
Public Utilities Commission of the State of California

Public Agenda 3237

Thursday, July 9, 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, July 27, 2009 (San Francisco)	Thursday, July 30, 2009 (San Francisco)
Monday, August 17, 2009 (San Francisco)	Thursday, August 20, 2009 (San Francisco)
Friday, September 04, 2009 (San Francisco)	Thursday, September 10, 2009 (San Francisco)
Monday, September 21, 2009 (San Francisco)	Thursday, September 24, 2009 (San Francisco)
Friday, October 09, 2009 (San Francisco)	Thursday, October 15, 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
(415) 703-2074 E-mail: public.advisor@cpuc.ca.gov



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

PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- 14, 18, 20, 31

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Consent Agenda - Orders and Resolutions

1

Res ALJ 176-3237

[8623]

PROPOSED OUTCOME:

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.

ESTIMATED COST:

None foreseen.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=386653

2

R06-02-013 - Order Instituting Rulemaking to integrate procurement policies and consider long-term procurement plans.

[8474]

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);

Agenda 3235, Item 2 6/4/2009 (Simon);

Agenda 3236, Item 5 6/18/2009 (Staff)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=387736

Consent Agenda - Orders and Resolutions (continued)

3

Res Exec-001

[8559]

This resolution adopts with some modifications the proposals of K&L Gates to streamline the verification process currently in place for woman-, and minority suppliers who choose to do business with utilities subject to the General Order 156. Decision (D) 06-08-031 and CSID-001 revised certain rules that allow for a utility-formed entity to operate (or contract for the service) to certify businesses to supply goods and services to California's regulated utilities. The Commission maintains oversight of the rules that govern these processes and is the venue for suppliers to appeal Clearinghouse or Joint Utility decisions. D06-08-031 and CSID-001 also reiterated certain verification and certification language in response to various utility proposals. This Resolution supersedes Resolution CSID-001 and substantially modifies the comparable agency verification policies the Commission adopted in D06-08-031.

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

Agenda 3236, Item 15 6/18/2009 (Simon)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=390459

4

Res W-4760 - Del Oro Water Company, Paradise Pines District (DOWCPPD).

[8469]

This resolution authorizes a general rate increase for DOWCPPD producing additional revenues of \$341,135 or 22.8% for test year 2009.

Agenda 3233, Item 17 5/7/2009 (Staff);

Agenda 3234, Item 7 5/21/2009 (Staff)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=390834

5

Res W-4763 - Alisal Water Corporation, Salinas District (Alco).

[8473]

This resolution authorizes Alco a surcharge of \$2.78 for twenty-four months for recovery of its Order Instituting Investigation Memorandum Account for a total of \$580,873.56 and in compliance with the United States District Court orders, a sur-credit of \$1.02 for twenty-four months for a total of \$212,000. (Advice Letter 120 filed, October 27, 2008)

Agenda 3233, Item 19 5/7/2009 (Staff);

Agenda 3234, Item 8 5/21/2009 (Staff)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=390029

Consent Agenda - Orders and Resolutions (continued)

6 **A09-02-022 - Pacific Gas and Electric Company's (PG&E) 2009 Rate Design Window – interim decision denying motion for partial relief.**
[8595]

PROPOSED OUTCOME:

- (1) Denies PG&E's request for partial rate relief of up to \$7.3 million in expenses that PG&E expects to incur in implementing dynamic pricing during the years 2008 and 2009;
- (2) defers recovery of such costs to the final decision for this proceeding, which will address the entire \$159 million in expenses and capital expenditures that PG&E expects to incur in implementing dynamic pricing during the years 2008 through 2010;
- (3) Proceeding remains open to consider the merits of PG&E's proposals for dynamic pricing and recovery for required incremental implementation expenditure.

ESTIMATED COST:

No cost recovery authorized at this time.

