
Public Utilities Commission of the State of California

***Public Agenda 3083
Wednesday, March 6, 2002, 10 a.m.
San Francisco, California***

**Commissioners
Loretta M. Lynch, President
Henry M. Duque
Richard A. Bilas
Carl W. Wood
Geoffrey F. Brown**

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

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

Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Friday, March 1	Wednesday, March 6
Monday, March 18	Thursday, March 21
Monday, April 1	Thursday, April 4
Monday, April 15	Thursday, April 18
Friday, April 29	Thursday, May 2

**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. A "✓" next to the date indicates that the meeting will be held. A "✓" next to the item number on the Agenda indicates that the matter will be considered during the Ratesetting Deliberative Meeting.*

A "◆" next to the item number on the Agenda indicates that the matter may be considered during Closed Session pursuant to Public Utilities Code Section 1701.2(c); thereafter the Commissioners will reconvene in Public Session to vote on the item.

Matters of Public Interest

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



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

PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
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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.

ORDERS AND RESOLUTIONS

- CA-1** **Res TL-18994** - Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
- CA-2** **Res ALJ-176-3083** - Ratification of preliminary determinations of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.
- CA-3** **C99-10-037 - County Sanitation District No. 2 of Los Angeles County (Complainant) vs. Southern California Edison Company.**
This decision grants the complainant's motion for Summary Judgment as to whether Southern California Edison Company violated its duty under Tariff Rule 12 to notify complainant of a more favorable rate. This proceeding is closed.
(Com Duque – ALJ Brown)
(Section 311(g)(1).)

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- CA-4** **R95-01-020 – Rulemaking on the Commission’s Own Motion into Universal Service and to Comply with the Mandates of Assembly Bill 3643. I95-01-021 – Related matter.**
This decision modifies D98-09-039 to authorize Roseville Telephone Company to file a proposal in I01-04-026 to reduce its rates and price ceilings by an amount equal to its draws from the California High Cost Fund-B.
(Com Bilas – ALJ Kenney)
Section 311(g)(1).
- CA-5** **A00-09-051 - Omniplex Communications Group, LLC.**
This decision dismisses the application of Omniplex Communications Group, L.L.C., for a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange, interexchange, and wireless telecommunications services for failure to prosecute. This proceeding is closed
(Com Wood – ALJ O’Donnell)
(Section 311(g)(1).)
- CA-6** **A01-10-040 - Sprint Communications Company L.P.**
This decision authorizes Sprint Communications Company L.P. to withdraw its Sprint ION (Integrated On-demand Network) services in California, and to transfer the local voice service components of Sprint ION customers' service to other local service providers. Three protests were filed and denied. This proceeding is closed.
(Com Lynch – ALJ McVicar)
(Section 311(g)(1).)
- CA-7** **A00-05-041 – Intouch Telecom, L.L.C.**
This decision dismisses the application of Intouch Telecom, L.L.C., for a certificate of public convenience and necessity to provide facilities-based and resold local exchange and interexchange telecommunications services for failure to prosecute. This proceeding is closed.
(Com Wood – ALJ O’Donnell)
(Section 311(g)(1).)
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- CA-8 A00-09-056 – Global Broadband, Inc.**
This decision dismisses the application of Global Broadband, Inc. for a certificate of public convenience and necessity to provide facilities-based local exchange telecommunications services for failure to prosecute. This proceeding is closed.
(Com Wood – ALJ O’Donnell)
(Section 311(g)(1).)
- CA-9 A00-05-044 – North County Tel-Comm, Inc.**
This decision dismisses the application of North County Tel-Comm, Inc. for a certificate of public convenience and necessity to resell local exchange and interexchange telecommunications services for failure to prosecute. This proceeding is closed.
(Com Wood – ALJ O’Donnell)
(Section 311(g)(1).)
- CA-10 A01-07-028 – David Smith and Shuttle Pro, Inc.**
This decision authorizes David Smith to transfer his passenger stage certificate (PSC) to Shuttle Pro, Inc., and the latter to extend the PSC between points in the counties of Contra Costa, San Joaquin, Solano, Sonoma, and Monterey, and the international airports of San Jose, Oakland, and San Francisco. Shuttle Pro is authorized to establish a zone of rate freedom. This proceeding is closed.
(Exam Horner)
- CA-11 Res W-4326 – California Water Service Company (CWSC), Palos Verdes District.**
This resolution authorizes CWSC an offset rate increase of \$1,183,400 or 5.8% in additional revenue due to purchased power costs.
(Advice Letter 1507-W filed December 28, 2001)
- CA-12 Res W-4327 -** This resolution authorizes all Class B, C, and D Water Utilities to establish Water Quality Memorandum Accounts for recording expenses resulting from drinking water regulations, including water sampling, testing, reporting, and treatment costs, and Office of Drinking Water User Fee Memorandum Accounts to track California Department of Health Services user fees not presently included in rates, and authority to file advice letters for the recovery of such charges and expenses.

