
Public Utilities Commission of the State of California

Public Agenda 3250

Thursday, March 11, 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, April 05, 2010 (San Francisco)	Thursday, April 08, 2010 (San Francisco)
Monday, April 19, 2010 (San Francisco)	Thursday, April 22, 2010 (Los Angeles)
Monday, May 03, 2010 (San Francisco)	Thursday, May 06, 2010 (San Francisco)
Monday, May 17, 2010 (San Francisco)	Thursday, May 20, 2010 (San Francisco)
Friday, May 28, 2010 (San Francisco)	Thursday, June 03, 2010 (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.
- 19, 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**

[9232]

Res ALJ 176-3250

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=417419

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);
 Agenda 3241, Item 2 9/24/2009 (Staff);
 Agenda 3242, Item 2 10/15/2009 (Staff);
 Agenda 3243, Item 2 10/29/2009 (Staff);
 Agenda 3244, Item 2 11/20/2009 (Staff);
 Agenda 3245, Item 2 12/3/2009 (Staff);
 Agenda 3246, Item 2 12/17/2009 (Staff);
 Agenda 3247, Item 2 1/21/2010 (Staff);
 Agenda 3249, Item 2 2/25/2010 (Staff)

Consent Agenda - Orders and Resolutions (continued)

Item **Clarifies the Rules of the Community Choice Aggregation
3** **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=417699

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);
Agenda 3248, Item 2 2/4/2010 (Staff);
Agenda 3249, Item 3 2/25/2010 (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=418510

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);
 Agenda 3248, Item 4 2/4/2010 (Staff);
 Agenda 3249, Item 5 2/25/2010 (Simon)

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=417844

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);

Agenda 3248, Item 5 2/4/2010 (Staff)

Consent Agenda - Orders and Resolutions (continued)

Item Modification of Decisions 06-12-030 and 08-04-023

6

[8868]

R05-06-040

Order Instituting Rulemaking to implement Senate Bill No. 1488 (2004 Cal. Stats., Ch. 690 (Sept. 22, 2004)) relating to confidentiality of information.

PROPOSED OUTCOME:

- ® Modifies Decision (D) 06-12-030 and D08-04-023 regarding conditions of access to market sensitive information.
- ® Closes the Proceeding.

ESTIMATED COST:

- ® None.

(Comr Grueneich - ALJ Yacknin)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=418356

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 12 10/29/2009 (Staff);

Agenda 3244, Item 9 11/20/2009 (Staff);

Agenda 3245, Item 8 12/3/2009 (Staff);

Agenda 3247, Item 8 1/21/2010 (Bohn);

Agenda 3249, Item 6 2/25/2010 (Peevey)

Consent Agenda - Orders and Resolutions (continued)

**Item California-American Water Company to Establish a Cease
7 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=417388

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

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

Agenda 3248, Item 8 2/4/2010 (Bohn);

Agenda 3249, Item 8 2/25/2010 (Staff)

Consent Agenda - Orders and Resolutions (continued)

Item Lodi Gas Storage, LLC's Modification of Decision 00-05-048

8

[9187]

A09-06-011

PROPOSED OUTCOME:

- ® Denies the request of Lodi Gas Storage to modify Decision 00-05-048 to replace the currently required \$10 million surety bond with a parental guarantee in the same amount.
- ® Lodi is required to retain the \$10 million surety bond as condition of its certificate of public convenience and necessity.
- ® Closes the proceeding.

ESTIMATED COST:

- ® Approximately \$122,000 to Lodi Gas Storage in 2009, continuing annually while the gas storage facility operates.

(Comr Bohn - ALJ Vieth)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=417324

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

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

Agenda 3249, Item 21 2/25/2010 (Staff)

Consent Agenda - Orders and Resolutions (continued)

Item Resolution of the Limited Rehearing of Decision 08-02-036

9

[9191]

107-01-022, A06-09-006, A06-10-026, A06-11-009, A06-11-010, A07-03-019 - Related matters.
Order Instituting Investigation to Consider Policies to Achieve the Commission’s Conservation Objectives for Class A Water Utilities.