(Comr Chong - ALJ Fukutome)

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

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=386364

7 **A06-03-005 - Dynamic pricing timetable and rate design guidance for Pacific Gas and Electric Company (PG&E) – Decision denying petition for modification of Decision (D) 08-07-045 Without Prejudice.**
[8596]

PROPOSED OUTCOME:

- (1) Denies the request of the Division of Ratepayer Advocates, the California Small Business Association and the California Small Business Roundtable to postpone the effective date for default critical peak pricing rates for small and medium commercial and industrial customers from on, or before, February 1, 2011 to no sooner than February 2012.
- (2) Denial is without prejudice to the determination of such appropriate date in PG&E's ongoing Rate Design Window proceeding, Application (A) 09-02-022;
- (3) Denies the request of the petitioners for bifurcation of A09-02-022 and consideration of rate design for small and medium commercial and industrial customers in the second phase;
- (4) This proceeding remains open to consider the May 12, 2009 Petition of PG&E and California City-County Street Light Association for modification of D07-09-004 and D07-12-036.

ESTIMATED COST:

No cost recovery requested or authorized.

(Comr Chong - ALJ Fukutome)

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

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=386256

Consent Agenda - Orders and Resolutions (continued)

- 8**
[8598] **A06-06-012 - Southern California Edison Company.**
This decision (D) closes Application 06-06-012 because the Commission has fully adjudicated all issues in D06-10-011 and D09-03-037, and there is no need for this proceeding to remain open. 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=382876
- 9**
[8606] **Res L-380**
This resolution authorizes disclosure of records concerning the Duncan Road railroad crossing in San Bernardino, California, Mile Post 447.9, DOT # 750743U, including records of the Commission's Consumer Protection and Safety Division's investigation of an accident that occurred on September 7, 2008 at that location.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=389946
- 10**
[8607] **R05-04-005 - Verizon California, Inc (Verizon) petitions to modify Decision (D) 08-09-015.**
Order Instituting Rulemaking on the Commission's own motion to assess and revise the regulation of Telecommunications Utilities.
PROPOSED OUTCOME:
Modifies D08-09-015 to clarify that Verizon need not file the Federal Communications Commission Automated Reporting Management Information Systems Reports 43-04, 495A, and 495B.
ESTIMATED COST:
Minor cost reduction by eliminating filing requirement.
(Comr Chong - ALJ Bemserderfer)
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=386184
- 11**
[8609] **R07-09-007 - Statutory deadline extension in rulemaking to amend General Order 118.**
Order Instituting Rulemaking to amend General Order 118 regarding the appropriate size materials, including Ballast Rock used in Railway Switching Yards for occupational health and safety.
PROPOSED OUTCOME:
Extends the statutory deadline for resolution of this rulemaking until September 18, 2009.
ESTIMATED COST:
None foreseen.
(Comr Grueneich - ALJ Rochester)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=385753

Consent Agenda - Orders and Resolutions (continued)

- 12**
[8614] **Res W-4768 - Suburban Water Systems (Suburban).**
This resolution rejects Suburban's request to establish a holding company proceeding memorandum account and an affiliate transaction rules proceeding memorandum account. (Advice Letters (AL) 262-W and AL 263-W, filed on April 24, 2009, respectively.)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=390836
- 13**
[8622] **Res L-381**
This Resolution authorizes the disclosure of records concerning the Commission's Consumer Protection and Safety Division's investigation of the 2008 Sayre Fire in Sylmar, California.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=390305
- 14**
[8627] **C08-06-018 - Extends statutory deadline.**
XO Communications Services, Inc. vs Fones4All Corporation.
PROPOSED OUTCOME:
Extension of statutory deadline.
ESTIMATED COST:
None
(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=386423
- 15**
[8631] **A09-01-014 - Underpass grade-separation structure for the future extension of Newport Avenue, in the City of Tustin.**
PROPOSED OUTCOME:
(1) Grants City of Tustin (City) authority to construct an underpass grade-separation structure for the existing tracks of the Orange County Transportation Authority/Southern California Regional Rail Authority, over the future extension of Newport Avenue in the City.
2) Closes proceeding.
ESTIMATED COST:
Discretionary project, not within scope of applicant request.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=386687

