
Public Utilities Commission of the State of California

Public Agenda 3235

Thursday, June 4, 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>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

| <i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i> | <i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i> |
|--|--|
| Monday, June 15, 2009 (San Francisco) | Thursday, June 04, 2009 (San Francisco) |
| Monday, July 06, 2009 (San Francisco) | Thursday, June 18, 2009 (San Francisco,) |
| Monday, July 27, 2009 (San Francisco) | Thursday, July 09, 2009 (San Francisco) |
| Monday, August 17, 2009 (San Francisco) | Thursday, July 30, 2009 (San Francisco) |
| Friday, September 04, 2009 (San Francisco) | Thursday, August 20, 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.
- 12, 24

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**
[8544] **Res ALJ 176-3235**
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=384817
- 2**
[8474] **R06-02-013 - Order Instituting Rulemaking to integrate procurement policies and consider long-term procurement plans.**
This decision (D) declines to modify D07-12-052 defining the inclusion of qualified facilities in the Long Term Procurement Planning process as only a "planning assumption." The Commission believes planning is a preliminary step before actual procurement of energy. No one energy source is only included as a planning assumption. There is a presumption that including qualified facilities in the planning process will result in procuring energy and capacity from qualified facilities. This proceeding is closed.
(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 3234, Item 14 5/21/2009 (Staff)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=385655

Consent Agenda - Orders and Resolutions (continued)

- 3**
[8476] **Res W-4762 - Dunnigan Water Works (DWW).**
This resolution authorizes general rate increases for DWW producing additional annual revenues of \$37,795 or 87% in water revenues and \$27,112 or 43.46% in sewer revenues for test year 2008.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Agenda 3234, Item 15 5/21/2009 (Staff)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=384123
- 4**
[8481] **Res L-378**
This resolution authorizes the disclosure of certain records concerning the California Public Utilities Commission Consumer Protection and Safety Division’s investigation of a railroad incident involving a train and a catering truck on July 26, 2007, at the intersection of 135th Street and South Figueroa, in Los Angeles, California.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=385299
- 5**
[8488] **A04-06-030 - City of Petaluma (Petaluma).**
This decision grants, subject to a condition revised to provide the Commission with administrative flexibility and to require notice to our staff, the unopposed amended petition of Petaluma to modify Decision (D) 06-02-036, which granted Petaluma's application to relocate an at-grade crossing of the railroad tracks of the Sonoma Marin Area Rail Transit District to improve vehicular and pedestrian safety and improve traffic circulation, subject to certain conditions. This decision clarifies that D06-02-036 pertains only to the at-grade mainline track crossing; it does not pertain to the nearby, but separate, at-grade industrial lead track crossing which, if closed, would cut off access to several businesses. The condition recognizes Petaluma's obligation to provide notice to Transportation Solutions Defense and Education Fund (TRANSDEF) and others of future development plans affecting the continued safety of the industrial lead track crossing and recognizes that, should a disagreement about that track’s safety arise, TRANSDEF may file a petition for modification with the Commission. The decision restates this portion of the condition to further recognize the Commission’s continuing administrative authority to convert such a petition to a complaint or other appropriate pleading and to file it in a new docket, if more than a year has passed and if the current docket has been closed. All other aspects of D06-02-036, including all safety and design related conditions it imposes, remain in effect. This proceeding remains open to consider other pending matters.
(Comr Grueneich - ALJ Vieth)
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=384293

Consent Agenda - Orders and Resolutions (continued)

