GENERAL ORDER 96-B

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GENERAL RULES
INDUSTRY SPECIFIC RULES
- ENERGY INDUSTRY RULES
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GENERAL RULES

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ENERGY INDUSTRY RULES
WATER INDUSTRY RULES
TELECOMMUNICATIONS INDUSTRY RULES

1. Overview of the General Order

1.1. Structure; Purpose; Applicability

This General Order contains General Rules, Energy Industry Rules, Telecommunications Industry Rules, and Water Industry Rules. The General Rules govern advice letters and information-only submittals to the Commission by public utilities that are gas, electrical, telephone, water, sewer system, pipeline, or heat corporations, as defined in the Public Utilities Code, as well as certain matters submitted to the Commission by certain non-utilities subject to limited regulation by the Commission. The General Rules also govern applications for rehearing and petitions for modification of a resolution regardless of whether the resolution was initiated by advice letter.

The Industry Rules have limited applicability. The Energy Industry Rules apply to gas, electrical, pipeline, and heat corporations and to load-serving entities as defined in Public Utilities Code Section 380. The Telecommunications Industry Rules apply to telephone corporations. The Water Industry Rules apply to water and sewer system corporations. Within their respective industries, the Industry Rules may create rules specific to a particular type of utility or advice letter. Also, for purposes of advice letter review, the Industry Rules will contain three tiers that will distinguish, for the respective Industry Divisions, between those kinds of advice letters subject to disposition under General Rule 7.6.1 (Industry Division disposition) and those subject to disposition under General Rule 7.6.2 (disposition by resolution). The Industry Rules may contain additional tiers as needed for efficient advice letter review or implementation of a statute or Commission order.

The Industry Rules reflect the different needs and conditions within the specified utility industries and segments of those industries, especially as competition develops regarding some services formerly provided by utility monopolies. The respective Industry Rules may differ from each other, and may make distinctions within the covered industry, so long as these differences are consistent with these General Rules. An Industry Rule may differ from the otherwise applicable General Rule to the extent authorized by General Rule or other Commission order.

The provisions of this General Order govern only those informal matters submitted on or after July 1, 2007. However, the Commission at any time may require a utility to revise all or a part of its tariffs to conform with this General Order.

1.2 Utilities Operating in Different Utility Industries

If a utility provides services within two or more of the covered industries (Energy, Telecommunications, Water), the utility shall comply with each of the Industry Rules applicable to the respective services. In addition, if a utility provides two or more types of utility service covered in this General Order (electrical, natural gas, heat, pipeline; telephone; water, sewer system), the utility shall comply with the requirements of General Rules 8 to 8.5.8 by means of separate tariffs for each type of utility service provided.

1.3 Construction; Waiver or Variance

The General Rules and Industry Rules shall be liberally construed to secure just, speedy, and inexpensive handling of informal matters, as set forth in this General Order. The Commission in a specific instance may authorize an exception to the operation of this General Order where appropriate. In a specific instance and for good cause, the Director of the appropriate Industry Division may shorten the protest and reply period under the General Rules.

1.4 Amendments

Each Industry Division's Industry Rules may be amended independently of these General Rules or the Industry Rules of the other Industry Divisions. Whenever any part of the Industry Rules must be amended to ensure consistency with applicable statutes and Commission orders, the appropriate Industry Division will draft proposed amendments to those rules. The Commission may adopt the amendments by resolution, with such modification as the Commission deems appropriate, following notice and an opportunity to comment on the proposed amendments. All amendments and the complete text of this General Order will be published at the Commission's Internet site.

1.5 Computation of Time

When these rules set a time limit for performance of an act, the time is computed by excluding the first day (i.e., the day of the act or event from which the designated time begins to run) and including the last day. If the last day does not fall on a business day, the time limit is extended to include the first business day thereafter.

2. Code of Ethics

Rule 1.1 ("Code of Ethics") of the Commission's Rules of Practice and Procedure (California Code of Regulations, Title 20, Division 1, Chapter 1) shall apply to all matters governed by these rules.

3. Definitions

The definitions apply to the following terms when used in the General Rules and the Industry Rules. Unless otherwise required by context, use of the singular includes the plural.

3.1 Advice Letter

"Advice letter" means (1) an informal request by a utility for Commission approval, authorization, or other relief, including an informal request for approval to furnish service under rates, charges, terms or conditions other than those contained in the utility's tariffs then in effect, and (2) a compliance submittal by a load-serving entity pursuant to Public Utilities Code Section 380.

3.2 Daily Calendar; Date of Submittal

"Daily Calendar" means the Daily Calendar published by the Commission and reported on the Internet at www.cpuc.ca.gov. "Date of Submittal," when referring to an advice letter, means the day on which the reviewing Industry Division received the advice letter.

3.3 Day; Business Day

"Day" means a calendar day. "Business Day" means a calendar day except for Saturdays, Sundays, and weekdays when the Commission's offices are closed, due either to a State holiday or an unscheduled closure (e.g., an emergency or natural disaster). The Daily Calendar will include a list of State holidays for the current fiscal year and a list for the following fiscal year as soon as such list is available.

3.4 Deviation

"Deviation" means the furnishing by a utility of any service at rates or under conditions other than the rates and conditions contained in its tariffs then in effect.

3.5 Disposition

"Disposition" refers to the grant or rejection (including modification) of the relief requested in an advice letter. The disposition of an advice letter will be by resolution adopted by the Commission, except for (1) an advice letter rejected without prejudice by the reviewing Industry Division pursuant to General Rule 5.3, or (2) an advice letter that is subject to disposition by Industry Division pursuant to General Rule 7.6.1.

3.6 Effective Pending Disposition

"Effective pending disposition" refers to a procedure under General Rules 7.5.3 and 8.2.3 and the appropriate Industry Rules whereby the utility submitting an advice letter implements the actions or tariff changes set forth in the advice letter prior to its disposition pursuant to this General Order. A utility submitting an advice letter under this procedure shall prominently designate the advice letter as "effective pending disposition."

3.7 Formal; Informal

"Formal" refers to a proceeding initiated by an application, complaint, petition, order instituting investigation or rulemaking, or order to show cause. "Informal" refers to an advice letter or draft resolution submitted for disposition outside a formal proceeding at the Commission. See also General Rules 5.1 and 5.2. In the case of applications for rehearing and petitions for modification of resolutions originally recommended by the Legal Division or Administrative Law Judge Division, "Industry Division" is deemed to include those Divisions.

3.8 Industry Division

"Industry Division" means the Energy, Telecommunications, Water Division or, when acting in an advisory capacity, the Safety and Enforcement Division or the Consumer Protection and Enforcement Division, or their successors.

3.9 Information-only Submittal

"Information-only Submittal" means an informal report, required by statute or Commission order, that is submitted by a utility to the Commission, but that is not submitted in connection with a request for Commission approval, authorization, or other relief. "Information-only Submittal" includes both periodic and occasional reports.

3.10 Person

"Person" refers both to natural and fictitious persons including, without limitation, companies, corporations, partnerships, associations, and sole proprietorships.

3.11 Protest

"Protest" means a document that objects in whole or in part to the relief requested in an advice letter. The protest shall contain the following information: specification of the advice letter protested; grounds for the protest; supporting factual information or legal argument; name, telephone number, postal address, and (where appropriate) e-mail address of the protestant; and statement that the protest was sent to the utility no later than the day on which the protest was submitted to the reviewing Industry Division.

