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

## ***Public Agenda 3240***

***Thursday, September 10, 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, September 21, 2009 (San Francisco)	Thursday, September 10, 2009 (San Francisco)
Friday, October 09, 2009 (San Francisco)	Thursday, September 24, 2009 (San Francisco)
Monday, October 26, 2009 (San Francisco)	Thursday, October 15, 2009 (San Francisco)
Monday, November 16, 2009 (San Francisco)	Thursday, October 29, 2009 (San Francisco)
Monday, November 30, 2009 (San Francisco)	Friday, November 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.
- 7, 11, 27

**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**

Item     **Preliminary Categorizations and Hearing Determinations for**  
      1     **Recently Filed Formal Applications**  
[8780]

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Res ALJ 176-3240

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**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.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=394801](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=394801)

Consent Agenda - Orders and Resolutions (continued)

Item **Order Instituting Rulemaking to Integrate Procurement Policies**  
 2 **and Consider Long-Term Procurement Plans**  
 [8474]

R06-02-013

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

PROPOSED OUTCOME: (1) Declines to modify D07-12-052 defining the inclusion of qualified facilities in the Long Term Procurement Planning process as only a "planning assumption." (2) The Commission believes planning is a preliminary step before actual procurement of energy. (3) No one energy source is only included as a planning assumption. (4) There is a presumption that including qualified facilities in the planning process will result in procuring energy and capacity from qualified facilities. (5) Closes the proceeding. ESTIMATED COST: None.

(Comr Peevey - ALJ Long)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=396877](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=396877)

*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);

Agenda 3237, Item 2 7/9/2009 (Staff);

Agenda 3238, Item 3 7/30/2009 (Staff);

Agenda 3239, Item 2 8/20/2009 (Staff)

Item **San Diego Gas & Electric Company for Approval of the Celerity**  
 3 **Distributed Generation Supply Contract**  
 [8617]

A08-10-003

Application of San Diego Gas & Electric Company for Approval of the Celerity Distributed Generation Supply Contract.

PROPOSED OUTCOME: (1) Denies San Diego Gas & Electric Company's application for approval of the Celerity Distributed Generation Supply Contract. (2) Closes the proceeding. ESTIMATED COST: None.

(Comr Bohn - ALJ Farrar)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=395992](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=395992)

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

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

Agenda 3238, Item 6 7/30/2009 (Bohn );

Agenda 3239, Item 7 8/20/2009 (Bohn )

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Consent Agenda - Orders and Resolutions (continued)

Item **Final Report on the Audit of the Delta Energy Center Power Plant**

4

[8635]

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Res EGPB-8

This resolution approves the Final Report on the audit of the Delta Energy Center (Delta), performed by the Electric Generation Performance Branch of the Consumer Protection and Safety Division (CPSD-EGPB), and authorizes public disclosure of the Final Audit Report. The Final Audit Report orders Delta to upgrade their plant emergency assembling areas by posting additional directional signage and maps, adding a public announcement system, and developing a system to ensure contractors are adequately trained and certified.

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PROPOSED OUTCOME:

- (1) Calpine will complete corrective actions to bring the 860 Megawatt (MW) Delta into compliance with General Order 167 (GO167), the operation and maintenance standards for The Commission-jurisdictional power plants; A CPSD audit found 21 GO 167 violations, including burn and other hazards, out-of-date procedures and plant drawings, and overdue safety drills and other emergency preparations.
- (2) Delta will develop procedures to prepare the plant and train personnel for emergencies. The plant will conduct emergency evacuation drills.
- (3) Delta will insulate hot surfaces in the heat recovery steam generator and on the blow-down tanks;
- (4) The Plant will divert hazardous exhaust fumes away from workers and work areas;
- (5) Delta will stabilize and secure high pressure storage cylinders for hydrogen gas;
- (6) Delta will update the chemistry manual, diagrams for cooling towers, chemical injection system, safety valves, and water sampling systems.
- (7) Delta will verify contractor qualifications and certification, and identify hazardous waste specialists;
- (8) Delta will clear and maintain storm drains.

ESTIMATED COST:

Cost information not available; not required by GO 167.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=398421](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=398421)

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

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Agenda 3239, Item 10 8/20/2009 (Staff)

Consent Agenda - Orders and Resolutions (continued)

Item **Adopts General Order 103-A**

5

[8667]

R07-12-015

Order Instituting Rulemaking on the Commission's Own Motion to Revise General Order 103.

PROPOSED OUTCOME: (1) Updates and revises General Order 103, the rules governing water service and the minimum standards for the operation, maintenance, design and construction of water and wastewater systems; (2) Adopts General Order 103-A in its place. (3) Closes this proceeding.

ESTIMATED COST: Uncertain at this time. Specific costs will be determined during the Utilities' general rate case proceedings.

(Comr Bohn - ALJ Reed)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=396321](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=396321)

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

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

Agenda 3238, Item 50 7/30/2009 (Staff);

Agenda 3239, Item 9 8/20/2009 (Staff)

Item **Citation Program for Renewables Portfolio Standard Non**

6

**Compliance**

[8670]

Res E-4257

PROPOSED OUTCOME:

This Resolution initiates a citation program authorizing the Commission Staff to penalize load serving entities for non-compliance with mandatory filing deadlines and reporting requirements of the Renewables Portfolio Standard.

ESTIMATED COST:

None.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=394153](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=394153)

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

Agenda 3238, Item 26 7/30/2009 (Staff)

Consent Agenda - Orders and Resolutions (continued)

Item **Resolves All Outstanding Issues and Provides Closure of**  
**7**  
**Reparations Funds A and B**  
 [8698]

I02-06-003

Investigation on the Commission's own motion into the operations, practices, and conduct of Pacific Bell Wireless LLC dba Cingular Wireless and related entities (collectively "Cingular") to determine whether Cingular has violated the laws, rules and regulations of this State in its sale of cellular telephone equipment and service and its collection of an Early Termination Fee and other penalties from consumers.

