
Public Utilities Commission of the State of California

Public Agenda 3248

Thursday, February 4, 2010 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

John A. Bohn

Dian M. Grueneich

Nancy E. Ryan

Timothy Alan Simon

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Monday, February 22, 2010 (San Francisco)	Thursday, February 04, 2010 (San Francisco)
Monday, March 08, 2010 (San Francisco)	Thursday, February 25, 2010 (San Francisco)
Monday, April 05, 2010 (San Francisco)	Thursday, March 11, 2010 (San Francisco)
Monday, April 19, 2010 (San Francisco)	Thursday, April 08, 2010 (San Francisco)
Monday, May 03, 2010 (San Francisco)	Thursday, April 22, 2010 (Los Angeles)

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

Matters of Public Interest

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

For further information contact the Public Advisor
(415) 703-2074 E-mail: public.advisor@cpuc.ca.gov



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

PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- 16, 17

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**

[9159]

Res ALJ 176-3248

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 2 Clarifies the Rules of the Community Choice Aggregation Opt-Out Provisions, as Set Forth in the Statute

[8768]

Res E-4250

PROPOSED OUTCOME:

® Directs Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company to modify their Community Choice Aggregation (CCA) tariffs and clarifies rules that are intended to:

- ® Describe when customers may opt-out of CCA service.
- ® Prevent utilities from refusing to sell electricity to CCAs.
- ® Prevent utilities from offering goods, services, or programs as an inducement for a local government not to participate in a CCA.

ESTIMATED COST:

® No impact on utilities' revenue requirements.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=409854

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

Agenda 3240, Item 20 9/10/2009 (Staff);
Agenda 3241, Item 9 9/24/2009 (Staff);
Agenda 3242, Item 7 10/15/2009 (Staff);
Agenda 3243, Item 4 10/29/2009 (Staff);
Agenda 3244, Item 3 11/20/2009 (Staff);
Agenda 3245, Item 3 12/3/2009 (Staff);
Agenda 3247, Item 3 1/21/2010 (Staff)

Consent Agenda - Orders and Resolutions (continued)

Item **Southern California Edison Company's Proposal Regarding**
3 **Customer Option to Place Distribution System Equipment**
[8841] **Underground**

Res E-4241, Advice Letter SCE 2334-E, filed on March 27, 2009 - Related matters.

PROPOSED OUTCOME:

- ® Approves with modifications Southern California Edison Company's (SCE) request to delete the option for customers to have distribution system equipment installed underground.
- ® Requires a cost cap when SCE decides to relocate existing underground equipment to above ground.
- ® Requires SCE to better define when equipment may no longer be installed underground in projects in progress.
- ® Requires SCE to consult with the Building Industry Association about transition terminology and schedules.
- ® Directs SCE to file a Supplement to this Advice Letter.

ESTIMATED COST:

- ® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=406559

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

Agenda 3242, Item 16 10/15/2009 (Peevey);
Agenda 3243, Item 7 10/29/2009 (Staff);
Agenda 3244, Item 5 11/20/2009 (Peevey);
Agenda 3247, Item 4 1/21/2010 (Staff)

Consent Agenda - Orders and Resolutions (continued)

Item 4 Determines Ratemaking Treatment for Rural Telephone Bank Stock Dissolution Proceeds

[8848]

A07-12-026

Application of Calaveras Telephone Company, Cal-Ore Telephone Co., Ducor Telephone Company, Happy Valley Telephone Company, Hornitos Telephone Company, Kerman Telephone Co., The Ponderosa Telephone Co., Sierra Telephone Company, Inc., The Siskiyou Telephone Company, Volcano Telephone Company, and Winterhaven Telephone Company for Ratemaking Determination regarding Dissolution of Rural Telephone Bank.

PROPOSED OUTCOME:

- ® Ratepayers or the California High Cost Fund A credited with the Rural Telephone Bank Stock redemption proceeds.
- ® Applicants ordered to Show Cause why they should not be fined for failing to disclose receipt of Rural Telephone Bank Stock redemption proceeds.