Consent Agenda - Orders and Resolutions (continued)

- 16** **A07-01-024 - Decision approving petition for modification of Decision (D) 07-12-050**
[8636] **regarding Pilot Water Conservation Programs within the Energy Utilities' Energy Efficiency Programs.**
A07-01-026, A07-01-029, A07-01-030. - Related matters.
PROPOSED OUTCOME:
This decision approves the Joint Petition of Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company to modify D07-12-050 to extend the termination date of Pilot Water Conservation Programs within the energy utilities' energy efficiency programs until December 31, 2009.
ESTIMATED COST:
None
(Comr Grueneich - ALJ Gamson)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=386752
- 17** **Res T-17188 - Eligible Telecommunications Carrier (ETC) Relinquishment.**
[8637] PROPOSED OUTCOME:
The request of WWC License, LLC (Western Wireless) to have their ETC designation in Imperial County rescinded is granted, effective immediately.
ESTIMATED COST:
There is no cost associated with Western Wireless' ETC designation relinquishment.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=387191
- 18** **C08-01-007 - Extends statutory deadline.**
[8638] CommPartners, LLC vs. AT&T California, Inc.
PROPOSED OUTCOME:
Extends Statutory deadline 90 days.
ESTIMATED COST:
None.
(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=386924

Consent Agenda - Orders and Resolutions (continued)

19 Res E-4254 - PacifiCorp, d.b.a. Pacific Power (PacifiCorp).

[8641]

PROPOSED OUTCOME:

(1) This resolution approves PacifiCorp Advice Letter 372-E seeking approval under Public Utilities Code Section 851, General Order 96-B and Resolution ALJ-202 to exchange a 5.0 acre parcel of property associated with the Company's Soda Springs hydroelectric generation facility (Soda Springs Property) for an adjacent 3.5 acre parcel of property (Gunnell Property) owned by Mr. Owen Gunnell and Mrs. Gay Gunnell (Gunnells).

(2) This transaction will result in the Soda Springs Property no longer being used by the Company. The land is located west of Soda Springs, Idaho.

(Advice Letter 372-E filed on December 24, 2008)

ESTIMATED COST:

The effect of this transaction on rates will be negligible.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=386360

20 C08-01-020 - Order Extending Statutory Deadline.

[8642]

C08-01-021 - Related matters. Wei Ping Chen vs. Southern California Edison Company.

PROPOSED OUTCOME:

Requires an extension for resolving these proceedings to December 30, 2009 because of the need to hold a hearing, review the record, and prepare a decision.

ESTIMATED COST:

None foreseen.

(Comr Bohn - ALJ Barnett)

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=387007

21 A06-03-005 - Modification of Decision(D) 07-09-004 and D07-12-036.

[8643]

PROPOSED OUTCOME:

1) Grants the Petition for Modification of D07-09-004 and D07-12-036, filed by Pacific Gas and Electric Company (PG&E) and California City-County Street Light Association, such that PG&E will continue to make advice letter tariff filings for each new streetlight lamp type and size, and will not implement the expedited procedure approved in D07-09-004.

(2) Closes the proceeding.

ESTIMATED COST:

Does not affect costs.

(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=386923

Consent Agenda - Orders and Resolutions (continued)