PROPOSED OUTCOME: (1) Revise Ordering Paragraph 1 of Decision (D) 08-02-015, which directed the claims administrator to pay the Utility Consumers' Action Network's second intervenor compensation award from the residue of Fund B, to instead authorize reimbursement to AT&t Mobility LLC (AT&t), since AT&t paid the award directly prior to the issuance of D08-02-015; (2) Once all additional monies due to the claims administrator have been paid from the \$600,000 deposited by AT&t for this purpose, return the balance remaining, if any, to AT&t. (3) Calculation of the balance due to AT&t shall exclude the \$61,783.09 paid for telephone support from another source, pursuant to D08-02-015; (4) Distribute to the Telecommunications Consumer Protection Fund the residual balances in Funds A and B, which total approximately \$1.9 million (as of the period ending May 31, 2009). These balances represent monies in Fund A and Fund B that cannot be repaid to customers and are not subject to escheatment, together with all otherwise unallocated interest. (5) Closes the proceeding. ESTIMATED COST: None foreseen; decision resolves outstanding issues related to balances remaining in reparations funds upon the conclusion of claims administration and the escheatment process.

(Comr Peevey - ALJ Vieth)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=395995](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=395995)

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

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

Agenda 3239, Item 15 8/20/2009 (Chong)

Item **Air Ride Moving & Storage Appeal of Citation No. FC-252 Issued**  
**8**  
**Pursuant to Resolution ALJ-187**  
 [8709]

Res ALJ-238

PROPOSED OUTCOME:

Citation FC-252 is affirmed in part and amended in part.

ESTIMATED COST:

(1) Carrier will pay at least \$1,260.60 in customer refunds and fines.

(2) General Fund will receive \$400 from fine paid to Commission by Appellant.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=397703](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=397703)

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

Agenda 3239, Item 21 8/20/2009 (Bohn )

Consent Agenda - Orders and Resolutions (continued)

Item **Transfer of Control of Alliance Group Services, Inc. to Jess M. DiPasquale on a Prospective Basis and Fining Alliance Group Services, Inc. for Late Filing of Status Report in Violation of Settlement Agreement**  
9  
[8730]

A07-09-006

Application of Alliance Group Services, Inc. and Jess P. DiPasquale for authority to Transfer Control of Alliance Group Services, Inc.

PROPOSED OUTCOME: (1) Grants the application for approval of the transfer of control of Alliance Group Services, Inc. (AGS) to Jess M. DiPasquale (DiPasquale) on a prospective basis; (2) Finds that the transfer of AGS to DiPasquale satisfies the requirements of the Settlement Agreement adopted in Decision 06-09-009. (3) Closes the proceeding. ESTIMATED COST: None foreseen.

(Comr Simon - ALJ Prestidge)

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

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

Item **Petition to Modify Decision 08-07-046 Filed by the Greenlining Institute**  
10  
[8743]

A06-12-009

Application of San Diego Gas & Electric Company for Authority to Update its Gas and Electric Revenue Requirement and Base Rates Effective on January 1, 2008., A06-12-010, I07-02-013 - Related matters.

PROPOSED OUTCOME: Denies the petition to modify Decision 08-07-046 filed by the Greenlining Institute in light of the Commission's denial of the Greenlining Institute's application for rehearing, which raised identical issues. Therefore, the petition to modify is moot and hereby denied. ESTIMATED COST: There is no cost impact to ratepayers.

(Comr Bohn - ALJ Long)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=394935](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=394935)

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

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

Item **Expedited Complaint by William P. Hinckley**  
11  
[8747]

(ECP) C09-06-020

William P. Hinckley vs. AT&t Corp., dba Advanced Solutions.

PROPOSED OUTCOME: (1) Case dismissed. (2) Complaint satisfied. (3) Closes the proceeding. ESTIMATED COST: None.

(Comr Grueneich - ALJ Barnett)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=393085](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=393085)

Consent Agenda - Orders and Resolutions (continued)

Item **Modification of Decision 06-02-036 Related to a Crossing in**  
 12 **Petaluma and Guidance Prior to Commencement of Passenger**  
 [8753] **Rail Service**

A04-06-030

In the Matter of the Application of the City of Petaluma, a Municipal Corporation, for an Order Authorizing the Relocation of One At-Grade Crossing of the Tracks of the Sonoma Marin Area Rail Transit District in the City of Petaluma, County of Sonoma.

PROPOSED OUTCOME: (1) Grants the Amendment to the Second Petition for Modification of Decision 06-02-036 and thereby extends to December 31, 2010, the deadline for the City of Petaluma to file a new application to expand certain existing crossing authority, now applicable only to freight rail service, to also cover passenger rail service. (2) Authorizes Petaluma, should it require additional time to finalize the environmental review of passenger rail service necessary to complete its new application, to apply to the Commission's Executive Director for a reasonable, limited extension in accordance with Rule 16.6 of the Commission's Rules of Practice and Procedure; however, such extension request must retain a review period of no less than 18 months between the date Petaluma files a complete, new application and the date passenger rail service is set to commence (the latter date as determined by the Board of Directors of the Sonoma Marin Area Rail Transit District). (3) Closes the proceeding. ESTIMATED COST: None foreseen.

