emissions. However, as currently conceived, ERRP represents a significant ratepayer investment with an uncertain return, and therefore would expose ratepayers to greater risk in an adverse economy when we are already asking them to fund an increasing number of policy programs. Moreover, ERRP is also too narrowly designed, involving only two Investor Owned Utilities (IOUs). If such a program is to successfully address statewide goals, it should include all IOUs, Independent Energy Producers, and other relevant market participants.

While the ERRP program is flawed, this decision recognizes the importance of its goals, and in particular, the need to further investigate the potential of ocean energy. California is singularly situated to harvest a potentially enormous supply of baseload renewable generation. While there are a number of projects moving forward globally, no meaningful ocean energy project is currently in production along California's coast. In order to ensure that ratepayer funds are spent on the most promising and most effective technologies, a means of testing competing options should be established. Accordingly, this decision authorizes PG&E to spend up to \$2 million in funds to cover the expenditures necessary pursue the first year of WaveConnect, described in 5.3, while Energy Division continues to examine the project. This proceeding is closed.

(Comr Simon)

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

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

Agenda 3225, Item 36a 11/21/2008 (Pub. Util. Code §311(e))

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=E17859](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E17859)

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Regular Agenda - Energy Orders (continued)

**59**                    **R06-02-012 - Order Instituting Rulemaking to Develop Additional Methods to Implement the California Renewables Portfolio Standard Program.**  
[8058]

This decision authorizes the use of unbundled and tradable renewable energy credit (TRECs) for compliance with the California renewables portfolio standard (RPS) program. It also delineates the structure and rules for a TREC market and for the integration of TRECs into the RPS flexible compliance system. The use of TRECs for RPS compliance will provide more options and flexibility for RPS-obligated load-serving entities to comply with RPS mandates in both the near and longer term. It will also provide additional resources and incentives for the development of RPS-eligible generation over time. This proceeding is closed.

(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.*

Agenda 3226, Item 37 12/4/2008 (Simon)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=366056](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=366056)

**60**                    **A06-08-010 - San Diego Gas & Electric Company (SDG&E).**  
[8065]

This decision denies the application of SDG&E for a Certificate of Public Convenience and Necessity (CPCN) to construct the Sunrise Powerlink Transmission Project (Sunrise); Public Utilities Code § 399.25, under which a proposed transmission line may be deemed necessary, is inapplicable because Sunrise is not necessary to facilitate the achievement of California's Renewable Portfolio Standard (RPS); further, SDG&E has no reliability need before 2014, Sunrise is not needed for SDG&E to meet its statutory goal of 20% RPS by 2010, Sunrise is not economic assuming 20% RPS, and the Commission has no assurance under 20% RPS that the generation carried over Sunrise will offset Sunrise's construction-related CO2 emissions in light of evidence that Sunrise could facilitate the development of new coal fired generation in the western United States; finally, Sunrise and all proposed transmission alternatives, whether built through Anza-Borrego Desert State Park or through Cleveland National Forest, will create significant, unavoidable environmental impacts while the environmentally superior generation based alternatives provide proxies for likely development under the No Project Alternative.

(Comr Grueneich - ALJ Vieth)

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

*This matter may be considered during the Ratesetting Deliberative Meeting.*

Agenda 3226, Item 39 12/4/2008 (Pub. Util. Code §311(e))

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=365772](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365772)

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Regular Agenda - Energy Orders (continued)

**60a**

[8066]

