
Public Utilities Commission of the State of California

Public Agenda 3241

Thursday, September 24, 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>
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)
Monday, December 14, 2009 (San Francisco)	Thursday, December 03, 2009 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

For further information contact the Public Advisor
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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- 4, 18, 21

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**
[8818]

ALJ 176-3241

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.

Consent Agenda - Orders and Resolutions (continued)

Item **Petition to Modify Decision 07-12-052**

2

[8474]

R06-02-013

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

PROPOSED OUTCOME:

- ® 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.
- ® Closes the proceeding.

ESTIMATED COST:

- ® None.

(Comr Peevey - ALJ Long)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=399012

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);

Agenda 3240, Item 2 9/10/2009 (Staff)

Consent Agenda - Orders and Resolutions (continued)

Item **Citation Program for Renewables Portfolio Standard**
 3 **Non-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=399145

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

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

Agenda 3240, Item 6 9/10/2009 (Staff)

Consent Agenda - Orders and Resolutions (continued)

Item **Resolves All Outstanding Issues and Provides Closure of**
 4 **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:

- ® 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;
- ® 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.
- ® 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;
- ® 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.
- ® 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=398389

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);

Agenda 3240, Item 7 9/10/2009 (Chong)

Consent Agenda - Orders and Resolutions (continued)

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

Res ALJ-238

PROPOSED OUTCOME:

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

ESTIMATED COST:

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

® General Fund will receive \$400 from fine paid to Commission by Appellant.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=398479

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

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

Agenda 3240, Item 8 9/10/2009 (Bohn)

Item **Southern California Edison Company’s PacifiCorp Contract**
6 **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=400007

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

Agenda 3240, Item 13 9/10/2009 (Peevey)

Consent Agenda - Orders and Resolutions (continued)

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

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

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=399910

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

Agenda 3240, Item 14 9/10/2009 (Peevey)

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

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.

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=400011

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

Agenda 3240, Item 15 9/10/2009 (Peevey)

Consent Agenda - Orders and Resolutions (continued)

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

Res E-4250

PROPOSED OUTCOME:

- ® Clarifies the rules of the Community Choice Aggregation opt-out provisions, as set forth in the Statute.
- ® Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company are directed to modify their tariffs.
- ® Pacific Gas & Electric Company is directed to implement remedial measures.
- ® 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=399034

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

Agenda 3240, Item 20 9/10/2009 (Staff)

Consent Agenda - Orders and Resolutions (continued)

Item **General Order 118 Ballast Size Specifications for Walkways**
 10 **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:

- ® Amends General Order 118 to include ballast size specification for walkways adjacent to tracks in railroad switching yards.
- ® Closes the proceeding.

ESTIMATED COST:

- ® None.

(Comr Grueneich - ALJ Rochester)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=400042

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

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

Agenda 3240, Item 25 9/10/2009 (Staff)

Item **Rejection of AT&T California’s Advice Letter**
 11 (Rev.)
 [8779]

Res T-17190

PROPOSED OUTCOME:

- ® Supports the Communications' Division rejection of AT&T California’s Advice Letter No. 32304.

ESTIMATED COST:

- ® There is no cost associated with this resolution.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=400071

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

09/22/2009 - This revision was not shown on the Agenda mailed to the public.

Consent Agenda - Orders and Resolutions (continued)

Item **Power Purchase Agreement between Pacific Gas and Electric
12 Company and South Feather Water and Power Authority**
[8781]

A09-05-015

PROPOSED OUTCOME:

® Approves the ten-year power purchase agreement between Pacific Gas and Electric Company and South Feather Water and Power Authority, involving four existing hydroelectric facilities and replaces an existing 50-year agreement that ends in 2010.

® Authorizes recovery of the indirect costs incurred to remotely operate and dispatch these facilities through the Energy Resource Recovery Account until a decision is adopted in Pacific Gas and Electric Company's next general rate case.

® Closes the proceeding.

ESTIMATED COST:

® Cost of the Power Purchase Agreement is confidential at this time.

(Comr Peevey - ALJ O'Donnell)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=398453

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

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

Item **Disclosure of Records of an Investigation**
13
[8776]

Res L-382

PROPOSED OUTCOME:

® Authorizes the disclosure of records concerning the California Public Utilities Commission Consumer Protection and Safety Division's investigation of an industrial incident that resulted in the electrocution of Grant Valentine that occurred on May 18, 2008 at 8290 Miramar Road, San Diego, California.

