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

## ***Public Agenda 3252***

***Thursday, April 22, 2010 10:00 a.m.***

***300 South Spring Street  
Los Angeles, 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>*

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### **Scheduled Commission Meetings**

**505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <b><i>Closed to the Public</i></b>	<i>Commission Meeting</i> Auditorium (10 a.m.) <b><i>Open to the Public</i></b>
Monday, May 03, 2010 (San Francisco)	Thursday, April 22, 2010 (Los Angeles)
Monday, May 17, 2010 (San Francisco)	Thursday, May 06, 2010 (San Francisco)
Friday, May 28, 2010 (San Francisco)	Thursday, May 20, 2010 (San Francisco)
Monday, June 21, 2010 (San Francisco)	Thursday, June 03, 2010 (San Francisco)
Friday, July 02, 2010 (San Francisco)	Thursday, June 24, 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  
(415) 703-2074 E-mail: [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov)



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**PUBLIC COMMENT**

**The following items are not subject to public comment:**

- All items on the closed session agenda.
- 26

**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**

<b>Item</b>	<b>Preliminary Categorizations and Hearing Determinations for</b>
<b>1</b>	<b>Recently Filed Formal Applications</b>

[9347]

**ALJ 176-3252**

**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=421070](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421070)

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

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

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Agenda 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);  
 Agenda 3250, Item 2 3/11/2010 (Staff);  
 Agenda 3251, Item 2 4/8/2010 (Staff)

Consent Agenda - Orders and Resolutions (continued)

**Item 3 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=420827](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=420827)

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

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

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Agenda 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);  
 Agenda 3250, Item 4 3/11/2010 (Simon);  
 Agenda 3251, Item 4 4/8/2010 (Peevey)

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Consent Agenda - Orders and Resolutions (continued)

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

**4**

[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=418789](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=418789)

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

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

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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);  
Agenda 3250, Item 6 3/11/2010 (Peevey)

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Consent Agenda - Orders and Resolutions (continued)

**Item**                    **Southern California Gas Company Certificate of Public  
5**                    **Convenience and Necessity**

[9267]

**A09-07-014**

Application of Southern California Gas Company to Amend its Certificate of Public Convenience and Necessity for the Honor Rancho Natural Gas Storage Facility.

**PROPOSED OUTCOME:**

® Approves the Southern California Gas Company's (SoCalGas) request to amend the Certificate of Public Convenience and Necessity for the Honor Rancho natural gas storage facility (Facility) to construct and operate the facilities to increase storage capacity at the Facility (Expansion Project).

® Finds that the Expansion Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline § 15301, and confirms the Commission's preemptory authority over conflicting local zoning regulations, ordinances, codes, or requirements.

® Denies SoCalGas' request for approval of the proposed revenue requirement for the Expansion Project, and authorizes SoCalGas to establish the Honor Rancho Storage Memorandum Account to record the cost to construct, operate, and maintain the Expansion Project, pending a Commission decision in a future general rate case proceeding addressing the recovery of reasonable and prudent costs associated with the Expansion Project.

® Closes the proceeding.

**ESTIMATED COST:**

® \$48.9 million (plus ongoing incremental operations and maintenance costs).

(Comr Simon - ALJ Smith)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=421267](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421267)

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

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

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Agenda 3251, Item 14 4/8/2010 (Simon)

Consent Agenda - Orders and Resolutions (continued)

**Item                    Double D Drivers, LLC to Operate as a Passenger Stage  
6                        Corporation**

[9282]

**A09-08-007**

Application of Double D Drivers, LLC for Authority to operate as a scheduled Passenger Stage Company within San Diego County Between San Diego State University and Mission Beach, Pacific Beach, Downtown San Diego Sea Port Village and Del Mar; and to Establish a Zone of Rate Freedom.

**PROPOSED OUTCOME:**

- ® Grants authority to Double D Drivers, LLC to operate as a passenger stage corporation.
- ® Authorizes to Establish a Zone of Rate Freedom.
- ® Closes the proceeding.

**ESTIMATED COST:**

- ® None.

(Comr Grueneich - ALJ Farrar)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=421541](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421541)

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

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

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**Item                    Disclosure of Records of an Investigation  
7**

[9291]

**Res L-394**

Authorizes disclosure of records concerning the California Public Utilities Commission Consumer Protection and Safety Division's investigation of the January 12, 2007 accident that happened at the Clay Station road crossing. This is MP 9.9 of the Lone Subdivision in the City of Harold, California.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=421677](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421677)

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

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Consent Agenda - Orders and Resolutions (continued)

**Item**                    **Interim Decision Certifying Addendum to Final**  
**8**                         **Environmental Impact Statement/Final Environmental Impact**  
[9302]                    **Report**

**A06-12-005** , A06-12-020, A07-01-004, A07-01-017, A07-01-044, A07-02-007, A07-02-017, A07-03-004, A07-05-012, A07-05-013 - Related matters.