3.12 Reply

"Reply" means a document containing a utility's reaction to any protest or response to the utility's advice letter.

3.13 Response

"Response" means a document, submitted by a third party and served on the utility submitting the advice letter, that unconditionally supports the relief requested in the advice letter and that may provide useful information regarding the advice letter.

3.14 Service

"Service," when referring to sending a document, means mailing or delivering the document, or transmitting it by facsimile transmission, modem, or other electronic means, as described in the Commission's Rules of Practice and Procedure.

Except when referring to sending a document, "service" means the service performed for, or product delivered to, the public or portion of the public, by a utility.

3.15 Tariffs

"Tariffs" refer collectively to the sheets that a utility must file, maintain, and publish as directed by the Commission, and that set forth the terms and conditions of the utility's services to its customers; "tariffs" may also refer to the individual rates, tolls, rentals, charges, classifications, special conditions, and rules of a utility.

3.16 Utility

"Utility" means a public utility that is a gas, electrical, telephone, water, sewer system, pipeline, or heat corporation, as defined in the California Public Utilities Code. The Industry Rules may define "utility" more narrowly.

4. Notice, Access, Submittal and Service Procedures Generally

4.1 Commission Policies

The Commission intends that all interested persons have the opportunity, through timely and efficient means, (1) to inspect a utility's tariffs, (2) to receive notice of advice letter and information-only submittals, (3) to have access to public records regarding such documents, and (4) to find information on the status of any particular advice letter, including associated supplements, protests, replies, or appeals, and the disposition of the advice letter.

4.2 Customer Notices

Unless no notice or a shorter notice period is authorized by statute or Industry Rule or other Commission order, a utility shall give affected customers at least 30 days' notice before the effective date of an advice letter requesting higher rates or charges, or more restrictive terms or conditions, than those currently in effect. This notice requirement may be satisfied by one or a combination of the following: bill inserts; notices printed on bills; separate notices sent by first-class mail; or electronic mail (e-mail) when a customer has affirmatively consented to receive notice in this manner. Notice by first-class mail is complete when the document is deposited in the mail, and notice by e-mail is complete upon successful transmission. Where authorized by the appropriate Industry Rules, the notice requirement may also be satisfied by notices printed in a newspaper of general circulation.

4.3 Service Lists

Each utility shall maintain at least one advice letter service list, which shall include the postal and e-mail addresses, as appropriate, of all persons on the list. To the extent practical, the utility shall maintain separate lists for different types of advice letters (for example, differentiating between water utility districts, customer classes, or particular services), and shall identify the separate lists at the utility's Internet site, so that persons may request and receive only those advice letters of interest. The utility shall include on the service list any person who requests such inclusion, and may periodically confirm the desire of any currently listed person to remain on the list. On or before the date when the utility submits an advice letter, it shall serve the advice letter without charge on all persons listed for that type of advice letter.

4.4 Service by Internet

For purposes of these rules, any person may accept service by Internet. A person indicates acceptance of such service by providing an e-mail address along with a postal address to the utility, Industry Division, or third party serving a document on the person. Notwithstanding such acceptance, the utility, Industry Division, or third party shall make alternative service (including service by first-class mail, personal delivery, or facsimile transmission) immediately whenever the serving party receives notification that service by Internet is unsuccessful.

A utility shall serve its advice letters and related documents by Internet on any person on its advice letter service list who provides an e-mail address. Any such person shall serve that person's advice letter protest and related documents by Internet on the utility submitting the advice letter.

4.5 Format

Rule 1.5 of the Commission's Rules of Practice and Procedure governs the format of advice letter documents, except that the format of tariffs shall be as prescribed in these General Rules and the appropriate Industry Rules.

4.6 Cover Sheet

A utility submitting an advice letter shall include with its advice letter a cover sheet, which shall state the date when the utility served the advice letter and submitted it to the reviewing Industry Division. The cover sheet shall also be served with the advice letter. The cover sheet shall state that a protest or response to the advice letter must be submitted to the reviewing Industry Division within 20 days of the date of the advice letter's submittal and served on the same day on the utility. Except as modified by the Industry Division, the cover sheet shall summarize the contents of the advice letter, as follows:

(1) indicate requested effective date;

(2) indicate service affected by the advice letter;

(3) briefly describe change to existing service (where applicable) or other change proposed by the advice letter;

(4) indicate percent impact of proposed change on current rates or charges for affected service (where applicable);

(5) cite Commission orders (by decision or resolution number and ordering paragraph) and Public Utilities Code or other statutory provisions (by section) related to the substance of the advice letter, and identify as compliance submittal (where applicable);

(6) refer to the utility's other pending advice letters that relate to the same tariffs or are otherwise affected by the proposed change;

(7) if the advice letter replaces a withdrawn or rejected advice letter, identify the prior advice letter and the differences between it and the new advice letter;

(8) indicate whether the utility believes disposition of the advice letter by Commission resolution is necessary or appropriate;

(9) show contact person, telephone number, and e-mail address for additional information regarding the advice letter; and

(10) show postal address and e-mail address of the utility and of the reviewing Industry Division for protests regarding the advice letter.

If an advice letter does not include a complete cover sheet, as described above, the reviewing Industry Division may reject the advice letter without prejudice or extend the protest period unless and until the utility submits and serves the information that is missing or incomplete.

4.7 Form and Content

A utility shall:

(1) number the advice letter sequentially, beginning with No. 1 for the first advice letter filed by the utility for each type of service rendered, followed by a letter designation for the type of service if the Industry Division so requires;

(2) attach the tariff sheets (new or revised) showing the changes that would be made by the advice letter, and list the numbers and titles of the new tariff sheets (if any) and the numbers of tariff sheets proposed to be canceled (if any). If the advice letter proposes to change tariff sheets currently in effect, the proposed changes shall be shown by providing either (i) a redlined version of the tariff sheets, or (ii) the tariff sheets as currently in effect and as proposed with the changes indicated by appropriate symbols along the right-hand margin, using the symbols set forth in the utility's preliminary statement. If the reviewing Industry Division will assign sheet numbers, so indicate. A tariff sheet number may not be used more than once;

(3) state whether any deviations would be created, service withdrawn from any present customer, or more or less restrictive conditions imposed;

(4) if establishing a new non-competitive service, describe the new service and state its impacts (if any) on rates and service to customers not receiving the new non-competitive service, its impacts (if any) on customer privacy and competitive markets, any educational efforts the utility plans in connection with the new service, and any transactions with the utility's affiliates in the provision of the new service;

(5) if seeking approval of a contract or other deviation from tariffed service, attach a copy;

(6) attach analysis and workpapers used to justify the relief sought in the advice letter, or if the analysis and workpapers are voluminous, provide them within two business days upon request;

(7) cite the statute and/or Commission order establishing the notice requirements applicable to the advice letter, and describe how those requirements were satisfied; and

(8) attach the service list to the original advice letter submitted to the reviewing Industry Division, or if the list is identical to a list used previously by the utility, cite the number and date of the advice letter or application that is the source of the list.