ESTIMATED COST:

- ® Jurisdictional portion of 30 million in aggregate rate relief.

(Comr Peevey - ALJ Bushey)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=413792

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

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

Agenda 3242, Item 19 10/15/2009 (Staff);
 Agenda 3243, Item 9 10/29/2009 (Staff);
 Agenda 3244, Item 7 11/20/2009 (Staff);
 Agenda 3245, Item 6 12/3/2009 (Staff);
 Agenda 3246, Item 4 12/17/2009 (Staff);
 Agenda 3247, Item 6 1/21/2010 (Staff)

Consent Agenda - Orders and Resolutions (continued)

Item **Petition of The Utility Reform Network for a Rulemaking**
5 **Regarding Arrearage Management and Shutoff Prevention**

[8864]

P09-06-022

PROPOSED OUTCOME:

® Denies the petition of The Utility Reform Network for a rulemaking or investigation to address arrearage management and shutoff prevention for residential customers of the major jurisdictional electric and natural gas utilities.

® Closes the proceeding.

ESTIMATED COST:

® None.

(Comr Bohn - ALJ O'Donnell)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=412689

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

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

Agenda 3243, Item 11 10/29/2009 (Grueneich);

Agenda 3244, Item 8 11/20/2009 (Simon);

Agenda 3245, Item 7 12/3/2009 (Staff);

Agenda 3246, Item 5 12/17/2009 (Staff);

Agenda 3247, Item 7 1/21/2010 (Grueneich)

Consent Agenda - Orders and Resolutions (continued)

Item Lake Forest Water Company Memorandum Account

6

[9076]

Res W-4815, Advice Letter (AL) 40-W filed on July 28, 2009 and AL 40-W-B filed on November 24, 2009 - Related matters.

PROPOSED OUTCOME:

® Authorizes a surcharge of \$39.87 semi-annually for three years for Water Quality Memorandum Account and an increase of \$55,037 or 38.5% for an offset rate base increase.

ESTIMATED COST:

- ® Recovery of \$42,905 from Water Quality Memorandum Account.
- ® \$55,037 or 38.5% increase for purchased water, power, and rate base offsets.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=413947

Agenda 3246, Item 40 12/17/2009 (Staff);
Agenda 3247, Item 10 1/21/2010 (Staff)

Item Southern California Edison Company's Request to Confirm

7

Nominee

[9121]

Res E-4288, Advice Letter 2382-E, filed on September 16, 2009 - Related matters.

PROPOSED OUTCOME:

® Grants Southern California Edison Company's request to confirm its nominee, Aulana L. Peters, to the Committees of its Nuclear Decommissioning Trust Funds for a five year term starting on February 11, 2010.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=403721

Agenda 3247, Item 25 1/21/2010 (Simon)

Consent Agenda - Orders and Resolutions (continued)

Item 8 California-American Water Company to Establish a Cease and Desist Order Memorandum Account

[9128]

Res W-4824, Advice Letter 805 filed on October 5, 2009 - Related matters.

PROPOSED OUTCOME:

® Authorizes the establishment of the Cease and Desist Order Memorandum Account.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=408412

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

Agenda 3247, Item 30 1/21/2010 (Simon)

Consent Agenda - Orders and Resolutions (continued)

Item **Structural Changes to Existing Deaf and Disabled**
9 **Telecommunications Program Advisory Board Charters**
[9141] **Pursuant to Resolution T-17212**

Res T-17249

PROPOSED OUTCOME:

® Modifies the Telecommunications Access for the Deaf and Disabled Administrative Committee charter and eliminates the California Relay Services Advisory Committee charter, pursuant to Resolution T-17212.

® Makes structural changes to the Deaf and Disabled Telecommunications Program Consumer Advisory Boards effective January 1, 2010.