In the Matter of the Application of the Exposition Metro Line Construction Authority for an order authorizing the construction of a two-track at-grade crossing for the Exposition Boulevard Corridor Light Rail Transit Line across Jefferson Boulevard, Adams Boulevard, and 23rd Street, all three crossings located along Flower Street in the City of Los Angeles, County of Los Angeles, California.

**PROPOSED OUTCOME:**

® Interim Decision certifies Addendum to Final Environmental Report.

**ESTIMATED COST:**

® None.

(Comr Simon - ALJ Bushey)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=419515](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=419515)

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

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

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Consent Agenda - Orders and Resolutions (continued)

**Item 9 Decision for Phase 1 of California Water Service Company's Application for the Allocation of Net Proceeds From MTBE**

[9305]

**A09-07-011**

Application of California Water Service Company, a California Corporation, for an Order authorizing the allocation of Net Proceeds from methyl tertiary-butyl ether Groundwater Contamination Litigation.

**PROPOSED OUTCOME:**

- ® Adopts a settlement between the parties for Phase 1 of the proceeding which determines that \$34,254,417 is available, subject to adjustment, as proceeds from a litigation settlement arising out of the contamination of groundwater by methyl tertiary-butyl ether (MTBE).
- ® Directs that all such proceeds be used for the construction or purchase of MTBE treatment and replacement facilities.
- ® Modifies an existing MTBE memorandum account to track both the costs incurred and proceeds received and applied to investments in replacement and treatment property.

**ESTIMATED COST:**

- ® No cost to ratepayers.
- ® Makes \$34,254,417, subject to adjustment, available for treatment and replacement facilities to respond to groundwater contamination.

(Comr Bohn - ALJ Weatherford)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=421588](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421588)

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

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

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Consent Agenda - Orders and Resolutions (continued)

**Item 10 Funding Approval for Audeamus LLC. (dba Sebastian) Last Mile Project from the California Advanced Services Fund**

[9308]

**Res T-17265**

**PROPOSED OUTCOME:**

® Adopts \$1,154,494.50 from the California Advanced Services Fund funding for Audeamus Last Mile Project.

**ESTIMATED COST:**

® \$1,154,494.50.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=420906](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=420906)

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

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Consent Agenda - Orders and Resolutions (continued)

**Item**                    **SnowCrest Telephone, Inc. for a Certificate of Public  
11**                    **Convenience and Necessity**

[9315]

**A09-10-006**

Application of SnowCrest Telephone, Inc. for a Certificate of Public Convenience and Necessity to provide full facilities-based and resale Competitive Local Exchange Services within the California Service area of Pacific Bell Telephone Company d/b/a AT&T California.

**PROPOSED OUTCOME:**

- ® Grants a certificate of public convenience and necessity in order to provide full facilities –based and resold local exchange Service.
- ® Application 09-10-006 is closed.

**ESTIMATED COST:**

- ® None.

(Comr Simon - ALJ Wilson)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=421731](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421731)

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

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

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Consent Agenda - Orders and Resolutions (continued)

**Item**                    **Pacific Gas and Electric Company's Renewable Energy**  
**12**                        **Power Purchase Agreement with Vantage Wind Energy, LLC.**

[9318]

**Res E-4321**, Advice Letter 3525-E filed on September 16, 2009 and Supplemental Advice Letter 3525-E-A filed on December 1, 2009 - Related matters.

**PROPOSED OUTCOME:**

® Approves cost recovery for a power purchase agreement (PPA) resulting from Pacific Gas and Electric Company's (PG&E) 2008 Renewables Portfolio Standard solicitation between PG&E and Vantage Wind Energy, LLC., PG&E's firming and shaping strategy, and a firming and shaping agreement with Powerex Corporation.

® The PPA and associated firming and shaping strategy are approved with modification.

**ESTIMATED COST:**

® Costs of the PPA, firming and shaping strategy, and firming and shaping agreement are confidential at this time.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=421763](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421763)

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

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Consent Agenda - Orders and Resolutions (continued)

**Item Demand Response Phase Four Direct Participation Issues**

**13**

[9319]

**R07-01-041**

Order Instituting Rulemaking Regarding Policies and Protocols for Demand Response Load Impact Estimates, Cost-Effectiveness Methodologies, Megawatt Goals and Alignment with California Independent System Operator Market Design Protocols.

**PROPOSED OUTCOME:**

® Authorizes pilot programs.

**ESTIMATED COST:**

® None.