In addition, if an advice letter requests a change to a Commission resolution addressing a prior advice letter of the utility, the new advice letter shall specify the resolution to which a change is requested, and shall set forth the following information by way of notice:

(1) The advice letter is subject to Public Utilities Code Section 1708, which states in pertinent part that the Commission may, "upon notice to the parties, and with opportunity to be heard as provided in the case of complaints, rescind, alter, or amend any order or decision made by it."

(2) A person wishing to request an evidentiary hearing must submit and serve a timely protest to the advice letter. The protestant must expressly request and explain the need for an evidentiary hearing. The explanation must identify material disputed facts and explain why a hearing must be held.

(3) Any right a person may otherwise have to an evidentiary hearing will be waived if that person does not follow the above procedure for requesting one.

Each Industry Division may modify the required contents as appropriate for the needs of that division and may also promulgate recommended or sample cover sheet formats.

If an advice letter omits any applicable contents, as described above, the reviewing Industry Division may reject the advice letter without prejudice or extend the protest period unless and until the utility submits and serves the complete advice letter.

5. Use of Advice Letters

5.1 Matters Appropriate to Advice Letters

The advice letter process provides a quick and simplified review of the types of utility requests that are expected neither to be controversial nor to raise important policy questions. The advice letter process does not provide for an evidentiary hearing; a matter that requires an evidentiary hearing may be considered only in a formal proceeding.

The primary use of the advice letter process is to review a utility's request to change its tariffs in a manner previously authorized by statute or Commission order, to conform the tariffs to the requirements of a statute or Commission order, or to get Commission authorization to deviate from its tariffs. A utility may also request relief by means of an advice letter where the utility:

(1) has been authorized or required, by statute, by this General Order, or by other Commission order, to seek the requested relief by means of an advice letter; or

(2) requests modification of a Commission resolution addressing a prior advice letter of the utility. See General Rule 7.2. To request an extension of time to comply with such resolution, see General Rule 8.3.

A utility may seek a rate increase by means of an advice letter only if use of an advice letter for this purpose is authorized by statute or Commission order.

5.2 Matters Appropriate to Formal Proceedings

A utility must file an application, application for rehearing, or petition for modification, as appropriate, in the following circumstances:

(1) The utility requests modification of a decision issued in a formal proceeding or otherwise seeks relief that the Commission can grant only after holding an evidentiary hearing, or by decision rendered in a formal proceeding;

(2) The utility seeks Commission approval of a proposed action that the utility has not been authorized, by statute, by this General Order, or by other Commission order, to seek by advice letter; or

(3) The utility seeks to challenge a Commission resolution addressing an advice letter submitted by the utility.

Except as provided in General Rule 5.1, a utility must file an application to seek approval of a rate increase; a change to its tariffs; or an alteration of any classification, contract, practice, or rule as to result in a new rate.

5.3 Withdrawal; Rejection Without Prejudice

Before disposition of an advice letter, but no later than the date of issuance, for public review and comment, of a draft resolution (if any) that would grant or reject the advice letter, a utility may withdraw its advice letter without prejudice, except that an advice letter that is effective pending disposition may not be withdrawn on or after the effective date. The withdrawal shall bear the same identifying number as the advice letter and shall be submitted in the same manner and served on the same persons as the advice letter.

Whenever the reviewing Industry Division determines that the relief requested or the issues raised by an advice letter require an evidentiary hearing, or otherwise require review in a formal proceeding, the Industry Division will reject the advice letter without prejudice.

The utility may resubmit, as an application or other appropriate formal request for relief, the request contained in an advice letter that it has withdrawn, pursuant to this General Rule, or that is rejected without prejudice on the grounds that the advice letter must be heard or reviewed in a formal proceeding. When an advice letter has been withdrawn voluntarily by the utility, the utility may resubmit the matter as an advice letter so long as the relief requested or issues raised are appropriate to an advice letter.

The reviewing Industry Division will also reject without prejudice an advice letter that violates applicable Industry Rules in the following instances:

(1) The utility has improperly designated the advice letter as effective pending disposition; or

(2) The utility has improperly designated the advice letter as subject to Industry Division disposition.

In these instances, the utility may submit a new advice letter with corrections as specified by the Industry Division. However, implementation of an advice letter designated as effective pending disposition, if the advice letter is rejected without prejudice, shall cease immediately upon such rejection, and may not resume unless and until such implementation is duly approved pursuant to this General Order.

6. Process for Handling Information-only Submittals

6.1 Submittals, Access, Service

Information-only submittals shall be submitted to the appropriate Industry Division, and as further provided in the Industry Rules. A table of periodic information-only submittals will be maintained at the Commission's Internet site.

Information-only submittals are public records, and are open to public inspection, except as provided by statute or Commission order. Any provision the Commission may make, now or in the future, for electronic notice of, and access to, the Commission's public records shall apply to information-only submittals. Information-only submittals need not be served, except as otherwise required by statute or Commission order.

6.2 Review

Since information-only submittals do not seek relief, they are not subject to protest, as provided for applications and advice letters. The reviewing Industry Division may notify the utility of any omission or other defect in a submittal, and the utility shall remedy such defect within a reasonable time. A utility that fails to remedy defects or fails to submit a required report on time or at all shall be subject to fines and other sanctions.

7. Advice Letter Review and Disposition

7.1 Submitting Advice Letters and Related Documents

Advice letters and related documents (e.g., protests, responses, replies, and requests for review) shall be submitted to the reviewing Industry Division. An Industry Division may accept the submittal of advice letters and related documents by electronic mail when the Division determines that it has the capacity to receive and process advice letters and related documents in this fashion. The Industry Division will report advice letters and related documents, and the date of their receipt, in the Daily Calendar.

The date of submittal of an advice letter or related document shall be the date of receipt by the reviewing Industry Division and shall be used for purposes of calculating the 20-day protest period, the 30-day initial review period, the period of suspension under General Rule 7.5.2, or the last day for any submittal or other deadline that may be computed from the date of submittal under these rules. The reviewing Industry Division may reject without prejudice an advice letter due to defective service or omitted contents. Notwithstanding the Industry Division's acceptance of an advice letter for submittal, a defect or omission that becomes apparent during review of the advice letter may require rejection of the advice letter without prejudice if the utility fails, upon request, to promptly cure the defect or omission.

Advice letters, protests, responses, and replies are public records, and are open to public inspection, except as provided under statute or Commission order. Any provision the Commission may make, now or in the future, for electronic notice of, and access to, the Commission's public records shall apply to such documents.

7.2 Serving Advice Letters and Related Documents

On or before the date an advice letter is submitted, and unless otherwise directed by Commission order, the utility shall serve the advice letter and cover sheet (1) on the utility's advice letter service list, and (2) on any other third parties as specified by statute or other Commission order. Such service shall be by Internet to the extent required by General Rule 4.4. In addition, the utility shall make paper service of the advice letter on the Division of Ratepayer Advocates by first-class mail or personal delivery. The requirement to serve the Division of Ratepayer Advocates does not apply to a utility that is a sewer system corporation or a Class B, C, or D water corporation. In addition, the Division of Ratepayer Advocates may waive or modify this service requirement to better accommodate small utilities or alternative service methods.

After submitting an advice letter, and pending its disposition, the utility shall promptly provide a copy of the advice letter to anyone so requesting. Such provision shall be without charge to anyone who currently receives service from the utility, or to anyone receiving the advice letter by Internet.