(Comr Grueneich - ALJ Vieth)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=397511](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=397511)

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

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

Item **Southern California Edison Company's PacifiCorp Contract**  
 13 **Complies With the Renewables Portfolio Standard Guidelines**  
 [8759]

Res E-4264, Advice Letter 2357-E filed on July 1, 2009 - Related matters.

PROPOSED OUTCOME:

Approves cost recovery for a Renewable Portfolio Standard Power Purchase Agreement with PacifiCorp, a MidAmerican Energy Holdings Company.

ESTIMATED COST:

Actual costs of the power purchase agreement are confidential at this time.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=398321](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=398321)

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

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Consent Agenda - Orders and Resolutions (continued)

Item **San Diego Gas & Electric Company's Contract Complies With the**  
14 **Renewables Portfolio Standard Procurement Guidelines**  
[8760]

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Res E-4260, Advice Letter 2091-E filed on June 5, 2009 - Related matters.

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PROPOSED OUTCOME:

Approves, without modifications, cost recovery for a San Diego Gas & Electric short-term renewable energy power purchase agreement with PacifiCorp.

ESTIMATED COST:

Actual costs of this contract are confidential at this time.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=398080](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=398080)

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

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Item **Southern California Edison Company's Three Caithness**  
15 **Shepherds Flat Contracts Comply with the Renewable Portfolio**  
[8761] **Standard Procurement Guidelines**

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Res E-4253, Advice Letter 2275-E filed on October 10, 2008 and Advice Letter 2275-E-A filed on February 23, 2009 - Related matters.

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PROPOSED OUTCOME:

Approves three Renewable Portfolio Standard Power Purchase Agreements with wholly- and directly-owned subsidiaries of Caithness Shepherds Flat, LLC: North Hurlburt Wind, LLC, South Hurlburt Wind, LLC and Horseshoe Bend Wind, LLC.

ESTIMATED COST:

Actual costs are confidential at this time.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=398418](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=398418)

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

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Consent Agenda - Orders and Resolutions (continued)

Item **Grade-Separated Overpass of Cathedral Oaks Road Above**  
16 **Union Pacific Railroad Company Railroad Tracks in the City of**  
[8762] **Goleta, County of Santa Barbara**

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A09-04-019

Application of the California Department of Transportation for an Order Authorizing Construction of One New Two-Lane Overhead Grade Separated Structure (Cathedral Oaks Road Overhead) and Demolition of the Existing Ellwood Overhead over the Tracks of the Union Pacific Railroad in the City of Goleta, in the County of Santa Barbara.

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PROPOSED OUTCOME: (1) Grants Caltrans authorization to construct the Cathedral Oaks Road grade-separated Highway-Rail crossing above the tracks of the Union Pacific Railroad Company; (2) Closes the proceeding. ESTIMATED COST: Discretionary project, not within scope of applicant request. (Exam Clark)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=391496](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=391496)

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

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Item **Grade-Separated Overpass of the Bus Rapid Transit Metro**  
17 **Orange Line Above Southern California Regional Rail Authority**  
[8763] **Tracks in the City of Chatsworth, County of Los Angeles**

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A09-03-032

In the Matter of the Application of the Los Angeles County Metropolitan Transportation Authority for an order authorizing the construction of a two lane grade separated roadway crossing for an extension of the Bus Rapid Transit Orange Line above and across the tracks operated by Southern California Regional Rail Authority, Union Pacific Railroad and Amtrak at Mile Post 445.73 in Chatsworth, City and County of Los Angeles.

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PROPOSED OUTCOME: (1) Grants Los Angeles County Metropolitan Transportation Authority authorization to construct the Bus Rapid Transit Metro Orange Line grade-separated highway-rail crossing above the tracks of the Southern California Regional Rail Authority; (2) Closes the proceeding. ESTIMATED COST: Discretionary project, not within scope of applicant request. (Exam Clark)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=391503](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=391503)

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

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Consent Agenda - Orders and Resolutions (continued)

Item **Petition to Modify Decision 08-07-046 to Accelerate Recovery of**  
 18 **Contributions for Pension and Post-Retirement Benefits Other**  
 [8764] **than Pensions**

A06-12-009

Application of San Diego Gas & Electric Company for authority to update its gas and electric revenue requirement and base rates effective on January 1, 2008., A06-12-010, I07-02-013 - Related matters.

PROPOSED OUTCOME: San Diego Gas & Electric Company filed Application (A) 06-12-009, a general rate case application, and Southern California Gas Company filed A06-12-010, also a general rate case application. They are related companies with some shared services. In Decision 08-07-046 dated July 31, 2008 the Commission adopted a ratemaking settlement for each company that included a Test Year 2008 revenue requirement, a mechanism for attrition adjustments until the next general rate case, and performance and safety incentive mechanisms, all of which are reasonable and necessary to provide safe and reliable service to ratepayers. This decision modifies the settlements to allow both San Diego Gas & Electric Company and Southern California Gas Company to accelerate the recovery of minimum contributions to: (1) the companies' pension funds recorded in the Pension Balancing Accounts and (2) Post-Retirement Benefits Other than Pensions recorded in Post-Retirement Benefits Other than Pensions Balancing Accounts. ESTIMATED COST: (1) The final cost to ratepayers is unchanged because rate recovery is only accelerated. (2) There is some savings created by reducing compounding interest otherwise accruing in the balancing accounts.

(Comr Bohn - ALJ Long)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=394243](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=394243)

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

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

Item **Application of Adane Kinfu Tedla for a Passenger Stage**  
 19 **Corporation Certificate**  
 [8766]

A08-04-009

In the Matter of the Application of Adane Kinfu Tedla doing business as 1 SHUTTLE for authority to operate as an on-call, door-to-door, Passenger Stage Corporation between points in the following Counties: San Francisco, Alameda, Contra Costa, Santa Clara, Solano, Marin and San Mateo, and the International Airports located in San Francisco, Oakland and San Jose; and to establish a Zone of Rate Freedom.

