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

## ***Public Agenda 3231***

***Thursday, March 26, 2009 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>*

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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, April 13, 2009 (San Francisco)	Thursday, March 26, 2009 (San Francisco)
Monday, May 04, 2009 (San Francisco)	Thursday, April 16, 2009 (San Francisco)
Monday, May 18, 2009 (San Francisco)	Thursday, May 07, 2009 (San Francisco)
Monday, June 01, 2009 (San Francisco)	Thursday, May 21, 2009 (San Francisco)
Monday, June 15, 2009 (San Francisco)	Thursday, June 04, 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.***

For further information contact the Public Advisor  
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## PUBLIC COMMENT

### The following items are not subject to public comment:

- All items on the closed session agenda.
- 22

### 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**  
[8357]      **Res ALJ 176-3231**  
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=375899](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=375899)
- 2**  
[8219]      **Res W-4734 - California American Water Company (Cal Am), Los Angeles Division.**  
This resolution conditionally approves Cal Am's request to put into place a Distribution System Improvement Charge (DSIC), as requested in revised Advice Letter (AL) 694, AL 703, and AL 707. Pursuant to Decision (D.) 07-08-030, as modified by D.08-10-045, Cal Am, seeks to place into effect a DSIC and associated tariffs, related to the completion of certain infrastructure projects. (AL 694 filed May 30, 2008, AL 703 filed August 13, 2008, AL 707 filed September 29, 2008.)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
Agenda 3228, Item 25 1/29/2009 (Staff);  
Agenda 3230, Item 3 3/12/2009 (Staff)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=378262](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=378262)

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Consent Agenda - Orders and Resolutions (continued)

- 3**  
[8226]            **Res ALJ-224**  
This resolution approves amendments to the Commission's Rules of Practice and Procedure (Title 20, Division 1, of the California Code of Regulations). The amendments update the Rules to reflect changes in the Commission's administration, provide consistency between the rules, and provide greater clarity. In addition, the Commission codifies rules for electronic filing of documents. Lastly, Rule 14.6(c) regarding reduction or waiver of review of proposed decisions is amended to correct an inadvertent error.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
Agenda 3230, Item 4 3/12/2009 (Staff)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=378216](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=378216)
- 4**  
[8313]            **A04-12-007 - Southern California Edison Company (Applicant).**  
For a Certificate of Public Convenience and Necessity concerning the Antelope-Pardee 500 kV (Segment 1) Transmission Project as required by Decision (D) 04-06-010 and as modified by subsequent Assigned Commissioner Ruling. Application (A) 04-12-008 - Related matters. On July 18, 2008, the Applicant filed separate petitions for modification of D07-03-012 in proceeding A04-12-007 and of D07-03-045 in A04-12-008. This decision grants the requested relief. These proceedings are 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.*  
Agenda 3230, Item 10 3/12/2009 (Bohn )  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=376792](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=376792)
- 5**  
[8246]            **A07-12-029 - Southern California Edison Company (SCE).**  
This decision allocates the costs and resource adequacy benefits of SCE's four peaker units, which are owned and operated by SCE, to SCE's bundled service customers. The issue of whether the requested costs are just and reasonable will be determined in a subsequent decision. This proceeding remains open.  
(Comr Peevey - ALJ Long)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
Agenda 3229, Item 5 2/20/2009 (Staff)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=378292](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=378292)

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Consent Agenda - Orders and Resolutions (continued)

**6**                    **A06-11-018 - David R. Robertson, Lake Forest Utility Company Inc., and Richard M. Dewante, Tahoe Park Water Company (collectively, Applicants).**  
[8318]

This decision grants, nunc pro tunc, the joint application requesting approval of the April 3, 1996 sale of assets of Lake Forest Utility Company, Inc. (Seller) to Tahoe Park Water Company, a California Corporation (Buyer), subject to conditions to encourage the prompt completion of system improvements. The underlying sale and purchase were consummated without Commission approval more than 12 years ago, and Buyer's president has been operating the system since that time despite the absence of Commission approval. This decision brings the regulatory status of the system into conformity with its putative ownership, in pragmatic recognition of the realities and the need to clarify its ownership in order to accomplish urgently needed improvements now. The Commission concludes that the public interest will not be adversely affected by ratifying the transfer that the Applicants concluded more than 12 years ago, and the Commission approves the application in order to remove the cloud over its ownership status. This proceeding is closed.