The following additional requirements apply to service of any advice letter that requests a change to a Commission resolution. The utility submitting such an advice letter shall serve it on anyone who submitted a protest or response to the prior advice letter addressed in the resolution, any third party whose name and interest in the relief sought appeared on the face of that prior advice letter (as where the advice letter sought approval of a contract or deviation for the benefit of such third party), and any other persons who had been served with the resolution.

7.3 Effective Date

A utility submitting an advice letter shall include the requested effective date, as further provided in the Industry Rules.

7.3.1 Effective Date Provided by Statute or by Commission Order Other Than This General Order

If the Commission, by Industry Rule or otherwise, has ordered an advice letter to go into effect on a date different from that otherwise provided by these General Rules, the advice letter shall go into effect on the date ordered. If a statute, Industry Rule, or other Commission order specifically authorizes an advice letter to go into effect on a date different from that otherwise provided by these General Rules, the advice letter shall go into effect on any date (as designated by the utility in the advice letter) that is consistent with the authorization.

7.3.2 Later Effective Date Requested by Utility

Unless the Commission has required an advice letter to go into effect on a date different from that otherwise provided by this General Order, a utility may request an effective date later than that otherwise provided by this General Order, and the advice letter shall go into effect on the date requested by the utility.

7.3.3 Effective Pending Disposition

Unless an earlier effective date is authorized, or a later effective date required, under the appropriate Industry Rules, an advice letter properly designated as effective pending disposition may be made effective on the date of submittal, or as provided under General Rule 7.3.2 or 9.2.3. A utility whose advice letter would qualify under the appropriate Industry Rules to be effective pending disposition may request instead that the advice letter be effective only upon regulatory approval under this General Order.

If an advice letter is effective pending disposition, all service rendered pursuant to the advice letter before disposition will be subject to a Commission order requiring refunds or such other or additional adjustments as the Commission may require.

7.3.4 Effective Date of Advice Letter Submitted for Industry Division Disposition

Except as provided in General Rules 7.3.1 to 7.3.3, if a utility has properly submitted an advice letter for Industry Division disposition, the advice letter will become effective as follows:

(1) If the advice letter has not been protested and the reviewing Industry Division has not suspended the advice letter by the end of the initial review period (see General Rule 7.5.2), the advice letter will become effective 30 days after the date of submittal.

(2) If the advice letter is protested or suspended, the advice letter will become effective upon written approval by the reviewing Industry Division or (if an issue requires determination by the Commission) upon adoption by the Commission of a resolution approving the advice letter. (See General Rule 7.5.2)

If an advice letter is improperly submitted for Industry Division disposition, the advice letter will be rejected without prejudice, as provided in General Rule 5.3.

7.3.5 Effective Date of Advice Letter Submitted for Disposition by Resolution

Except as provided in General Rules 7.3.1 and 7.3.2, if a utility has submitted an advice letter for disposition by resolution, the advice letter will become effective when the Commission adopts a resolution approving the advice letter, unless the advice letter may properly be approved by the reviewing Industry Division, in which case the advice letter will become effective upon written approval by that Industry Division. An advice letter submitted for disposition by resolution will not become effective merely by virtue of the expiration of the initial review period or any continuation of the initial or later review period.

7.4 Protests and Responses

7.4.1 Submittal of Protest

Any person (including individuals, groups, or organizations) may protest or respond to an advice letter. Within 20 days of the date of submittal of the advice letter, the protest or response shall be submitted to the reviewing Industry Division and served on the same day on the utility. After submitting a protest, and pending disposition of the advice letter, the protestant shall promptly provide a copy of the protest to anyone so requesting.

If the protestant believes that the Commission should hold an evidentiary hearing, the protest must expressly request and explain the need for an evidentiary hearing. The explanation must identify material disputed facts and say why a hearing must be held. Any right a protestant may otherwise have to an evidentiary hearing will be waived if the protestant does not follow this procedure for requesting one.

7.4.2 Grounds for Protest

An advice letter may be protested on one or more of the following grounds:

(1) The utility did not properly serve or give notice of the advice letter;

(2) The relief requested in the advice letter would violate statute or Commission order, or is not authorized by statute or Commission order on which the utility relies;

(3) The analysis, calculations, or data in the advice letter contain material errors or omissions;

(4) The relief requested in the advice letter is pending before the Commission in a formal proceeding;

(5) The relief requested in the advice letter requires consideration in a formal hearing, or is otherwise inappropriate for the advice letter process; or

(6) The relief requested in the advice letter is unjust, unreasonable, or discriminatory, provided that such a protest may not be made where it would require relitigating a prior order of the Commission.

As illustrated in the following examples, a protest may not rely on policy objections to an advice letter where the relief requested in the advice letter follows rules or directions established by statute or Commission order applicable to the utility.

Example 1. Where the Commission has approved a rate change, an advice letter submitting tariff sheets in compliance with the Commission order approving the rate change is not subject to protest on the grounds that the rates are unjust, unreasonable, or discriminatory.

Example 2. Where the Commission does not regulate the rates of a specific type of utility, an advice letter submitting a rate change by a utility of the specified type is not subject to protest on the grounds that the rates are unjust, unreasonable, or discriminatory.

Example 3. Where the Commission has established a rate band within which a utility is free to set rates for a specific type of service, an advice letter submitting a rate change within the band for a service of the specified type is not subject to protest on the grounds that the rates are unjust, unreasonable, or discriminatory.

In all of the above examples, the advice letters may still be protested on other grounds. For example, if the rate change in Example 3 falls outside the rate band or applies to a service other than of the specified type, the advice letter would violate the Commission order approving the rate change and is subject to protest on that ground.

7.4.3 Replies

The utility submitting an advice letter shall reply to each protest and may reply to any response. Any such reply shall be submitted to the reviewing Industry Division within five business days after the end of the protest period, and shall be served on the same day on each person who submitted a protest or response to the advice letter. The protestant may not reply to the utility's reply.

7.4.4 Late-Submitted Protest or Response

The reviewing Industry Division may consider a late-submitted protest or response. If an Industry Division considers a late-submitted protest or response, it will so notify the utility, and the utility shall have five business days from the date of issuance of the notice within which to reply to the late-submitted protest or response.

7.5 Review

7.5.1 Additional Information; Supplements

An Industry Division, to assist its review of an advice letter, may request additional information from the utility. The utility shall respond to the request within five business days unless the Industry Division agrees to a later response, and the Industry Division may reject the advice letter if the utility does not respond promptly and fully. If the Industry Division, after considering the additional information, determines that material factual issues remain, the Industry Division will reject the advice letter without prejudice.

A utility may make minor revisions or corrections to its advice letter at any time before the requested effective date by submitting a substitute sheet with the reviewing Industry Division. Changes that generally may be made by substitute sheet include: a correction of a typographical or other insubstantial error; a language clarification; or a later effective date.

The utility shall submit a supplement or withdraw the advice letter without prejudice in order to make major revisions or corrections. A substitute sheet or supplement shall be submitted and served in the same manner and on the same persons as the advice letter, plus any other persons who have filed a protest or response. A supplement shall bear the same identifying number as the advice letter but shall have a letter suffix ("A" for the first supplement, "B" for the second supplement, etc.).

The submittal of a supplement, or of additional information at the request of the reviewing Industry Division, does not automatically continue or reopen the protest period or delay the effective date of the advice letter. The reviewing Industry Division, on its own motion or at the request of any person, may issue a notice continuing or reopening the protest period. Any new protest shall be limited to the substance of the supplement or additional information.