ESTIMATED COST:

® None to Ratepayers

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=399679

Consent Agenda - Orders and Resolutions (continued)

Item **Hillview Water Company General Rate Increase**

14

[8789]

Res W-4785

PROPOSED OUTCOME:

® Authorizes a general rate increase producing additional annual revenue of \$283,286 or 24.8% for Test Year 2009.

ESTIMATED COST:

® For Test Year 2009 an additional annual revenue of \$283,286 or 24.8%.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=399905

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

Item **Amendments to Renewable Energy Procurement Contracts**

15

[8790]

Res E-4271, Advice Letters 2083-E, 2084-E, 2085-E, and 2086-E filed on May 8, 2009 respectively, and Advice Letter 2096-E filed on July 15, 2009. - Related matters.

PROPOSED OUTCOME:

® Approves amendments to San Diego Gas & Electric Company's renewable energy procurement contracts with Esmeralda Energy Company, Esmeralda Truckhaven Geothermal, LLC, SES Solar Two, LLC, Pacific Wind, LLC, and MMR Power Solutions, LLC pursuant to California's Renewables Portfolio Standard program.

® Amendments result in revised contract terms.

ESTIMATED COST:

® Contract amendments do not increase any of the procurement costs that were previously approved.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=399622

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

Consent Agenda - Orders and Resolutions (continued)

Item **Modifications to Decision 07-03-012 and Decision 07-03-045**
16
[8796]

A04-12-007

In the Matter of the Application of Southern California Edison Company for a Certificate of Public Convenience and Necessity Concerning the Antelope-Pardee 500 kV (Segment 1) Transmission Project., A04-12-008 - Related matters.

PROPOSED OUTCOME:

- ® Modifies Decision (D) 07-03-012 and D07-03-045 to authorize operation at 500 kilovolts.
- ® Consolidates costs of construction.
- ® Increases total cost from \$257.6 million to \$746.0 million.

ESTIMATED COST:

- ® An increase of \$488.4 million.

(Comr Grueneich - ALJ Kolakowski)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=399872

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

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

Consent Agenda - Orders and Resolutions (continued)

Item **Southern California Edison Company Gas Rates on Santa**
 17 **Catalina Island**
 [8799]

A08-09-019

PROPOSED OUTCOME:

- ® Authorizes Southern California Edison Company to increase gas rates on Santa Catalina Island by \$548,000 to be phased in over three years.
- ® Closes the proceeding.

ESTIMATED COST:

- ® \$548,000 over three years.

(Comr Bohn - ALJ Barnett)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=399966

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

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

Consent Agenda - Orders and Resolutions (continued)

Item **Closure of Proceeding on Commission's Own Motion**
18
[8800]

C08-11-002

Cox California Telcom, L.L.C. vs. Pacific Centrex Services, Inc.

PROPOSED OUTCOME:

- ® The filing of Pacific Centrex Services, Inc.'s Chapter 11 petition automatically stayed this action and deprives the Commission of jurisdiction.
- ® The Commission, on its own motion, removes the matter from the calendar.
- ® Closes the proceeding.

ESTIMATED COST:

- ® None.

(Comr Chong - ALJ Bemederfer)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=400060

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

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

Consent Agenda - Orders and Resolutions (continued)

Item **San Diego Gas & Electric Company Rate Design Settlement and**
19 **Resolving Eligibility for Proposed Outdoor Lighting Tariffs**
[8802]

A08-11-014

PROPOSED OUTCOME:

® Adopts a settlement resolving all issues except eligibility for an existing outdoor lighting tariff. This tariff is for non-profit sports and recreation facilities; it has both a revised flat rate option and a new time-of-use option.

® Rejects a proposal to expand eligibility for these outdoor tariff options to also include outdoor lighting for safety and security purposes.

® Changes to marginal cost, cost allocation, and rate design that we adopt as part of the settlement are not precedential. San Diego Gas & Electric Company (SDG&E) must present a full and persuasive showing for the entire cost allocation and rate design proposal for any change in this adopted settlement that is also included in the next rate design filing.