(Comr Grueneich - ALJ Farrar)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=E29577](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E29577)

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

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

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**Item Addendum to Summary of Material Terms**

**14**

**(Rev.)**

[9328]

**General Counsel's Report**

Approval of the April 2010 Addendum to Summary of Material Terms of Division of Water Resources (DWR) Financing Documents (as sent to the General Counsel by e-mail on April 19th), to provide for refinancing of a portion of DWR's Power Supply Revenue Bonds.

Agenda 3251, Item 58 4/8/2010 (Staff)

04/19/2010 - This revision was not shown on the Agenda mailed to the public.

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Consent Agenda - Orders and Resolutions (continued)

**Item                    Manjit Singh Aulakh for a Passenger Stage Corporation**  
**15                        Certificate**

[9333]

**A09-12-015**

**PROPOSED OUTCOME:**

® Grants the application of Manjit Singh Aulakh to operate as an on-call passenger stage corporation between certain cities in the Counties of Alameda, Contra Costa, Marin, San Joaquin, San Mateo, Santa Clara, Solano, the City and County of San Francisco and 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=419127](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=419127)

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

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Consent Agenda - Orders and Resolutions (continued)

**Item**                    **Bon Voyage Transportation, LLC for a Passenger Stage  
16**                    **Corporation Certificate**

[9334]

**A10-02-017**

**PROPOSED OUTCOME:**

® Grants the application of Bon Voyage Transportation, LLC to operate as an on-call passenger stage corporation serving San Diego, Orange, Los Angeles, San Bernardino and Riverside Counties, Los Angeles International, Burbank, John Wayne, Long Beach, San Diego International, and Ontario International Airports, and the Los Angeles and Long Beach Harbors.

® Establish a zone of rate freedom.

® Closes the proceeding.

**ESTIMATED COST:**

® None.

(Exam Clark)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=419036](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=419036)

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

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Consent Agenda - Orders and Resolutions (continued)

**Item                    Cenic Broadband Initiatives LLC Certificate of Public  
17                    Convenience and Necessity**

[9336]

**A09-12-011**

**PROPOSED OUTCOME:**

® Grants a Certificate of Public Convenience and Necessity in order to provide limited facilities-based and resold local exchange and interexchange service.

® Closes the proceeding.

**ESTIMATED COST:**

® None.

(Comr Grueneich - ALJ Wilson)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=414617](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=414617)

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

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Consent Agenda - Orders and Resolutions (continued)

**Item 18 Daljeet Singh Baidwan for a Passenger Stage Corporation Certificate**

[9338]

**A09-12-010**

**PROPOSED OUTCOME:**

® Grants the application of Daljeet Singh Baidwan dba AAA Express Shuttle, to operate as an on-call passenger stage corporation between certain cities in the Counties of Alameda, Contra Costa, Marin, San Joaquin, San Mateo, Santa Clara, Solano, and the City and County of San Francisco and 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=419488](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=419488)

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

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Consent Agenda - Orders and Resolutions (continued)

**Item                    Blue & Gold Fleet, L.P. to Increase Passenger Fares**

**19**

[9339]

**A09-12-027**

In the Matter of the Application of Blue & Gold Fleet, L.P., a Delaware Limited Partnership, for authorization for Passenger Fare Increases on its Vessel Common Carrier Service on San Francisco Bay between the City of Sausalito on the one hand and authorized points in San Francisco on the other hand.

**PROPOSED OUTCOME:**

- ® Grants the application of Blue & Gold Fleet, L.P. to increase one-way passenger fares by \$0.50 on its vessel service between San Francisco and Sausalito.
- ® Closes the proceeding.

**ESTIMATED COST:**

- ® Users of the service will pay increased fares totaling approximately \$147,000 annually.

(Exam Clark)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=419401](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=419401)

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

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Consent Agenda - Orders and Resolutions (continued)

**Item                    Blue & Gold Fleet, L.P. to Increase Passenger Fares**

**20**

[9340]

**A09-12-028**

In the Matter of the Application of Blue & Gold Fleet, L.P., a Delaware Limited Partnership, for authorization for Passenger Fare Increases on its Vessel Common Carrier Service on San Francisco Bay between Angel Island State Park on the one hand and authorized points in San Francisco on the other hand.

**PROPOSED OUTCOME:**

- ® Grants the application of Blue & Gold Fleet, L.P. to increase one-way passenger fares by \$0.15 to \$0.35 on its vessel service between San Francisco and Angel Island.
- ® Closes the proceeding.

**ESTIMATED COST:**

- ® Users of the service will pay increased fares totaling approximately \$34,000 annually.

(Exam Clark)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=419926](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=419926)

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

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Consent Agenda - Orders and Resolutions (continued)

**Item                    Blue & Gold Fleet, L.P. to Increase Passenger Fares**

**21**

[9341]

**A09-12-029**

In the Matter of the Application of Blue & Gold Fleet, L.P., a Delaware Limited Partnership, for authorization for Passenger Fare Increases on its Vessel Common Carrier Service on San Francisco Bay between Tiburon on the one hand and authorized points in San Francisco on the other hand.