7.5.2 Initial Review Period; Suspension; Status Report

The initial review period for an advice letter is the 30 days immediately following the date of submittal. No later than the last day of the initial review period, the reviewing Industry Division will notify the utility and any protestants if disposition of the advice letter will not occur within the initial review period. The Industry Division may notify the utility, and any protestant who has provided an e-mail address, by Internet. For any advice letter that may not be deemed approved, suspension is automatic if disposition of the advice letter has not occurred by the end of the initial review period. The reviewing Industry Division, however, will give notice of this suspension.

The Industry Division's notification will suspend the advice letter's effectiveness and will state the reason for the suspension and its expected duration, which will not exceed 120 days from the end of the initial review period unless the utility agrees in writing to a longer suspension period. For any advice letter so suspended, the reviewing Industry Division will proceed

promptly with the disposition of the advice letter under General Rule 7.6.1 or 7.6.2, as appropriate. If the reviewing Industry Division determines that a suspended advice letter requires disposition by the Commission, and the Commission's deliberation on the resolution prepared by the Industry Division continues beyond the expiration of the suspension period, the suspension is automatically continued for a further period, and the Industry Division will so notify the utility and protestants, as above. The further period of suspension will run until the Commission acts on the resolution, but will not exceed 180 days. If the further period ends before the Commission rejects or otherwise acts on the advice letter, the advice letter (if subject to Public Utilities Code Section 455) becomes effective by operation of law on the day after the further period ends.

The above procedures regarding initial review and suspension shall also apply to advice letters effective pending disposition, except that the effectiveness of such advice letters is not suspended by extension of Industry Division or Commission review beyond the initial review period.

Each reviewing Industry Division will publish and keep current an advice letter status report at the Commission's Internet site. The report will include the following information for each advice letter for which review is continuing beyond the initial review period: identification of the advice letter by utility and advice letter number; date of suspension or extension; and reason(s) for suspension or extension. The report will be updated, as needed, to reflect new suspensions or extensions and any change of status of an advice letter, including disposition or withdrawal of the advice letter.

7.5.3 Advice Letters Effective Pending Disposition

Where General Rules 7.3.3, 9.2.3, or the Industry Rules authorize a utility to designate an advice letter as effective pending disposition, the Industry Rules may establish additional procedures for the utility to submit revisions or corrections prior to disposition when the appropriate Industry Division, during its review of such an advice letter, discovers a defect in the advice letter or the tariff changes set forth in the advice letter, provided that the defect is not such as to require rejection of the advice letter. Whenever a utility fails to submit a timely or satisfactory revision after notice by the Industry Division, as prescribed in the procedures, the Commission may impose a penalty and/or take such other actions as may be appropriate to protect consumers and ensure compliance with law.

A utility that has implemented the actions or tariff changes set forth in an advice letter effective pending disposition shall immediately stop such implementation, and shall commence such remedial action as may be appropriate (including but not limited to the submission of an advice letter setting forth a remedial plan), if the advice letter is rejected pursuant to General Rule 5.3, 7.6.1, or 7.6.2.

7.6 Disposition of Advice Letters

7.6.1 Industry Division Disposition of Advice Letters

A utility shall designate in the advice letter whether the utility believes the advice letter is subject to Industry Division disposition. The utility's designation is not binding on the reviewing Industry Division.

The Commission intends by this rule to make advice letters subject to Industry Division disposition in all instances where the Commission has lawfully assigned this task to the Industry Division.

An advice letter is subject to disposition by the reviewing Industry Division whenever such disposition would be a "ministerial" act, as that term is used regarding advice letter review and disposition. (See Decision 02-02-049.) Industry Division disposition is appropriate where statutes or Commission orders have required the action proposed in the advice letter, or have authorized the action with sufficient specificity, that the Industry Division need only determine as a technical matter whether the proposed action is within the scope of what has already been authorized by statutes or Commission orders. In addition, the Industry Division will (1) reject any advice letter where the advice letter or workpapers are clearly erroneous, including without limitation where there are clear inconsistencies with statute or Commission order, and (2) reject without prejudice an advice letter whose disposition would require an evidentiary hearing or otherwise require review in a formal proceeding.

An advice letter will be subject to Industry Division disposition even though its subject matter is technically complex, so long as a technically qualified person could determine objectively whether the proposed action has been authorized by the statutes or Commission orders cited in the advice letter. Whenever such determination requires more than ministerial action, the disposition of the advice letter on the merits will be by Commission resolution, as provided in General Rule 7.6.2.

Notwithstanding a timely protest, the reviewing Industry Division may approve an advice letter that is subject to disposition under this rule and is otherwise proper, if the protest either (1) is not made on proper grounds as set forth in General Rule 7.4.2, (2) may be rejected on a technical basis as discussed in this rule, or (3) is clearly erroneous.

The Industry Division will review each submitted advice letter, together with any timely protests, responses, and replies. If the Industry Division, in light of such review, concludes that the advice letter is subject to disposition under this rule (including a deemed approval pursuant to the next paragraph), the Industry Division will report its disposition at the Commission's Internet site. If the advice letter is approved, the Industry Division will either (1) notify the utility by e-mail on the Internet, or (2) return to the utility a complete copy of the advice letter with the effective date stamped on each tariff sheet.

An advice letter that is subject to Public Utilities Code Section 455 or that implements a rate increase previously approved by the Commission is deemed approved if, at the end of the initial review period, the Industry Division has not suspended the advice letter (as provided in General Rule 7.5.2). In all cases where there is Industry Division disposition of an advice letter (including "deemed approval"), the Industry Division will issue a written disposition. If the Industry Division rejects an advice letter or grants a protested advice letter, the Industry Division's disposition will state the basis for rejecting the advice letter or the protest. The Industry Division will serve the disposition on the utility and on any person submitting a protest or response to the advice letter. Service on the utility, and on any person who is entitled to receive the disposition and has provided an e-mail address, may be by Internet.

If the reviewing Industry Division has suspended or extended the review of an advice letter that the utility properly submitted for disposition under this rule, the Industry Division, prior to the expiration of the review period, will either (1) issue its disposition, or (2) prepare for the Commission's consideration and place on a Commission meeting agenda a resolution containing

the Industry Division's analysis and recommendation regarding the advice letter. The Commission may adopt the resolution or modify it in whole or in part.

7.6.2 Disposition by Resolution

Except for those circumstances in which, as provided in General Rules 5.3, 7.5.1, or 7.6.1, the reviewing Industry Division may approve or reject an advice letter, the reviewing Industry Division will prepare and place on the Commission's meeting agenda a resolution approving, rejecting, or modifying any advice letter submitted to the Industry Division. The resolution will contain the Industry Division's recommended disposition and analysis supporting such disposition. The resolution will also contain an attachment listing all persons served with the resolution, including the utility submitting the advice letter, persons protesting or responding to the advice letter, and any third party whose name and interest in the relief sought appear on the face of the advice letter.

The Commission may adopt the resolution or modify it in whole or in part. After the Commission has acted on a resolution, the resolution will be served on the utility, on any person submitting a protest to the advice letter, and on any other party to the resolution. (See Rule 14.5 of the Rules of Practice and Procedure.) The disposition of the advice letter will be reported at the Commission's Internet site. If the advice letter is approved, the Industry Division will either (1) notify the utility by e-mail on the Internet, or (2) return to the utility a complete copy of the advice letter with the effective date stamped on each tariff sheet.