(Comr Bohn - ALJ Ryerson)

*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=377734](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=377734)

**7**                    **Res W-4749**  
[8327]

This resolution amends the Water Industry Rule 7.3.3 (8) of General Order 96-B to provide certain rate base offset requests to be Tier 2 instead of Tier 3.

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=378104](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=378104)

**8**                    **Res W-4750 - California American Water Company (Cal Am).**  
[8328]

This resolution conditionally authorizes Cal Am a rate base offset of \$3,124,799 and rejects tariff schedules attached to Advice Letter (AL) 713-A. (AL 713-A filed, November 21, 2008)

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=378105](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=378105)

Consent Agenda - Orders and Resolutions (continued)

- 9**  
[8340]                    **A07-05-023 - San Diego Gas and Electric Company (Applicant).**  
For approval of Power Purchase Agreement with J-Power, USA Development Company, LTD and Wellhead Power Margarita, LLC for recovery of costs and for a limited exemption from the requirements of Public Utilities Code Section 851. This decision grants Ladera Hope party status, partially grants the Applicant the requested relief, orders the Applicant to amend the Petition for Modification regarding the remaining relief within 90 days (subject to extension for good cause), and modifies Decision 07-09-010. This proceeding remains open.  
(Comr Peevey - ALJ Kolakowski)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=378259](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=378259)
- 10**  
[8341]                    **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.**  
This decision resolves two petitions for modification of Decision 07-11-045. A petition by Pacific Gas and Electric Company is granted to allow an advice letter process for the utilities to request cost recovery for costs to support the Single Family Affordable Solar Housing Program. A petition by the Department of Community Services and Development for third-party ownership of solar energy systems is denied.  
(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=378223](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=378223)
- 11 (Rev.)**  
[8348]                    **Res W-4751 - Golden State Water Company (GSWC).**  
This resolution denies on precedural grounds GSWC's Advice Letters (AL) 1316-W and AL 1317-W for recovery through a Tier 3 AL for its expenses in the Water Conservation Memorandum Account (WCMA) and rejects the tariff schedules attached to ALs 1316-W and 1317-W. Recovery shall be reviewed in GSWC's next General Rate Case filing. (AL 1316-W and AL 1317-W filed, January 15, 2009)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
03/18/2009 - This revision was not shown on the Agenda mailed to the public.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=376835](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=376835)

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Consent Agenda - Orders and Resolutions (continued)

- 12**                    **A08-12-014 - Pacific Gas and Electric Company (Applicant).**  
[8351]                This decision grants the Applicant's request to increase its authority to finance short-term borrowing needs and procurement-related collateral costs by \$1.5 billion to an aggregate amount not to exceed \$4.0 billion. This proceeding is closed.  
(Comr Bohn - ALJ Pulsifer)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=378082](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=378082)
- 13**                    **R06-05-028 - Order Instituting Rulemaking on the Commission's own Motion to review the Telecommunications Public Policy Programs.**  
[8354]                This decision extends the deadline for resolving this rulemaking to May 26, 2009.  
(Comr Chong - ALJ Bushey)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=375399](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=375399)
- 14**                    **Res ST-101 - Los Angeles County Metropolitan Transportation Authority (LACMTA).**  
[8358]                This resolution grants LACMTA's request for permanent variance from the minimum thirty (30) inches side clearance to obstructions higher than eight (8) inches above top of rail requirement of General Order 143-B, Section 9.06 (c) 1, specifically for a between car barrier installation at the light-rail station platforms. It allows LACMTA to install barriers at the edge of the platforms to comply with the Federal Americans with Disabilities Act requirements.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=377654](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=377654)
- 15**                    **Res ST-102 - San Francisco Municipal Transportation Agency (SFMTA).**  
[8359]                This resolution grants SFMTA's request for approval of its Safety and Security Certification Plan (SSCP) for the Central Subway Third Street Light Rail Project Phase 2, dated October 10, 2008. The SSCP is filed as required by General Order 164-D. SFMTA worked with Commission staff (Staff) to ensure the safety certification plan is comprehensive. Staff reviewed the SSCP and found it to be in accordance with General Order 164-D.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=375996](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=375996)
- 16**                    **Res T-17201 - Southern California Edison Company (SCE).**  
[8360]                This resolution authorizes SCE to lease to Covad Communications Company certain fiber optic cables as specified in the lease executed by the parties on November 21, 2008. This request is approved pursuant to the Section 851 Pilot Program Adopted by Resolution ALJ-186 as extended by Resolution ALJ-202. (Advice Letter 66 filed, January 8, 2009)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=376226](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=376226)