PROPOSED OUTCOME:

- ® Affirms Decision 08-02-036.
- ® Authorizes Class A water utilities to track legal and related costs incurred in participating in this proceeding from the date of issuance of the Order Instituting Investigation in memorandum accounts.

ESTIMATED COST:

- ® None.

(Comr Bohn - ALJ Grau)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=418032

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

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

Agenda 3249, Item 24 2/25/2010 (Bohn)

Consent Agenda - Orders and Resolutions (continued)

Item **Selection of Grant Recipients of the California Solar Initiative**
10 **Research, Development, Deployment and Demonstration**
[9199] **Program**

Res E-4317

PROPOSED OUTCOME:

® Program Manager will enter into grant agreements with the eight selected recipients.

ESTIMATED COST:

® No additional cost is associated with this Resolution.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=418560

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

Consent Agenda - Orders and Resolutions (continued)

**Item Electric Generation Performance Branch's Final Report of La
11 Paloma Power Plant**

[9204]

Res EGPB-9

PROPOSED OUTCOME:

® Approves the Final Report on the Audit of La Paloma Generating Station (La Paloma), performed by the Electric Generation Performance Branch (EGPB) of the Consumer Protection and Safety Division, and authorizes public disclosure of the Final Audit Report.

® The Final Audit Report (Appendix A to EGPB- 9) will be attached to the public version of the Final Resolution.

® The Final Audit Report orders La Paloma to complete corrective actions for eleven violations of General Order 167, which includes Maintenance and Operations Standards for Electric Generators.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=412697

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

**Item Disclosure of Records of an Investigation
12**

[9206]

Res L-393

Authorizes the disclosure of records concerning the California Public Utilities Commission Consumer Protection and Safety Division's investigation of a train accident that resulted in a fatality which occurred on May 7, 2008, located at the Valley View Avenue Crossing, in La Mirada, Los Angeles County.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=418348

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

Consent Agenda - Orders and Resolutions (continued)

Item **Appeal of Evans Industrial, Inc. of the Clearinghouse**
13 **Determination of Status Under General Order 156**

[9209]

Res ALJ-245

PROPOSED OUTCOME:

® Denies appeal.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=418357

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

Consent Agenda - Orders and Resolutions (continued)

Item Modification of Decision 07-05-029
14

[9213]

A07-02-032, A07-02-033 - Related matters.

Application of Pacific Gas and Electric Company for Approval of Demand Response Agreements.

PROPOSED OUTCOME:

® Declines to modify Decision 07-05-029 to expand a Demand Response contract between Pacific Gas and Electric Company (PG&E) and Energy Curtailment Specialists.

® PG&E did not provide updated information on the cost effectiveness of its proposed contract expansion.

® Certain terms of the existing contract are not consistent with current Commission policy for demand response activities set in Decision 09-08-027.

® Closes the proceeding.

ESTIMATED COST:

® None.

(Comr Grueneich - ALJ Hecht)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=418497

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 15 Final Report of the 2009 Safety Review of San Diego Trolley, Inc.

[9214]

Res ST-113

PROPOSED OUTCOME:

® Grants approval of San Diego Trolley, Inc's Safety Review Report dated December 31, 2009.

ESTIMATED COST:

® Not within the scope of this resolution.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=417951

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

Consent Agenda - Orders and Resolutions (continued)

Item 16 Transfer of Control and Fining Applicants for Violation of Section 854 of the Public Utilities Code

[9221]

A09-11-008

Application of NobelTel, LLC and Nobel Holding, Inc. for approval of an Indirect Transfer of Control of NobelTel, LLC.