7.6.3 Review of Industry Division Disposition

The utility or a person submitting a protest, or any third party whose name and interest in the relief sought appear on the face of the advice letter, may request Commission review of an Industry Division disposition. In exceptional circumstances, a person who has an interest in the advice letter but who did not submit a protest may request Commission review. The request must explain the circumstances that entitle the person to make the request (e.g., the person was unable to submit a protest or submitted a response supporting the advice letter). The request for Commission review shall be submitted to the reviewing Industry Division within 10 days after the issuance of the disposition, shall be served on the utility, all persons submitting protests or responses, and any third party whose name and interest in the relief sought appear on the face of the advice letter, and shall set forth specifically the grounds on which the requester considers the disposition to be unlawful or erroneous. Upon submittal of a timely request for Commission review, the Industry Division will prepare and place on the Commission's meeting agenda a proposed resolution, and will serve it on the requester and all others on whom the request was served. Pending Commission action on the proposed resolution, the advice letter will take effect if it was approved under the Industry Division disposition.

8. Application for Rehearing and Petition for Modificaiton of Resolution; Request for Extension

8.1 Application for Rehearing of Resolution

The utility submitting an advice letter, any person submitting a protest to the advice letter, and any person who commented on a draft or alternate resolution under Rule 14.5 of the Rules of Practice and Procedure may apply for rehearing of a resolution pursuant to Sections 1731 to 1736 of the Public Utilities Code and Rules 16.1 to 16.6 of the Rules of Practice and

Procedure. The application for rehearing shall set forth specifically the grounds on which the applicant considers the resolution to be unlawful or erroneous.

The application for rehearing shall be filed with the Commission's Docket Office, which will assign a docket number to the application. On the same day that it is filed, the application for rehearing shall be served on the reviewing Industry Division and on the same persons who are required to be served with the draft resolution pursuant to the instructions accompanying the draft resolution.

8.2 Petition for Modification

Any person may petition for modification of a resolution and respond to such petition to the same extent and under the same procedures as provided, with respect to Commission decisions, by Rule 16.4 of the Commission's Rules of Practice and Procedure, except that such a petition or response shall be submitted and served on the appropriate Industry Division, and on the same persons who are required to be served pursuant to the instructions accompanying the draft resolution. A certificate of service must accompany the petition, stating (1) the title of the petition with reference to the resolution number and caption of the resolution that is thes subject of the petition, (2) the place, date, and manner of service, and (3) the name of the person makng the service. The Industry Division may direct the petitioner to circulate the petition for modification to additional parties, if appropriate. In Industry Division should ensure notice of th petition for modification appears on the Daily Calendar. Nothing in this section limits an Industry Divisions ability to place a draft resolution modifying a prior resolution on the Commission's agenda at any time.

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8.3 Request for Extension

For an extension of time to comply with a Commission resolution addressing an advice letter, the utility that submitted the advice letter shall send a written request to the Executive Director, with copies of the request sent concurrently to the appropriate Industry Division and to all persons on whom the resolution was served. The request, or facsimile of the request, must be received by the Executive Director at least three business days before the date of compliance set in the resolution. If the extension is granted, the utility shall promptly inform all persons on whom the resolution was served of the new date for compliance.

9. Tariffs

9.1 Submittal, Making Accessible, Revising

At all times, and as further provided in the Industry Rules, each utility shall comply with the following requirements regarding its tariffs then in effect: (1) submit them to the appropriate Industry Division; (2) compile, publish, and make them accessible for public copying and inspection in accordance with General Rules 9.1.1 to 9.1.3; and (3) promptly submit such revisions as are necessary to conform the utility's tariffs to statute or Commission order. These requirements shall apply except where and to the extent that, by statute or Commission order, compliance is expressly excused for the specific utility or type of utility, or for specific services offered by the utility or type of utility. If a customer or member of the public requests a map of a utility's service area that is not on the utility's web site, the utility may charge the actual cost of producing the map; and the utility shall estimate the cost when the order for the map is taken.

9.1.1. Publishing Tariffs

These tariff publication requirements apply to any utility that serves California customers under tariffs. A utility shall compile and publish the tariffs under which it provides services to California customers. The purpose of compiling and publishing tariffs is to enable members of the public to inspect and get copies of tariffs (including both currently effective and no longer effective tariffs) that may be of interest to them. A utility may not require anyone wanting to inspect or copy a tariff to disclose the nature of that person's interest in the tariff.

9.1.2 Internet Publication

The Commission strongly encourages all utilities, and requires certain utilities as described below, to publish and keep up-to-date their respective tariffs, as currently in effect, at sites on the Internet freely accessible to the public.

A utility that serves California customers under tariffs, and whose gross intrastate revenues, as defined in Public Utilities Code Section 435(c) and reported to the Commission for purposes of the Utilities Reimbursement Account, exceed $10 million, shall publish, and shall thereafter keep up-to-date, its currently effective California tariffs at a site on the Internet. The Internet site shall be accessible, and the tariffs shall be downloadable, at no charge to the public. At all times, the utility shall identify at the site any tariffs that would change as the result of Commission approval of modifications the utility has proposed in a pending application or advice letter. The utility shall update the site within five business days of the effective date of any such approval. The utility shall also provide instructions at the site for getting copies of such pending application or advice letter, and of no longer effective tariffs. If it is difficult to publish at the site the maps or forms in the utility's tariffs, the utility shall provide a means of downloading the maps or forms, or shall provide instructions for getting copies in printed format.

A utility whose gross intrastate revenues, as last reported to the Commission, exceed $10 million, shall comply with this Internet publication requirement no later than January 1, 2002. Any other utility whose gross intrastate revenues, as reported in the utility's annual report to the Commission after January 1, 2002, exceed $10 million, shall comply with this Internet publication requirement no later than 180 days after the date of the annual report.

9.1.3 Other Publication

A utility that serves California customers under tariffs shall provide a telephone number at which a caller may (1) ask questions regarding the utility's tariffs, (2) order copies of the tariffs, and (3) find out times and places at which the caller may inspect or copy the tariffs. If the utility does not publish its tariffs on the Internet, it shall provide free copies to a current customer, and may charge not more than 20 cents per page to any other requester. The utility shall include this telephone number with any bill for a tariffed service. The telephone number shall be toll-free to customers within the utility's service area.

A utility that serves California customers under tariffs shall make its tariffs (including its no longer effective tariffs) available for public inspection or copying at reasonable times and place(s) within its California service area. The reasonableness of the times and place(s) at which tariffs are available will depend on whether the utility publishes its tariffs on the Internet.

9.2 Serving Under Tariffs

9.2.1 Consistency With Tariffs

Except for nontariffed or detariffed service, or a deviation (whether by contract or otherwise), authorized by statute or Commission order, a utility shall serve its California customers only at rates and under conditions contained in its tariffs then in effect. Any ambiguity

in a tariff provision shall be construed in the way most favorable to the customer, and any representation made by a utility, in advertising or otherwise, with respect to a tariffed service shall be consistent with the terms and conditions of the applicable tariff(s).