PROPOSED OUTCOME: (1) Dismisses the application of Adane Kinfu Tedla for authority to operate as a passenger stage corporation and to establish a zone of rate freedom; (2) Closes the proceeding.

ESTIMATED COST: None foreseen.

(Exam Clark)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=397541](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=397541)

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

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

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Consent Agenda - Orders and Resolutions (continued)

Item **Clarifies the Rules of the Community Choice Aggregation  
20 Opt-Out Provisions, as Set Forth in the Statute**  
[8768]

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Res E-4250

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PROPOSED OUTCOME:

- (1) Clarifies the rules of the Community Choice Aggregation opt-out provisions, as set forth in the Statute.
- (2) Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company are directed to modify their tariffs.
- (3) Pacific Gas & Electric Company is directed to implement remedial measures.
- (4) This Resolution was initiated by the Commission's Energy Division Staff. No Advice Letter was submitted concerning this issue.

ESTIMATED COST:

No cost impact.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=394129](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=394129)

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

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Item **Petition of Little Bear Water Company, Inc. for Modification of  
21 Resolution W-4736**  
[8771]

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A09-04-004

In the Matter of Petition of Little Bear Water Company, Inc. for Modification of Resolution W-4736 Dated January 29, 2009.

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PROPOSED OUTCOME: (1) Corrects errors in the rate design authorized by Resolution W-4736, so that the authorized annual revenues will be produced. (2) Closes the proceeding. ESTIMATED COST: No additional cost beyond annual revenues authorized in Resolution W-4736.

(Exam Kahlon)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=398434](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=398434)

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

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Consent Agenda - Orders and Resolutions (continued)

Item **Yermo Water Company General Rate Increase**  
22  
[8772]

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Res W-4782

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PROPOSED OUTCOME:

Authorizes a general rate increase.

ESTIMATED COST:

Additional annual revenue of \$79,125 or 75.10% in test year 2009.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=398060](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=398060)

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

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Item **Pacific Gas and Electric Company's Request to Access its**  
23 **Balancing Account**  
[8773]

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Res G-3439, Advice Letter 3030-G/3487-E filed on July 1, 2009 respectively - Related matters.

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PROPOSED OUTCOME:

Pacific Gas and Electric Company requests authorization to shift \$40.9 million in unspent, uncommitted gas and electric Energy Efficiency program funds from prior years to augment the 2009 Bridge Funding authorized by Decision 08-10-027 for specific programs.

ESTIMATED COST:

None.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=398429](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=398429)

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

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Item **Funding for the Kernville Interconnect Project of MCC**  
24 **Telephony of the West, LLC, from the California Advanced**  
[8774] **Services Fund**

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Res T-17221

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PROPOSED OUTCOME:

Construction of middle-mile broadband project in unserved area in Kern County under the California Advanced Services Fund program.

ESTIMATED COST:

\$285,992 from the California Advanced Services Fund representing 40% of the total project cost.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=397967](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=397967)

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

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Consent Agenda - Orders and Resolutions (continued)

Item **General Order 118 Ballast Size Specifications for Walkways**  
 25 **Adjacent to Tracks in Railroad Switching Yards**  
 [8775]

R07-09-007

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: (1) Amends General Order 118 to include ballast size specification for walkways adjacent to tracks in railroad switching yards. (2) Closes the proceeding. ESTIMATED COST: None

(Comr Grueneich - ALJ Rochester)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=E24133](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E24133)

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

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

Item **Black Butte Water Company, Inc. Interim General Rate Increase**  
 26  
 [8778]

Res W-4783

PROPOSED OUTCOME:

Authorizes an interim general rate increase.

ESTIMATED COST:

Additional annual revenue of \$4,291 or 21.7% in 2009.

Item **Modified Presiding Officer's Decision Adopting Third Party**  
 27 **Notice**  
 [8784]

C03-05-023

Raw Bandwidth Communications, Inc. vs. SBC California, Inc. and SBC Advanced Solutions, Inc.

PROPOSED OUTCOME: (1) Adopts Third Party Notice, a customer-selected designee of late payment of basic service charges, as a reasonable advance notice of the disconnection of Digital Subscriber Line Transport Service. (2) Closes the proceeding. ESTIMATED COST: There is little cost to modify Third Party Notice.

(Comr Peevey - ALJ Grau)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=393910](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=393910)

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

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

Consent Agenda - Orders and Resolutions (continued)

Item **Demand Response Contract Between San Diego Gas & Electric**  
 28 **Company and EnerNOC, Inc.**  
 [8786]

A09-03-012

Application of San Diego Gas & Electric Company for Approval of the Demand Response Contract with EnerNOC, Inc.

PROPOSED OUTCOME: (1) EnerNOC, Inc. will provide up to 25 megawatts (MWs) of dispatchable load reduction during the 2010 capacity delivery season, which increase to 35 MWs during the 2011 capacity delivery season and finally to 40 MWs starting with the 2012 capacity delivery season until the end of the contract term (December 31, 2024, unless terminated earlier pursuant to the terms of the agreement). (2) San Diego Gas & Electric Company will be limited to dispatching a maximum of 50 total hours of load reduction during any capacity delivery season. (3) Closes the proceeding. ESTIMATED COST: (1) \$2.565 million in 2010, (2) \$3.588 million in 2011, and (3) \$4.089 million in 2012. (4) Throughout the remainder of the 15-year contract life, costs will escalate by up to 3% per year over the 2012 amount. (5) Based on a cost-effectiveness analysis, costs will be more than offset by the supply related benefits associated with the contracted demand response.