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Consent Agenda - Orders and Resolutions (continued)

- 17**                    **Res W-4752 - Golden State Water Company (GSWC).**  
[8361]                This resolution authorizes GSWC a rate base offset increase in rates producing additional gross annual revenues of \$112, 651 or 0.115%. (Advice Letter 315-W-A filed, January 14, 2009)  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=377658](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=377658)
- 18**                    **Res W-4753 - Arroyo Center Water Company (Arroyo).**  
[8362]                This resolution authorizes Arroyo a general rate increase producing additional annual revenues of \$19,310 or 54.5% in test year 2008.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=375901](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=375901)
- 19**                    **A08-12-028 - Airport Limousine & Transportation, LLC (Applicant).**  
[8363]                This decision authorizes the Applicant to operate as a passenger stage corporation between points in Riverside, Imperial, and San Bernardino Counties 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=374976](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=374976)
- 20**                    **A06-06-012 - Southern California Edison Company (SCE).**  
[8364]                For authority to lease available land on the Center-Del-Amo / Alamitos-Center Right of Way to RHC Communities, LLC (RHC) and the City of Bellflower (City). This decision grants a Petition for Modification of Decision (D) 06-10-011 filed by SCE. In D06-10-011, the Commission approved SCE's application pursuant to Section 851 to lease 19.6 acres of its property located on SCE's property in Bellflower, California, to RHC. Under the option to lease, RHC planned to use 7.20 acres of the site for a self-storage facility and to lease the remainder of the site to the City for use as a municipal park. However, RHC's plans to develop the self-storage facility have been delayed, and the City needs to immediately proceed with development of the park in order to remain eligible for state funding. This decision modifies D06-10-011 as necessary to permit SCE to enter into a lease for 12.40 acres of the site directly with the City. Based on an updated negative declaration for the Bellflower River View Park project prepared and approved by the City, this decision also finds that the project will have no significant adverse impact on the environment and that no mitigation measures are required. This proceeding is closed.  
(Comr Peevey - ALJ Prestidge)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=377466](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=377466)

Consent Agenda - Orders and Resolutions (continued)

