

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

Order Instituting Rulemaking to Revise  
Commission General Order Numbers 95 and 128.

Rulemaking 01-10-001  
(Filed October 2, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING NOTIFYING  
PUBLIC OF COMMENT PERIOD AND REQUESTING THAT  
PARTIES BRIEF CONTESTED ISSUES**

**Summary**

The final workshop report in this rulemaking proceeding, Rulemaking (R.) 01-10-001, including appendixes, was posted on the General Order (GO) 95/128 Rulemaking Committee's webpage on November 3, 2003. The report may be accessed by going to <http://go95-rc.com/>, and then by clicking on the link for "documents." The workshop report has two key areas of information: Appendix A contains each of the proposed rule changes (PRCs) for which consensus was achieved, and Appendix B contains contested PRCs for which there were multiple alternative proposals (MAPs).

The public has 30 days from the date of this ruling to file comments on the PRCs contained in Appendix A. Workshop participants that assented to a rule change that allowed for consensus on a PRC may not file further comments, as those comments have already been made part of the workshop report. As to the contested PRCs, or MAPs, workshop participants are to file briefs stating their positions 30 days from the date of this ruling.

## **Background**

On October 2, 2001, the Commission initiated Order Instituting R.01-10-001 to Revise Commission GO Numbers 95 and 128. GO 95 covers Rules for Overhead Electric Line Construction and GO 128 covers Rules for Construction of Underground Electric Supply and Communication Systems. The Commission is charged with ensuring that electric utilities operating in California comply with the provisions of the Public Utilities Code and relevant laws and regulations, such as GOs 95 and 128. Commission staff in the Consumer Protection and Safety Division (CPSD) determined that certain GO 95 and GO 128 rules needed modification and/or clarification and proposed a number of rule changes in R.01-10-001. The Rulemaking invited interested parties to file comments on the recommended rule changes and to present alternatives or proposals concerning modifications to GOs 95 and 128.

Following receipt of the comments and proposals, CPSD determined that a series of workshops could facilitate discussion of the proposed rule changes. A series of workshops were then held at various locations throughout the state over almost an 18-month time frame. Through the hard work of the CPSD staff, the utilities, concerned citizens, and other interest groups, consensus was reached on the PRCs shown in Attachment A to the workshop report. Despite the hard work of the workshop participants, they were unable to resolve their differences on the contested PRCs shown in Attachment B.

## **Discussion**

The Commission will treat the PRCs on which the workshop participants achieved consensus as a proposed stipulation or settlement and will follow Article 13.5, Rule 51 *et seq.* of the Commission's Rules of Practice and Procedure. The Commission also invites comment from the public on these PRCs. Any

member of the public who did not participate in the workshops is encouraged to file comments on the stipulated PRCs. Any party wishing to do so has 30 days from the date of this ruling to file such comments at the Commission and serve the service list for the proceeding. Parties may contest all or part of the stipulated PRCs. Parties will then have 15 days after the comments are filed to file reply comments.

A member of the public who contests a PRC stipulated to by the workshop participants must specify in its comments the specific PRC that it opposes, the legal basis of its opposition, and the factual issues it contests. Commenting parties should also indicate whether they wish to request a hearing on the uncontested PRCs.

As to the contested PRCs contained in Attachment B MAPs, parties are to file further briefs on the issues. Members of the public may also file comments on the contested PRCs. Briefs/comments on the contested PRCs are due 30 days after the date of this ruling. Briefs/comments are to be filed with the Commission and served on the service list for the proceeding. Any party, or member of the public, will then have 15 days after the briefs/comments are filed to file a reply.

Pursuant to Rule 51.6, the Commission is not required to set an evidentiary hearing on a contested issue, if the contested issue of fact is not material, or where the contested issue is an issue of law. A party requesting evidentiary hearings must address whether evidentiary hearings on the contested PRCs are necessary, and if so, why. Parties requesting evidentiary hearings should discuss the relevance of witnesses, cross-examination, and evidence to the Commission's resolution of the contested PRCs.

**IT IS RULED** that:

1. The final workshop report, including Appendixes A and B, in Rulemaking 01-10-001 is on the General Order 95/128 Rules Committee's website, at <http://go95-rc.com/> and may be accessed by clicking on "documents."
2. The public has 30 days from the date of this order to file comments on the uncontested proposed rule changes contained in Attachment A, and 15 days from the comment filing date to file reply comments.
3. Parties to the proceeding have 30 days from the date of this order to file briefs on the contested proposed rule changes contained in Attachment B, and 15 days from the briefing date to file reply briefs.
4. The public may file comments, and reply comments, to the contested proposed rule changes, following the 30-day/15-day schedule set forth above.
5. A member of the public filing comments may request evidentiary hearings. A member of the public requesting hearings must address the reasons hearings on the uncontested proposed rule changes are required.
6. Parties and members of the public must address whether hearings on the contested proposed rule changes are warranted either because the disputed fact is material, or where the contested issue is one of fact.

Dated February 4, 2004 at San Francisco, California.

/s/ CAROL A. BROWN  

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Carol A. Brown  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge’s Ruling Notifying Public of Comment Period and Requesting that Parties Brief Contested Issues on all parties of record in this proceeding or their attorneys of record.

Dated February 4, 2004, at San Francisco, California.

/s/ ELIZABETH LEWIS  
Elizabeth Lewis

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission’s policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.