(Comr Chong - ALJ Fukutome)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=393105](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=393105)

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

Item **Blossom Hill Road Grade-separated Pedestrian/Bicycle**  
 29 **Overpass Above Union Pacific Railroad Company Railroad**  
 [8787] **Tracks in the City of San Jose, County of Santa Clara**

A09-03-025

Application of the City of San Jose for an order authorizing construction of a grade-separated pedestrian/bicycle crossing (CPUC No. 001E-58.70) over tracks of the Union Pacific Railroad Company (MP 55.35-Coast Subdivision) and over State Route 82 (Monterey Road) near Blossom Hill Road in the City of San Jose, County of Santa Clara.

PROPOSED OUTCOME: (1) Grants the City of San Jose and the Santa Clara Valley Transportation Authority authorization to construct the Blossom Hill Road pedestrian/bicycle grade-separated highway-rail crossing above the tracks of the Union Pacific Railroad Company; (2) Closes the proceeding. ESTIMATED COST: Discretionary project, not within scope of applicant request.

(Exam Clark)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=395429](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=395429)

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

Consent Agenda - Orders and Resolutions (continued)

Item **Application of Aragvi, LLC for a Passenger Stage Corporation**  
 30 **Certificate**  
 [8788]

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A09-06-003

Application of Aragvi, LLC dba Coast-Line Shuttle for Authority to operate as an on-call Passenger Stage Corporation between the following locations: Los Angeles International Airport, Long Beach Airport, Ontario International Airport, John Wayne Airport, Los Angeles Harbor and Long Beach Harbor, and any location in the Counties of Los Angeles, Ventura, Orange and San Bernardino; and to establish a Zone of Rate Freedom (ZORF).

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PROPOSED OUTCOME: (1) Grants the application of Aragvi, LLC to operate as an on-call passenger stage corporation between points in Los Angeles, Orange, Ventura, San Bernardino, and Riverside Counties on the one hand, and Los Angeles International, Ontario International, John Wayne and Long Beach Airports, and Los Angeles and Long Beach Harbors on the other hand. (2) Establishes a zone of rate freedom; (3) Closes the proceeding. ESTIMATED COST: None foreseen.

(Exam Clark)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=394192](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=394192)

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

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Item **Construct an At-Grade Pedestrian Crossing Along the**  
 31 **Prolongation of 2nd Street Across the Track of the Union Pacific**  
 [8793] **Railroad, in the City of Mendota**

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A09-03-021

Application of the City of Mendota for authority to construct an at-grade pedestrian crossing along the prolongation of 2nd Street across the tracks of the Union Pacific Railroad Company in the City of Mendota, Fresno County.

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PROPOSED OUTCOME: (1) Grants City of Mendota authority to construct an at-grade pedestrian crossing along the prolongation of 2nd Street across the track and right-of-way of the Union Pacific Railroad in the City of Mendota. (2) Closes proceeding. ESTIMATED COST: Discretionary project, not within scope of applicant request.

(Exam Clark)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=396853](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=396853)

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

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Consent Agenda - Orders and Resolutions (continued)

Item **Two-track Grade-Separated Crossing for the Exposition**  
32 **Boulevard Corridor Transit Line Across National Boulevard and**  
[8794] **Washington Boulevard in Culver City, County of Los Angeles**

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A09-03-017

In the Matter of the Application of the Exposition Metro Line Construction Authority for an order authorizing the construction of a two-track grade-separated crossing for the Exposition Boulevard Corridor Light Rail Transit Line across (1) National Boulevard, and (2) Washington Boulevard, located in the City of Culver City, in the County of Los Angeles, California.

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PROPOSED OUTCOME: (1) Grants Exposition Metro Line Construction Authority authorization to construct two grade-separated crossings for the Exposition Corridor Light Rail Transit Line; (2) Closes the proceeding. ESTIMATED COST: Discretionary project, not within scope of applicant request.

(Exam Clark)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=396266](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=396266)

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

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Item **All-Party Settlement Agreement on a Pension Cost Recovery**  
33 **Mechanism**  
[8798]

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A09-03-003

Application of Pacific Gas and Electric Company to Establish a Retirement Plan Funding Mechanism and to Increase Gas and Electric Revenue Requirements, Rates and Charges for a Retirement Plan Contribution, Effective January 1, 2011.

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PROPOSED OUTCOME: (1) Establishes a pension cost recovery mechanism for Pacific Gas and Electric Company. (2) Closes the proceeding. ESTIMATED COST: (1) 2011 revenue requirement impact is \$140.5 million; (2) 2012 revenue requirement impact is \$177.2 million; (3) 2013 revenue requirement impact is \$215.7 million.

(Comr Bohn - ALJ Galvin)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=396958](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=396958)

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

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Consent Agenda - Orders and Resolutions (continued)

Item **Motion to Withdraw Application for Limited Exemption from**  
34 **Affiliate Transaction Rules**  
[8807]

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A08-07-014

Application of Pacific Gas and Electric Company and PG&e Corporation for Limited Exemption from Rule V.E of the Commission's Affiliate Transaction Rules.

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PROPOSED OUTCOME: (1) Grants the request of Pacific Gas & Electric Company and PG&e Corporation to terminate the Application for limited exemption from Affiliate Transaction Rule V.E. without further action. (2) The Application is moot. ESTIMATED COST: None.

(Comr Bohn - ALJ Pulsifer)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=396932](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=396932)

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

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Item **Transfer of the Competitive Local Carrier Certificate of New**  
35 **Horizons Communications of California Corp. to New Horizons**  
[8809] **Communications Corporation**

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A09-07-005

Joint Application of New Horizons Communications Corporation and New Horizons Communications of California Corp. for Approval to Transfer the CLC Certificate of New Horizons Communications of California Corp. to New Horizons Communications Corporation.