**PROPOSED OUTCOME:**

- ® Grants the application of Blue & Gold Fleet, L.P. to increase one-way passenger fares by \$0.50 on its vessel service between San Francisco and Tiburon.
- ® Closes the proceeding.

**ESTIMATED COST:**

- ® Users of the service will pay increased fares totaling approximately \$41,000 annually.

(Exam Clark)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=419375](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=419375)

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

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Consent Agenda - Orders and Resolutions (continued)

**Item**                    **Southern California Edison Company's Request to Establish  
22**                    **a New Program That Will Provide Utility Bill Payment  
[9344]**                    **Assistance**

**Res E-4327**, Advice Letter 2448-E/U 338-E filed on March 8, 2010, and Supplemental Advice Letter 2448-E-A filed on March 12, 2010 - Related matters.

**PROPOSED OUTCOME:**

® Approves Southern California Edison Company's (SCE) Request to use up to \$2 million of California Alternate Rate for Energy (CARE) Funds to Leverage Emergency Temporary Assistance for Needy Families.

**ESTIMATED COST:**

- ® Authorizes use of up to \$2 million from SCE's CARE balancing account.
- ® This amount is already funded through the Public Purpose Charge and this resolution does not increase SCE's revenue requirements.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=421673](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421673)

**Item**                    **Order Dismissing Complaint  
23**  
[9348]

**(ECP) C09-05-012**

Ms. Renette King vs. Southern California Gas Company.

**PROPOSED OUTCOME:**

- ® Case dismissed for lack of prosecution.

**ESTIMATED COST:**

- ® None.

(Comr Grueneich - ALJ Barnett)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=419118](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=419118)

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Consent Agenda - Orders and Resolutions (continued)

**Item**                    **Southern California Gas Company's Request to Establish a**  
**24**                        **New Program to Provide a One-Time Emergency Credit**

[9363]

**Res G-3446**, Advice Letter 4086/ U 904-G-G filed on March 8, 2010 and Supplemental Advice Letter 4086-A/ U 904-G filed on March 15, 2010 - Related matters.

**PROPOSED OUTCOME:**

® Approves Southern California Gas Company's (SoCalGas) Request to Use up to \$2 million of California Alternate Rate for Energy (CARE) Funds to leverage Emergency Temporary Assistance for Needy Families.

**ESTIMATED COST:**

® Authorizes use of up to \$2 million from SoCalGas' CARE balancing account.

® This amount is already funded through the Public Purpose Charge and this resolution does not increase SoCalGas' revenue requirement.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=421649](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421649)

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Consent Agenda - Orders and Resolutions (continued)

**Item**                    **San Diego Gas & Electric Company 's Request to Establish a**  
**25**                        **New Program to Provide a One-Time Emergency Credit**

[9364]

**Res E-4328**, Advice Letter 2151-E/1937-G filed on March 8, 2010 and Supplemental Advice Letter 2151-E-A/1937-G-A filed on March 15, 2010 - Related matters.

**PROPOSED OUTCOME:**

® Approves San Diego Gas & Electric Company's (SDG&E) request to use up to \$1 million of California Alternate Rate for Energy (CARE) Funds to leverage Emergency Temporary Assistance for Needy Families.

**ESTIMATED COST:**

® Authorizes use of up to \$1 million from SDG&E's CARE balancing accounts.

® This amount is already funded through the Public Purpose Charge and this resolution does not increase SDG&E's revenue requirements.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=421783](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421783)

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Consent Agenda - Orders and Resolutions (continued)

**Item                    The Witch/Rice and Guejito Fire Investigation Settlements**  
**26**  
**(Rev.)**  
[9365]

**108-11-006**, 108-11-007 - Related matters.

Investigation on the Commission's Own Motion into the Operations and Practices of San Diego Gas & Electric Company Regarding the Utility Facilities linked to the Witch and Rice Fires of October 2007.

**PROPOSED OUTCOME:**

- ® Resolves the alleged violations related to the October 2007 Witch/Rice and Guejito Fire Investigation.
- ® San Diego Gas & Electric Company (SDG&E) will make a settlement payment of \$14,350,000 to the General Fund of the State of California within 60 days after the issuance of the decision.
- ® CoxCom Inc. and Cox California Telcom LLC will make a settlement payment of \$2,000,000 within 60 days after the issuance of the decision.
- ® SDG&E will reimburse the Consumer Protection and Safety Division (CPSD) up to an additional \$400,000 in order to implement a computer work module designed to assist the CPSD in future utility safety audits and investigations.
- ® SDG&E shall remit any unused balance of the \$400,000 to the General Fund of the State of California at the direction of the CPSD.
- ® Closes the Proceeding.