- 22** **A09-04-013 - Transfer of passenger stage corporation certificate from Ehab Elsayed to West Coast Transit, Inc.**
[8644]
- PROPOSED OUTCOME:
(1) Authorizes Ehab Elsayed to transfer his passenger stage corporation certificate to West Coast Transit, Inc., which is authorized to expand the certificate's service territory to include the Counties of Marin, Sonoma, Napa, San Joaquin, and Santa Clara, and to establish a new zone of rate freedom.
(2) Closes the proceeding.
- ESTIMATED COST:
None foreseen.
(Exam Clark)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=385383
- 23** **A09-03-026 - Decision authorizing transfer of ownership of TGEC Communications Co., LLC. (TGEC) to West Coast Voice & Data, Inc. (West Coast).**
[8647]
- PROPOSED OUTCOME:
(1) Approves transfer Ownership of TGEC to West Coast.
(2) Closes the proceeding.
- ESTIMATED COST:
None.
(Comr Chong - ALJ Barnett)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=385687
- 24** **Res W-4771 - Fruitridge Vista Water Company (FVWC).**
[8648]
- This resolution authorizes FVWC a surcharge to recover an increase in water quality expenses producing an increase in annual revenue of \$13,538.21 or 1%. (Advice Letter 90 filed on December 23, 2008)
http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=387979

Consent Agenda - Orders and Resolutions (continued)

25

[8649]

A08-12-015 - At-Grade Highway-rail Spur Crossing Across Huntington Drive Over Tracks of the Union Pacific Railroad (UPRR) in the City of Fairfield.

PROPOSED OUTCOME:

(1) Grants the City of Fairfield authorization to construct a new at-grade highway-rail spur crossing across Huntington Drive for tracks of the UPRR in the City of Fairfield, Solano County.

(2) Closes the proceeding.

ESTIMATED COST:

Discretionary project, not within scope of applicant request.

(Exam Clark)

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=388573

Consent Agenda - Intervenor Compensation Orders

26
[8605]

R06-04-010 - Community Environmental Council (CE Council) petition for modification of Decision (D) 08-06-018.

Order Instituting Rulemaking to Examine the Commission's Post-2005 Energy Efficiency Policies, Programs, Evaluation, Measurement, and Verification, and Related Issues.

PROPOSED OUTCOME:

(1) Denies a petition for modification by CE Council of D08-06-018 which denied intervenor compensation for CE Council's participation leading up to D07-09-043.

ESTIMATED COST:

None foreseen.

(Comr Grueneich - ALJ Gamson)

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

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=386466

27
[8616]

R06-05-027 - Compensation to Sustainable Conservation for substantial contributions to Decision (D) 07-07-027.

Order Instituting Rulemaking to continue implementation and administration of California Renewables Portfolio Standard Program.

PROPOSED OUTCOME:

(1) Awards Sustainable Conservation \$21,482.75 in compensation for its substantial contributions to D07-07-027.

(2) Closes the proceeding.

ESTIMATED COST:

Payment will be made by Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company based on their proportional gas and electric revenues for 2007.

(Comr Peevey - ALJ Division)

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=E22394

Consent Agenda - Intervenor Compensation Orders (continued)

28 **R07-01-021 - Compensation to Consumer Federation of California for substantial**
[8630] **contribution to Decision (D) 08-10-016.**

Order Instituting Rulemaking to address the needs of telecommunications customers who have limited English proficiency.

PROPOSED OUTCOME:

(1) Awards Consumer Federation of California \$74,464.00 in compensation for its substantial contributions to D08-10-016, a decrease of \$12,077.55 or approximately 14% from the amount requested due to inconsistencies between the requested time and supporting documents, excessive hours, and adjusted hourly rates.

(2) Closes the proceeding.

ESTIMATED COST:

Payment from the intervenor compensation fund, which is funded by Commission user fees.

(Comr Peevey - ALJ Smith)

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=381709

29 **R07-01-021 - Compensation to The Utility Reform Network (TURN) for substantial**
[8632] **contributions to Decision (D) 07-07-043 and D08-10-016.**

Order Instituting Rulemaking to address the needs of telecommunications customers who have limited English proficiency.

PROPOSED OUTCOME:

(1) Awards TURN \$79,104.15 in compensation for its substantial contributions to D07-07-043 and D08-10-016.

(2) Closes the proceeding.

ESTIMATED COST:

Payment from the intervenor compensation fund, which is funded by Commission user fees.