® Directs SDG&E to include, in its next rate design filing, proposals for cost-based outdoor safety and security lighting tariff options for dusk to dawn operations. These proposals must include a minor allowance for incidental load and a time-of-use rate option.

® SDG&E must also present, as one option, a rate design that restores to prior levels the residential base-line allowances which are changed by the settlement adopted here.

® Closes the proceeding.

ESTIMATED COST:

® There are no new costs associated with adopting the cost allocation and rate design settlement.

(Comr Bohn - ALJ Long)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=399658

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

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

Consent Agenda - Orders and Resolutions (continued)

Item **Final Report on the 2008 Safety Review of the San Francisco
20 Municipal Railway**
[8803]

Res ST-104

PROPOSED OUTCOME:

- ® Approves the Consumer Protection and Safety Division's final report titled, Triennial On-Site Safety Review of the San Francisco Municipal Railway (SFMTA MUNI), dated August 21, 2009.
- ® Orders SFMTA MUNI to implement the recommendations contained in the report and to provide monthly progress reports.

ESTIMATED COST:

- ® Not within the scope of this resolution.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=399163

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

Item **Order Extending Statutory Deadline**
21
[8806]

C08-03-018

Joan E. Richardson et al. vs. Phillip and Linda Shuey dba Shell Canyon Water Company.

PROPOSED OUTCOME:

- ® Extends the 12-month statutory deadline to June 3, 2010, pursuant to Pub. Util. Code § 1701.2(d).

ESTIMATED COST:

- ® None

(Comr Bohn - ALJ Barnett)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=394058

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

Consent Agenda - Orders and Resolutions (continued)

Item **Bauer's Limousine Service, Inc. Request for a Passenger Stage**
22 **Corporation Certificate**
[8808]

A09-04-024

PROPOSED OUTCOME:

- ® Grants Bauer's Limousine Service, Inc.'s application to operate as a scheduled passenger stage corporation between San Francisco, Healdsburg, Napa, Gilroy, Milpitas, Sacramento, and Stockton; and between San Jose and Fairfield.
- ® Establishes a zone of rate freedom.
- ® Closes the proceeding.

ESTIMATED COST:

- ® None foreseen.

(Exam Clark)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=394581

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

Item **Idylwild Water System Request for General Rate Increase and**
23 **Purchased Water Balancing Account**
[8810]

Res W-4789

PROPOSED OUTCOME:

- ® Authorizes a general rate increase for additional annual revenue of \$16,497 or 45.79% in 2009.
- ® Establishes a purchased water balancing account.

ESTIMATED COST:

- ® Additional annual revenue of \$16,497 or 45.79% in 2009.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=399798

Consent Agenda - Orders and Resolutions (continued)

Item **Transfer of San Jerardo District of Alco Water Service to the**
24 (Rev.) **County of Monterey**
[8812]

Res W-4786

PROPOSED OUTCOME:

® Approves transfer of San Jerardo District of Alco Water Company to the County of Monterey.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=399972

09/22/2009 - This revision was not shown on the Agenda mailed to the public.

Item **R.R. Lewis Small Water Company Safe Drinking Water Loan**
25
[8824]

Res W-4787

PROPOSED OUTCOME:

® Authorizes R.R. Lewis Small Water Company, to secure a loan in the amount of \$79,125 from the California Department of Public Health under the Safe Drinking Water State Revolving Fund and to institute a surcharge to pay the loan.

ESTIMATED COST:

® Semi-annual payments of \$2,175.94.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=399342

Consent Agenda - Orders and Resolutions (continued)

Item **Garrapata Water Company Safe Drinking Water Loan**
26
[8825]

Res W-4788

PROPOSED OUTCOME:

® Authorizes Garrapata Water Company to secure a loan in the amount of \$114,813 from the California Department of Public Health under the Safe Drinking Water State Revolving Fund and to institute a surcharge to pay the loan.

ESTIMATED COST:

® Semi-annual payments of \$6,051.31.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=399341

Item **Petition to Modify Decision 09-06-015**
27
[8827]

A08-12-005

Application of Convergence Systems, Inc. for a Certificate of Public Convenience and Necessity to Provide Limited Facilities-Based Local Exchange Telecommunications Services within San Diego and Orange Counties in the State of California.