**ESTIMATED COST:**

- ® Approximately several million dollars on an annual basis due to fire-related remedial measures under the settlements.

(Comr Simon - ALJ Reed)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=421340](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421340)

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

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04/14/2010 - This revision was not shown on the Agenda mailed to the public.

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Consent Agenda - Orders and Resolutions (continued)

**Item**                    **MCImetro Access Transmission Services LLC et al. to**  
**27**                        **Discontinue Local Exchange Services**

[9371]

**A08-12-020**

Application of MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services MCI Communications Services, Inc. d/b/a Verizon Business Services and Teleconnect Long Distance Services and Systems Company d/b/a Telecom\*USA to Discontinue Local Exchange Service and Transfer Customer Base To Verizon California Inc.

**PROPOSED OUTCOME:**

- ® Authorizes MCImetro Access Transmission Services LLC et al. to discontinue service in Verizon California Inc.'s service territory and to migrate remaining customers to Verizon California Inc.
- ® Closes the proceeding.

**ESTIMATED COST:**

- ® None.

(Comr Peevey - ALJ Rochester)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=421702](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421702)

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

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Consent Agenda - Orders and Resolutions (continued)

**Item                   Audeamus, LLC to Modify Resolution T-17245**

**28**

[9379]

**A10-02-013**

Application of Audeamus, LLC to modify Resolution T-17245, dated January 21, 2010.

**PROPOSED OUTCOME:**

® Grants Application 10-02-013 by Audeamus, LLC to modify Resolution T-17245 to transfer Census Block Groups (CBG) 060190039004, 060190039005, 060190041001 and 060190082002 from California Valley Broadband's California Advanced Services Fund (CASF) approved area and transfer these CBGs to AUDEAMUS CASF application.

® Closes the proceeding.

**ESTIMATED COST:**

® None.

(Exam Leutza)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=417066](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=417066)

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

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Consent Agenda - Orders and Resolutions (continued)

**Item**                    **Cincinnati Bell Any Distance, Inc. Certificate of Public  
29**                    **Convenience and Necessity**

[9382]

**A09-11-007**

**PROPOSED OUTCOME:**

® Grants Cincinnati Bell Any Distance, Inc. a Certificate of Public Convenience and Necessity to provide resold local exchange service in California, specifically in the service territories of Pacific Bell Telephone Company, Verizon California, Inc., Citizens Telecommunications Company of California, Inc., and SureWest Telephone.

® Closes the proceeding.

**ESTIMATED COST:**

® None.

(Comr Simon - ALJ Wilson)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=417053](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=417053)

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

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

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**Consent Agenda - Intervenor Compensation Orders**

**Item Compensation to The Utility Reform Network**

**30**

[9324]

**A08-03-015**

Application of Southern California Edison Company for Authority to Implement and Recover in Rates the Cost of its Proposed Solar Photovoltaic Program.

**PROPOSED OUTCOME:**

® Awards The Utility Reform Network \$72,147.12 for substantial contribution to Decision 09-06-049.

**ESTIMATED COST:**

® Ratepayers of Southern California Edison Company will pay \$72,147.12, plus interest.

(Comr Peevey - ALJ Ebke)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=421598](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421598)

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

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Consent Agenda - Intervenor Compensation Orders (continued)

**Item Compensation to The Utility Reform Network**

**31**

[9383]

**A09-04-001**

Application of Pacific Gas and Electric Company for Approval of a Power Purchase Agreement with Mariposa Energy, LLC.

**PROPOSED OUTCOME:**

® Awards The Utility Reform Network \$4,240 for substantial contribution to Decision 09-10-017.

**ESTIMATED COST:**

® The ratepayers of Pacific Gas and Electric Company will pay \$4,240, plus interest.

(Comr Peevey - ALJ Minkin)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=420790](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=420790)

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

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## Regular Agenda

### Regular Agenda - Energy Orders

<b>Item</b>	<b>Pacific Gas and Electric Company's Solar Photovoltaic</b>
<b>32</b>	<b>Program</b>

[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=420697](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=420697)

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

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

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

Agenda 3250, Item 34 3/11/2010 (Grueneich);

Agenda 3251, Item 49 4/8/2010 (Peevey)

Regular Agenda - Energy Orders (continued)

**Item**                    **ALTERNATE TO ITEM 9195**  
**32a**  
**(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 PG&E's O&M costs, the APD find 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 that 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.

® The APD requires independent project developers to make reasonable efforts to pay prevailing wage.

® The APD adopts a cost savings incentive mechanism by which realized capital costs savings below an average capital cost of \$3920 per kW over the life of the program are shared between ratepayers and shareholders, with 90% of the savings retained by ratepayers and 10% of the savings retained by PG&E shareholders.