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PROPOSED OUTCOME: (1) Transfer of Certificate of Public Convenience and Necessity from New Horizons Communication of California to New Horizons Communication Corporations is granted. (2) Closes the proceeding. ESTIMATED COST: None foreseen.

(Comr Chong - ALJ Barnett)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=394143](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=394143)

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

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**Consent Agenda - Intervenor Compensation Orders**

Item **Compensation to CALifornians For Renewable Energy \$19,411.57**  
 36 (Rev.) **for Substantial Contributions to Decision 08-05-028**  
 [8633]

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A07-02-026

In the Matter of the Application of Southern California Edison Company for Approval of Results of Fast Track of Its New Generation Request for Offers and for Cost Recovery.

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PROPOSED OUTCOME: (1) Awards CALifornians For Renewable Energy \$19,411.57 for its substantial contributions to Decision 08-05-028. (2) Closes the proceeding. ESTIMATED COSTS: Ratepayers of SCE will pay \$19,411.57, plus interest.

(Comr Peevey - ALJ Division)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=397478](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=397478)

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

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

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Agenda 3238, Item 42 7/30/2009 (Bohn );

Agenda 3239, Item 41 8/20/2009 (Peevey)

09/09/2009 - This revision was not shown on the Agenda mailed to the public.

Item **Compensation for Ratepayers for Affordable Clean Energy for**  
 37 **Substantial Contribution to Decision 08-10-025**  
 [8739]

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R07-11-001

Order Instituting Rulemaking to Determine Issues Relating to the California Utilities' Procurement of Natural Gas Supplies from Liquefied Natural Gas Sources.

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PROPOSED OUTCOME: (1) Awards Ratepayers for Affordable Clean Energy \$4,607.34 for its substantial contributions to Decision 08-10-025. (2) Closes the proceeding. ESTIMATED COST: Ratepayers of Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Gas Company, will pay the awarded amount, plus interest, based on the utilities' respective California jurisdictional gas revenues for the 2008 calendar year.

(Comr Peevey - ALJ Yacknin)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=397115](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=397115)

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

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

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Consent Agenda - Intervenor Compensation Orders (continued)

Item **Compensation to Disability Rights Advocates for Substantial**  
 38 **Contributions to Decision 06-08-030, Decision 07-09-019,**  
 [8742] **Decision 07-09-018, Decision 08-04-057, and Decision 08-09-015**

R05-04-005

Order Instituting Rulemaking on the Commission's Own Motion to Assess and Revise the Regulation of Telecommunications Utilities.

PROPOSED OUTCOME: Awards \$104,697.30 in compensation to Disability Rights Advocates for its substantial contributions to Decision 06-08-030, Decision 07-09-019, Decision 07-09-018, Decision 08-04-057, and Decision 08-09-015; a reduction of \$56,920.90 (35%) from the amount requested due to miscalculations, undocumented/excessive costs, adjusted hourly rates, the exclusion of clerical tasks, and failure to make a substantial contribution. ESTIMATED COST: Payment from the Intervenor Compensation Fund, which is funded by Commission user fees.

(Comr Chong - ALJ Bemmesderfer)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=397401](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=397401)

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

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

Item **Compensation to Consumer Federation of California for**  
 39 **Substantial Contribution to Decision 08-11-060**  
 [8745]

R07-09-008

Order Instituting Rulemaking to establish the California Institute for Climate Solutions.

PROPOSED OUTCOME: (1) Awards Consumer Federation of California \$23,978.50 in compensation for its substantial contributions to Decision 08-11-060. (2) Closes Rulemaking 07-09-008. 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 \$23,978.50, plus interest, effective March 28, 2009, and continuing until full payment of the award is made.

(Comr Peevey - ALJ Darling)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=394507](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=394507)

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

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

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Consent Agenda - Intervenor Compensation Orders (continued)

Item **Compensation to The Utility Reform Network for Substantial**  
40 **Contributions to Resolution E-4227-A**  
[8785]

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A09-04-006

Application of the Division of Ratepayer Advocates and The Utility Reform Network for Rehearing of Resolution E-4227A Approving in Part and Denies in Part Southern California Edison's Request to Establish a Memorandum Account and Recover up to \$30 Million in Costs For a California IGCC Study.

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PROPOSED OUTCOME: Awards The Utility Reform Network \$17,977.50 in compensation for substantial contributions to Resolution E-4227-A. ESTIMATED COST: Ratepayers of Southern Edison Company will pay \$17,977.50, plus interest, effective July 18, 2009.

(ALJ Division)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=395522](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=395522)

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

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Item **Compensation to The Utility Reform Network for Substantial**  
41 **Contributions to Decision 09-03-024**  
[8805]

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A07-12-006

Joint Application of San Diego Gas & Electric Company, Southern California Gas Company, and Pacific Gas and Electric Company to Reallocate the Costs of Natural Gas Public Purpose Programs and Other Mandated Social Programs Among Customer Classes.

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PROPOSED OUTCOME: (1) Awards The Utility Reform Network \$67,477.30 in compensation for its substantial contributions to Decision 09-03-024. (2) The proceeding remains open to address other related matters. ESTIMATED COST: Ratepayers of San Diego Gas & Electric Company, Southern California Gas Company, and Pacific Gas and Electric Company will pay \$67,477.30, plus interest, based on their California jurisdictional natural gas revenues for the 2008 calendar year.