**ALTERNATE TO ITEM 8065**

This Alternate decision conditionally grants the application of San Diego Gas & Electric Company (SDG&E) for a Certificate of Public Convenience and Necessity (CPCN) to construct the Sunrise Powerlink Transmission Project (Sunrise) using the Final Environmentally Superior Southern Route; Public Utilities Code § 399.25, under which a proposed transmission line may be deemed necessary, is inapplicable because Sunrise is not necessary to facilitate the achievement of California's Renewable Portfolio Standard (RPS); SDG&E has no reliability need before 2014 and while Sunrise is not needed for SDG&E to meet its statutory goal of 20% RPS by 2010, at 33% RPS the Final Environmentally Superior Southern Route will generate net benefits of over \$100 million per year and is the highest ranked Alternative that will facilitate Commission policy to achieve greenhouse gas (GHG) reductions through renewable procurement at 33% RPS levels in the shortest time possible, which warrants a statement of overriding considerations under the California Environmental Quality Act; to ensure the GHG emission reductions and economic benefits estimated for the Final Environmentally Superior Southern Route, the CPCN is conditioned upon SDG&E developing and filing, within 90 days of the effective date of the decision, a compliance plan for Commission approval; finally, pursuant to Public Utilities Code § 1005.5(a), a cost cap of \$1.719 billion (\$2012) is set. (Comr Grueneich)

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

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

Agenda 3226, Item 39a 12/4/2008 (Pub. Util. Code §311(e))

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=366180](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=366180)

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Regular Agenda - Energy Orders (continued)

**60b (Rev.)**

[8136]

**ALTERNATE TO ITEM 8065**

The alternate decision grants the application of San Diego Gas & Electric Company for a Certificate of Public Convenience and Necessity to construct the Sunrise Powerlink Transmission Project (Sunrise) as defined by the Final Environmentally Superior Southern Route. The alternate decision finds that Sunrise is necessary to facilitate achieving the goals of the RPS program as defined in Public Utilities Code § 399.11 and is also necessary to achieve 33% RPS. Sunrise will generate net benefits of over \$125 million per year and is the highest ranked alternative that will facilitate the Commission's greenhouse gas reduction goals, as well as 33% RPS, within a reasonable timeframe. While the final environmentally superior southern route achieves critical state policy objectives within the shortest possible timeframe, the project will result in significant environmental impacts. Accordingly the decision includes a statement of overriding concerns. The alternate decision also finds that the Commission has the authority and responsibility to direct and oversee utility procurement on an ongoing basis and takes steps to ensure that renewable generation in Imperial Valley is developed and delivered as a result of Sunrise. The alternate decision finds that the maximum reasonable cost of the proposed project is \$1.883 billion.

(Comr Peevey)

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

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

Agenda 3226, Item 39b 12/4/2008 (Pub. Util. Code §311(e))

12/16/2008 - This revision was not shown on the Agenda mailed to the public.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=366005](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=366005)

**61**

[8083]

**R06-04-010 - Order Instituting Rulemaking to examine the Commission's post-2005 energy efficiency policies, programs, evaluation, measurement, and verification, and related issues.**

This Decision denies the Petition for Modification of D.07-09-043 and D.08-01-042, filed by Southern California Edison Company, Pacific Gas and Electric Company, Southern California Gas Company, and San Diego Gas & Electric Company (Joint Utilities). Joint Utilities sought to modify how the first and second interim claims for energy efficiency savings would be calculated, so as to eliminate Energy Division review of interim claims for 2006 and 2007 incentives. These claims for 2006 and 2007 will be determined by utility Advice Letter following the final Energy Division verification report due January 15, 2009. This proceeding remains 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.*

Agenda 3226, Item 40 12/4/2008 (Peevey)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=365882](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365882)

Regular Agenda - Energy Orders (continued)

**61a ALTERNATE TO ITEM 8083**

[8086]

The proposed decision (PD) denies the Petition for Modification of D.07-09-043 and D.08-01-042, filed by Southern California Edison Company, Pacific Gas and Electric Company, Southern California Gas Company, and San Diego Gas & Electric Company (Joint Utilities).

Joint Utilities sought to modify how the first and second interim claims for energy efficiency savings would be calculated, so as to eliminate Energy Division review of interim claims for 2006 and 2007 incentives.

Per the PD, these claims for 2006 and 2007 will be determined by utility Advice Letter following the final Energy Division verification report due January 15, 2009.

In contrast, the alternate decision grants in part and denies in part the Petition for Modification to D.07-09-043 and D.08-01-042.

Specifically, for the 2006-2008 period, the alternate decision grants the request that the interim claim amounts under the energy efficiency risk reward incentive mechanism be based on the utility submitted quarterly savings reports rather than on the Energy Division's verification reports.