- 21**                    **A09-01-012 - California Water Service Company (Applicant).**  
[8365]                    This decision grants the Applicant (1) a Competitive Bidding Rule (CBR) exemption for the issuance of \$100 million of authorized but unissued First Mortgage Bonds to the extent that no one purchaser is permitted to acquire more than \$20 million in debt in a calendar year, (2) authority to exchange \$260 million of authorized and issued unsecured Senior Notes for secured First Mortgage Bonds without obtaining additional financing authority, and (3) a CBR exemption for an exchange of \$260 million of unsecured Senior Notes for secured First Mortgage Bonds. This proceeding is closed.  
(Comr Bohn - ALJ Galvin)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=378059](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=378059)
- 22**                    **I09-01-018 - Investigation on the Commission's Own Motion into the operations and practices of Southern California Edison Company, Cellco Partnership LLP dba Verizon Wireless, Sprint Communications Company LP, NextG Networks of California, Inc. and Pacific Bell Telephone Company dba AT&T California and AT&T Mobility LLC, regarding the utility facilities and the Canyon Fire in Malibu of October 2007.**  
[8368]                    The Commission denies the appeals of Pacific Bell Telephone Company dba AT&T California and AT&T Mobility LLC (collectively AT&T) and Southern California Edison Company (SCE) and affirms the categorization of this proceeding as an adjudicatory proceeding. The definition of an adjudicatory proceeding, which is an enforcement investigation into possible violations of any provision of statutory law or Commission order or rule, captures the instant investigation.  
(Comr Simon - ALJ Reed)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=376360](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=376360)
- 23**                    **A08-07-010 - Golden State Water Company (Applicant).**  
[8371]                    A07-01-009, A07-01-010, A07-01-011, A07-01-012, A07-01-013, A07-01-014, A07-01-015. - Related matters. This decision closes Applications (A) 07-01-009, A07-01-010, A07 01-011, A07-01-012, A07-01-013, and A07-01-015. A07-01-014 remains opens to consider a rehearing and is consolidated with A08-07-010.  
(Comr Bohn - ALJ Rochester)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=376050](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=376050)

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Consent Agenda - Orders and Resolutions (continued)

**24**

[8377]

**A08-12-003 - Southern California Edison Company (SCE).**

This decision grants authority to SCE to lease to Centra Sand Canyon II (Centra), an approximately 41.55-acre site located on a portion of SCE's Santiago-Estrella No. 2 Sub-transmission right-of-way in the City of Irvine (Site). Centra will operate a retail center, medical office complex, office complex, and horticulture and/or agriculture growing grounds on the Site. The City of Irvine is the Lead Agency under CEQA for the proposed project. The Site's environmental documents are adequate for the Commission's decision-making purposes with respect to this application. The conditions and mitigation measures adopted by the Site that apply to Centra's use of SCE's land are hereby made conditions of project approval by this Commission decision. 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=367857](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=367857)

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**Consent Agenda - Intervenor Compensation Orders**

- 25**  
[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 (D) awards Utility Consumers' Action Network \$460,324.00 in compensation for its substantial contributions to D07-04-043, 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);  
Agenda 3227, Item 52 12/18/2008 (Staff);  
Agenda 3228, Item 43 1/29/2009 (Peevey);  
Agenda 3229, Item 39 2/20/2009 (Bohn )  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=373904](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=373904)
- 25a (Rev.)**  
[8400]            **ALTERNATE TO ITEM 8051**  
For Adoption of an Advanced Metering Infrastructure Deployment Scenario and Associated Cost Recovery and Rate Design. This Alternate decision awards the Utility Consumers' Action Network \$254,324 in compensation for its substantial contributions to Decision 07-04-043 in the second phase of this proceeding, a decrease of \$211,967 from the amount originally requested. This proceeding is closed.  
(Comr Bohn )  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
03/17/2009 - This revision was not shown on the Agenda mailed to the public.  
[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=E20445](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E20445)
- 26**  
[8335]            **A00-11-038 - Southern California Edison Company.**  
For authority to institute a Rate Stabilization Plan with a Rate Increase and End of Rate Freeze Tariffs. A00-11-056, A00-10-028 - Related matters. This decision requires the Utilities to submit reports with additional information regarding the Market Rate for The Utility Reform Network's outside counsel's Federal Appellate Advocacy Services.  
(Comr Peevey - ALJ Kotz)  
*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=E19942](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E19942)

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Consent Agenda - Intervenor Compensation Orders (continued)

**27**                    **R07-01-042 - Order Instituting Rulemaking Regarding Policies, Procedures and Rules for  
[8369]                    the Low Income Energy Efficiency Programs of California's Energy Utilities.**

A07-05-010 - Related matters. This decision (D) awards intervenor compensation in the amount of \$26,486.12 to Disabilities Rights Advocates, \$106,724.25 to Greenlining Institute, and \$118,691.14 to A World Institute for a Sustainable Humanity for their respective contribution to D07-12-051.

