

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Implement  
Portions of AB 117 Concerning Community  
Choice Aggregation.

Rulemaking 03-10-003  
(Filed October 2, 2003)

TO: ALL PARTIES OF RECORD IN THE ABOVE-CAPTIONED PROCEEDING

**NOTICE OF AVAILABILITY**

The proposed decision of ALJ Malcolm previously designated as principal hearing officer has been made available at [http://www.cpuc.ca.gov/PUBLISHED/COMMENT\\_DECISION/50869.htm](http://www.cpuc.ca.gov/PUBLISHED/COMMENT_DECISION/50869.htm) on November 2, 2005. The proposed decision resolves outstanding issues in Phase 2 of this proceeding, the purpose of which is to implement a program to permit purchases of power by Community Choice Aggregators for local residents and businesses.

Any recipient of this Notice of Availability who is not receiving service by electronic mail in this proceeding or who is unable to access the link to the Commission's web site given above may request a paper copy of the proposed decision from the Commission's Central Files Office, at (415) 703-2045; fax number (415) 703-2263; e-mail [cen@cpuc.ca.gov](mailto:cen@cpuc.ca.gov).

The proposed decision will not appear on the Commission's agenda for at least 29 days after the date it is mailed. The Pub. Util. Code § 311(d) 30 day period is being reduced by one day due to an unforeseen emergency situation, specifically a power outage at the Commission's San Francisco offices that made it physically impossible to file and serve this proposed decision on November 1, 2005. The Commission may act then, or it may postpone action until later. This matter was categorized as ratesetting and is subject to Pub. Util. Code § 1701.3(c). Pursuant to Resolution ALJ-180, a Ratesetting Deliberative Meeting (RDM) to consider this matter may be held upon the request of any Commissioner. If that occurs, the Commission will prepare and mail an agenda for the RDM 10 days before hand.

When an RDM is held, there is a related ex parte communications prohibition period.

When the Commission acts on the proposed decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the proposed decision as provided in Article 19 of the Commission's "Rules of Practice and Procedure," accessible on the Commission's website at

[http://www.cpuc.ca.gov/PUBLISHED/RULES\\_PRAC\\_PROC/44887.htm](http://www.cpuc.ca.gov/PUBLISHED/RULES_PRAC_PROC/44887.htm)).

Pursuant to Rule 77.3 opening comments shall not exceed 15 pages.

Comments must be filed with the Commission's Docket Office. Comments should be served on parties to this proceeding in accordance with Rules 2.3 and 2.3.1. Electronic copies of comments should be sent to ALJ Malcolm at [klm@cpuc.ca.gov](mailto:klm@cpuc.ca.gov). All parties must serve hard copies on the ALJ and the assigned Commissioner, and for that purpose I suggest hand delivery, overnight mail or other expeditious methods of service. The current service list for this proceeding is available on the Commission's web site, [www.cpuc.ca.gov](http://www.cpuc.ca.gov).

Dated November 2, 2005, at San Francisco, California.

/s/ ANGELA K. MINKIN

Angela K. Minkin, Chief  
Administrative Law Judge