PROPOSED OUTCOME:

- ® Grants transfer of control.
- ® Fines Applicants \$5,000 based on their failure to obtain authorization before the closing of the sale.
- ® Application 09-11-008 is closed.

ESTIMATED COST:

- ® None.

(Comr Bohn - ALJ Wilson)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=418288

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 Pacific Gas and Electric Company's Renewable Energy
17 Contract With AV Solar Ranch 1, LLC**

[9225]

Res E-4315, Advice Letter (AL) 3469-E filed on June 4, 2009 and Supplemental AL 3469-E-A filed on December 4, 2009 - Related matters.

PROPOSED OUTCOME:

® Approves cost recovery for a power purchase agreement resulting from Pacific Gas and Electric Company's (PG&E) 2008 Renewables Portfolio Standard (RPS) solicitation between PG&E and AV Solar Ranch 1, LLC., pursuant to California's RPS program.

ESTIMATED COST:

® Actual costs are confidential at this time.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=418561

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

**Item San Diego Gas and Electric Company's Updated Revenue
18 Requirement**

[9228]

Res E-4319, Advice Letter 2099-E filed July 30, 2009 - Related matters.

PROPOSED OUTCOME:

® Approves San Diego Gas & Electric Company's request to decrease the revenue requirement associated with the completion of the Miramar Energy Facility II pursuant to Decision 09-01-008.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=413713

Consent Agenda - Orders and Resolutions (continued)

Item Decision Denying Relief

19

[9230]

C09-07-013

Xiaotian Sun vs. Pacific Gas and Electric Company.

PROPOSED OUTCOME:

- ® Complainant seeks to be placed on a rate schedule closed to new customers.
- ® Held: Relief denied.
- ® Closes the proceeding.

ESTIMATED COST:

- ® None.

(Comr Simon - ALJ Barnett)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=410648

Consent Agenda - Orders and Resolutions (continued)

Item **Construction of two New Pedestrian Underpasses Under**
20 **Peninsula Corridor Joint Powers Board Tracks**

[9237]

A09-12-013

Application of the Peninsula Corridor Joint Powers Board for authority to construct two new pedestrian underpasses at MPs 10.94 & 11.06 at the San Bruno Caltrain Station, City of San Bruno, County of San Mateo.

PROPOSED OUTCOME:

- ® Grants the Peninsula Corridor Joint Powers Board authorization to construct two new grade-separated pedestrian rail crossings under their tracks on the Caltrain mainline.
- ® 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=415542

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

Consent Agenda - Orders and Resolutions (continued)

**Item Bauer's Limousine Service, Inc. to Extend its Passenger
21 Stage Corporation Certificate**

[9241]

A09-12-019

Application of Bauer's Limousine Service, Inc. for authority to expand its current Passenger Stage Corporation authority to operate in additional counties and between fixed points within and between such counties, over specified routes in San Diego, Orange, Los Angeles, San Bernardino, Riverside, San Joaquin, Marin, Alameda, Contra Costa, Yolo, Sacramento, Placer, Nevada, Tehama, Shasta, and Siskiyou Counties in the State of California, and to Establish a Zone of Rate Freedom for its services.

PROPOSED OUTCOME:

- ® Grants the application of Bauer's Limousine Service, Inc. to extend its scheduled passenger stage corporation service to include additional routes in Northern California, a new service in Southern California, and service between San Diego and Yreka.
- ® Establishes a zone of rate freedom.
- ® Closes the proceeding.

ESTIMATED COST:

- ® None.

(Exam Clark)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=415578

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

Consent Agenda - Orders and Resolutions (continued)

Item Prince Shuttle for a Passenger Stage Corporation Certificate

22

[9242]

A09-12-009

In the Matter of the Application of Amarjit Singh, doing business as Prince Shuttle for Authority to operate as an on call Passenger Stage Operation between points in the Counties of Alameda, Santa Clara, San Mateo, Contra Costa and the City and County of San Francisco, and the following International Airports: Oakland, San Francisco, and San Jose.