These proceedings are closed.

(Comr Grueneich - ALJ Kim)

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=378205](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=378205)

**28**                    **A07-07-026 - Southern California Edison Company (SCE).**

[8372]

For Approval of Advanced Metering Infrastructure Deployment Activities and Cost Recovery Mechanism. This decision (D) awards The Utility Reform Network \$125,980.96 in compensation for its substantial contributions to D08-09-039. This amount is reduced by \$19,419.35 (13%) from the amount requested due to the disallowance of routine travel and related expenses, an adjustment in hourly rates, excessive hours, duplication of efforts and an unrelated task. Today's award will be paid by SCE. This proceeding is closed.

(Comr Grueneich - ALJ Hecht)

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=375194](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=375194)

**29**                    **R04-12-001 - Order Instituting Rulemaking into implementation of Federal Communications  
[8373]                    Commission Report and Order 04-87, as it affects the Universal LifeLine Telephone Service  
Program.**

The decision (D) awards National Consumer Law Center \$15,989.98 in compensation for its substantial contributions to D08-08-029. This is a decrease of \$5,089.50 (24%) from the amount requested. The Commission reduces the hours of compensation requested to reflect the Commission's policy on reasonableness of hours. Today's award will be paid from the intervenor compensation fund. This proceeding remains open to monitor the implementation of pre-qualification.

(Comr Grueneich - ALJ Jones)

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=376280](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=376280)

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Consent Agenda - Intervenor Compensation Orders (continued)

**30**                    **R04-12-001 - Order Instituting Rulemaking into implementation of Federal Communications Commission Report and Order 04-87, as it affects the Universal LifeLine Telephone Service Program.**  
[8374]

This decision (D) awards The Utility Reform Network \$43,959 in compensation for its substantial contributions to D07-05-030 and D08-08-029. This award represents a decrease of \$6,939 (14%) from the amount requested due to the disallowance of routine travel and related expenses, excessive hours and duplication with another attorney. The award will be paid from the intervenor compensation fund. This proceeding remains open to monitor the implementation of pre-qualification.

(Comr Grueneich - ALJ Jones)

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=375476](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=375476)

**31**                    **R06-02-013 - Order Instituting Rulemaking to integrate Procurement Policies and consider Long-Term Procurement Plans.**  
[8375]

This decision (D) awards Women's Energy Matters (WEM) \$51,912.50 in compensation for its substantial contributions to D07-12-052. This amount represents a decrease of \$16,237.50 from the amount requested due to mathematical errors in the compensation request, an hourly rate being awarded that is lower than that requested for WEM's consultant, and a reduction being made to the hours allowed for travel and preparation of the compensation request. Today's award payment will be allocated to the affected utilities. This proceeding shall remain open pending resolution of related matters.

(Comr Peevey - ALJ Long)

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=375782](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=375782)

**32**                    **A06-03-005 - Pacific Gas and Electric Company (PG&E).**  
[8378]

For authority to revise its Electric Marginal Costs, Revenue Allocation, and Rate Design. This decision (D) awards The Utility Reform Network \$52,100 in compensation for its substantial contributions to D08-07-045. This is a decrease of \$16,656 (24%) from the amount requested due to the disallowance of meeting time and related expenses which were not limited to this proceeding, the disallowance of hourly compensation for irrelevant matters, and the disallowance of routine commuting and related expenses. Today's award will be paid by PG&E. This proceeding is closed.

(Comr Chong - ALJ Fukutome)

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=376298](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=376298)

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Consent Agenda - Intervenor Compensation Orders (continued)

**33 (Rev.)**            **R06-04-010 - Order Instituting Rulemaking to examine the Commission's Post-2005 Energy Efficiency Policies, Programs, Evaluation, Measurement, and Verification, and related issues.**  
[8379]

This decision (D) awards The Utility Reform Network \$358,258.75 in compensation for its substantial contributions to D07-09-043, D07-10-032 and D08-01-042, and participation in the Energy Efficiency Advisory Groups. This represents a decrease of \$31,749.68 or approximately 8% from the amount requested due to excessive hours, unproductive work, and inappropriately claimed expenses (clerical, travel). Today's award will be allocated to the affected utilities. This proceeding remains open to address remaining issues of the proceeding.