® Adopts new interim and permanent charters for the Deaf and Disabled Administrative Committee, appended to this resolution as Appendices A and B, which shall take effect immediately.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=408613

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

Consent Agenda - Orders and Resolutions (continued)

Item Transfer of Indirect Control of Valencia Water Company

10

[9144]

A09-10-024

In the Matter of the Application of Newhall Holding Company, LLC, Newhall Intermediary Holding Company, LLC, LandSource Holding Company, LLC, and Valencia Water Company for Authority for Newhall Holding Company, LLC, Newhall Intermediary Holding Company, LLC and LandSource Holding Company, LLC, to Acquire Indirect Control Over Valencia Water Company.

PROPOSED OUTCOME:

- ® Approves Newhall Holding Company LLC, Newhall Intermediary Holding Company, LLC, and LandSource Holding Company, LLC to acquire indirect control of Valencia Water Company.
- ® Closes the proceeding.

ESTIMATED COST:

- ® None.

(Comr Bohn - ALJ Galvin)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E27592

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 11 Termination of the Public Policy Payphone Program as Ordered in Decision 08-06-020

[9146]

Res T-17226

PROPOSED OUTCOME:

® Terminates the Public Policy Payphone Program, as provided for by Ordering Paragraph 25 in Decision 08-06-020, due to a lack of Payphone Providers' interest in the program.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=410726

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

Consent Agenda - Orders and Resolutions (continued)

Item **Modifications to Pacific Gas and Electric Company's Motion**
12 **to Accelerate Energy Efficiency Incentives to the University**
[9150] **of California Davis**

R06-04-010

Order Instituting Rulemaking to examine the Commission's post-2005 energy efficiency policies, programs, evaluation, measurement, and verification, and related issues.

PROPOSED OUTCOME:

- ® Pacific Gas and Electric Company's (PG&E) motion is granted with two modifications.
- ® PG&E must provide similar incentives to similarly-situated customers.
- ® University of California Davis is not eligible for further energy efficiency incentives through 2019.
- ® Closes the proceeding.

ESTIMATED COST:

- ® \$19 million cumulative net cost savings to ratepayers.

(Comr Grueneich - ALJ Gamson)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=413810

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 Order Extending Statutory Deadline

13

[9157]

R06-10-006

Order Instituting Rulemaking on the Commission's own motion into the application of the California Environmental Quality Act to applications of jurisdictional telecommunications utilities for authority to offer service and construct facilities.

PROPOSED OUTCOME:

® Extends the statutory deadline for completion of this quasi-legislative proceeding until April 16, 2010.

ESTIMATED COST:

® None.

(Comr Bohn - ALJ Prestidge)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=410676

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

Consent Agenda - Orders and Resolutions (continued)

Item 14 **Shasta County Health and Human Services Agency Request
for Certification as the 2-1-1 Service Provider for Shasta
County**
[9164]

Res T-17220

PROPOSED OUTCOME:

® Approves Shasta County Health and Human Services Agency's request to become 2-1-1 provider for Shasta County.

ESTIMATED COST:

® No cost to calling party.

® Expenses for telecommunications services connected with 2-1-1 are paid by the service provider.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=408834

Item 15 **Southern California Edison Company's Request to Lease to
Thirty "Dark Fiber" Lines**
[9165]

Res T-17243, Advice Letter 79, filed September 3, 2009 - Related matters.

PROPOSED OUTCOME:

® Grants Southern California Edison Company's (SCE) request to lease thirty "dark fiber" lines to New Cingular Wireless PCS, LLC.

ESTIMATED COST:

® SCE expects to receive a net present value of \$1.056 million dollars from this transaction over a period of five years.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=411152

Consent Agenda - Orders and Resolutions (continued)

Item Order Extending Statutory Deadline

16

[9167]

C08-02-013

O1 Communications, Inc. vs. Verizon California, Inc.

PROPOSED OUTCOME:

® The deadline set forth in Decision 09-01-024 for resolving Case 08-02-013, February 15, 2010, is extended to February 15, 2011.

ESTIMATED COST:

® None.

(Comr Peevey - ALJ McKenzie)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=413608

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

Consent Agenda - Orders and Resolutions (continued)

Item Order Extending Statutory Deadline

17

[9171]

C08-08-008

Utility Consumers' Action Network vs. MPower Communications Corp. dba TelePacific Communications fka MPower Communications aka TelePacific Holding Corp and related entities collectively "TelePacific."