9.2.2 Service Options and Alternatives

If a utility provides optional features in conjunction with a particular service, the utility's tariffs shall identify the optional features as such, and shall describe the means by which a customer elects or rejects such features. If a utility provides alternative means of obtaining a particular service, or its functional equivalent, or a choice between different rate plans, the utility's tariffs shall disclose the alternatives available to a customer, and shall describe how the customer selects an alternative.

9.2.3 Emergency Service; Service to Government Agencies

Under emergency conditions, such as war, terrorist attack, and natural disasters, a utility that is a telephone corporation as defined in the Public Utilities Code may provide service to a government agency or to the public for free, or at reduced rates and charges, or under terms and conditions otherwise deviating from its tariffs then in effect. The utility may begin such service without prior Commission approval, but the utility shall promptly submit an advice letter to the Telecommunications Division to notify the Commission of the utility's provision of emergency service and of the rates, charges, terms, and conditions under which the service is provided. The advice letter may be effective pending disposition, and shall be subject to disposition under General Rule 7.6.1. The Commission may determine, as appropriate, the reasonableness of such service.

At all times, a utility other than a telephone corporation may provide service (other than resale service) to a government agency for free, or at reduced rates and charges, or under terms and conditions otherwise deviating from its tariffs then in effect. The utility may begin such service without prior Commission approval, but the utility shall promptly submit an advice letter to the appropriate Industry Division to notify the Commission of the utility's provision of such service and of the rates, charges, terms and conditions under which the service is provided. Although the advice letter may be effective pending disposition under General Rule 7.5.3, the Commission may determine, in an appropriate proceeding, the reasonableness of such service.

For purposes of this General Rule 9.2.3, "government agency" means the United States and its departments, Indian tribes recognized by the United States or the State of California, the State of California and its political subdivisions and municipal corporations, including the departments thereof, and public fairs and celebrations.

9.3 Notice to Correct Tariffs

For any tariffs in effect (other than tariffs effective pending disposition), an Industry Division, on the complaint of a utility's customer, the Consumer Protection and Safety Division (or its successor), or the Division of Ratepayer Advocates (or its successor), or on the Industry Division's own motion, may issue a notice directing the utility to correct tariffs that the Industry Division believes may violate a statute or Commission order. Such notice to correct will identify the tariffs believed to be in violation, and will explain the basis for the Industry Division's belief.

Within 10 business days of the issuance of the notice to correct, the utility shall submit to the Industry Division either (1) an advice letter or substitute sheet letter, if appropriate, proposing

corrective action, or (2) an answer explaining why the utility believes the tariffs in question comply with the specified statute or Commission order.

If the utility responds to the notice to correct by submitting an answer, the Industry Division shall either (1) rescind the notice to correct, or (2) affirm the notice to correct, with an explanation of why the Industry Division disagrees with the utility's answer. If the Industry Division affirms the notice to correct, and the Commission ultimately concludes that the tariffs violate statute or Commission orders as alleged in the notice, service rendered pursuant to the tariffs, at least from the date of issuance of the notice, may be subject to any subsequent Commission order requiring refunds, together with such other or additional adjustments as may be necessary or appropriate, as in the case of service rendered pursuant to an advice letter effective pending disposition.

9.4 Tariff Format and Sheet Numbering

9.4.1 Tariff Sheet Format

Tariff sheets shall be 8 inches wide by 11 inches long and of paper stock not less than 16-lb. bond or of equal durability. Tariff sheets shall be printed, typewritten, or otherwise prepared to provide a durable record. Type size shall be 10 point or larger. Except as provided in the Industry Rules, tariff sheets shall not contain handwritten text, marks, or alterations, and any such handwritten matter shall have no effect. Only one side of a sheet shall be used, and each sheet shall have margins at top and bottom of 1-1/8 inches and a left margin of at least 1-1/8 inches. The Industry Rules may contain additional format requirements, including rules regarding maintenance of tariffs in electronic media, and may provide illustrative exhibits.

Header. On each sheet, the utility shall provide:

(1) On the left - The name, address, and Commission-assigned identifying "U" number of the utility.

(2) On the right - Cal. P.U.C. Schedule and Sheet No., with designation as an original or revised sheet (these spaces may be left blank if the appropriate Industry Rules so provide), together with the Cal. P.U.C. numbers of the sheet being cancelled, if any. If a utility has a single rate schedule, omit the schedule number and only show the sheet number.

Footer. On each sheet, the utility shall provide:

(1) On the left - Advice Letter No. - the number of the advice letter that is requesting approval of the tariff sheet. Decision No. - the Commission's decision number if the sheet is submitted in accordance with a decision; otherwise this space is left blank.

(2) Center - Name and title of an individual authorized by the utility to legally obligate it.

(3) On the right - Date Submitted, Effective, and Resolution No. - The date submitted and the effective date shall be completed by the appropriate Industry Division; also, the resolution number approving Tier 3 advice letters shall be followed by blank spaces to be filled in by the appropriate Industry Division.

When a rate schedule or tariff rule is carried forward from one tariff sheet to another, the bottom and top of the appropriate sheets shall be marked "Continued."

9.4.2 Tariff Sheet Numbering

Tariff sheet numbering shall start with 1 for the first sheet in a rate schedule, and the following sheets shall be numbered consecutively in the order in which they are to appear in the schedule. Alternatively, a utility may number its tariff sheets, other than a check sheet, to reflect the section number of the tariff as well as the sheet (e.g., sheets in Section 1 would be numbered 1-1, 1-2, and so on). A utility may not mix the two numbering systems in its tariffs. An original sheet shall be designated as such, and a revised sheet shall be designated by the revision number (e.g., "1st Revised Sheet 1, Cancels Original Sheet 1").

A tariff sheet number may not be used more than once, regardless of whether the tariff sheet to which the number is assigned ever becomes effective. Thus, if a utility modifies a tariff sheet (for example, "1st Revised Sheet 1, Cancels Original Sheet 1") before disposition of the advice letter by which the utility submitted the tariff sheet, the modified tariff sheet must bear a new number (in the example, "2nd Revised Sheet 1, Cancels Original Sheet 1") consistent with this General Rule.

A sheet to be inserted between existing effective sheets shall be designated as an original sheet and shall bear the number of the immediately preceding sheet followed by an alpha or numeric suffix. For example, to insert two new sheets between sheets 44 and 45, the first inserted sheet shall be designated as Original Sheet 44A or 44.1, and the second inserted sheet shall be designated as Original Sheet 44B or 44.2. A utility may not use both kinds of suffix in its tariffs.

Similarly, if the need arises to insert new sheets between Original Sheets 44.1 and 44.2, the first new inserted sheet shall be designated as Original Sheet 44.1.1. If a utility uses numeric suffixes (the preferred system), the utility may use zeros to clarify the sequence of the sheets; thus, the numbering in both of the following examples is acceptable:

44.1, 44.2, . . . 44.9, 44.10, 44.11 and so on;
44.01, 44.02, . . . 44.09, 44.10, 44.11 and so on.

When using numeric suffixes, as illustrated in both examples, the next sheet in sequence after tariff sheet 44.1 (or 44.01) is tariff sheet 44.2 (or tariff sheet 44.02), not tariff sheet 44.11.