- 6**
[8521] **Res L-379**
This resolution authorizes the disclosure of records concerning the California Public Utilities Commission Consumer Protection and Safety Division's investigation of an injury incident of David Gladden that occurred on April 28, 2007 at the Trolley Station on Camino De la Reina, San Diego, California.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=384987
- 7**
[8530] **A08-01-009 - Stanford Shuttle LLC (Stanford Shuttle).**
The Stanford Shuttle's application for a passenger stage corporation certificate and authority to establish a zone of rate freedom is dismissed. Stanford Shuttle failed to respond to requests for additional information. This proceeding is closed.
(Exam Clark)
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=385422
- 8**
[8531] **A95-10-038 - David M. Dowell and Fleur H. Dowell dba Rainbow Express Kabbie 4 Kids (Applicants).**
For authority to operate under Sections 1031, 1032, & 1036 and RPP Rule 45b(1) as a passenger stage corporation with a certificate of public convenience and necessity within the boundaries of Ventura County & a portion of Los Angeles County. The application to operate as a passenger stage corporation specializing in the transportation of children is dismissed. Applicants have not resolved issues regarding their application. This proceeding is closed.
(Exam Clark)
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=385421

Consent Agenda - Orders and Resolutions (continued)

- 9**
[8533] **A08-06-034 - Golden State Water Company (Applicant).**
For authority to increase rates for electric service by its Bear Valley Electric Service Division. The Motion by the Applicant for an interim rate increase for its Bear Valley Electric Service Division (BVES) general office costs is denied. Applicant is, however, authorized to track the difference between costs that are currently being collected and the currently authorized general office allocation for BVES in a memorandum account effective June 4, 2009. To the extent needed, the disposition of the memorandum accounts will be addressed in the final decision. This proceeding remains open. (Comr Simon - ALJ Farrar)
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=382859
- 10**
[8542] **Res E-4239 - Pacific Gas and Electric Company (PG&E).**
This resolution approves the request of PG&E for confirmation of the reappointment of DeWitt F. Bowman to serve on its Committee of Nuclear Decommissioning Trust Funds. (Advice Letter 3426-E, filed, February 26, 2009)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=383245
- 11**
[8548] **A09-04-005 - Agile Transportation Shuttle Service, Inc. (Applicant).**
This decision authorizes the Applicant to transfer its passenger stage corporation certificate to Donatus Bernard Inyang dba Agile Shuttle Transportation Services. 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=381932
- 12**
[8549] **C07-08-027 - Modesto Irrigation District vs Pacific Gas and Electric Company.**
By this decision, the 12-month deadline for resolving this case is extended to December 31, 2009. (Comr Grueneich - ALJ O'Donnell)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=383016

Consent Agenda - Orders and Resolutions (continued)

- 13**
[8551] **A08-07-024 - Access Integrated Networks Inc. dba Birch Communications, Inc. (Applicant).**
This decision approves the settlement agreement between the Applicant and the Commission's Consumer Protection and Safety Division. A Certificate of Public Convenience and Necessity is granted to Applicant to provide local and interexchange telecommunication services in California. 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=382926
- 14**
[8556] **Res W-4766 - Lake Alpine Water Company (LAWC).**
This resolution grants LAWC's request for authorization to enter into an unsecured note executed with the California Bank and Trust, replacing a void unsecured note executed without prior Commission approval, the proceeds of which were used for system improvements. (Advice Letter 87 filed, April 20, 2009)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=385545
- 15**
[8566] **I07-07-006 - Investigation for the purpose of establishing a list for the fiscal years 2008-2009 and 2009-2010 of existing and proposed crossings at grade of city streets, county roads or state highways in need of separation, or projects affecting the elimination of grade crossings by removal or relocation of streets or railroad tracks, or existing separations in need of alterations or reconstruction in accordance with Section 2452 of the Streets and Highways Code.**
This Final Decision adopts the California Grade Separation Priority List for Fiscal Year 2009-2010, as required by Streets and Highways Code Section 2452. This proceeding is closed.
(Comr Simon - ALJ Ryerson)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=385332
- 16**
[8568] **A08-12-005 - Convergence Systems, Inc. (Applicant).**
This decision grants the Applicant a certificate of public convenience and necessity to construct telecommunications facilities and provide local exchange telecommunications services in San Diego and Orange Counties, subject to the terms and conditions set forth in the Order. 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=385714