PROPOSED OUTCOME:

® Extends the deadline in this case to November 19, 2010, pursuant to Pub. Util. Code § 1701.2(d).

ESTIMATED COST:

® None.

(Comr Simon - ALJ McKenzie)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=411518

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

Item Penngrove Water Company Surcharge Request

18

[9174]

Res W-4825, Advice Letter (AL) 71-W, filed December 8, 2009 and Supplemental AL 71-W-A, filed January 13, 2010 - Related matters.

PROPOSED OUTCOME:

® Authorizes a surcharge of \$1.85 per Ccf for months to recover the expenses in the mandatory water conservation memorandum account.

ESTIMATED COST:

® Recovery of \$56,653 from the mandatory water conservation memorandum account.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=413970

Consent Agenda - Orders and Resolutions (continued)

**Item Transfer of Lucky Shuttle Passenger Stage Corporation
19 Certificate**

[9175]

A09-10-021

In the Matter of the Application of Hossein Ahmadi-Simab dba Lucky Shuttle (Seller) and Shahnavaaz Ezzati (Buyer) for Approval of the Transfer by Sale of the Operating Authority held by Seller, pursuant to the Provisions of Public Utilities Section 851 et seq.

PROPOSED OUTCOME:

- ® Grants the application for approval to transfer a passenger stage corporation certificate from Hossein Ahmadi to Shahnavaaz Ezzati.
- ® Closes the proceeding.

ESTIMATED COST:

- ® None.

(Exam Clark)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=409533

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

Consent Agenda - Intervenor Compensation Orders**Item Hourly Rates for Outside Counsel for Obtaining Judicial
20 Review**

[9176]

A00-11-038, A00-11-056, A00-10-028 - Related matters.

Application of Southern California Edison Company (U338E) for Authority to Institute a Rate Stabilization Plan with a Rate Increase and End of Rate Freeze Tariffs.

PROPOSED OUTCOME:

® Approves revised hourly rates for the outside counsel used by The Utility Reform Network in obtaining judicial review in these consolidated proceedings.

ESTIMATED COST:

® Ratepayers of Southern California Edison Company will pay \$51,613 in compensation to The Utility Reform Network.

(Comr Peevey - ALJ Kotz)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=411473*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Consent Agenda - Intervenor Compensation Orders (continued)

Item **Compensation Awarded to Community Environmental**
21 **Council for Intervenor Compensation for Substantial**
[9177] **Contributions to Decision 08-10-037**

R06-04-009

Order Instituting Rulemaking to Implement the Commission's Procurement Incentive Framework and to Examine the Integration of Greenhouse Gas Emissions Standards into Procurement Policies.

PROPOSED OUTCOME:

® Awards Community Environmental Council \$9,563.00 for its substantial contributions to Decision 08-10-037.

ESTIMATED COST:

® Ratepayers of Pacific Gas and Electric Company, Southern California Edison Company, Southern California Gas Company, and San Diego Gas & Electric Company will pay the awarded amount, \$9,563.00, plus interest, based on their California-jurisdictional gas and electric revenues for the 2008 calendar year.

(Comr Peevey - ALJ TerKeurst)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=409651

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

Consent Agenda - Intervenor Compensation Orders (continued)

Item 22 Compensation Awarded to The Utility Reform Network for Substantial Contributions to Decision 09-03-026

[9178]

A07-12-009

Application of the Pacific Gas and Electric Company for Authority to Increase Revenue Requirements to Recover the Costs to Upgrade its SmartMeter™ Program.

PROPOSED OUTCOME:

- ® Awards The Utility Reform Network \$125,170.01 in compensation for substantial contributions to Decision 09-03-026.
- ® Closes the proceeding.

ESTIMATED COST:

- ® Ratepayers of Pacific Gas and Electric Company will pay \$125,170.01, plus interest, effective July 26, 2009.