(Comr Grueneich - ALJ Gamson)

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

03/24/2009 - This revision was not shown on the Agenda mailed to the public.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=377960](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=377960)

**34 (Rev.)**            **R06-05-027 - Order Instituting Rulemaking to continue implementation and administration of California Renewables Portfolio Standard Program.**  
[8380]

This decision (D) awards Sustainable Conservation \$21,482.75 in compensation for its substantial contributions to D07-07-027. Today's award is allocated to the three largest affected utilities for payment. This proceeding is closed.

(Comr Peevey - ALJ Division)

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

03/23/2009 - This revision was not shown on the Agenda mailed to the public.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=378229](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=378229)

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## Regular Agenda

### Regular Agenda - Energy Orders

**35**                    **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 (TREC)s 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 TREC)s into the RPS flexible compliance system. The use of TREC)s 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);

Agenda 3227, Item 59 12/18/2008 (Bohn );

Agenda 3228, Item 51 1/29/2009 (Grueneich);

Agenda 3229, Item 48 2/20/2009 (Grueneich);

Agenda 3230, Item 32 3/12/2009 (Peevey)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=376564](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=376564)

**36**                    **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.*

Agenda 3227, Item 63 12/18/2008 (Staff);

Agenda 3228, Item 52 1/29/2009 (Simon);

Agenda 3229, Item 49 2/20/2009 (Staff)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=377924](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=377924)

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Regular Agenda - Energy Orders (continued)

**37                    A08-04-022 - Pacific Gas and Electric Company (Applicant).**

[8322]

For recovery of costs deemed reasonable in Generation Divestiture Transaction Costs Memorandum Account pursuant to Decision (D.) 03-02-028. This Decision authorizes the Applicant to transfer transition costs accrued in preparing for the appraisal, sale, or divestiture of hydroelectric generation facilities into the Modified Transition Cost Balancing Account. Costs were deemed reasonable in D03-02-028. This proceeding is closed.

(Comr Peevey - 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=377694](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=377694)

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

[8336]

R04-04-025 - Related matters. This decision address the petition for modification (Petition) of Decision (D) 07-09-040 filed by the California Cogeneration Council (CCC) and motions filed by CCC and jointly by the Cogeneration Association of California and the Energy Producers and Users Coalition (CAC/EPUC) to adjust the January 2008 avoided cost posting of Pacific Gas and Electric Company (PG&E). D07-09-040 addresses the policies and price of energy purchased from qualifying facilities (QFs) by the investor owned utilities. Specifically, this decision denies CCC's Petition requesting to reinstate the non-price contract terms of firm capacity QFs currently on interim Standard Offer 1 contracts and to update as-available capacity and firm capacity prices on an annual basis. This decision modifies D.07-09-040 to clarify that the Market Index Formula (MIF) and newly adopted as-available capacity prices are effective as of September 20, 2007, the date the decision was adopted. As a result of the modifications ordered in response to the Petition, CCC and CAC/EPUC's motions are granted in part and denied in part. The motions are granted to the extent that PG&E may not utilize the new as-available capacity price until the Commission issues a resolution approving the Tier 3 advice letter implementing the MIF. CCC and CAC/EPUC's motions are denied in all other respects.