PROPOSED OUTCOME:

® Grants the application of Amarjit Singh to operate as an on-call passenger stage corporation between certain cities in Alameda, Contra Costa, San Mateo, Santa Clara Counties, the City and County of San Francisco, San Francisco, Oakland, and San Jose International Airports.

® Closes the proceeding.

ESTIMATED COST:

® None.

(Exam Clark)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=414658

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

Consent Agenda - Orders and Resolutions (continued)

Item **Authority to Remove and to Reconstruct an At-Grade**
23 **Crossing Above BNSF Railway Company's San Jacinto**
[9248] **Subdivision Tracks**

A09-03-013

Application of the California Department of Transportation for an order authorizing replacement of an existing grade separated crossing (Frontage Road Overhead) per General Order 26-D over one rail line operated by BNSF at State Route 60 and near State Route 215/60 Interchange in the City of Riverside and Moreno Valley, County of Riverside, State of California.

PROPOSED OUTCOME:

- ® Grants Caltrans authorization to construct the grade-separated frontage road highway-rail crossing above the BNSF tracks.
- ® 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=417226

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

Consent Agenda - Orders and Resolutions (continued)

Item Order Extending Statutory Deadline

24

[9249]

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 to June 18, 2010.

ESTIMATED COST:

® None.

(Comr Peevey - ALJ Wetzell)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=414958

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

Consent Agenda - Orders and Resolutions (continued)

Item Authority to Construct an At-Grade Pedestrian Crossing

25

[9250]

A09-02-006

In the matter of the Application of the City of Sacramento in cooperation with California State Railroad Museum and the California State Parks to construct a permanent at-grade pedestrian crossing located at railroad mile post 0.80 in the City of Sacramento, County of Sacramento, California.

PROPOSED OUTCOME:

- ® Grants City of Sacramento (City) authority to construct a new at-grade pedestrian crossing of the tracks of the California State Railroad Museum in the City.
- ® Closes proceeding.

ESTIMATED COST:

- ® Discretionary project, not within scope of applicant request.

(Exam Clark)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=417367

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

Consent Agenda - Orders and Resolutions (continued)

Item Petition to Modify Decision 09-10-028
26

[9252]

A08-06-034

In the Matter of the Application of Golden State Water Company for Authority to Increase Rates for Electric Service by its Bear Valley Electric Service Division.

PROPOSED OUTCOME:

- ® Grants petition to modify Decision (D) 09-10-028 filed by Golden State Water Company.
- ® Closes the proceeding.

ESTIMATED COST:

- ® No change to the revenue requirement adopted in D09-10-028.
- ® Amortization of the balance in a memorandum account will result in a rate change of approximately \$0.00324/kWh for 24 months.

(Comr Simon - ALJ Farrar)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=414930

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

Item Order Extending Statutory Deadline
27

[9256]

C09-03-024

Jurupa Community Services District vs. Empire Water Company, LLP.

PROPOSED OUTCOME:

- ® Order Extending Statutory Deadline from March 22, 2010, to December 16, 2010.

ESTIMATED COST:

- ® None.

(Comr Bohn - ALJ Weatherford)

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

Consent Agenda - Orders and Resolutions (continued)

Item **Blue Rooster Telecom, Inc. Certificate of Public Convenience
28** **and Necessity**

[9257]

A09-09-017

Application of Blue Rooster Telecom, Inc. for a certificate of public convenience and necessity to provide: (i) resold and facilities-based competitive local exchange service throughout the service territories of Pacific Bell Telephone Company, Verizon California, Inc., SureWest Telephone, and Citizens Telecommunications Company of California, Inc.; and (ii) resold and facilities-based interexchange service statewide.

PROPOSED OUTCOME:

- ® Grants certificate of public convenience and necessity to Blue Rooster Telecom, Inc.
- ® Application 09-09-017 is closed.