Consent Agenda - Intervenor Compensation Orders

- 17**
[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.
Agenda 3231, Item 26 3/26/2009 (Staff);
Agenda 3234, Item 25 5/21/2009 (Staff)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=384513
- 18**
[8380] **R06-05-027 - Order Instituting Rulemaking to continue implementation and administration of California Renewables Portfolio Standard Program.**
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.
Agenda 3231, Item 34 3/26/2009 (Bohn);
Agenda 3232, Item 42 4/16/2009 (Grueneich);
Agenda 3233, Item 23 5/7/2009 (Grueneich);
Agenda 3234, Item 26 5/21/2009 (Bohn)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=384542
- 19 (Rev.)**
[8479] **R08-07-011 - Order Instituting Rulemaking to develop the Commission's Energy Efficiency Strategic Plan.**
A08-06-004 - Related matters. This decision (D) awards Natural Resources Defense Council \$15,692.50, Greenlining Institute \$10,162.82, and Women's Energy Matters \$12,792.50, in compensation for their substantial contributions to D08-09-040 and to Community Environmental Council \$59,358.85 for its substantial contribution to D08-07-047 and to D08-09-040. The request by The Utility Reform Network is resolved by a separate decision.
(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 Quasi-Legislative.
Agenda 3234, Item 28 5/21/2009 (Staff)
06/02/2009 - This revision was not shown on the Agenda mailed to the public.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=383568

Consent Agenda - Intervenor Compensation Orders (continued)

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[8546]

R07-04-015 - Order Instituting Rulemaking on the Commission's Own Motion into Reliability Standards for Telecommunications Emergency Backup Power Systems and Emergency Notification Systems pursuant to Assembly Bill 2393.

This decision (D) awards Disability Rights Advocates \$103,682.88 in compensation for its substantial contributions to D08-09-014. This represents a decrease of \$10,458.27 (9% reduction) from the amount requested due to disallowances for: requested hourly rates, excessive photocopying expenses and excessive hours claimed for the preparation of intervenor compensation documents. This award will be paid from the intervenor compensation fund. This proceeding remains open to address other related matters.

(Comr Simon - ALJ O'Donnell)

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=382077

Regular Agenda

Regular Agenda - Energy Orders

21 **R08-08-009 - Order Instituting Rulemaking to Continue Implementation and Administration of California Renewables Portfolio Standard Program.**
[8515]

PROPOSED OUTCOME: (1) Conditionally accepts 2009 Renewables Portfolio Standard (RPS) Procurement Plans of Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E), subject to the filing of an amended Plan including: (a) a special Imperial Valley bidders conference; (b) a more standardized project viability methodology and calculator; (c) not requiring a bidder to execute an exclusivity agreement for negotiations before notification to all bidders of their shortlist position; (d) removal of discussion regarding use of Tradable Renewable Energy Credits (TRECs) until the Commission authorizes the use of TRECs; (e) removal of language that would prohibit a bidder from submitting a bid for a contract term in excess of 20 years; (f) removal of language regarding PG&E Pilot Program for Pre-approvals; (g) removal of language regarding SCE Program for Pre-approvals of short-term contracts; (h) acceptance of SCE's RPS Standard Contract Program for projects up to 20 MW as part of SCE's 2009 RPS Procurement Plan (with encouragement for other utilities to adopt a similar program); (i) acceptance of SDG&E conducting an Imperial Valley sub-solicitation within its 2009 general RPS solicitation; (2) Accepts 2009 Supplements to Integrated Resource Plans of PacifiCorp and Sierra Pacific Power Company, but directs PacifiCorp to improve its showing on its plan to reach 20% by 2010 in its next RPS filing; (3) Adopts schedule for 2009 RPS solicitation for largest utilities; (4) Each utility shall file and serve an amended RPS Procurement Plan within 14 days and, unless suspended by staff, shall begin using its Plan within 21 days.