(Comr Simon - ALJ Galvin)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=393906](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=393906)

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

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## Regular Agenda

### Regular Agenda - Energy Orders

Item **Compensation to Sustainable Conservation for Substantial**  
42 (Rev.) **Contributions to Decision 07-07-027**  
[8616]

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R06-05-027

Order Instituting Rulemaking to Continue Implementation and Administration of California Renewables Portfolio Standard Program.

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#### **PROPOSED OUTCOME:**

® Awards Sustainable Conservation \$21,482.75 in compensation for its substantial contributions to Decision 07-07-027.

® 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)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=392639](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=392639)

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

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

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Agenda 3237, Item 27 7/9/2009 (Staff);

Agenda 3238, Item 41 7/30/2009 (Pub. Util. Code §311(e))

09/01/2009 - This revision was not shown on the Agenda mailed to the public.

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Regular Agenda - Energy Orders (continued)

Item **ALTERNATE TO ITEM 8616**  
42a  
(Rev.)  
[8732]

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**PROPOSED OUTCOME:**

® Unlike the Proposed Decision, the Alternate denies Sustainable Conservation intervenor compensation for its substantial contributions to Decision 07-07-027 because its request for intervenor compensation does not comply with the Public Utilities Code Sections 1802(b)(1) and 1804(b)(1).

® Closes the proceeding.

**ESTIMATED COST:**

® None

(Comr Bohn )

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=398493](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=398493)

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

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

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Agenda 3238, Item 41a 7/30/2009 (Pub. Util. Code §311(e))

09/01/2009 - This revision was not shown on the Agenda mailed to the public.

Regular Agenda - Energy Orders (continued)

Item **Establishes Commission's Processes and Criteria for Review of**  
 43 **Smart Grid Projects and Investments by Investor-Owned Utilities**  
 [8713] **Seeking Recovery Act Funding from the US Department of**  
**Energy**

R08-12-009

Order Instituting Rulemaking to Consider Smart Grid Technologies Pursuant to Federal Legislation and on the Commission's own Motion to Actively Guide Policy in California's Development of a Smart Grid System.

**PROPOSED OUTCOME:**

® Establishes Commission processes and adopts criteria for review of Smart Grid projects and investments by investor-owned utilities seeking Recovery Act funding from the US Department of Energy.

**ESTIMATED COST:**

® No costs to government or ratepayers result from this decision.

(Comr Chong - ALJ Sullivan)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=398398](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=398398)

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

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

Agenda 3239, Item 51 8/20/2009 (Bohn )

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Regular Agenda - Energy Orders (continued)

Item **San Diego Gas & Electric Company's Power Shut-Off Plan**  
44 (Rev.)  
[8757]

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A08-12-021

Application of San Diego Gas & Electric Company (SDG&e) for Review of its Proactive De-Energization Measures and Approval of Proposed Tariff Revisions.

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**PROPOSED OUTCOME:**

- ® Denies SDG&E's Application, without prejudice.
- ® Directs the parties to use a collaborative process to consider issues that will be identified in a subsequent assigned Commissioner's ruling.
- ® Keeps the proceeding open, and directs the parties to file a status update by December 10, 2009 on the progress made in the collaborative process.
- ® Denies, without prejudice, San Diego Gas & Electric Company's proposed revisions to Electric Tariff Rule 14.
- ® Requires SDG&E to submit an Advice Letter by November 1, 2009 containing a schedule for the upgrading of the lines and the re-closer policy in the high-fire area that is the subject of the instant Application.

**ESTIMATED COST:**

- ® None.

(Comr Simon)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=398599](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=398599)

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

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

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09/09/2009 - This revision was not shown on the Agenda mailed to the public.

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Regular Agenda - Energy Orders (continued)

Item **ALTERNATE TO ITEM 8757**  
44a  
[8758]

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**PROPOSED OUTCOME:**

- ® Deny, without prejudice, San Diego Gas & Electric Company's proposal to shut off power to certain areas and communities during periods of high fire danger;
- ® Deny, without prejudice, San Diego Gas & Electric Company's proposed revisions to Electric Tariff Rule 14; and
- ® Closes the proceeding.

**ESTIMATED COST:**

- ® None.

(Comr Simon - ALJ Kenney)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=398459](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=398459)

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

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

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Regular Agenda - Energy Orders (continued)

Item **Southern California Gas Company Request to Issue New**  
 45 **Long-Term Debt**  
 [8777]

A09-03-009

Application of Southern California Gas Company for Authorization to: (1) Obtain Long-term Debt Capital Not to Exceed the Equivalent of U.S. \$800,000,000; (2) Include Certain Features in Debt Securities or Enter into Certain Derivative Transactions; (3) Hedge Issuances of Debt Securities and Preferred or Preference Securities; (4) Obtain Exemptions from the Competitive Bidding Rule; and (5) Take All Other Necessary, Related Actions.

**PROPOSED OUTCOME:**

® Grants Southern California Gas Company authority to issue up to \$570 million of its requested \$800 million of long-term Debt Securities. Debt Securities include: (a) secured debt, (b) unsecured debt, (c) debt placed in foreign capital markets, (d) medium-term notes, (e) direct long-term loans, (f) accounts receivable financing, (g) variable-rate debt, (h) "fall-away" mortgage bonds initially secured and subsequently convertible into unsecured debt, and (i) subordinated debt.

® Denies the remaining \$230 million of its request because Southern California Gas Company already has access to \$230 million of unused long-term debt authority to help satisfy its 2009 through 2011 long-term debt needs.

® Allows Southern California Gas Company to encumber utility property, including its accounts receivable, to secure Debt Securities and use hedges to manage interest rate risk.