® The APD limits the number of undeployed MW on the UOG side of the program that PG&E may roll forward from any given year to a subsequent year to 10 MW.

(Comr Peevey)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=421898](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421898)

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

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

Agenda 3250, Item 34a 3/11/2010 (Grueneich);

Agenda 3251, Item 49a 4/8/2010 (Peevey)

04/19/2010 - This revision was not shown on the Agenda mailed to the public.

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Regular Agenda - Energy Orders (continued)

**Item**                    **Expansion of Southern California Edison Company's**  
**33**                        **Economic Development Program Cap**

[9292]

**A09-10-012**, A09-11-010 - Related matters.

In the Matter of the Application of Southern California Edison Company for Modification of Decision 05-09-018 to Extend Economic Development Rate-Retention Rates.

**PROPOSED OUTCOME:**

- ® Expands program cap from 100 megawatts to 150 megawatts.
- ® Prioritizes customers with 30% or more of their operating costs being energy costs to be evaluated first for program eligibility.
- ® Provides for ratepayer/shareholder sharing of free rider risk associated with the expansion.

**ESTIMATED COST:**

- ® Since it is unknown whether expansion of the program will result in additional economic development rates being offered, the potential reduction in collected revenue is unknown.

(Comr Peevey - ALJ Wilson)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=E29460](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E29460)

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

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

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

**Item**                    **Pacific Gas and Electric Company, San Diego Gas & Electric**  
**34**                        **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=421031](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421031)

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

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## Regular Agenda - Energy Resolutions and Written Reports

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);  
 Agenda 3250, Item 38 3/11/2010 (Staff);  
 Agenda 3251, Item 54 4/8/2010 (Staff)

### Item 35 San Diego Gas & Electric Company's Exemption From Environmental Review

[9288]

**Res E-4304**, Advice Letter 2106-E filed on August 31, 2009 - Related matters.

#### PROPOSED OUTCOME:

- ® Approves San Diego Gas & Electric Company's request.
- ® The Commission finds the stated projects exempt pursuant to General Order 131-D III.B.1.b and f.

#### ESTIMATED COST:

- ® None.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=419119](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=419119)

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

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Regular Agenda - Energy Resolutions and Written Reports (continued)

**Item**                      **Southern California Edison Company's Proposal to Delete**  
**36**                              **Underground Equipment**

[9316]

**Res E-4329**, Advice Letter 2334-E filed March 27, 2009 and Supplemental Advice Letter 2334-E-A Filed on March 12, 2010 - Related matters.

**PROPOSED OUTCOME:**

- ® Approves, in part, and denies, in part, Southern California Edison Company's (SCE) request to install distribution system terminal equipment (not including wires) above ground and not underground for new line and service extensions.
- ® SCE's request is approved for private premises, but is denied without prejudice with respect to public rights of way at this time.
- ® If SCE wishes to propose amending its rules with respect to above-ground equipment in public rights of way, SCE is required to file an application for that purpose.

**ESTIMATED COST:**

- ® None.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=421764](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421764)

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

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Regular Agenda - Energy Resolutions and Written Reports (continued)

**Item**                    **Establishment of a Schedule for Local Government**  
**37**                        **Renewable Energy Self-Generation Program**

[9317]

**Res E-4283**, Pacific Gas and Electric Company Advice Letter (AL) 3476-E, filed on June 25th, 2009, San Diego Gas and Electric Company AL 2092-E, filed on June 10th, 2009, Southern California Edison Company AL 2351-E, filed on June 10th, 2009 - Related matters.

**PROPOSED OUTCOME:**

® Within seven days, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company will re-file tariffs called "Schedule for Local Government Renewable Energy Self-Generation Bill Credit Transfer (RES-BCT)" to comply with this Resolution and Public Utilities Code 2830. The original proposed tariffs are adopted with modifications below.

® The revised tariffs will specify that participation under this code will not affect California Solar Initiative/Self-Generation Incentive Program eligibility, that customers cannot take net energy metering service in conjunction with RES-BCT, and that credits will be valued at the generation-only rate.

® Some protests are rejected for being outside the scope of this Resolution.

**ESTIMATED COST:**

® None.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=421743](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421743)

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

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Regular Agenda - Energy Resolutions and Written Reports (continued)

**Item**                    **Issues Addressing a Higher Wattage for Unmetered San**  
**38**                        **Francisco Transit Shelters**

[9330]

**Res E-4323**, Advice Letter 3591-E filed on January 12, 2010 - Related matters.

**PROPOSED OUTCOME:**

® Approves with modifications Pacific Gas and Electric Company's (PG&E) proposed Special Agreement for Unmetered Electrical Service: Limited Exception between PG&E and Clear Channel Outdoor, Inc.

® Accommodates the mutual desire of PG&E and the City and County of San Francisco (CCSF) to more than double the electrical load of some 800 transit shelters in San Francisco while not compromising resolution of a related issue that is outside the Commission's jurisdiction.