- CA-13** **Res T-16641** – This resolution grants the request for voluntary revocation of the certificates of public convenience and necessity held by US West Long Distance, Inc. (U-5798), LD Exchange.com, Inc.(U-5940), Satellink Paging, LLC (U-5971), NewSouth Communications Corp. (U-6349), TeleDirect Communications Group, LLC (U-6410), and Dynamic Telecom Engineering I, LLC (U-6518).
- CA-14** **(ECP) C01-10-045 – John W. Gaddis III vs. Lance Johnson, dba Arrowhead Manor Water Company.**
Complaint to have water company increase water volume at a vacation home. Held: relief denied. Entire system needs upgrade; the subject of I00-03-016. This proceeding is closed.
(Com Duque – ALJ Barnett)
- CA-15** **A02-01-002 – California Water Service Company (CWS).**
This decision grants CWS the authority to issue and/or sell on or before December 31, 2005, equity and debt securities not exceeding in aggregate amount \$250,000,000. This proceeding is closed.
(Exam Jackson)
- CA-16** **A97-12-020 – Pacific Gas and Electric Company.**
For authority among other things, to increase rates and charges for electric and gas service effective on January 1, 1999. I97-11-026, A94-12-005, I95-02-015 – Related matters. This decision grants James Weil an award of \$2,300.81 for substantial contributions to D01-10-031. These proceedings are closed.
(Com Bilas – ALJ Walker)
- CA-17** **I01-03-021 – Order Instituting Investigation on the Commission’s own motion and order to show cause into the operations, practices and conduct of Titan Telecommunications, Inc. (U-6224), and Christopher Bucci, its President and Owner.**
This decision extends the 12-month statutory deadline pursuant to Public Utilities Code Section 1701.2(d) for this investigation until October 31, 2002 to permit hearing and decision following Consumer Services Division’s alter ego investigation.
(Com Brown – ALJ Grau)

- CA-18** **C01-03-028 – Paul Higginbotham vs. Pacific Bell Telephone Company . C01-05-059, C01-05-068, C01-07-023, C01-11-008. – Related matters.**
This decision extends the 12-month statutory deadline pursuant to public Utilities Code Section 1701.2(d) until further order for consolidated complaint proceeding.
(Com Brown – ALJ Bushey)
- CA-19** **A02-01-028 - Winstar Wireless, Inc. (Old Winstar) and Winstar Communications, LLC (New Winstar).**
This decision grants the joint application of Old Winstar and New Winstar for approval of New Winstar to acquire the assets and the certificates of public convenience and necessity of Old Winstar. This proceeding is closed.
(Com Wood – ALJ O’Donnell)
- CA-20** **A99-01-036 – PacifiCorp and Scottish Power plc.**
For exemption from the merger approval requirements of Cal. Pub. Util. Code Sec. 854. This decision grants PacifiCorp’s petition for modification of D99-06-049 by eliminating a telephone response time standard, which has become unnecessary. This proceeding is closed.
(Com Bilas – ALJ Barnett)
(Agenda 3080, Item CA-16, 1/23/02; Req - Commission)
- CA-21** **Res G-3330 – Southwest Gas Corporation (SWG).**
This resolution approves SWG’s request for approval of an amendment to an existing service agreement for noncore intrastate transportation of natural gas with AFG Industries, Inc.
(Advice Letter 646 filed October 17, 2001)
(Agenda 3082, Item CA-5, 2/21/02; Req - Commission)
- CA-22** **Res TL-18989 - This resolution cancels the authority granted to vessel common carriers to adjust their fares without specific Commission approval in response to fuel price increases. Carriers are ordered to cancel any surcharges or fare increases in effect under this authority within 20 days. (Section 311(g)(1).)**
(Agenda 3082, Item CA-3, 2/21/02; Req - Commission)