PROPOSED OUTCOME:

® Grants Petition to Modify Decision 09-06-015 to allow Convergence Systems, Inc. to provide its services throughout the State of California.

® Closes the proceeding.

ESTIMATED COST:

® None.

(Comr Chong - ALJ Ryerson)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=394602

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

Consent Agenda - Orders and Resolutions (continued)

Item **Marin Door to Door, Inc. to Revise its Passenger Stage Corporation Certificate**
28
[8828]

A09-07-025

PROPOSED OUTCOME:

® Grants the application of Marin Door to Door, Inc. to revise its passenger stage corporation certificate to include San Francisco, Napa, and Sonoma Counties in the service territory and Oakland and San Jose International Airports as service points, and to establish a zone of rate freedom.

® Closes the proceeding.

ESTIMATED COST:

® None foreseen.

(Exam Clark)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=397713

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

Item **CalPop.Com, Inc. Request to Provide Limited Facilities-Based Local Exchange and Interexchange Telecommunications Services**
29
[8834]

A09-05-025

PROPOSED OUTCOME:

® Grants CalPop.Com, Inc. a certificate of public convenience and necessity to provide limited facilities-based and resold competitive local exchange telecommunications services in the Pacific Bell, SureWest and Verizon California territories.

® Grants authority to operate as a non-dominant interexchange carrier.

® Closes the proceeding.

ESTIMATED COST: ® None.

(Comr Chong - ALJ Ryerson)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=395102

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

Consent Agenda - Orders and Resolutions (continued)

Item **San Diego Gas & Electric Company Trigger Application**
 30 (Rev.)
 [8836]

A09-08-002

Expedited Application of San Diego Gas & Electric Company (SDG&e) Under the Energy Resource Recovery Account Trigger Mechanism.

PROPOSED OUTCOME:

- ® Grants SDG&E's application to refund approximately \$124 million to ratepayers as a result of an overcollection of rates.
- ® Closes the proceeding.

ESTIMATED COST:

- ® \$124 million refund.

(Comr Peevey - ALJ Barnett)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=399963

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

09/22/2009 - This revision was not shown on the Agenda mailed to the public.

Item **Order Extending Statutory Deadline**
 31
 [8837]

R05-12-013

Order Instituting Rulemaking to Consider Refinements to and Further Development of the Commission's Resource Adequacy Requirements Program.

PROPOSED OUTCOME:

- ® Extends the deadline for resolving the proceeding by 60 days.

ESTIMATED COST:

- ® None foreseen

(Comr Peevey - ALJ Wetzell)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=399740

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

Consent Agenda - Orders and Resolutions (continued)

Item **Order Extending Statutory Deadline**
 32
 [8838]

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:

® Extends the statutory deadline for resolution of this rulemaking until November 17, 2009, to allow time for parties' comments to be incorporated into the decision.

ESTIMATED COST:

® None.

(Comr Grueneich - ALJ Rochester)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=398427

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

Regular Agenda

Regular Agenda - Energy Orders

Item **Compensation to Sustainable Conservation for Substantial**
33 **Contributions to Decision 07-07-027**
[8616]

R06-05-027

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

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=393668

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

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

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

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

Agenda 3240, Item 42 9/10/2009 (Simon)

Regular Agenda - Energy Orders (continued)

Item **ALTERNATE TO ITEM 8616**
33a
[8732]

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=400126

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 41a 7/30/2009 (Pub. Util. Code §311(e));

Agenda 3240, Item 42a 9/10/2009 (Simon)

Regular Agenda - Energy Orders (continued)

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

A08-10-003

PROPOSED OUTCOME:

- ® Denies San Diego Gas & Electric Company's application for approval of the Celerity Distributed Generation Supply Contract.
- ® Closes the proceeding.

ESTIMATED COST:

- ® None.

(Comr Bohn - ALJ Farrar)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=400049

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);

Agenda 3240, Item 3 9/10/2009 (Pub. Util. Code §311(e))

Regular Agenda - Energy Orders (continued)

Item **ALTERNATE TO ITEM 8617**
34a
[8847]

PROPOSED OUTCOME:

- Ⓡ This alternate decision differs from the Administrative Law Judge's proposed decision in that it:
- Ⓡ Determines that the low cost capacity and emission reductions provided by the contract justify its approval;
- Ⓡ Approves the contract contingent upon the contract capacity qualifying to meet resource adequacy requirements and upon installation of air emission filters on the generation units involved in the contract.