® PG&E is to file in a supplemental Advice Letter a revised Special Agreement which deletes all references to whether shelter loads are municipal or retail loads, and which provides an updated inventory that classifies how each shelter is served, whether from a PG&E circuit, or from other circuits whose owners such as CCSF must grant PG&E permission to use them.

**ESTIMATED COST:**

® None.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=421593](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421593)

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

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**Regular Agenda - Communication Orders****Item 39 Exemption for Certain Telecommunications Carriers from Compliance with Section 851 of the Public Utilities Code**

[9293]

**R09-05-006**

Rulemaking on the Commission's own Motion into the Exemption From Pub. Util. Code § 851 for Uniform Regulatory Framework and other Competitive Carriers.

**PROPOSED OUTCOME:**

® Grants an exemption from Public Utilities Code § 851 for a period of four (4) years for carriers subject to the Uniform Regulatory Framework adopted in Decision 06-08-030 (except incumbent local exchange carriers that must still file general rate cases) when these carriers sell or dispose of certain non-controversial assets. The exemptions granted are:

® Covers utility assets falling within Account Nos. 2111, 2112, 2113, 2114, 2122, 2123, 2124, 2690 and portions of 2121;

® Does not include payment centers or buildings within Account 2121 that are used to provide collocation;

® Requires carriers invoking the exemption to file an annual report summarizing transactions to which it applied in the previous calendar year; and

® Will continue past 2014 if no party to this proceeding requests re-examination of the exemption.

® Whether an exemption should be granted in connection with more controversial assets, such as those used to provide collocation, unbundled network elements, or other wholesale services, will be considered in Phase II of this proceeding.

**ESTIMATED COST:**

® Very small costs for utilities in preparing the annual report and for the Commission to review such reports.

(Comr Peevey - ALJ McKenzie)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=E29489](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E29489)

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

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

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**Regular Agenda - Communication Resolutions and Reports****Item California Teleconnect Fund Program Surcharge Rate  
40 Effective May 1, 2010**

[9274]

**Res T-17264****PROPOSED OUTCOME:**

® Adopts a revised California Teleconnect Fund (CTF) program surcharge rate of 0.16% effective May 1, 2010, until further revised by the Commission.

® All telephone and telegraph corporations shall assess a CTF surcharge rate of 0.16% on all surchargeable revenues collected from intrastate telecommunications services consistent with Decision 96-10-066.

**ESTIMATED COST:**

® With this rate adjustment, the Communications Division estimates the CTF program will realize \$31.863 million of surcharge revenue between April 1, 2010 and March 31, 2011.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=419181](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=419181)

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

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**Regular Agenda - Legal Division Matters****Item                    Comments Before the Federal Communications Commission  
41                        Federal - State Joint Board**

[9374]

**FCC Docket No WC 80-286, FCC No. 10J-1**

The Federal Communications Commission's (FCC) Federal-State Joint Board on Separations (Joint Board) reviews policies and develops recommendations for reforms to the separations process. The Joint Board has issued a request for comments on proposed recommendations for interim reforms to the separations process proposed by State Commission representatives on the Joint Board (State Members' Interim Proposal). Specifically, the Joint Board asks for comment on apportionment of regulated costs between intrastate and interstate jurisdictions; whether particular reforms should be made in light of the recent release of the FCC's National Broadband Plan; whether the State Members' Interim Proposal raise implementation or operational issues that would adversely affect carriers; and other related issues. Staff seeks authority to prepare and file comments for the California Public Utilities Commission.

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=421559](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421559)

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**Regular Agenda - Legislative and Other Matters****Item Electrical and Gas Corporations: Collection of Charges****42**

[9349]

**AB 1879 (Beall)**

This bill would prohibit an electrical corporation or gas corporation from billing a residential customer or small commercial customer, as defined, for charges that were unbilled or undercharged for a period exceeding 3 months, if the previous mistake in billing is the result of a meter error or billing error. The bill would additionally require that the risk of undercollection of lawful tariff charges by an electrical corporation or gas corporation that results from the above-described 3-month backbilling limitation, is borne by the shareholders of the utility.

**Item Malicious Mischief: Airport Property: Transportation****43**

[9350]

**AB 1885 (Hill)**

This bill would include charter limousine under the statute governing malicious mischief conducted on airport property.