(Comr Peevey)

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

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

Agenda 3226, Item 40a 12/4/2008 (Peevey)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=366058](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=366058)

**62 R\_\_\_\_\_ - Order Instituting Rulemaking to consider Smart Grid Technologies Pursuant to Federal Legislation and on the Commission's own Motion to Actively Guide Policy in California's Development of a Smart Grid System.**

[8111]

This rulemaking is initiated pursuant to the federal Energy Independence and Security Act of 2007 and the Commission's own motion to consider Smart Grid policies for California's investor-owned electric utilities.

Agenda 3226, Item 42 12/4/2008 (Simon)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=365914](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365914)

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Regular Agenda - Energy Orders (continued)

**63**                    **R04-04-003 - Order Instituting Rulemaking to Promote Policy and Program Coordination and Integration in Electric Utility Resource Planning.**  
[8120]

R04-04-025 - Related matters. This decision addresses a joint petition filed by the Independent Energy Producers Association, and the Cogeneration Association of California, the Energy Producers and Users Coaliton and the California Cogeneration Council (collectively, QF Parties) to modify Decision (D.) 08-007-048. The Commission denies QF Parties' request to suspend the November 2008, filings for retroactive true-up of the Market Index Formula. The Commission also declines to adopt QF Parties' request to revise the procedures for any future adjustments to short-run avoided cost (SRAC) payments. Although the Commission denies QF Parties' Petition, the Commission modifies D.08-07-048 to clarify the procedures for retroactive true-up of SRAC payments. The Commission believes that these procedures, as modified, provide the regulatory certainty that QF Parties maintain is necessary to ensure continued operation of QFs in California.

(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 Ratesetting.*

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=E17851](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E17851)

**64**                    **A07-12-006 - San Diego Gas & Electric Company, Southern California Gas Company, and Pacific Gas and Electric Company (collectively Applicants).**  
[8125]

This decision denies the joint request of Applicants, to change the cost allocation methods by which their natural gas customers are charged for the costs of their public purpose programs from the various cost allocation method currently in use to a single cost allocation method. This proceeding is closed.

(Comr Simon - ALJ Galvin)

*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=364736](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=364736)

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Regular Agenda - Energy Orders (continued)

**65 A07-11-011 - Southern California Edison Company (SCE).**

[8129]

For Authority to, Among Other Things, Increase Its Authorized Revenues For Electric Service in 2009, And to Reflect That Increase In Rates. I08-01-026 - Related matters. This decision authorizes a \$4.743 billion base revenue requirement for test year 2009 for SCE. The Commission finds that the authorized revenue requirement provides SCE with sufficient funding to provide safe and reliable service at just and reasonable rates.

The adopted revenue requirement represents a 26.5% increase over the 2006 authorized revenue requirement of \$3.749 billion, a 15.5% increase over SCE's 2006 recorded revenue requirement of \$4.106 billion, a 9.42% increase over the projected revenue requirement at present rate levels of \$4.334 billion, and a 8.88% reduction from the 2009 revenue requirement requested by SCE of \$5.205 billion, which represented a 20.1% increase over the revenue requirement at present rates. The adopted methodology for calculating post-test year revenue requirement results in a revenue requirement for 2010 of \$4.885 billion and for 2011 of \$5.032 billion. This decision also authorizes a 22% increase in SCE's rate base.

In 2006, the authorized rate base was \$10.4 billion. Today, the Commission increases the authorized rate base to \$12.7 billion. As a result of our decision today, SCE's projected total company revenue requirement for 2009 is approximately \$12.468 billion. This proceeding is closed.

(Comr Peevey - ALJ DeAngelis)

*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=E17899](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E17899)

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Regular Agenda - Energy Orders (continued)

**65a**                    **ALTERNATE TO ITEM 8129**

[8132]

I08-01-026 - Related matters. This alternate decision authorizes a \$4.889 billion base revenue requirement for test year 2009 for Southern California Edison Company (SCE).

The alternate decision finds that the authorized revenue requirement provides SCE with sufficient funding to provide safe and reliable service at just and reasonable rates.