(Comr Peevey - ALJ Smith)

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=382549

Consent Agenda - Intervenor Compensation Orders (continued)

30 **A08-05-022 - Compensation to Disability Rights Advocates for substantial contributions to**
[8645] **Decision (D) 08-11-031.**

A08-05-024, A08-05-025, A08-05-026 - Related matters.

PROPOSED OUTCOME:

Awards Disability Rights Advocates \$26,318.00 in compensation for its substantial contributions to D08-11-031.

ESTIMATED COST:

Ratepayers of Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company, and Southern California Edison Company will pay \$26,318.00, plus interest, based on their California-jurisdictional electric revenues for the 2008 calendar year.

(Comr Grueneich - ALJ Kim)

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=386780

Regular Agenda

Regular Agenda - Energy Orders

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

[8524]

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.

Agenda 3235, Item 24 6/4/2009 (Staff)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=390768

Regular Agenda - Energy Resolutions and Written Reports**32 Res E-4243 - Southern California Edison Company (SCE).**

[8518]

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.

(Advice Letter 2272-E filed on October 2, 2008)

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.

Agenda 3235, Item 25 6/4/2009 (Staff);

Agenda 3236, Item 43 6/18/2009 (Staff)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=388212

Regular Agenda - Energy Resolutions and Written Reports (continued)

33 Res E-4242 - Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Edison Company (SCE).
[8520]

PROPOSED OUTCOME:

(1) 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).

(2) 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.

(Advice Letter (AL) PG&E AL 3197-E, SDG&E AL 1958-E and SCE AL 2200-E, filed on January 14, 2008, Supplemental advice letters PG&E AL 3197-E-A, SDG&E AL 1958-E-A and SCE AL 2200-E-A, filed on July 11, 2008, and Supplemental Advice Letters PG&E (AL) 3197-E-B, SDG&E AL 1958-E-B, and SCE AL 2200-E-B, filed on December 10, 2008)

ESTIMATED COST:

(1) Adoption of this resolution does not imply any specific cost, however, upon adoption, the utilities may enter into contracts with new or existing QFs.

(2) These contracts will form part of the utilities' procurement costs for electricity.

(3) 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.

(4) 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.

(5) 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.

Agenda 3235, Item 26 6/4/2009 (Staff);

Agenda 3236, Item 44 6/18/2009 (Staff)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=388185

Regular Agenda - Energy Resolutions and Written Reports (continued)

34 **Res E-4246 - Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Edison Company (SCE).**
[8529]

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.

(PG&E Advice Letter (AL) 3180-E, SDG&E AL 1952-E, and SCE AL 2193-E filed on December 17, 2007)

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.

Agenda 3235, Item 27 6/4/2009 (Staff);

Agenda 3236, Item 45 6/18/2009 (Staff)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=390425

35 **Res E-4233 - San Diego Gas and Electric Company (SDG&E) and Southern California Gas Company (SoCalGas).**
[8584]

This resolution denies SDG&E and SoCalGas' requests for authorization to pay a capitation fee to outreach organizations for low income customer enrollments in the Low Income Energy Efficiency program. (SDG&E Advice Letter (AL) 2036-E, AL 1813-G filed on November 3, 2008 and SoCalGas AL 3916-G filed on November 3, 2008)

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=390833

Regular Agenda - Communication Orders

36

[8317]

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

PROPOSED OUTCOME:

- (1) Background: Legislative constraints on the basic phone rate expired at the end of 2008 and the CPUC proactively implemented rate caps for 2009 and 2010 to limit any increases to protect consumers from rate shock. Beginning in 2011, state law allows basic rate to be deregulated. Without reforms, current law requires the California LifeLine rate to change based on changes to the AT&T basic rate;
- (2) Reduces the amount LifeLine customers pay for telephone service;
- (3) De-links the California LifeLine rate from the AT&T basic rate structure;
- (4) Adopts a "Specific Support" discount of 55 percent of the highest basic rate of the state's carriers of last resort, which will provide each LifeLine customer the same support amount, but adopts a minimum monthly price of \$5.00;
- (5) LifeLine customer pricing will now be the specific carrier basic rate less the California LifeLine discount. The initial California LifeLine discount will be up to \$12.20. The customer will pay the difference between the carrier's otherwise applicable basic service rate minus the California LifeLine discount (e.g. \$12.20);
- (6) Rejects "Set Price" option as this method would not comply with Moore Act which requires a 50% discount off basic rate;
- (7) Clarifies that since 2000, wireless carriers have been eligible to be reimbursed by California LifeLine for providing discounted service to customers if the carrier wants to participate in the program;
- (8) Limits extra payments to carriers for administration and eliminates extra payments for bad debt and to make-up for forgone federal support.