REGULAR AGENDA

UTILITY AND TRANSPORTATION ORDERS

ORDERS HELD OVER

- H-1** **A00-11-038 – Southern California Edison Company (Edison).**
For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 – Related matters. This decision establishes cost-of-service revenue requirements for the utility retained generation (URG) of Pacific Gas and Electric Company, Edison, and San Diego Gas & Electric Company. URG reflects the utility-incurred costs associated with utility-owned generation assets and purchased power. This decision adopts a January 2002 to December 2002 URG revenue requirement of \$2.875 billion for PG&E, \$3.794 billion for Edison, and \$465.860 million for SDG&E. This decision authorizes recovery of actual and reasonably incurred costs and adopts balancing accounts for PG&E, Edison, and SDG&E to ensure that these costs will be recovered.
(Com Lynch – ALJ DeUlloa)
(*Section 311(d).*)
(Agenda 3081, Item 2, 2/7/02; Agenda 3082, Item H-4, 2/21/02; Req-Commission)
- H-1a** **ALTERNATE PAGES TO ITEM H-1.** These alternate pages reflect a few minor changes to the Administrative Law Judge’s proposed decision. The only substantive change is that the alternate does not reduce Southern California Edison Company’s return on equity as is proposed in the Administrative Law Judge’s decision.
(Com Lynch)
(Agenda 3081, Item 2a, 2/7/02; Agenda 3082, Item H-4a, 2/21/02; Req-Commission)

- H-1b** **ALTERNATE ORDER TO ITEM H-1.** This alternate proposed decision establishes revenue requirements for the utility retained generation (URG) of Pacific Gas and Electric Company, Southern California Edison Company (Edison), and San Diego Gas & Electric Company. This decision adopts Edison's authorized return on equity, retains the Incremental Cost Incentive Plan for the San Onofre Nuclear Generating Station, clarifies the discussion regarding the timing difference between revenues received and taxes paid, and eliminates the Native Load and the Revenue Shortfall Balancing Accounts.
(Comr. Bilas)
(Agenda 3082, Item H-4b, 2/21/02; Req- Commission)
- H-2** **A01-04-007 – Southern California Gas Company (SoCalGas).**
This decision addresses the terms and conditions upon which SoCalGas may sell the 14 Bcf of reclassified cushion gas at its Aliso Canyon and La Goleta storage fields.
(Com Lynch – ALJ Wong)
(Agenda 3073, Item 3, 10/10/01; Agenda 3082, Item H-5, 2/21/02; Req- Commission)
- H-2a** **ALTERNATE ORDER TO ITEM H-2.** This alternate draft decision authorizes SoCalGas to sell 100% of the 14 Bcf of reclassified cushion gas at the Aliso Canyon and La Goleta storage fields on the open market utilizing the sealed bid procedure as described in its July 6, 2001 comments. The determination of how the net proceeds should be allocated, and other ratemaking issues described in D.01-06-086, shall be addressed in Phase 2 of this proceeding.
(Com Brown)
(Agenda 3080, Item H-1a, 1/23/02; Agenda 3082, Item H-5a, 2/21/02; Req- Commission)
- H-3** **A01-05-049 – Southern California Edison Company (SCE).**
This decision grants SCE the authority to lease to Ventura Power Storage, LLC a 7.5-acre site located on a portion of SCE's Mandalay-Santa Clara 220-kilovolt (kV) transmission and 66-kV sub-transmission right of way in the City of Ventura. Ventura Power Storage would operate a self-storage facility on the site, a use that SCE states will not interfere with its utility operations. All environmental requirements have been met. This proceeding is closed.
(Com Brown – ALJ Walker)
(Agenda 3074, Item CA-19, 10/25/01; Agenda 3082, Item H-7, 2/21/02; Req- Commission)