ESTIMATED COST: No immediate, direct costs are foreseen, but changes to current rates may occur when costs are later incurred from RPS contracts signed pursuant to 2009 RPS Procurement Plans and solicitations.

(Comr Peevey - ALJ Mattson)

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

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=385770

Regular Agenda - Energy Orders (continued)

22 **R08-08-009 - Order Instituting Rulemaking to continue implementation and administration of**
[8522] **California Renewables Portfolio Standard Program.**

PROPOSED OUTCOME: (1) Establishes a fast track procedure for review of procurement contracts of less than 10 years duration (short-term contracts) entered into by investor-owned utilities (IOUs) under the renewables portfolio standard (RPS); (2) Establishes price reasonableness benchmarks for short-term contracts eligible for fast-track review and for recovery of the cost in IOUs' rates; (3) Establishes requirements for terms and conditions of short-term contracts eligible for fast-track review; (4) Affirms that short-term contracts not eligible for fast-track review will continue to be reviewed using the Commission's standard procedures for RPS contracts; (5) Establishes methods for Commission review of reasonableness of RPS procurement contracts negotiated by IOUs outside of a competitive RPS solicitation.

ESTIMATED COST: None foreseen.

(Comr Peevey - ALJ Simon)

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

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E21556

23 **A08-06-006 - Southern California Gas Company and San Diego Gas & Electric Company.**

[8523] PROPOSED OUTCOME: (1) Public Utilities Code § 1709 bars the air quality, gas quality, Wobbe Index, and the California Environmental Quality Act (CEQA) issues from being relitigated in this proceeding; (2) An environmental review of A.08-06-006 is not required under CEQA; (3) A.08-06-006 remains open to address the remaining issues.

ESTIMATED COST: None foreseen.

(Comr Simon - ALJ Wong)

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=385651

Regular Agenda - Energy Orders (continued)

24

[8524]

A06-08-010 - San Diego Gas & Electric Company (SDG&E).

PROPOSED OUTCOME: Approves, with a minor clarification and with specified reporting requirements to permit the Commission to monitor compliance, a settlement of Phase 3 of this proceeding by the Consumer Protection and Safety Division and SDG&E. Settlement provisions include: (1) SDG&E does not admit to any violation of Rule 1.1 of the Commission's Rules of Practice and Procedure but acknowledges its failure to fully comply with Rule 8.3 and tenders an apology for imprecision in its communications with decision-makers in connection with certain ex parte meetings held during Phase 2; (2) SDG&E commits shareholder funds for specified charitable contributions, reimbursement to the Commission for expenses related to this proceeding, and payment to the State's General Fund; (3) SDG&E commits shareholder funds for developing a professional responsibility class and an ex parte best practices manual, both in consultation with identified Commission staff.

ESTIMATED COST: Shareholders will (1) make payments of \$200,000 to specified charities, \$220,000 to the Commission as reimbursement of expenses, and \$500,000 to the State's General Fund, and (2) fund a professional responsibility class for SDG&E staff, Commission staff, and outside practitioners for up to \$200,000.

(Comr Grueneich - ALJ Vieth)

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

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E21538

Regular Agenda - Energy Resolutions and Written Reports**25**

[8518]

Res E-4243 - Southern California Edison Company (SCE).

PROPOSED OUTCOME: This resolution affirms a prior Executive Director's Action Resolution E-4225 findings related to SCE's proposed Moorpark-Newbury 66 kV Subtransmission line. This resolution finds that: (1) SCE complied with the notice requirements for the proposed construction of facilities; (2) The proposed facilities were exempt from Permit to Construct requirements; (3) Facts claimed in protests to Executive Director's Action Resolution did not support a finding that General Order 131-D exemption criteria applied; (4) Protests should be dismissed.