ESTIMATED COST:

Uncertain, parties acknowledge that without change, LifeLine fund could double in size from current \$276 million. Reforms proposed will control growth in a legally compliant manner, but cost is not able to be quantified because it depends on the possibility of future basic rate increases and the impact on the size of the LifeLine fund.

(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);

Agenda 3235, Item 28 6/4/2009 (Staff);

Agenda 3236, Item 46 6/18/2009 (Staff)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=387754

Regular Agenda - Communication Orders (continued)

37

[8482]

R02-12-004 - Service Quality Standards for all Telecommunications Carriers and Revisions to General Order 133-B.

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;
- (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);

Agenda 3235, Item 29 6/4/2009 (Simon);

Agenda 3236, Item 47 6/18/2009 (Grueneich)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=390352

Regular Agenda - Communication Orders (continued)

38 R06-06-028 - Setting new filing plan for California Advanced Services Fund Projects.

[8621]

Order Instituting Rulemaking into the review of the California High Cost Fund B Program.

PROPOSED OUTCOME:

Establishes new schedule and plan for filing review, and approval of additional round of California Advanced Services Fund broadband grants to coordinate with the American Recovery and Reinvestment Act.

ESTIMATED COST:

No incremental costs expected.

(Comr Chong - ALJ Pulsifer)

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=390966

39 R_____ - Revises the registration process for Non-dominant Interexchange Carriers.

[8640]

Order Instituting Rulemaking on the Commission's Own Motion to Revise the Simplified Registration Process for Non-dominant Interexchange Carriers Established by Decision (D) 97-06-107.

PROPOSED OUTCOME:

Adopts an Order Instituting Rulemaking to revise the requirements, established by D97-06-017 for registration of Non-Dominant Interexchange Carriers (NDIECs), including those that provide long-distance, high-speed data services, operator-assisted services, and prepaid debit card services (local exchange excluded).

ESTIMATED COST:

If revised rules are adopted as proposed, registered NDIECs will pay higher application fees and minimum user fees, and will incur additional undetermined costs to maintain performance bonds and for required expanded background checks. Overall costs for all registered NDIECs is undetermined.

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=385866

Regular Agenda - Communication Resolutions and Reports

40

[8620]

Res T-17197 - Conditional approval of funding for Mother Lode Broadband project from California Advanced Services Fund (CASF) amounting to \$2,771,341.

PROPOSED OUTCOME:

Conditionally adopts CASF funding for Mother Lode Broadband Project in unserved areas covering Alpine, Amador, Calaveras, Tuolumne, and Mariposa Counties.

ESTIMATED COST:

\$2,771,341 from the CASF which represents 40% of the total project cost to develop and deploy broadband infrastructure.

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

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=389379

Regular Agenda - Water/Sewer Orders

41 (Rev.)
[8534]

A08-01-027 - California-American Water Company Monterey District Rates.