ESTIMATED COST:

- Ⓡ The contract costs are confidential at this time.
- Ⓡ Application 08-10-003 is closed.

(Comr Bohn)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=399952

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

Regular Agenda - Energy Orders (continued)

Item **Southern California Gas Company Request to Issue New**
 35 (Rev.) **Long-Term Debt**
 [8777]

A09-03-009

PROPOSED OUTCOME:

® Grants Southern California Gas Company authority to issue up to \$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.

® 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=400045

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

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

Agenda 3240, Item 45 9/10/2009 (Staff)

09/21/2009 - This revision was not shown on the Agenda mailed to the public.

Regular Agenda - Energy Orders (continued)

Item **2010 to 2012 Energy Efficiency Portfolios and Budgets**

36

[8801]

A08-07-021

Application of Southern California Edison Company for Approval of its 2009-2011 Energy Efficiency Program Plans and Associated Public Goods Charge and Procurement Funding Requests, A08-07-022, A08-07-023, A08-07-031 - Related matters.

PROPOSED OUTCOME:

- ® Adopts 2010 to 2012 energy efficiency budgets for Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), San Diego Gas & Electric Company (SDG&E) and Southern California Gas Company (SoCalGas).
- ® Adopts cost-effective portfolios of energy efficiency measures which provide the utilities a reasonable opportunity to reach adopted energy savings goals.
- ® Substantially implements the California Long-Term Energy Efficiency Strategic Plan adopted in D.08-09-040 through 12 statewide programs.
- ® Establishes the California Statewide Program for Residential Energy Efficiency, a residential retrofit program aimed at a 20% reduction in annual energy consumption of 130,000 homes.
- ® Modifies energy savings goals based on updated data; decreases SDG&E energy savings goals to align its goals with other utilities.
- ® Reduces utility-proposed budgets for administrative costs, marketing, education and outreach, and non-resource support costs to levels more consistent with national averages.
- ® Tentatively reduces evaluation, measurement and verification budgets, subject to a detailed follow-up decision.
- ® Reduces utility-proposed budgets for compact fluorescent light subsidies because the market is nearly transformed.
- ® Extends bridge funding adopted in D.08-10-027 to the end of 2009.
- ® Creates a new marketing brand to coordinate messages about energy efficiency, renewable energy and demand-side management, alongside those of climate action.

ESTIMATED COST:

- ® Increases the three-year energy efficiency budget by 30%, from \$2.2 billion for 2006 to 2008 to \$2.9 billion for 2010 to 2012.
- ® Increases the "Bridge Funding" budgets for 2009 adopted in D.08-10-027 by 11%.
- ® Compared to adopted 2006 – 2008 energy efficiency budgets, SCE's budget increases by \$397 million, PG&E's budget increases by \$248 million, SDG&E's budget decreases by \$13 million, and SoCalGas' budget increases by \$95 million.

(Comr Grueneich - ALJ Gamson)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=399874

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

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

Regular Agenda - Energy Orders (continued)

Item **Petition to Modify Self Generation on Incentive Program Rules**
37 **Regarding Renewable Fuels**
[8815]

R08-03-008

Order Instituting Rulemaking Regarding Policies, Procedures and Rules for the California Solar Initiative, the Self-Generation Incentive Program and Other Distributed Generation Issues.

PROPOSED OUTCOME:

- ® Grants a petition by Bloom Energy Corporation to modify program rules for the Self-Generation Incentive Program (SGIP).
- ® Directs the SGIP program administrators to implement handbook changes to authorize SGIP-eligible distributed generation projects to receive Level 2 incentives of \$4.50 per watt if the renewable fuel for the facility is obtained from a directed biogas contract (i.e., where biogas is nominated and delivered to customers via a natural gas pipeline).

ESTIMATED COST:

- ® Implementation cost is expected to be minimal and can be absorbed within the administrative budget for Self-Generation Incentive Program.