**Item Energy: Solar Energy Systems****44**

[9361]

**AB 2296 (Saldana)**

This bill would allow Solar Energy Systems eligible for solar rebates to be located on "near-site" locations. (Leg Subcommittee Recommendation: Oppose)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=421307](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421307)

**Item Energy: Net Energy Metering****45**

[9352]

**AB 2519 (Arambula)**

This bill would allow agricultural customer-generators using wind or solar electric generation to aggregate load from multiple properties solely for the purpose of determine compensation. (Legislative Subcommittee Recommendation: Oppose)

Regular Agenda - Legislative and Other Matters (continued)

**Item                    Hazardous Material: Landfill Gas**  
**46**

[9353]

**AB 2562 (Fuentes)**

This bill would restrict the existing code to apply to gas collected at a Class I landfill on and after January 1, 2011.

**Item                    Charter-party Carriers of Passengers**  
**47**

[9354]

**AB 2572 (Bradford)**

This bill would eliminate the requirement that a charter-party carrier renew its operating authority every three years. (Legislative Subcommittee Recommendation: Support With Amends)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=421309](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421309)

**Item                    Local Government Renewable Energy Self-generation**  
**48                    Program**

[9355]

**AB 2693 (Blumenfield)**

This bill would expand the "Local Government Renewable Energy Self-generation Program." (Legislative Subcommittee Recommendation: Oppose)

**Item                    Telecommunications Universal Service Programs: California**  
**49                    Advanced Services Fund**

[9359]

**SB 1040 (Padilla)**

This bill would extend the current California Advanced Services Fund program for 5 more years and authorize \$125 million to the program. (Legislative Subcommittee Recommendation: Support/Co-sponsor)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=421310](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421310)

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Regular Agenda - Legislative and Other Matters (continued)

**Item                    Gas and Electric Utility Service: Master-meter Customers**  
**50**

[9356]

**SB 1097 (Strickland)**

This bill will create new monitoring requirements for the investor-owned utilities' purchases for master-metered mobile home parks. (Legislative Subcommittee Recommendation: Oppose)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=421311](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421311)

**Item                    Public Utilities Commission: Procedures: Rehearings**  
**51**

[9357]

**SB 1414 (Kehoe)**

Public Utilities Commission: procedures: rehearings.

**Item                    Electricity: Plug-in Hybrid and Electric Vehicles**  
**52**

[9358]

**SB 1437 (Kehoe)**

This bill requires the Commission to determine by July 2011 for each class of ratepayers, the portion of billings that are used for subsidizing electricity for plug-in hybrid electric vehicles and battery electric vehicles. (Legislative Subcommittee Recommendation: Support w/Amends)

[http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=421312](http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=421312)

**Item                    Electric Vehicles: Electric Vehicle Owner Education**  
**53                    Handbook**

[9360]

**SB 1455 (Kehoe)**

This bill would require, by January 1, 2013, the Commission, in consultation with the Energy Commission, electrical corporations, the motor vehicle industry, and the California Electric Transportation Coalition, to develop an electric vehicle owner handbook containing specified information.

## **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**

**54**

[9326]

Compilation of applications for rehearing recently filed with the Commission.

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

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

**55**

[9303]

**R08-03-008**

Disposes of application for rehearing of Decision (D) 09-12-047 filed by The Utility Reform Network. In D09-12-047 the Commission adopted Self Generation Incentive Program annual budgets of \$83 million for 2010 and 2011.

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

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Agenda 3251, Item 61 4/8/2010 (Ryan)

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Closed Session - Applications for Rehearing (continued)

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

**56**

[9322]

**A08-01-004**

Disposition of application for rehearing of Decision (D) 09-03-007 by the Commission's Division of Ratepayer Advocates (DRA). D.09-03-007 concerns the general rate case application of Suburban Water Systems (Suburban), a Class A water utility, to increase its rates for the three-year period from 2009-2011. Suburban is an affiliate of the Southwest Water Company and D09-03-007 addresses in part, Suburban's relationship with its parent. The challenged decision authorized general rate increases for Suburban for test year 2009, and estimated increases for 2010, and 2011. In addition, it adopted a settlement agreement between Suburban and the DRA, resolving most, but not all, of the protested issues.

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

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

**57**

[9366]

**C08-01-007**

Disposition of Application for Rehearing of Decision (D) 09-12-018 (Decision) filed by CommPartners, LLC (CommPartners). The Decision denied a complaint filed by CommPartners against Pacific Bell Telephone Company, dba AT&T California (AT&T) regarding enhanced 911 obligations under their joint interconnection agreement.

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

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

**58**

[9367]

**R08-06-024**

Disposition of Application for Rehearing and Motion for Stay of Decision (D) 09-12-042, filed jointly by Pacific Gas and Electric Company, Southern California Edison Company, Southern California Gas Company, and San Diego Gas & Electric Company; and disposition of Application for Rehearing of D09-12-042 filed by the Alliance for Retail Energy Markets. In D09-12-042, the Commission adopted the policies and procedures for purchase of excess electricity from eligible combined heat and power systems by an electrical corporation under Assembly Bill 1613.

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

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

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**

**59**

[9327]

**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.*

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**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*