ESTIMATED COST:

- ® None.

(Comr Grueneich - ALJ MacDonald)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=414130

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

Consent Agenda - Intervenor Compensation Orders**Item Compensation to Inland Aquaculture Group, L.L.C.
29**

[9188]

A07-11-011, I08-01-026 - Related matters.

Application of Southern California Edison Company for Authority to, Among other Things, Increase its Authorized Revenues for Electric Service in 2009, and to Reflect that Increase in Rates.

PROPOSED OUTCOME:

® Awards Inland Aquaculture Group, L.L.C. \$57,443.16 for substantial contribution to Decision 09-03-025.

® Application 07-11-011 and Investigation 08-01-026 are closed.

ESTIMATED COST:

® Ratepayers of Southern California Edison Company will pay \$57,443.16, plus interest.

(Comr Peevey - ALJ DeAngelis)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=417672*Pub. Util. Code § 311 – This item was mailed for Public Comment.**Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3249, Item 39 2/25/2010 (Peevey)

Consent Agenda - Intervenor Compensation Orders (continued)

Item Compensation to Utility Consumers' Action Network

30

[9251]

A08-11-014

Application of San Diego Gas & Electric Company for Authority to Update Cost Allocation and Electric Rate Design.

PROPOSED OUTCOME:

® Awards Utility Consumers' Action Network \$19,744.64 for substantial contribution to Decision 09-09-036.

® Closes the proceeding.

ESTIMATED COST:

® Ratepayers of San Diego Gas & Electric Company will pay \$19,744.64, plus interest.

(Comr Bohn - ALJ Long)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=414125

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

Consent Agenda - Intervenor Compensation Orders (continued)

Item Compensation to Utility Consumers' Action Network

31

[9253]

A08-12-021

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

PROPOSED OUTCOME:

® Awards Utility Consumers' Action Network \$54,189.60 for substantial contribution to Decision 09-09-030.

ESTIMATED COST:

® Ratepayers of San Diego Gas & Electric Company will pay \$54,189.60, plus interest.

(Comr Simon - ALJ Kenney)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=414988

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

Regular Agenda

Regular Agenda - Energy Orders

Item 32 Tradable Renewable Energy Credits for the California Renewables Portfolio Standard Program Compliance

(Rev.)

[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 (TREC) for RPS compliance.
- ® Clarifies classification of transactions as TREC or bundled RPS procurement.
- ® Sets market rules for TREC market.
- ® Sets compliance and reporting rules for use of TREC.
- ® Sets temporary cap of \$50.00/REC on TREC used by utilities for RPS compliance.
- ® Sets temporary usage limit of 25% of RPS annual procurement target for TREC used by three large utilities.

ESTIMATED COST:

- ® None.

(Comr Peevey - ALJ Simon)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=418651

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

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

Agenda 3248, Item 23 2/4/2010 (Staff);

Agenda 3249, Item 42 2/25/2010 (Peevey)

03/11/2010 - This revision was not shown on the Agenda mailed to the public.

Regular Agenda - Energy Orders (continued)

Item Long-Term Resource Adequacy Policy

33

(Rev.)

[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, the Bilateral Trading Group's recommendations for the Resource Adequacy Program. The program is continued in effect without major structural modification.

® Closes the proceeding.

ESTIMATED COST:

® No direct incremental cost foreseen.

(Comr Peevey - ALJ Wetzell)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=418618

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);

Agenda 3248, Item 24 2/4/2010 (Staff);

Agenda 3249, Item 43 2/25/2010 (Staff)

03/08/2010 - This revision was not shown on the Agenda mailed to the public.

Regular Agenda - Energy Orders (continued)

Item **Pacific Gas and Electric Company's Solar Photovoltaic**
34 **Program**

[9195]

A09-02-019

Application of Pacific Gas and Electric Company to Implement and Recover in Rates the Costs of its Photovoltaic Program.