The adopted revenue requirement represents a 30.4% increase over the 2006 authorized revenue requirement of \$3.749 billion, a 19.1% increase over SCE's 2006 recorded revenue requirement of \$4.106 billion, a 12.8% increase over the projected revenue requirement at present rate levels of \$4.334 billion, and a 6.1% reduction from the 2009 revenue requirement requested by SCE of \$5.205 billion, which represented a 20.1% increase over the revenue requirement at present rates.

The adopted methodology for calculating post-test year revenue requirement results in an approximate revenue requirement for 2010 of \$5.118 billion and for 2011 of \$5.367 billion. This alternate decision also authorizes a 22.8% increase in SCE's rate base.

In 2006, the authorized rate base was \$10.4 billion. Today, this alternate decision increases the authorized rate base to \$12.8 billion. As a result of this alternate decision today, SCE's projected total company revenue requirement for 2009 is approximately \$12.614 billion. This proceeding is closed.

(Comr Peevey)

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

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=E17903](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E17903)

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**Regular Agenda - Energy Resolutions and Written Reports****66**

[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.*

Agenda 3224, Item 57 11/6/2008 (Staff);

Agenda 3225, Item 42 11/21/2008 (Staff)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=363594](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=363594)

**67**

[8117]

**Res E-4197 - Pacific Gas & Electric Company (PG&E) and Southern California Edison Company (SCE).**

This resolution addresses PG&E and SCE's request, on behalf of the California Solar Initiative Program (CSI) Administrators for changes to the CSI program handbook. Some changes are granted and other changes are rejected. (PG&E Advice Letter (AL) 3311-E filed, August 8, 2008, PG&E AL 3062-E and SCE AL 2131-E filed June 4, 2007)

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=365969](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=365969)

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**Regular Agenda - Communication Orders****68**

[7729]

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

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

(Comr Peevey - ALJ Duda)

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

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

Agenda 3222, Item 30 10/2/2008 (Staff);

Agenda 3226, Item 43 12/4/2008 (Peevey)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=345049](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=345049)

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**Regular Agenda - Communication Resolutions and Reports**

- 69**  
[8075]      **Res T-17184 - Calaveras Telephone Company, Inc. (Calaveras).**  
This resolution authorizes California High Cost Fund -A support for Calaveras of \$1,943,960 with an overall Intrastate Rate of Return of 10.00% for test year 2009, resulting in an Intrastate revenue of \$6,177,181. (Advice Letter No. 303 filed, December 21, 2007)  
Agenda 3226, Item 45 12/4/2008 (Staff)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=366120](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=366120)
- 70**  
[8077]      **Res T-17157 - Ducor Telephone Company (Ducor).**  
This resolution authorizes California High Cost Fund-A support for Ducor of \$2,434,584 with an overall Intrastate Rate of Return of 10.00% for test year 2009, resulting in an Intrastate revenue of \$3,981,993. (Advice Letter (AL) 318, AL 318A filed, December 19, 2007 and July 21, 2008)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
Agenda 3226, Item 46 12/4/2008 (Staff)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=366168](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=366168)
- 71**  
[8088]      **Res T-17158 - Pinnacles Telephone Company (Pinnacles).**  
This resolution authorizes California High Cost Fund-A support for Pinnacles of \$245,181, with an overall Intrastate Rate of Return of 10.00% for test year 2009. resulting in an Intrastate revenue of \$775,798.  
(Advice Letter (AL) Nos. 231, AL 231A Filed, December 19, 2007, and July 21, 2008)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
Agenda 3226, Item 47 12/4/2008 (Staff)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=355159](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=355159)
- 72**  
[8139]      **Res T-17133 - Cal-Ore Telephone Company (Cal-Ore).**  
This resolution authorizes California High Cost Fund-A (CHCF-A) support for Cal-Ore of \$455,461 with an overall Intrastate Rate of Return of 10.00% for test year 2009, resulting in an Intrastate revenue of \$3,593,720. (Advice Letter No. 320 filed, December 27, 2007)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=346733](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=346733)