(Comr Peevey - ALJ Duda)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=399928

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

Regular Agenda - Energy Resolutions and Written Reports

Item **Moorpark-Newbury 66 kV Subtransmission Line**
38
[8518]

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

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=399039

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);
Agenda 3237, Item 32 7/9/2009 (Staff);
Agenda 3240, Item 46 9/10/2009 (Staff)

Regular Agenda - Energy Resolutions and Written Reports (continued)

Item **Pacific Gas and Electric Company, San Diego Gas & Electric**
 39 **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=399043

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);

Agenda 3240, Item 47 9/10/2009 (Staff)

Regular Agenda - Energy Resolutions and Written Reports (continued)

Item **Energy Efficiency 2006-2008 Interim Verification Report**

40

[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=399042

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

Agenda 3240, Item 49 9/10/2009 (Staff)

Item **Pacific Gas and Electric Company Power Purchase Agreements**

41

[8797]

Res E-4269, Advice Letter 3459-E filed on May 13, 2009 - Related matters.

PROPOSED OUTCOME:

® Approves cost recovery for five power purchase agreements (PPAs) resulting from bilateral negotiations between Pacific Gas & Electric Company (PG&E) and BrightSource Energy, Inc., pursuant to California's renewables portfolio standard program.

® Approves the PPAs with modifications.

® Proceeds from the Royalty Agreement entered in to by PG&E and BrightSource Energy, Inc. in connection with these PPAs will be credited to PG&E's Energy Resource Recovery Account for the benefit of PG&E's ratepayers.

ESTIMATED COST:

® Actual costs are confidential at this time.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=399922

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

Regular Agenda - Energy Resolutions and Written Reports (continued)

Item **Pacific Gas and Electric Company and Southern California**
42 **Edison Company Departing Service Charges**
[8804]

Res E-4226, PG&E Advice Letter (AL) 3446-E, Filed on April 2, 2009; and SCE AL 2320-E, Filed on February 9, 2009 - Related matters.

PROPOSED OUTCOME:

® Clarifies that New World Generation Charges Do Not Apply to Customer Generation or Municipal Departing Load.

® Clarifies that Vintaged Cost Responsibility Surcharge (beginning with the 2009 vintage) will be effective for non-exempt customers departing bundled service on or after the effective date of this resolution.

® The Power Charge Indifference Adjustment shall vary by customer class in the same proportion as ongoing Competition Transition Charges.

ESTIMATED COST:

® No cost impact.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=396896

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

Regular Agenda - Communication Resolutions and Reports

Item **Contingent Approval of Funding for Lookout Unserved**
43 **Broadband Project**
[8795]

Res T-17224

PROPOSED OUTCOME:

® Conditionally adopts California Advanced Services Fund (CASF) funding for the Lookout Project providing broadband service to an unserved area in Modoc County. The project is contingent on receiving an American Recovery and Reinvestment Act grant for 80% of the total project cost.

ESTIMATED COST:

® \$50,707 from the CASF which represents 10% of the total project cost.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=398992

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

Regular Agenda - Legal Division Matters**Item 44**
Comments Before Federal Communications Commission
Regarding Extension of Truth-In-Billing Rules to Additional
[8820] Services

CG Docket No. 09-158 et. al.

In the Matter of Consumer Information and Disclosure, CG Docket No. 09-158, Truth-in Billing and Billing Format, CC Docket No. 98-170, and IP-Enabled Services, WC Docket No. 08-225; Notice of Inquiry, FCC 09-68.

® The Federal Communications Commission (FCC) seeks comment on whether truth-in-billing rules should be extended to additional services, such as broadband Internet access and subscription video service. The FCC hopes to build a record for assessing whether there are opportunities to protect and empower consumers through policies addressing information disclosure.

® Staff is recommending that the California Public Utilities Commission file comments informing the FCC of California's relevant statutes, regulations and consumer protection experience in these areas, and making policy recommendations consistent with California law and CPUC policy.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=400082

Item 45
Comments Before Federal Communications Commission
Regarding Wireless Markets
[8821]

WT Docket No. 09-66

In the Matter of Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless including Commercial Mobile Services, WT Docket No. 09-66; Notice of Inquiry, FCC 09-67.

® The Federal Communications Commission seeks to expand and enhance its analysis of competitive conditions in the entire wireless market.