(Comr Peevey - ALJ Fukutome)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=395330

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

Regular Agenda

Regular Agenda - Energy Orders

Item **Tradable Renewable Energy Credits for the California
23 Renewables Portfolio Standard Program Compliance**

[8406]

R06-02-012

Order Instituting Rulemaking to Develop Additional Methods to Implement the California Renewables Portfolio Standard Program.

PROPOSED OUTCOME:

- ® Authorizes use of tradable renewable energy credits (TRECs) for the California Renewables Portfolio Standard Program compliance.
- ® Sets market rules for TREC market.
- ® Sets compliance and reporting rules for use of TRECs.
- ® Sets temporary cap of \$50.00/REC on TRECs used by utilities for RPS compliance.
- ® Sets temporary usage limit of 40% of RPS annual procurement target for TRECs used by three large utilities.

ESTIMATED COST:

- ® None.

(Comr Peevey - ALJ Simon)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E20608

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 Long-Term Resource Adequacy Policy

24

[8994]

R05-12-013

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

PROPOSED OUTCOME:

- Ⓜ Adopts, as a matter of Commission policy, a multi-year forward capacity procurement requirement.
- Ⓜ Provides for implementation of the adopted policy in a new rulemaking.
- Ⓜ Closes the proceeding.

ESTIMATED COST:

- Ⓜ No direct incremental cost foreseen.

(Comr Peevey - ALJ Wetzell)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=412561

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

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

Agenda 3246, Item 61 12/17/2009 (Peevey);

Agenda 3247, Item 43 1/21/2010 (Staff)

Regular Agenda - Energy Orders (continued)

Item Pacific Gas and Electric Company Peak Day Pricing

25

(Rev.)

[9127]

A09-02-022

Application of Pacific Gas and Electric Company for Approval of its 2009 Rate Design Window Proposals for Dynamic Pricing and Recovery of Incremental Expenditures Required for Implementation.

PROPOSED OUTCOME:

® Continues implementation of the Commission's policy to make dynamic pricing available for all electric customers by adopting and implementing default and optional critical peak pricing and time-of-use rates (together, referred to as Peak Day Pricing) beginning May 1, 2010, for Pacific Gas and Electric Company.

® This decision also adopts appropriate customer outreach and education activities and measures to ensure customer awareness and understanding of the new rates and options.

® The revenue requirement associated with authorized costs will be included in rates through Pacific Gas and Electric Company's Annual Electric True-up advice letter filing.

® Recovery of potential cost overruns, including contingencies, and costs associated with Customer Care and Billing conversions are deferred to after-the-fact reasonableness review applications.

® Closes the Proceeding.

ESTIMATED COST:

® Authorizes cost recovery of capital expenditures and operating expenses amounting to \$123,585,000 for the years 2008-2010.

(Comr Peevey - ALJ Fukutome)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=413779

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

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

Agenda 3247, Item 46 1/21/2010 (Bohn)

02/02/2010 - This revision was not shown on the Agenda mailed to the public.

Regular Agenda - Energy Orders (continued)

Item New Order Instituting Rulemaking

26

[9182]

R_____

Order Instituting Rulemaking on the Commission's Own Motion to address the issue of customers' electric and natural gas service disconnection.

PROPOSED OUTCOME:

® The Commission initiates a rulemaking to implement measures addressing the disconnection issue.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=414002

Regular Agenda - Energy Resolutions and Written Reports
**Item Moorpark-Newbury 66 kV Subtransmission Line
27**

[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=407741

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);
 Agenda 3241, Item 38 9/24/2009 (Staff);
 Agenda 3242, Item 46 10/15/2009 (Staff);
 Agenda 3243, Item 51 10/29/2009 (Staff);
 Agenda 3244, Item 64 11/20/2009 (Peevey);
 Agenda 3245, Item 34 12/3/2009 (Staff);
 Agenda 3247, Item 49 1/21/2010 (Staff)

Regular Agenda - Energy Resolutions and Written Reports (continued)

Item 28
Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company
Qualifying Facilities Contracts
 [8520]

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 AL 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 AL PG&E AL 3197-E-B, et al. - 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=409745