- H-3a** **ALTERNATE ORDER TO ITEM H-3.** This decision denies without prejudice, Southern California Edison Company's (SCE) request for authority to lease to Ventura Power Storage, LLC a 7.5-acre site located on a portion of SCE's Mandalay-Santa Clara 220-kilovolt (kV) transmission and 66-kV subtransmission right-of-way in the City of Ventura. Ventura Power Storage would operate a self-storage facility on the site, a use that SCE states will not interfere with its utility operations. This proceeding is closed.
(Com Wood)
- H-4** **A93-12-029 –Southern California Edison Company (SCE).**
To Adopt a Performance Based Ratemaking Mechanism Effective January 1, 1995. I94-04-003 – Related matter. This decision modifies the performance-based ratemaking mechanism of SCE. The decision establishes a methodology to set revenue requirements for 2001 and 2002, creates a balancing account pursuant to Pub. Util. Code § 739.10, suspends the safety incentive program, and modifies the customer satisfaction and outage frequency performance benchmarks. These proceedings are closed.
(Section 311(d).)
(Com Duque – ALJ Sullivan)
(Agenda 3081, Item 3, 2/7/02; Req - Commission)
- H-5** **I01-12-010 – Order Instituting Investigation into the actions of Pacific Gas and Electric Company (PG&E), and its officers and employees for non-compliance with a Commission Decision.**
This decision addresses PG&E's uncontested proposal for resolving the issues arising from D01-10-059 and the Commission's order instituting the investigation and related Order to Show Cause. PG&E shall pay a penalty and shall tender a Notice of Intent for a test year 2003 general rate case as set forth in the decision. This proceeding is closed.
(Com Brown – ALJ Wetzell)
(Agenda 3079, Item 10, 1/9/02; Agenda 3082, Item H-11, 2/21/02; Req-Commission)

- H-6** **R02-01-011 – Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill 1X and D01-09-060.** This decision suspends direct access as of July 1, 2001, rather than the September 20, 2001, suspension date of D01-09-060. It also implements the rules for those direct access contracts entered prior to July 1, holding that those contracts cannot be extended or assigned. This proceeding is closed.
(Com Wood ALJ Barnett)
(Agenda 3081, Item 4, 2/7/02; Agenda 3082, Item H-12, 2/21/02; Req-Commission)
- H-6a** **ALTERNATE ORDER TO ITEM H-6.** This alternate maintains a direct access suspension date of September 20, 2001. The Commission will consider exit fees in a separate proceeding (A00-11-038, et. al) to recover DWR costs from direct access customers. This decision also implements and clarifies provisions of the direct access suspension.
(Com Brown)
(Agenda 3082, Item H-12a, 2/21/02; Req- Commission)
- H-7** **R97-10-016 - Order Instituting Rulemaking on the Commission's Own Motion into Monitoring Performance of Operations Support Systems. I97-10-017 - Related matter.**
By this decision, the Commission adds the final piece to implement an operations support systems (OSS) performance remedies plan. This plan will provide incentives for the incumbent local exchange carriers (ILECs) to give competitors equitable access to their OSS infrastructure. The plan consists of performance measurements established in D01-05-087, performance criteria established in D01-01-037, and the monetary incentives we now adopt. The plan measures, evaluates, and charges an ILEC payments for OSS performance which could inhibit competition by disadvantaging the competitive local exchange carriers.
(Com Bilas - ALJ Reed)
(Section 311(g)(1).)
(Agenda 3080, Item 2, 1/23/02; Agenda 3082, Item H-14, 2/21/02; Req-Commission)

H-8

R98-07-038 - Commission Instituting Rulemaking for purposes of revising General Order 96-A regarding informal filings at the Commission. This decision makes various changes to the General Order 96 revisions originally proposed in this rulemaking, and with those changes adopts the revisions. Adopted General Order 96-B comprehensively governs utility tariffs (including their form content, and publication), and the informal “advice letter” procedure, which generally is the means by which energy, telecommunications, and water utilities request Commission approval to amend their tariffs. This proceeding is closed.