ESTIMATED COST: Moorpark-Newbury 66kV Subtransmission Line was filed as Advice Letter 2272-E Notice of Proposed Construction Project Pursuant to General Order 131-D, therefore no cost information is provided or required for Permits to Construct.

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=381223

26

[8520]

Res E-4242 - Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Edison Company (SCE).

PROPOSED OUTCOME: Resolution adopts, with modifications, the Qualifying Facility (QF) Standard Offer Contracts proposed by PG&E, SCE and SDG&E. Upon adoption, there will be one QF Standard Offer Contract across all three electric Investor Owned Utilities (IOUs).

The new contract may be signed by new and existing QFs with expired contracts in addition to QFs pursuing other contracting methods such as participating in an IOU's Request for Offer process or negotiating a bilateral contract.

ESTIMATED COST: Adoption of this resolution does not imply any specific cost; however, upon adoption, the utilities may enter into contracts with new or existing QFs. These contracts will form part of the utilities' procurement costs for electricity. It is impossible to know in advance the total cost of those contracts, but in the past, QF power has represented no more than 20% of the utilities' portfolio. Contracts executed with existing QFs should not result in any additional costs as the utilities were already purchasing power from these QFs in the past. Contracts signed with new QFs will represent new incremental expenditures, but this spending will be offset by the reduced need for new generation as a result of contracting with the new QF.

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=382056

Regular Agenda - Energy Resolutions and Written Reports (continued)

27

[8529]

Res E-4246 - Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Edison Company (SCE).

PROPOSED OUTCOME: (1) Resolution implements a Market Index Formula (MIF) used in calculating Qualifying Facility (QF) payments and originally defined by the Commission in D.07-09-040; (2) Approves in part and rejects in part, with modification, the methodology and data sets proposed by the utilities.

ESTIMATED COST: This resolution adopts a specific cost formula for QF contracts. Part of the formula involves utilizing future market price indices, such that the cost impact of this decision, in aggregate, is difficult to predict, either in direction or magnitude.

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=382592

Regular Agenda - Communication Orders

28

[8317]

R06-05-028 - Rulemaking on the Commission's Own Motion to review the Telecommunications Public Policy Programs.

In 2006, the Commission opened this Rulemaking to evaluate California's universal service public policy programs in light of the competitive forces that had irrevocably changed how consumers purchase communication services. The Commission recognized that "business as usual" monopoly regulatory practices around traditional voice telephone were not sustainable in a competitive communication marketplace with various types of carriers with different technologies competing. Through this Rulemaking, the Commission set out to reform California LifeLine in order to ensure high-quality communication services were affordable and widely available to all. This decision recognizes significant technological and regulatory changes in the telecommunications industry and the flexibility of the statutory structure underlying the Moore Universal Telephone Service Act, which we now refer to as the California LifeLine Program (California LifeLine or LifeLine). The decision reviews the current state of California LifeLine including how, absent change, the fund will grow by more than 60% to almost \$500 million over the next few years.

The decision recognizes that the current methodology is not in the best long-term interest of consumers and reviews the options for change. The decision "de-links" California LifeLine from the AT&T basic rate structure in order to ensure ongoing compliance with Section 874 of the Public Utilities Code, and determines that a Specific Support methodology is the best option to continue to meet the goals of the Moore Act and our overall universal service goals.

The decision sets a Specific Support discount at 55 percent of the highest basic rate of the State's communications companies without regard to the telecommunication provider or technology of service selected. This has the advantage of providing each customer the same support amount and may provide greater flexibility to low income customers to select services beyond basic residential landline phone service, including voice services from cable providers or from wireless communications services. Such an approach acknowledges the range of providers of voice communications services beyond traditional landline telephones, and enhances technology neutrality by allowing a LifeLine customer to choose the provider that best meets his or her unique needs. The initial California LifeLine discount under the revised methodology will be \$12.20 effective on April 1, 2010. The decision also expands the LifeLine program to include data services for consumers that receive wireless equipment through the CPUC's Deaf and Disabled Telecommunications Program (DDTP). Customers who meet the eligibility requirements for both the DDTP and California LifeLine programs can apply their California Lifeline discount to data services provided by carriers. The decision clarifies that wireless carriers may be reimbursed by California LifeLine for providing discounted service to customers, and modifies the income-based criteria to match the low income energy program (CARE) income-based criteria on an interim basis pending the outcome of the review the CPUC is conducting of the interim CARE income-based criteria. Finally, the decision eliminates extra payments to carriers for administration, bad debt, and to make-up for forgone federal support. This proceeding is closed.