(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=377901](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=377901)

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Regular Agenda - Energy Orders (continued)

**38a****ALTERNATE TO ITEM 8336**

[8337]

R04-04-025 - Related matters. The alternate decision recommends that the petition filed by the California Cogeneration Council (CCC) to modify Decision (D) 07-09-040 be granted in part and denied in part. Similar to the ALJ's proposed decision, the alternate decision would deny CCC's request to: (1) reinstate the non-price contract terms of firm capacity qualifying facilities currently on interim Standard Offer 1 contracts and (2) update as available capacity and firm capacity prices on an annual basis. The alternate decision would grant CCC's request to clarify the effective date of the Market Index Formula (MIF) and would set the effective date the first month following the Commission's adoption of the resolution approving the Investor Owned Utilities' (IOU's) joint Tier 3 advice letter implementing the MIF. The alternate decision would also grant in part motions filed by CCC and jointly by the CCC and Energy Producers and Users Coalition to adjust the 2008 avoided cost posting of Pacific Gas and Electric Company (PG&E). PG&E may not utilize the new as-available capacity price adopted in D07-09-040 until the Commission issues a resolution approving the IOU's joint Tier 3 advice letter implementing the MIF.

(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=E19971](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E19971)

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**Regular Agenda - Energy Resolutions and Written Reports****39**

[8315]

**Res G-3424 - Pacific Gas and Electric Company (PG&E).**

This resolution denies PG&E's request for authorization to establish a new category of nontariffed service entitled Home Services Program. (Advice Letter (AL) 2937-G and AL 3294-E both filed, July 11, 2008)

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

Agenda 3230, Item 37 3/12/2009 (Peevey)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=376818](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=376818)

**40**

[8343]

**Res G-3427 - Southern California Edison Company (SCE).**

This resolution approves SCE's request to establish its Credit/Debit Card Bill Payment Option and rejects SCE's proposal to discontinue its Pay-by-Phone payment option. (Advice Letter (AL) 152-G, AL 2269-E and AL 67-W all filed, September 22, 2008)

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

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=374495](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=374495)

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**Regular Agenda - Water/Sewer Orders****41**

[8199]

**A08-05-002 - California Water Service Company (Cal Water).**

For authority to establish its authorized Cost of Capital for the period from January 1, 2009 through December 31, 2011. A08-05-003, A08-05-004 - Related matters. This decision adopts 2009 Cost of Capital and a return on equity for Cal Water, California American Water Company, and Golden State Water Company. These proceedings remain open.

(Comr Bohn - ALJ Long)

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

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

Agenda 3228, Item 68 1/29/2009 (Staff);

Agenda 3229, Item 59 2/20/2009 (Staff);

Agenda 3230, Item 40 3/12/2009 (Bohn )

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=376198](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=376198)

**42**

[8347]

**R\_\_\_\_\_ - Order Instituting Rulemaking on the Commission's Own Motion to Develop Standard Rules and Procedures for Regulated Water and Sewer Utilities Governing Affiliate Transactions and the Proper Use of Regulated Assets for Non-Tariffed Utility Operations (formerly called Excess Capacity).**

This Order Instituting Rulemaking is designed to create generic rules for all water and sewer companies with regard to transactions with a parent company and/or affiliates and with regard to the use of regulated assets for non--tariffed services.

Agenda 3230, Item 42 3/12/2009 (Staff)

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**Regular Agenda - Transportation/Rail Safety Resolutions and Reports****44**

[8149]

**Res ALJ-230**

This resolution affirms Field Citation 195 issued to Air Ride Moving & Storage, Inc. but reduces the fine by \$500.

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

Agenda 3228, Item 4 1/29/2009 (Chong);

Agenda 3229, Item 3 2/20/2009 (Pub. Util. Code §311(e))

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=373923](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=373923)

**44a**

[8319]

**ALTERNATE TO ITEM 8149**

The Alternate Draft Resolution (Alternate) affirms the fine of \$1,750 that was imposed on Air Ride for 124 counts of violations of Maximum Rate Tariff 4 and Public Utilities Code Sections 5139 and 5143 that occurred during the period January 1, 2008 through February 29, 2008. The Alternate also finds that Air Ride should be re-audited within six months, based on the evidence at the hearing that Air Ride still had failed to comply with the Commission's requirements. In contrast to the draft Resolution, the Alternate does not reduce the fine of \$1,750 that was originally imposed on Air Ride.