PROPOSED OUTCOME:

- ® Adopts a new program to develop 500 Megawatts of photovoltaic facilities by Pacific Gas and Electric Company (PG&E) and independent power producers in PG&E's service territory.
- ® Closes the proceeding.

ESTIMATED COST:

- ® Prices for utility-owned generation and power purchase agreements will be capped at the weighted average price of photovoltaic projects from PG&E's 2009 renewables portfolio standard solicitation.

(Comr Peevey - ALJ Ebke)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=418188

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

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

Agenda 3249, Item 45 2/25/2010 (Peevey)

Regular Agenda - Energy Orders (continued)

Item **ALTERNATE TO ITEM 9195**
34a
(Rev.)
[9196]

The Alternate Proposed Decision (APD) differs from the Proposed Decision (PD) in the following substantive ways:

- ® The APD authorizes Pacific Gas and Electric Company (PG&E) to recover the costs of up to 250 MW of utility owned generation (UOG) solar PV projects through cost-of service ratemaking treatment. The APD adopts revised operations and maintenance (O&M) costs, and contingency amounts. With regard to the PG&E's O&M costs, the APD finds that the cost estimates are reasonable however authorizes PG&E to collect only the actual costs it incurs.
- ® The APD establishes a minimum performance standard whereby PG&E's O&M costs will be subject to a reasonableness review should system performance fall, on average, below 80% of anticipated output.
- ® The APD allows PG&E to pursue some limited number of UOG projects on roof-tops and/or sized less than 1 MW, provided these deployments constitute less than 5% of the overall authorized capacity.
- ® Although the APD relies on the same competitive solicitation process as the PD for projects undertaken by independent power producers, the APD adopts a different cost cap for projects pursued for the PPA portion of the program.
- ® The APD encourages PG&E to deploy UOG projects on utility owned land near its substations, however, unlike the PD, it does not require PG&E to file advice letters if it elects to pursue projects on land not currently owned by the utility or near a substation.

(Comr Peevey)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=418608

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

Agenda 3249, Item 45a 2/25/2010 (Peevey)

03/10/2010 - This revision was not shown on the Agenda mailed to the public.

Regular Agenda - Energy Orders (continued)

Item Increased Limits for Direct Access Transactions

35

[9220]

R07-05-025

Rulemaking regarding whether, or subject to what Conditions, the suspension of Direct Access may be lifted consistent with Assembly Bill 1X and Decision 01-09-060.

PROPOSED OUTCOME:

® Authorizes increased limits in the allowed level of direct access transactions within the service territories of California's three major investor-owned electric utilities, Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company, implemented in accordance with the provision of Senate Bill 695 (Stats. 2009, ch. 337).

® Effective April 11, 2010, all qualifying customers will be eligible to take direct access service, up to the new maximum cap subject to the conditions as set forth herein.

ESTIMATED COST:

® Uncertain.

(Comr Peevey - ALJ Pulsifer)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=418479

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

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

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

Regular Agenda - Energy Orders (continued)

**Item Southern California Gas Company for Approval of Advanced
36 Metering Infrastructure**

[9223]

A08-09-023

Application of Southern California Gas Company for Approval of Advanced Metering Infrastructure.

PROPOSED OUTCOME:

® Rejects the Southern California Gas Company request for approval of activities and budgets to implement a gas-only advanced metering infrastructure system throughout its service territory.

® Closes the proceeding.

ESTIMATED COST:

® None.

(Comr Grueneich - ALJ Hecht)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=418590

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 **ALTERNATE TO ITEM 9223**
36a
(Rev.)
[9224]

PROPOSED OUTCOME:

- ® The Alternate Proposed Decision approves the application with the following modifications to Southern California Gas Company's (SoCalGas) proposal:
- ® Approves contingency funding at 7%, rather than 10% as proposed by SoCalGas.
- ® Modifies SoCalGas' proposed sharing mechanism such that cost overruns of less than \$100 million shall be allocated 50/50 to shareholders and ratepayers.
- ® Establishes a \$1 million fund for retraining and retention of meter reading workforce impacted by the Advanced Metering Infrastructure (AMI) project.
- ® Directs SoCalGas to develop a plan for AMI outreach and conservation support.
- ® Requires semi-annual reporting to track the gas conservation impacts of the AMI project to date.