A08-01-024 - Related matters. PROPOSED OUTCOME:

- (1) Authorizes a 36% revenue increase for California-American Water Company's Monterey District and a 119% revenue increase for the recently-acquired Toro Service Area.
- (2) Allows over \$7 million in new tanks, over \$3 million in new mains and pipelines, and a doubled well rehabilitation program.
- (3) Allows two replacement wells in Lower Carmel River Valley but disallows three other wells and associated treatment plant upgrade.
- (4) Rejects, without prejudice to refile, the Sand City Desalinization plant lease.
- (5) Adopts financial incentive to reduce unaccounted for water.
- (6) Limits General Office increases to 22%.
- (7) Approves Rate Design Settlement Agreement which eliminates summer rate discount and establishes steeply inverted tiered rates to encourage conservation.
- (8) Directs California-American Water Company to develop and implement program to restrict or prohibit the use of potable water for landscape irrigation during times of maximum system demand.
- (9) Closes Applications (A) 08-01-027 and A08-01-024.

ESTIMATED COST:

The 2009 revenue requirement is increased by \$11,210,000 for the Monterey District and by \$354,524 for the Toro Service Area.

(Comr Bohn - ALJ Bushey)

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

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

Agenda 3236, Item 49 6/18/2009

07/08/2009 - This revision was not shown on the Agenda mailed to the public.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=390872

42
[8450]

A08-01-023 - California-American Water Company Monterey Wastewater District 2009-2011 Rates.

PROPOSED OUTCOME:

- (1) Approves a settlement agreement and sets aside consolidation with other proceedings. The settlement agreement changes monthly wastewater rates to \$48.78 for four wastewater systems that use relatively inexpensive treatment processes; for four other systems that use more complex treatment processes the rates are increased to \$107.81 per month.
- (2) Closes the proceeding.

ESTIMATED COST: The 2009 wastewater revenue requirement is increased by \$1,316,600 (a 77.4% increase).

(Comr Bohn - ALJ Bushey)

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

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

Agenda 3236, Item 3 6/18/2009 (Staff)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=390846

Regular Agenda - Water/Sewer Orders (continued)

43 **A07-12-010 - California-American Water Company 's Conservation and Rationing Program for the Monterey District.**
[8562]

PROPOSED OUTCOME:

- (1) Adopts a rationing plan for the Monterey District that, in collaboration with actions of the regional Monterey Peninsula Water Management District, will restrict outdoor watering, allocate each customer a "water ration" based on customer category and number of household residents, authorize implementation of rationing rates, and provide for flow restrictors to be installed on customer meters for repeated water waste or non-essential water use,
- (2) Modifies the conservation plan adopted in Decision 09-02-006 to conform with the current version of Monterey Peninsula Water Management District's Regulation XV. The combined conservation and rationing plan revise California-American Water Company's existing Tariff Rule 14.1 for the Monterey District.
- (3) Closes the proceeding.

ESTIMATED COST: None foreseen.

(Comr Bohn - ALJ Walwyn)

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=390359

44 **A08-05-002 - Settlement on the Base Year 2009 Cost of Capital Adjustment Mechanism for California Water Service Company, California American Water Company, and Golden State Water Company.**
[8618]

A08-05-003, A08-05-004 - Related matters. PROPOSED OUTCOME:

- (1) Adopts a settlement for an adjustment mechanism for subsequent years to the base year 2009 ratemaking return on common equity for California Water Service Company, California American Water Company, and Golden State Water Company;
- (2) Determines there are no further actions necessary at this time to reflect the impact of the financial market dislocation on the 2009 base year return on equity; and
- (3) Closes these proceedings.

ESTIMATED COST:

Unknown; the adopted Water Cost of Capital Adjustment Mechanism adjusts the return on equity based on changes to a Moody's bond index. For example, a plus or minus 5 basis point change in the return on equity results in a respective change of approximately 3 basis points to the after-tax cost of capital for each applicant.

(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.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E22435

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

45 **Conference with Legal Counsel - Applications for Rehearing**
 [8628] 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.

46 **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);
 Agenda 3235, Item 41 6/4/2009 (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

48 **FERC Docket No. ER06-615 and Related Items - Conference with Legal Counsel - Existing**
[8629] **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.

49 **FERC Docket No. ER08-1343 et al - Conference with Legal Counsel - Existing Litigation.**
[8625] Southern California Edison Company, FERC Docket No. ER08-1343 et. al.

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