® Staff recommends that the California Public Utilities Commission file comments supporting this inquiry into competition in the wireless market, and supporting use of the existing four indicators for CMRS competition which include assessment of market share and integration.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=399580

Regular Agenda - Legal Division Matters (continued)

Item **Comments Before Federal Communications Commission**
 46 **Regarding Timely Deployment of Broadband Services**
 [8822]

GN Docket No. 09-137 et. al.

In the Matters of Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act, GN Docket No. 09-137, A National Broadband Plan for Our Future, GC Docket No. 09-51; Notice of Inquiry, FCC 09-65.

® The Federal Communications Commission (FCC) seeks comment on whether broadband services are being deployed to all Americans in a reasonable and timely fashion.

® Staff recommends that the California Public Utilities Commission file comments in a number of areas, including the following:

® the definition of broadband,

® the definition of geographic areas used for certain types of reports,

® proposing that the FCC share with the states raw data on broadband availability, and

® proposing that the FCC consider satellite-based broadband services in evaluating access to broadband.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=399548

Item **Comments Before Federal Communications Commission**
 47 **Regarding Universal Service Charges for Voice Over Internet**
 [8845] **Protocol Services**

WC Docket No. 06-122

Petition of Nebraska Public Service Commission and Kansas Corporation Commission for Declaratory Ruling or, in the Alternative, Adoption of Rules Allowing State Universal Service Funds to Assess Charges on Nomadic Voice over Internet Protocol Intrastate Revenues

® The Federal Communications Commission (FCC) seeks comment on a Petition for Declaratory Ruling (Petition) filed by the Nebraska Public Service Commission and the Kansas Corporation Commission (Petitioners) on July 16, 2009.

® Petitioners ask the FCC to issue a declaratory ruling that the FCC has not pre-empted the states from assessing universal service charges on the intrastate revenues collected by providers of “nomadic” interconnected Voice over Internet Protocol (VoIP) services.

® Petitioners also ask the FCC to declare that states have discretion to adopt certain mechanisms and procedures for identifying and assessing intrastate revenues.

® In the alternative, Petitioners ask the FCC to propose and then adopt relevant rules.

® Staff seeks authority to submit comments in support of state authority to require universal service contributions from interconnected VoIP providers.

Regular Agenda - Legislative and Other Matters

Regular Agenda - Commissioner's Reports

Item **Appointments to the Low Income Oversight Board**
48
[8748]

Commissioner Grueneich Report

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);

Agenda 3240, Item 51 9/10/2009 (Grueneich)

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

Item **Conference with Legal Counsel - Application for Rehearing**
 49
 [8814]

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.

Item **Conference with Legal Counsel - Application for Rehearing**
 50
 [8830]

A09-04-006

Disposition of application for rehearing of Resolution E-4227A, filed by Division of Ratepayer Advocates and The Utility Reform Network. In this resolution, the Commission approved the request of Southern California Edison Company for a new memorandum account and to track up to \$30 million in payments related to a Hydrogen Energy California ("HECA") study. Resolution E-4227A also denied Edison's request to recover funds through an advice letter, and limited the amount spent by Edison, subject to recovery through a formal application process.

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

Closed Session - Initiation of Litigation - Non-Federal

Consideration of possible Commission initiation of, or intervention in, litigation.

Gov. Code § 11126(e)(2)(C)(i) and/or § 11126(d)(2), allows this item to be considered in Closed Session.

Closed Session - Threatened Litigation - Non-Federal

Significant exposure to litigation

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

Closed Session - Existing Litigation - Non-Federal

Closed Session - Threatened Litigation - Federal

Significant exposure to litigation in federal agency or court proceedings.

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

Closed Session - Initiation of Litigation - Federal

Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

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

Closed Session - Federal

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

53

[8813]

FERC Docket No. ER06-615 and Related Items

California Independent System Operator Corporation, FERC Docket No. ER06-615, also known as Market Redesign and Technology Update (MRTU).

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

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

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., FERC Docket No. EL00-95, Investigation of Practices of the California Independent System Operator and the California Power Exchange, FERC Docket EL00-98, and related dockets, CPUC v. FERC, Ninth Circuit Nos. 01-71051, et al., and 01-71934, et al., and related dockets.

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

Closed Session - Personnel Matters

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

Gov. Code § 11126(a), allows this item to be considered in Closed Session