Regular Agenda - Communication Resolutions and Reports (continued)

**73**

**Res T-17132 - Ponderosa Telephone Company (Ponderosa).**

[8140]

This resolution authorizes California High Cost Fund-A (CHCF-A) support for Ponderosa of \$3,576,223, with an overall Intrastate Rate of Return of 10.00% for test year 2009, resulting in an Intrastate revenue of \$15,255,024. (Advice Letter (AL) No. 374, filed, December 28, 2007 and AL No. 374A, filed, June 10, 2008)

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=346732](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=346732)

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**Regular Agenda - Transportation/Rail Safety Orders****74**

[8050]

**A06-12-005 - Exposition Metro Line Construction Authority.**

A06-12-020, A07-01-004, A07-01-017, A07-01-044, A07-02-007, A07-02-017, A07-03-004, A07-03-012, A07-03-013 - Related matters. The Exposition Metro Line Construction Authority filed the 10 subject applications in this consolidated proceeding requesting authority to construct 38 rail crossings along the new Exposition Boulevard Corridor Light Rail Transit Line in Los Angeles County. Interim Decision (D.) 07-12-029 authorized construction of 36 of the 38 crossings. Today's decision addresses the two remaining crossings, at Farmdale Avenue and Harvard Boulevard, requested in Application (A.) 07-05-013 and A.06-12-020, respectively. Both crossings are located in the City of Los Angeles adjacent to school sites. A.07-05-013, for an at-grade crossing at Farmdale Avenue, is denied. Grade-separated crossings provide a higher level of safety than at-grade crossings and the Commission finds here that it is practicable to construct a grade-separated pedestrian bridge and close Farmdale to vehicular traffic. The application for a grade-separated pedestrian tunnel crossing at Harvard Boulevard, one of the 11 crossings requested in A.06-12-020, also is denied. The Commission finds that the proposed Harvard Boulevard crossing would not comply with the Americans with Disabilities Act, and further that it would not provide an adequate level of general public access or safety. The Commission finds that a pedestrian bridge at Harvard would provide a better alternative. Today's decision also adds environmental impacts to the list of issues the Commission will use as criteria for judging practicability. These consolidated proceedings remain open to allow the applicant to amend its applications regarding Farmdale Ave. and Harvard Blvd. (Comr Simon - ALJ Koss)

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

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

Agenda 3225, Item 20 11/21/2008 (Staff);

Agenda 3226, Item 12 12/4/2008 (Simon)

**Regular Agenda - Legislative and Other Matters**

**Regular Agenda - Commissioner's Reports**

## Regular Agenda - Management Reports and Resolutions

**75 (Rev.)**

**General Counsel's Report**

[8148]

Approval of the December 2008 Addendum to Summary of Material Terms of Division of Water Resources (DWR) Financing Documents, as submitted by DWR to General Counsel Lindh on December 17, to provide for refinancing of a portion of DWR's Power Supply Revenue Bonds. 12/17/2008 - This revision was not shown on the Agenda mailed to the public.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=366217](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=366217)

## 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

- 76**                    **Conference with Legal Counsel - Applications for Rehearing**  
 [8161]                    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.*
- 77**                    **I02-04-026 - Conference with Legal Counsel - Application for Rehearing**  
 [8150]                    Disposition of application for rehearing of Decision (D.) 04-02-062, filed by Modesto Irrigation District (MID). D.04-02-062 involves implementation matters related to the PG&E Bankruptcy Settlement Decision, D.03-12-035. The decision also imposed a nonbypassable regulatory asset charge on all customers, including departing load customers served by publicly owned utilities (municipal departing load or MDL).  
                               *Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*
- 78**                    **R93-04-003 - Conference with Legal Counsel - Application for Rehearing**  
 [8167]                    I93-04-002 - Related matters. Disposition of Application for Rehearing of Decision (D.) 06-03-025 filed by Verizon California Inc. (Verizon). In D.06-03-025, the Commission adopted final unbundled network element rates and price floors for Verizon.  
                               *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**

**80**

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

[8162]

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*