(Com Duque – ALJ Kotz)

(Section 311(g)(1).)

(Agenda 3062, Item 6, 5/3/01; Agenda 3066, Item H-6, 6/28/01; Req-Commission)

ORDERS

- 1** **R00-10-002 – Order Instituting Rulemaking into the operation of interruptible load programs offered by Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Edison Company (SCE) and the effect of these programs on energy prices, other demand responsiveness programs, and the reliability of the electric system.**
PG&E, SCE, and SDG&E shall continue all reasonable efforts to operate their distribution systems at the lowest peak load voltage levels consistent with Commission orders and Rule 2; modify their existing voltage regulating devices, as necessary and reasonable, to ensure operation within Rule 2 limits; and explore all reasonable opportunities for additional voltage savings in the normal course of their operations, including implementation of all cost-effective measures to reduce voltage during normal substation related work. This proceeding remains open for other Phase 2 issues, but is closed regarding emergency voltage reduction plans.
(Com Wood – ALJ Mattson)
(Section 311(d).)
- 2** **A01-04-023 – Verizon California Inc. (Verizon)**
This decision denies Verizon’s application for exemption from §§ 816-830 without prejudice because §§ 816-830 applications are a component of the Commission’s New Regulatory Framework monitoring program which is currently under review in R01-09-001/I01-09-002. This proceeding is closed.
(Com Brown – ALJ Grau)
(Section 311(g)(1).)

3

A00-10-029 – Pacific Gas and Electric Company (PG&E).

For authority to (1) issue, sell and deliver one or more series of its first and refunding mortgage bonds, debentures, subordinated deferrable interest debentures, promissory notes and/or other evidences of indebtedness in connection with domestic or euro-market offerings, to guarantee the obligations of others in respect of the issuance of securities and to arrange for standby letters of credit as performance guarantees, the total aggregate principal amount of such issuances and guarantees not to exceed \$2 billion; (2) enter into one or more interest rate caps, collars and swaps; (3) issue variable rate debt (including fixed rate debt swapped to a variable rate) to finance balancing account undercollections; and (4) obtain an exemption from the competitive bidding rule. In response to PG&E's petition to modify D01-06-074, D01-02-050, and D01-01-062, this decision extends PG&E's authority under § 851 to pledge its gas customer accounts receivable and core gas inventory for the purpose of procuring core gas supplies until the earlier of (i) May 1, 2003, (ii) 15 days after an upgrade of the credit rating of PG&E's senior unsecured long-term debt, (iii) the effective date of PG&E's Chapter 11 Plan, or (iv) the dismissal or conversion of PG&E's Chapter 11 case. This proceeding is closed. (Com Wood – ALJ Kenney)

UTILITIES RESOLUTIONS AND WRITTEN REPORTS

ENERGY MATTERS

- E-1 Res E-3757 - Southern California Edison Company (Edison), Pacific Gas and Electric Company (PG&E), and San Diego Gas & Electric Company (SDG&E).**
Tariff Rule 20-B Issues: (1) Utility Advice Letters are denied; (2) underground conversion fund shall pay for the removal costs of the existing facilities in an overhead electric line to underground electric line conversion project; (3) customer payments to utilities for removal of poles and facilities shall be returned to customers with interest.
(Edison Advice Letter (AL) 1539-E filed April 30, 2001, PG&E AL 2134-E filed July 10, 2001, and SDG&E AL 1354-E filed August 1, 2001).
(Section 311(g)(1).)
- E-2 Res E-3591 - San Diego Gas & Electric Company (SDG&E).**
This resolution approves SDG&E's request to add to its list of sample forms two Summary Bill forms which allow customers with multiple accounts at multiple service addresses to receive one bill instead of individual bills for each account.
(Advice Letter (AL) 1140-E/1129-G filed December 16, 1998, first supplement AL 1140-E-A/1129-G-A filed on October 15, 1999, and second supplement AL 1140-E-B/1129-G-B filed December 7, 1999).