ESTIMATED COST:

- ® A total cost of \$1.0507 billion.

(Comr Grueneich)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=418627

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

03/10/2010 - This revision was not shown on the Agenda mailed to the public.

Regular Agenda - Energy Resolutions and Written Reports**Item Moorpark-Newbury 66 kV Subtransmission Line****37**

[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=417702

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);
Agenda 3248, Item 27 2/4/2010 (Staff);
Agenda 3249, Item 46 2/25/2010 (Staff)

Regular Agenda - Energy Resolutions and Written Reports (continued)

Item **Pacific Gas and Electric Company, San Diego Gas & Electric**
38 **Company, and Southern California Edison Company**
[8520] **Qualifying 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 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=417705

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

Regular Agenda - Energy Resolutions and Written Reports (continued)

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);
Agenda 3248, Item 28 2/4/2010 (Staff);
Agenda 3249, Item 47 2/25/2010 (Staff)

Regular Agenda - Water/Sewer Orders**Item San Gabriel Valley Water Company Conservation Rate
39 Design and Memorandum Accounts**

[9132]

A08-09-008

In the Matter of the Application of San Gabriel Valley Water Company for authority to establish a conservation rate design, including a Water Revenue Adjustment Mechanism, modified cost balancing account, and Conservation Memorandum Account in compliance with Decision 08-06-022.

PROPOSED OUTCOME:

- ® Authorizes conservation rate designs, water revenue adjustment mechanism, and cost balancing accounts.
- ® Denies conservation and proceeding memorandum accounts.
- ® Closes the proceeding.

ESTIMATED COST:

- ® No change in revenue requirement.
- ® Reduces service charges, shifting higher proportion of revenues to quantity charges within a two-tier increasing block rate design.

(Comr Bohn - ALJ Weatherford)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=417328

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

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

Agenda 3249, Item 49 2/25/2010 (Staff)

Regular Agenda - Transportation/Rail Safety Resolutions and Reports

**Item San Francisco Municipal Transportation Agency Central
40 Subway Project**

[9207]

Res SX-92

PROPOSED OUTCOME:

® Authorizes San Francisco Municipal Transportation Agency to construct three new at-grade light-rail-transit crossings, and an additional track at one existing crossing, in the City of San Francisco.

ESTIMATED COST:

® Not within the scope of this resolution.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=417942

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

Regular Agenda - Legal Division Matters**Item 41 Comments Before Federal Energy Regulatory Commission
 Regarding Barriers of Variable Energy Resources**

[9245]

FERC Docket No. RM10-11-000

® The Federal Energy Regulatory Commission (FERC) seeks comment on the extent to which barriers may exist that impede the reliable and efficient integration of variable energy resources into the electric grid, and whether reforms are needed to eliminate those barriers.

® In the January 21, 2010 Notice of Inquiry establishing this docket, FERC indicated its intention to explore whether reforms are necessary in order to meet the challenges posed by the integration of increasing numbers of variable energy resources, to ensure that jurisdictional rates are just and reasonable, to eliminate impediments to open access transmission service for all resources, to facilitate the efficient development of infrastructure, and to ensure that the reliability of the grid is maintained.

® The California Public Utilities Commission (CPUC) has previously provided comments to FERC on various issues relating to the development if the infrastructure needed to access increasing amounts of renewable energy resources.

® However, the CPUC has never explicitly addressed in comments to FERC the narrower question of how such renewable energy resources can most effectively be integrated into the existing grid.

