

PUBLIC UTILITIES COMMISSION505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

July 17, 2006

Agenda ID #5839
Ratesetting

TO: PARTIES OF RECORD IN INVESTIGATION 00-11-001

This is the draft decision of Administrative Law Judge (ALJ) TerKeurst. It will not appear on the Commission's agenda for at least 30 days after the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the draft 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 draft 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>. 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 TerKeurst at cft@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.

/s/ ANGELA K. MINKIN
Angela K. Minkin, Chief
Administrative Law Judge

ANG:tcg

Attachment

Decision **DRAFT DECISION OF ALJ TERKEURST** (Mailed 7/17/2006)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation into Implementation of Assembly Bill 970 Regarding the Identification of Electric Transmission and Distribution Constraints, Actions to Resolve Those Constraints, and Related Matters Affecting the Reliability of Electric Supply.

Investigation 00-11-001
(Filed November 2, 2000)

**OPINION REQUIRING THAT QUARTERLY REPORTS BE SUBMITTED
TO ENERGY DIVISION AND CLOSING PROCEEDING**

Summary

Prior rulings and decisions in this proceeding require Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Edison Company (SCE) to file on an ongoing basis with the Commission's Docket Office, and to serve on the service list for this proceeding, specified information on the status of transmission projects and generation interconnection projects. Some of the information is filed monthly, some quarterly. This decision directs that, beginning on October 2, 2006, the utilities instead should submit the reports, on a quarterly basis, to the Director of the Commission's Energy Division. This proceeding is closed.

Background

The reports which PG&E, SDG&E, and SCE file currently originate in a series of Administrative Law Judge (ALJ) or Assigned Commissioner (AC) rulings and several decisions. We identify the primary authorities below.

12/14/2000	Oral prehearing conference ruling of ALJ Gottstein, requires reports 1 st of each month on permitting and construction status for identified transmission line upgrade projects, on status of interconnection studies, and on whether projects involve utility-constructed facilities that require CPUC review and approval.
2/14/2001	AC Lynch's scoping memo and ruling, reiterates 12/14/2000 ALJ oral ruling.
3/27/2001	Decision (D.) 01-03-077, extends reporting period for reports already required; also requires information on (1) whether a completed transmission upgrade has resolved the transmission constraint it was intended to address and (2) progress of remedial action schemes taken to improve transmission access and the system's ability to meet electricity demands.
12/28/2001	ALJ Gottstein's ruling, extends reporting period for reports already required.
4/2/2002	ALJ Gottstein's ruling, requires augmentation of reports to update status information on all transmission projects identified in D.01-03-077, Table 4, and any projects within the 2002-2005 timeframe identified since the issuance of D.01-03-077; specifically requires an update of project cost information and applicability of General Order 131-D; also requires development of a consistent tabular format for summarizing project status regarding environmental review, need assessment, and status of construction.
1/29/2003	ALJ Gottstein's ruling, requires cost estimates for renewable resource transmission projects to be added to the monthly reports.
6/9/2004	D.04-06-010, orders quarterly updates on the status of certificate applications for transmission or distribution facilities required by a specific generator but not considered to be gen-tie.

Discussion

The reports from PG&E, SDG&E, and SCE contain information which the Commission requires to undertake its oversight responsibilities. The Commission incorporates the information in several internal reports prepared for tracking purposes and uses it in preparing the joint agency Energy Action Plan (EAP). The Commission also uses the information in responding to inquiries from the Governor's office, members of the California Legislature, and the public.

Though the reports continue to be necessary, our experience to date suggests that quarterly reporting (on the first business day of January, April, July, and October of each year), should prove adequate. Reducing the reporting frequency from monthly (for most of the information) to quarterly (for all of the information), will reduce the compliance burden on the utilities without injuring our regulatory obligations. Today's decision will become effective some time after the beginning of the second quarter of 2006 (July) and before the beginning of the third quarter (October). Once today's decision becomes effective, the utilities may discontinue monthly reporting and the next reports thereafter will be due at the beginning of the third quarter. As October 1, 2006 falls on a Sunday, the due date for third-quarter reporting will be the first business day of the month, October 2, 2006.

This proceeding remains open solely to serve as a repository for the utilities' reports. In order to close this proceeding, we will change the destination for the reports. Beginning with the reports due on October 2, 2006, rather than filing the reports with the Commission's Docket Office, we direct the utilities to send the reports to the attention of the Director of the Commission's Energy Division (energy_enotice@cpuc.ca.gov). We will continue to require the

utilities to serve the reports, subject to any present or continuing confidentiality agreements, on persons or entities listed on the final service list for this proceeding who remain eligible to receive copies of the reports today. Those who no longer wish to receive service, or who have address changes to report, should contact the utilities directly, rather than the Commission's Process Office. We authorize the utilities to serve the reports by electronic means, alone (i.e., no paper copies necessary), on all recipients who have provided email addresses or who do so in the future.