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);
 Agenda 3241, Item 39 9/24/2009 (Staff);
 Agenda 3242, Item 47 10/15/2009 (Staff);
 Agenda 3243, Item 52 10/29/2009 (Staff);
 Agenda 3244, Item 65 11/20/2009 (Staff);
 Agenda 3245, Item 35 12/3/2009 (Staff);
 Agenda 3246, Item 69 12/17/2009 (Staff);
 Agenda 3247, Item 50 1/21/2010 (Staff)

Regular Agenda - Energy Resolutions and Written Reports (continued)

Item **Pacific Gas and Electric Company's Renewable Power**
29 **Purchase Agreement with Mt. Poso Cogeneration Company,**
[9151] **LLC**

Res E-4309, Advice Letter 3529-E filed on September 21, 2009 - Related matters.

PROPOSED OUTCOME:

- ® Approves cost recovery for a Pacific Gas and Electric Company's renewable energy power purchase agreement (PPA) with Mt. Poso Cogeneration Company, LLC for biomass power.
- ® The PPA is approved with modifications.

ESTIMATED COST:

- ® Actual costs are confidential at this time.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=413993

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

Regular Agenda - Legal Division Matters**Item Comments Before Federal Communications Commission
30 Regarding Rural and Urban Rates**

[9147]

WC Docket No. 05-337, CC Docket No. 96-45

® The Federal Communications Commission (FCC) responds to the decision of the United States Court of Appeals for the Tenth Circuit in *Qwest Communications International, Inc. v. FCC*, in which the court remanded the FCC's rules for providing high-cost universal service support to non-rural carriers.

® Given certain time constraints, the FCC is proposing to adopt only interim changes to the universal service support mechanism in response to the court's decision.

® Specifically, the FCC seeks comment on whether it should define "reasonably comparable" rural and urban rates in terms of rates for bundled local and long distance services.

® The FCC asks whether it should require carriers to certify that they offer bundled local and long distance services at reasonably comparable rural and urban rates.

® Staff seeks authority to prepare comments addressing issues raised in the FCC's Public Notice. Agenda 3247, Item 56 1/21/2010 (Staff)

Regular Agenda - Legislative and Other Matters

Regular Agenda - Commissioner's Reports

Regular Agenda - Management Reports and Resolutions

Closed Session

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

Closed Session - Applications for Rehearing

Item Conference with Legal Counsel - Application for Rehearing

31

[9160]

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

32

[9170]

A08-09-007

Disposition of Applications for Rehearing of Decision (D) 09-04-010, jointly filed by California Pilots Association, SkyWest Townhouse Homeowners Association and Hayward Area Planning Association, and jointly filed by Californians for Renewable Energy, Inc. and Rob Simpson ("CARE/Simpson"). In D09-04-010, the Commission approved settlement agreement regarding the second amended and restated power purchase agreement.

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.

Item Conference with Legal Counsel - Initiation of Litigation**33**

[9154]

I. _____

Deliberation on institution of investigation of proceedings or disciplinary actions against persons or entities under the Commission's jurisdiction. (Disclosure of the case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary actions is not commenced.)

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

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

Item Conference with Legal Counsel - Initiation of Litigation**34**

[9155]

I. _____

Deliberation on institution of investigation of proceedings or disciplinary actions against persons or entities under the Commission's jurisdiction. (Disclosure of the case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary actions is not commenced.)

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

Gov. Code § 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**Item Conference with Legal Counsel - Existing Litigation****35**

[9179]

Case No. CGC-08-481152

Superior Court of the State of California, County of San Francisco, Case No. CGC-08-481152.

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

Item Conference with Legal Counsel - Existing Litigation**36**

[9180]

Case No. CGC-07-464877

Superior Court of the State of California, County of San Francisco, Case No. CGC-07-464877.

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

Item Conference with Legal Counsel - Existing Litigation**37**

[9181]

Case No. CGC-08-480942

Superior Court of the State of California, County of San Francisco, Case No. CGC-08-480942.

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

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

38

[9161]

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