(Comr Chong - ALJ Bushey)

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

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

Agenda 3232, Item 52 4/16/2009 (Grueneich);

Agenda 3233, Item 33 5/7/2009 (Grueneich);

Agenda 3234, Item 31 5/21/2009 (Peevey)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=384506

Regular Agenda - Communication Orders**29 (Rev.) R02-12-004 - Service Quality Standards for all Telecommunications Carriers and Revisions to General Order 133-B**
[8482]

Order Instituting Rulemaking on the Commission's own Motion into the service quality standards for all Telecommunications Carriers and revisions to General Order 133-B. PROPOSED OUTCOME: Adopts General Order (GO) 133-C to establish minimum service quality measures and standards for the installation, maintenance and operator answer time (business office and repair) for local exchange telephone service that: (1) Apply in their entirety to general rate case incumbent local exchange carriers; (2) Apply in part to Uniform Regulatory Framework carriers; and (3) Exempt wireless, Voice Over Internet Protocol and IP-enabled carriers and resellers and excludes medium and large businesses from installation and answer time measures; Adopts in GO 133-C major service interruption reporting for all facilities-based certificated and registered carriers the Federal Communications Commission's significant disruption and outage reporting (Network Outage Reporting System) requirements with confidentiality protections; Requires wireless carriers to provide coverage maps on their websites and at retail locations; Relieves Pacific Bell Telephone Company from submitting out of service repair interval data under the standard established in Decision 01-12-021, but requires Pacific Bell Telephone Company to report GO 133-C and Automated Reporting Management Information System out of service data.

ESTIMATED COST:

No additional regulatory costs anticipated; compliance costs will vary by class of telephone carrier with carriers in general experiencing slightly greater compliance costs initially as they modify reporting requirements in response to positive reporting of new service quality measures and standards and eliminate or phase out other measures and reporting requirements.

(Comr Chong - ALJ Grau)

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

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

Agenda 3234, Item 32 5/21/2009 (Staff)

06/02/2009 - This revision was not shown on the Agenda mailed to the public.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=385402

Regular Agenda - Legislative and Other Matters

- 30** **AB 51 (Blakeslee)**
[8573] This bill would require the California Public Utilities Commission to limit to 10% the Investor-Owned Utilities' administrative costs for energy efficiency programs. This bill would also make it clear that "administrative costs" would apply to personnel and overhead, but not marketing, outreach, and program evaluation. (Leg Sub Recommendation: Oppose Unless Amended)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=384995
- 31** **AB 698 (Skinner)**
[8503] This bill would streamline the Commission's approval process for the sale, lease or other encumbrance or disposition of public utility property. (Leg Sub Recommendation: SUPPORT)
Agenda 3233, Item 44 5/7/2009 (Simon);
Agenda 3234, Item 38 5/21/2009 (Bohn)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=384624
- 32** **AB 975 (Fong)**
[8574] This bill would require water corporations regulated by the California Public Utilities Commission to install water meters on new service connections and on unmetered connections by 2020, under certain conditions. (Leg Sub Recommendation: Support)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=385003
- 33** **AB 1108 (Fuentes)**
[8575] This bill would require the owner of a master-metered mobilehome park to transfer ownership and operational responsibility for the gas or electric system to the gas or electrical corporation in the area in which the park or community is located. (Leg Sub Recommendation: Oppose Unless Amended)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=385076
- 34** **AB 1110 (Fuentes)**
[8540] This bill would modify the definition of "cogeneration" to apply more widely to fuel cell technologies. The definition would change from the term "power production" to "generation of electricity" to be more inclusive of fuel cells. The bill would also reduce the minimum thermal efficiency requirements to be considered cogeneration from 42.5% to 40%, specifically for fuel cells. (Leg Sub Recommendation: OPPOSE UNLESS AMENDED)
Agenda 3234, Item 41 5/21/2009 (Staff)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=384615