LEGAL DIVISION MATTERS

LEGISLATIVE MATTERS

LEG-1 Discussion of legislation regarding new regulatory framework in Telecommunications.

COMMISSIONERS' REPORTS

MANAGEMENT REPORTS

General Counsel's Report:

Possible changes to material terms of Department of Water Resources' bond transaction.

CLOSED SESSION

This notice is furnished under Government Code Sections 11125 and 11126.3. At any time during the meeting, the Commission may meet in Closed Session to consider any or all of the items listed below. 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).

NON-FEDERAL ITEMS

ORDERS HELD OVER

- HEX-1 Conference with Legal Counsel – Application for Rehearing**
A01-11-030 – Disposition of the application for rehearing of Resolution W-4308 filed by City of Point Arena on November 23, 2001. The Resolution granted an interim increase in rates, which are subject to refund as the General Rate Case proceeds.
 (Gov. Code § 11126(e)(2)(B)(i).)
 (Agenda 3079, Item EX-7, 1/9/02; Req - Commission)
- HEX-2 Conference with Legal Counsel – Application for Rehearing**
C00-08-053 – Disposition of the application for rehearing of D01-08-067 filed by the Pacific Bell Telephone Company on September 28, 2001.
 (Gov. Code § 11126(e)(2)(B)(i).)
 (Agenda 3081, Item EX-5, 2/7/02; Req - Commission)
- HEX-3 Conference with Legal Counsel – Existing Litigation**
Hunt v. CPUC, Case No. 310671 (San Francisco Superior Court)
 (Gov. Code § 11126(e)(2)(A).)
 (Agenda 3082, Item EX-6, 2/21/02; Req - Commission)

- HEX-4** **Conference with Legal Counsel – Initiation of Enforcement Proceeding**
Deliberation on institution of proceeding or disciplinary actions against person or entities subject to Commission’s jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced.)
(Gov. Code § 11126(d)(2), 11126(e)(2)(C)(i).)
(Agenda 3076, Item EX-6, 11/29/01; Agenda 3082, Item HEX-3, 2/21/02; Req- Commission)

ORDERS

- EX-1 Conference with Legal Counsel – Applications for Rehearing**
Compilation of applications for rehearing recently filed with the Commission.
(Gov. Code §. 11126(e)(2)(B)(i).)
- EX-2 Conference with Legal Counsel – Threatened Litigation**
Significant exposure to litigation.
(Gov. Code § 11126(e)(2)(B).)
- EX-3 Conference with Legal Counsel – Initiation of Litigation**
Consideration of possible Commission initiation of, or intervention in, litigation.
(Gov. Code § 11126(e)(2)(C)(i).)
- EX-4 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).)
- EX-5 Conference with Legal Counsel – Applications for Rehearing**
A99-12-025 – Disposition of applications for rehearing of D01-11-048 filed by the County of Ventura on December 17, 2001 and by Sierra Club, et al. on December 31, 2001. The decision approved Valencia Water Company's 1999 Water Management Program and Advice Letters 88 and 90 requesting permission to expand its service area.
(Gov. Code §. 11126(e)(2)(B)(i).)
- EX-6 Conference with Legal Counsel – Applications for Rehearing**
R00-01-005 – Disposes of the application by the City of Oakland for the rehearing of D01-12-009, which revises Rule 20A rules for converting existing overhead electric and communications lines to underground service.
(Gov. Code §. 11126(e)(2)(B)(i).)
- EX-7 Conference with Legal Counsel – Existing Litigation**
People v. WorldCom, Case No. 313730 (San Francisco Superior Court).
(Gov. Code § 11126(e)(2)(A).)

FEDERAL ITEMS

- FEX-1** **Conference with Legal Counsel – Initiation of Litigation**
Consideration of possible Commission initiation of, or intervention in,
federal agency or court proceedings.
(Gov. Code § 11126(e)(2)(C)(i).)

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Those intervenors who have financial hardship determination pending or granted shall be eligible to receive draft agenda item packets at no charge.