® Authorizes Southern California Gas Company to enter into: (a) put options, (b) call options, (c) sinking funds, (d) interest rate swaps, (e) swaptions to enter or exit swap agreements under specified terms and conditions, (f) caps and collars, (g) currency swaps, (h) credit enhancements, (i) capital replacement, (j) interest deferral, (k) special-purpose entity transactions, and (l) delayed draw downs.

® Exempts certain Debt Securities from the Commission's Competitive Bidding Rule as enumerated in the decision and authorizes Southern California Gas Company to report all required General Order 24-B Debt Securities information to the Commission on a quarterly basis unless directed to report on a monthly basis by the Commission staff.

® Closes the proceeding.

**ESTIMATED COST:**

® None

(Comr Simon - ALJ Galvin)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=394956](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=394956)

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

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

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

Item **Moorpark-Newbury 66 kV Subtransmission Line**  
46  
[8518]

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Res E-4243, Advice Letter 2272-E, filed on October 2, 2008 - Related matters.

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**PROPOSED OUTCOME:**

- ® Affirms a prior Executive Director's Action Resolution E-4225 findings related to Southern California Edison's (SCE's) proposed Moorpark-Newbury 66 kV Subtransmission line.
- ® 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.
- ® Dismisses protests.

**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.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=391225](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=391225)

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

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Agenda 3235, Item 25 6/4/2009 (Staff);  
Agenda 3236, Item 43 6/18/2009 (Staff);  
Agenda 3237, Item 32 7/9/2009 (Staff)

Regular Agenda - Energy Resolutions and Written Reports (continued)

Item **Pacific Gas and Electric Company, San Diego Gas & Electric**  
 47 (Rev.) **Company, and Southern California Edison Company Qualifying**  
 [8520] **Facilities Contracts**

Res E-4242, 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 - Related matters.

**PROPOSED OUTCOME:**

Ⓡ Adopts, with modifications, the Qualifying Facility (QF) Standard Offer Contracts proposed by Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE) and San Diego Gas & Electric Company (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.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=396510](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=396510)

*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);

Agenda 3237, Item 33 7/9/2009 (Staff);

Agenda 3238, Item 47 7/30/2009 (Staff);

Agenda 3239, Item 55 8/20/2009 (Staff)

09/01/2009 - This revision was not shown on the Agenda mailed to the public.

Regular Agenda - Energy Resolutions and Written Reports (continued)

Item **San Diego Gas & Electric Company Increased Funding for its**  
 48 **Charitable Neighbor-to-Neighbor Customer Assistance Program.**  
 [8718] **Southern California Gas Company Increased Funding for its**  
**Charitable Gas Assistance Fund Customer Assistance Program**

Res E-4251, SDG&E Advice Letter (AL) 2065-E/1842-G and SoCalGas AL 3963-G filed on February 20, 2009 respectively - Related matters.

**PROPOSED OUTCOME:**

® Approves San Diego Gas & Electric Company's (SDG&E) request to transfer \$1 million from its over-collected Rate Design Settlement Account and \$0.3 million from its over-collected Post-2005 Gas Energy Efficiency Balancing Account to augment Neighbor-to-Neighbor Program.

® Approves Southern California Gas Company's (SoCalGas) request to transfer \$3 million from its over-collected Self Generation Program Memorandum Account to augment its Gas Assistance Fund program.

**ESTIMATED COST:**

® None.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=398488](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=398488)

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

Agenda 3239, Item 56 8/20/2009 (Grueneich)

Item **Energy Efficiency 2006-2008 Interim Verification Report**  
 49  
 [8754]

Res E-4272

**PROPOSED OUTCOME:**

® Adopts the interim Verification Report prepared by the Energy Division to verify the costs and installations of the Investor Owned Utilities' energy efficiency program activities during the 2006-2008 program period.

**ESTIMATED COST:**

® None.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=393735](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=393735)

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

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Regular Agenda - Energy Resolutions and Written Reports (continued)

Item **Southern California Gas Company Natural Gas Supply Contracts**

50

[8770]

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Res G-3435, Advice Letter 3976 and Advice Letter 3976-A filed on March 26, 2009 and June 1, 2009 respectively. - Related matters.

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**PROPOSED OUTCOME:**

- ® Resolves Southern California Gas Company's (SoCalGas) request for expedited approval of contracts to support SoCalGas' minimum flow requirements on its Southern System.
- ® Does not approve the gas supply contract with SoCalGas' Gas Acquisition Department and the capacity purchase contract with El Paso Natural Gas Pipeline.
- ® Approves all other gas supply contracts

**ESTIMATED COST:**

- ® The estimated cost of the approved contracts is \$2.6 million.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=398445](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=398445)

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

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## **Regular Agenda - Legislative and Other Matters**

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## Regular Agenda - Commissioner's Reports

Item **Appointments to the Low Income Oversight Board**

51

[8748]

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### Commissioner Grueneich Report

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Discussion and action regarding the appointment to the Commission's Low Income Oversight Board (LIOB) of Ortensia Lopez and Louise Perez as public representatives and Allan Rago as the private contractor representative. The 11-member LIOB advises the Commission on low-income electric, gas, and water customer issues and serves as a liaison for the Commission to low-income ratepayers and representatives.

Agenda 3239, Item 59 8/20/2009 (Grueneich)

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

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## 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

Item      **Conference with Legal Counsel - Application for Rehearing**  
52  
[8782]

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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.*

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**Closed Session - Initiation of Litigation - Non-Federal**

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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**

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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**

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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**

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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.*

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**Closed Session - Federal**

Item **Conference with Legal Counsel - Existing Litigation**

53

[8783]

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FERC Docket No. ER06-615 and Related Items

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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.*

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**Closed Session - FERC Docket No. EL00-95-000, et al.**

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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**

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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*