Regular Agenda - Legislative and Other Matters (continued)

- 35** **AB 1536 (Blakeslee)**
[8576] This bill would modify the existing Self-Generation Incentive Program (SGIP) and renames it the Clean Technology Incentive Program (CTIP). (Leg Sub Recommendation: Support with Amendments)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=385004
- 36** **SB 7 (Wiggins)**
[8577] This bill would allow net energy metering customers to carry forward an annual bill credit for an additional two years. This bill would also change the date of a required report to the Governor and the Legislature on the costs and benefits of net energy metering from January 1, 2010 to June 30, 2010 and require the Commission to include an evaluation of the impact of net surplus electricity generation and bill credits. (Leg Sub Recommendation: Support with Technical Amendments)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=385082
- 37** **SB 696 (Wright)**
[8578] This bill would provide a limited California Environmental Quality Act (CEQA) exemption for implementation of specific South Coast Air Quality Management District (SCAQMD) rules creating or providing air emission offsets from the SCAQMD's internal air emissions bank within the District's air basin. This bill would also require the California Energy Commission to perform a need assessment for a thermal power plant proposed to be located in the District. (Leg Sub Recommendation: Support with Amendments)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=385080
- 38** **SB 712 (Padilla)**
[8579] This bill would require an information and referral service provider to operate a "211" system in a manner that is consistent with the applicable orders of the Federal Communications Commission and the California Public Utilities Commission. This bill would designate the California Health and Human Services Agency as the State's lead entity. (Leg Sub Recommendation: Support)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=385033
- 39** **SB 806 (Wiggins)**
[8580] This bill would require the California Public Utilities Commission (CPUC) to limit the Investor-Owned Utilities' administrative costs for energy efficiency programs to five percent. This bill would also require the CPUC to ensure that no incentive payments are made unless the energy efficiency savings meet certain conditions. (Leg Sub Recommendation: Oppose Unless Amended)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=385084

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

- 40** **Conference with Legal Counsel - Applications for Rehearing**
 [8558] 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.
- 41** **A06-08-010 - Conference with Legal Counsel - Application for Rehearing**
 [8528] This order disposes of Applications for rehearing of Decision 08-12-058 (Sunrise) filed by the Utility Consumers' Action Network and the Center for Biological Diversity on January 23, 2009. In Sunrise, the Commission granted San Diego Gas & Electric Company a Certificate of Public Convenience and Necessity to construct the Sunrise Powerlink Transmission Project.
 Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
 Agenda 3234, Item 49 5/21/2009 (Staff)
- 42** **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);
 Agenda 3231, Item 47 3/26/2009 (Staff);
 Agenda 3232, Item 68 4/16/2009 (Staff);
 Agenda 3233, Item 60 5/7/2009 (Staff);
 Agenda 3234, Item 48 5/21/2009 (Staff)

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

- 43** **FERC Docket No. ER06-615 and Related Items - Conference with Legal Counsel - Existing**
[8560] **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.
- 44** **FERC Docket No. EL02-60 - Conference with Legal Counsel - Existing Litigation**
[8569] CPUC v. Sellers of Long-Term Contracts to CDWR, FERC Docket No. EL02-60; NRG Power Marketing, LLC v. Maine Public Utilities Commission, United States Supreme Court No. 08-674.
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