Organizationally, the utilities' reports are relatively standard at present, though SCE tends to carry information forward for a shorter period of time than PG&E or SDG&E. Going forward, we direct SCE to follow the PG&E and SDG&E practice, as further detailed below, as it better serves our needs. All reports should continue to include both narrative and matrix portions. The narrative should continue to describe new developments. The matrix should list and describe, in the current columnar format, all transmission projects starting from the time each is first proposed, and should continue to list each project for four quarterly reports after project completion or final disposition, including projects placed on-hold or cancelled at any point before completion. Given the competitive sensitivity of project-specific costs, the utilities may provide project cost information in one of two formats. Where recipients of the report are persons subject to Pub. Util. Code § 583 (the Commission and Commission staff) or a private confidentiality agreement, the report shall contain a project-specific

cost (for example, \$31 million).¹ Otherwise, the report may describe costs as a range (for example, \$10-50 million).

The contents of the reports and the timeline for submitting and serving them may be modified by Commission decision or by an ALJ or AC ruling in a subsequent but related proceeding.

Comments on Draft Decision

The draft decision of the ALJ in this matter was mailed to the parties in accordance with § 311(g)(1) and Rule 77.7 of the Commission Rules of Practice and Procedure.

Assignment of Proceeding

Michael R. Peevey is the Assigned Commissioner and Charlotte F. TerKeurst is the assigned ALJ in this proceeding.

Findings of Fact

1. The reports from PG&E, SDG&E, and SCE identified herein contain information which the Commission requires to undertake its oversight responsibilities but reducing the reporting frequency from monthly (for most of the information) to quarterly (for all of the information), should prove adequate.

¹ Pub. Util. Code § 583 provides:

“No information furnished to the commission by a public utility, or any business which is a subsidiary or affiliate of a public utility, or a corporation which holds a controlling interest in a public utility, except those matters specifically required to be open to public inspection by this part, shall be open to public inspection or made public except on order of the commission, or by the commission or a commissioner in the course of a hearing or proceeding. Any present or former officer or employee of the commission who divulges any such information is guilty of a misdemeanor.”

2. The utilities' reports should be further standardized to better meet the Commission's needs.

Conclusions of Law

1. Quarterly reporting will not injure the Commission's regulatory obligations.

2. Monthly reporting should be discontinued once this decision becomes effective.

3. The revised reporting requirements adopted herein may be modified by Commission decision or by an ALJ or AC ruling in a subsequent but related proceeding.

4. The order should be effective today, so that the revised reporting requirements may be implemented expeditiously.

O R D E R

IT IS ORDERED that:

1. Beginning on October 2, 2006, and on the first business day of each quarter of every year thereafter, Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Edison Company (SCE) shall submit to the attention of the Director of the Energy Division of the California Public Utilities Commission (energy_enotice@cpuc.ca.gov), the reports ordered by Decision (D.) 01-03-077, D.04-06-010, and all related rulings in Investigation (I.) 00-11-001. PG&E, SDG&E, and SCE shall serve the reports on all persons or entities listed on the final service list for this proceeding who remain eligible to receive copies of the reports today, subject to Pub. Util. Code § 583 or any applicable confidentiality agreements or protective orders. Persons who no longer wish to receive service, or who have address changes to relay,

should contact the utilities directly. Electronic service may be used as the exclusive method for serving all persons for whom an email address is available now or in the future.

2. All reports shall continue to include both narrative and matrix portions. The narrative portion shall continue to describe all new developments since the last report. The matrix portion shall list and describe, in the current columnar format, all transmission projects starting from the time each is first proposed, and shall continue to list and describe each project for four quarterly reports after project completion or final disposition, including projects placed on-hold or cancelled at any point before completion. Cost information shall be provided in one of two formats (either as a project-specific cost or as a range) depending upon the identity of the report recipient, as discussed in the body of this decision.

3. The contents of the reports identified in Ordering Paragraph 1 and the timeline for submitting and serving them may be modified by Commission decision or by an ALJ or AC ruling in a subsequent but related proceeding.

4. This order is effective today; effective today, monthly preparation, filing and service of the reports identified in Ordering Paragraph 1 shall be discontinued.

5. Investigation 00-11-001 is closed.

Dated _____, at San Francisco, California.

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the filed document is current as of today's date.

Dated July 17, 2006, at San Francisco, California.

/s/ TERESITA C. GALLARDO
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Last Update on 19-JUN-2006 by: LIL
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