® Staff accordingly seeks Commission authority to comment on particular issues raised in FERC's Notice of Inquiry that have not been the subject of previous Commission authorizations.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=418144

**Item 42 Comments Before Federal Energy Regulatory Commission
 Regarding a Notice of a Proposed Rulemaking**

[9246]

FERC Docket No. RM10-13-000

® Staff seeks Commission authorization to comment on Federal Energy Regulatory Commission's (FERC) Notice of Proposed Rulemaking which seeks to amend FERC regulations to reform credit practices in organized wholesale electricity markets.

® Proposed reforms include but are not limited to shortening the settlement cycle, reducing unsecured credit limits, and extending credit reforms to the financial transmission rights markets.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=418249

Regular Agenda - Legal Division Matters (continued)

Item **Comments Before Federal Energy Regulatory Commission**
43 **Regarding a Notice of Inquiry**

[9247]

FERC Docket No. RM10-12-000

® Staff seeks Commission authorization to comment on Federal Energy Regulatory Commission's (FERC) Notice Of Inquiry which seeks input on whether FERC should apply its Electricity Quarterly Report (EQR) filing requirements to market participants (e.g., municipalities) that are excluded from FERC's jurisdiction under the Federal Power Act.

® In addition, FERC seeks comments on proposed refinements to the EQR filing requirements aimed at improving electricity market transparency.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=418250

Item **Petition for Declaratory Ruling Regarding Fees Charged for**
44 **Late Payments**

[9254]

Public Notice WTB 10-42

® On January 14, 2010, five California consumers filed a Petition for Expedited Declaratory Ruling asking the Federal Communications Commission (FCC) to interpret 47 U.S.C. 332(c)(3)(A), in response to a referral from the Federal District Court in California in which petitioners filed a class action complaint.

® Petitioners ask the FCC to find that penalty fees which wireless carriers impose on consumers for late bill payments are not "rates" under § 332(c)(3)(A).

® Staff proposes to file comments agreeing with petitioners that late payment fees are "terms and conditions" of service, not "rates".

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=418292

Regular Agenda - Legislative and Other Matters

Regular Agenda - Commissioner's Reports

Item	Commissioner Reappointment to the Low-Income Oversight Board
45	

[9244]

President Peevey Report

Reappointment of Commissioner Dian Grueneich to the Low-Income Oversight Board.

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

46

[9233]

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

47

[9235]

A08-06-001

Disposition of Application for Rehearing of Decision 09-08-027 (Decision) filed by Transphase Company. The Decision adopted 2009-2011 demand response (DR) activities and budgets for Pacific Gas and Electric Company, Southern California Edison Company and San Diego Gas & Electric Company. The total combined budget for the three utilities is \$349,509,463. The funding will support a range of DR programs and activities including Emergency Programs, Price Responsive Programs, Utility Programs, Emerging Markets and Technologies Programs, and Pilot Programs for 2010-2011. The Decision also evaluated various Permanent Load Shifting proposals.

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

Closed Session - Applications for Rehearing (continued)

Item Conference with Legal Counsel - Application for Rehearing**48**

[9236]

C09-05-011

Disposition of Application for Rehearing of Decision 09-11-017 (Decision) filed by Jerome D. Monkarsh (Monkarsh). The Decision dismissed a complaint filed by Monkarsh against Southern California Gas Company (SoCalGas). The complaint alleged that SoCalGas engaged in predatory billing practices by manipulating the billing cycles in a manner that forces customers into a higher tier with increased rates. The complaint alleged that SoCalGas achieved this result by billing for 34/35 day billing cycles rather than 30/31 day cycles during colder winter months in which there is greater gas consumption. The Decision dismissed the complaint for failure to state a cause of action because there was no evidence that SoCalGas violated any rule, order, regulation, tariff or other law.

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

49

[9234]

FERC Docket No. ER06-615 and Related Items

California Independent System Operator Corporations, 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