(Comr Chong)

Agenda 3229, Item 3a 2/20/2009 (Pub. Util. Code §311(e))

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=376408](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=376408)

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

### **45 Docket No. 090309298-9299-01 - American Recovery and Reinvestment Act of 2009**

[8376]

#### **Broadband Initiatives.**

The National Telecommunications and Information Administration of the U.S. Department of Commerce (NTIA) seeks comment on a series of questions and proposals for rapid deployment of broadband infrastructure as part of the national recovery and reinvestment program.

**Regular Agenda - Legislative and Other Matters**

**Regular Agenda - Commissioner's Reports**

**Regular Agenda - Management Reports and Resolutions**

## Closed Session

*This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).*

### Closed Session - Applications for Rehearing

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

[8355]

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.*

**47 A06-12-009 - Conference with Legal Counsel - Application for Rehearing**

[8234]

A06-12-010, I07-02-013 - Related matters. Disposition of Applications for Rehearing of Decision (D) 08-07-046, filed by the Greenlining Institute (Greenlining), and Division of Ratepayer Advocates (DRA) and The Utility Reform Network (TURN). D08-07-046 involves the Test Year 2008 general rate cases for San Diego Gas & Electric Company (SDG&E) and Southern California Gas Company (SoCalGas). The Commission adopted a settlement on many of the issues.  
*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*  
 Agenda 3228, Item 76 1/29/2009 (Staff);  
 Agenda 3229, Item 67 2/20/2009 (Staff);  
 Agenda 3230, Item 46 3/12/2009 (Staff)

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Closed Session - Applications for Rehearing (continued)

**48 R05-06-040 - Conference with Legal Counsel - Application for Rehearing**

[8242]

Disposition of applications for rehearing filed by Californians for Renewable Energy (CARE), Independent Energy Producers Association (IEP), and jointly by the Cogeneration Association of California (CAC) and the Energy Producers and Users Coalition (EPUC) of Decision (D) 06-12-030. The underlying proceeding, Rulemaking (R) 05-06-040, concerns implementation of Senate Bill (SB) 1488 and resolves questions posed by an earlier decision in this docket, D06-06-066 as modified by D07-05-032 (Modified D06-06-066). In D06-12-030, the Commission defines the terms market participant, non-market participant and reviewing representative. D06-12-030 further assigns some, but not all, of the parties who submitted comments in R05-06-040 to the categories of market or non-market participants. D06-12-030 also adopts a process that protects the confidentiality of market sensitive information submitted to the Commission in accordance with Public Utilities Code section 454.5, subdivision (g). This process is applicable whether the confidential market sensitive information is sought via a request pursuant to the California Public Records Act (CPRA) or pursuant to discovery in certain Commission proceedings. In addition, D06-12-030 expands the process adopted in Modified D06-06-066, as it pertains to Commission proceedings, to permit a limited discovery process for reviewing representatives of active market participant parties to access confidential market sensitive information provided such parties agree to abide by the Commission's confidentiality requirements. D06-12-030 further adopts rules for who may be a reviewing representative. Among other things, D06-12-030 also prohibits simultaneous representation in various Commission proceedings by attorneys, expert witnesses, and/or consultants of parties that are non-market and market participants.

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

Agenda 3228, Item 78 1/29/2009 (Staff);

Agenda 3229, Item 68 2/20/2009 (Staff);

Agenda 3230, Item 47 3/12/2009 (Grueneich)

**49 C05-11-011 - Conference with Legal Counsel - Application for Rehearing**

[8367]

Disposition of Application for Rehearing of Decision (D) 08-08-017, filed by AT&T California (AT&T) in Complaint (C) 05-11-011, which was brought by Utility Consumer's Action Network. In D08-08-017, the Commission penalized AT&T for failing to provide a "warm line" or "quick dial tone" service, and for failing to provide appropriate notice concerning this service, pursuant to the requirements of the Public Utilities Code. A "warm line" or "quick dial tone" service allows access to emergency "911" service at residences where other telephone service is not provided. The main statutory requirements governing this service are contained in Public Utilities Code Section 2883.

*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**

**50**

[8356]

**FERC Docket No. ER06-615 and Related Items. - 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*