9.4.3 Transitional Provisions

By advice letter submitted with the appropriate Industry Division within 90 days of the effective date of these General Rules, each utility shall specify whether it elects to (a) continue the sheet numbering system already utilized by the utility (including in its advice letter a complete explanation of the existing sheet numbering system), or (b) conform its sheet numbering system to the requirements of General Rule 9.4.2. A new utility preparing tariffs for the first time shall conform its sheet numbering system to the requirements of General Rule 9.4.2

In the event a utility elects to continue its existing sheet numbering system, the sheet numbering must remain in compliance with the sheet numbering specifications set forth in the last effective version of General Order 96-A. The utility remains subject to notices to correct tariffs under the provisions of General Rule 9.3 in the event its sheet numbering system does not satisfy the specifications of General Order 96-A or does not otherwise conform to a statute or

Commission order. Additionally, the utility shall maintain its historic tariff record so that it may provide, upon written request and within a reasonable time, the text for any tariff (or portion thereof) no longer in effect.

In the event a utility elects to conform its sheet numbering system to the requirements of General Rule 9.4.2, the appropriate Industry Division will establish a compliance schedule for the utility. The utility shall proceed to renumber its tariff sheets by compliance letter submitted in accordance with the applicable schedule.

9.5 Tariff Contents

Each utility's tariffs shall include the following contents, arranged in the sequence set forth in General Rules 8.5.1 to 8.5.8 below. The Industry Rules may require additional contents, as appropriate.

9.5.1 Title Page

The cover page of each utility's tariffs shall be a title page showing the utility's common business name (and any other fictitious business names), the name and Commission-assigned identifying "U" number shown on the utility's Certificate of Public Convenience and Necessity, mailing address, and types of utility service provided and territory served. If the utility's tariffs are in multiple volumes, each volume shall contain a title page with the above information and a unique identifier for that volume.

9.5.2 Table of Contents

At the beginning of the tariffs, a table of contents shall list all tariff subject headings and page numbers of currently effective tariff sheets in the order in which the tariff sheets appear in the utility's compilation of its tariffs. Unless the tariff is updated continuously and reliably by an automated system, each rate schedule and each volume of tariffs shall include a check sheet, which shall show the currently effective tariff sheets, by page and revision number, within the schedule or volume. The Industry Rules may require additional or alternative methods for listing currently effective tariff sheets.

9.5.3 Preliminary Statement and Explanation of Symbols

The preliminary statement shall describe or explain: the territory served; the types and classes of service rendered; the general conditions under which services are rendered; the memorandum accounts (if any), balancing accounts, and adjustment clauses that might affect the utility's rates; and other tariff provisions that do not appear in the tariff rules or rate schedules. The preliminary statement shall explain the symbols used to identify tariff changes (see Public Utilities Code Section 491) as follows:

(C) To signify changed listing, rule, or condition which may affect a rate, charge, term, or condition;

(D) To signify discontinued material, including a listing, rate, charge, rule, or condition;

(I) To signify a rate or charge increase;

(L) To signify material relocated to another part of tariff schedules with no change in text;

(N) To signify new material including a listing, rate, charge, rule, or condition;

(P) To signify material subject to change under a pending application or advice letter;

(R) To signify a rate or charge reduction; and

(T) To signify textual change that does not affect a rate, charge, term, or condition.

Whenever the "P" designation is no longer valid, the utility shall remove the "P" designation by submitting a substitute sheet.

9.5.4 Service Area

A utility authorized to serve the entire state shall include in its tariffs a statement of that fact. A utility authorized to serve part of the state shall include in its tariffs:

(1) A map or maps showing the boundaries of the utility's service area and the location of the service area in relation to nearby cities, highways, or other reasonable reference points; and

(2) A verbal description of the utility's service area using legal description, zip codes, Geographical Information System data, and/or other reasonable means for precisely specifying the boundaries of the service area.

The map provided pursuant to (1) of this rule may also satisfy the requirements of (2) if the map is of such scale and detail in relation to the service area boundaries as to enable clear and unambiguous determination of the boundaries without resort to verbal description.

The service area map or maps and verbal description shall be kept current and shall be appropriate in scale and detail to enable determination of whether specific real property is within the utility's service area. The Industry Rules may contain additional requirements regarding maps and verbal descriptions, and the reviewing Industry Division may require revisions to the maps, or further specification of the boundaries, in order to eliminate ambiguity regarding the utility's service area.

The respective Industry Divisions will establish compliance schedules for those utilities that, as of June 30, 2007, do not comply with the requirements of this General Rule to maintain service area maps on their Internet sites.

9.5.5 Rate Schedules

Each utility's tariffs shall set forth all of its rate schedules, including for each schedule the schedule number or other designation, the schedule title (e.g., general, residential, "life-line," low-income), the requirements to obtain service, the rates and charges (in tables if possible), and any special conditions, limitations, qualifications, or restrictions specific to the service or rates

under the schedule. Amounts subject to refund, contingent charges, and offset surcharges are examples of such special conditions.

9.5.6 List of Contracts and Other Deviations

Except and to the extent excused by statute or Industry Rule or other Commission order, each utility shall compile and publish in its tariffs a list of all contracts and other deviations under which the utility provides service at rates or under conditions other than those contained in its tariffs then in effect. For each such contract or other deviation, the list shall state: the name and location of the customer; the type or class of service; dates of execution and expiration; the date and number of the Commission order authorizing the contract or other deviation; and the utility's most comparable rate schedule, together with a summary of how the contract or other deviation differs from that schedule.

If a utility has no such contract or other deviation then in effect, a statement of this fact shall be provided instead of this list.

9.5.7 Tariff Rules

Each utility's tariffs shall separately state those rules regarding its rates, charges, and services that are not fully set forth in its rate schedules. These tariff rules shall be stated in clear and readily understandable English. Each such tariff rule shall have a number, a descriptive title, and its own sheet or series of sheets. The following subjects, and other subjects as appropriate, shall be covered by tariff rule:

(1) *Definitions* - Clear and concise definitions of the principal terms used in the tariffs.

(2) *Description of Service* - Description of types of service rendered and standards of service maintained.

(3) *Application for Service* - procedure to obtain service.

(4) *Contracts* - When a contract will be required for service.

(5) *Special Information Required on Forms* - Notices to customers required to appear on contracts, bills, and deposit receipts.

(6) *Establishment and Re-establishment of Credit* - Procedure to establish credit and to re-establish credit.

(7) *Deposits* – When required, conditions precedent to return, interest paid.

(8) *Notices* - Methods of providing notice.

(9) *Issuance and Payment of Bills* - Methods of issuing bills, billing periods, due dates, methods of payment.

(10) *Disputed Bills* - Methods of adjustment, deposit of disputed amount with Commission, time limits for actions.

(11) *Discontinuance and Restoration of Service* - Reasons for discontinuance, notification, time limits for actions, procedure for restoration of service, charges.

(12) *Information on Services and Promotional Offerings* - How to get information on services (including types of services, rate plans, conditions on eligibility, other terms and conditions) and promotional offerings available from the utility. Rule shall include office hours, telephone number, and (if applicable) e-mail address for contacting utility with requests for such information.

(13) *Temporary Service* - Conditions to providing temporary service or service to speculative projects.

(14) *Continuity of Service* - Interruption of delivery of service, notice to customers, apportionment of available service.

(15) *Extensions of Lines or Mains* - Free extensions, extensions beyond free length, conditions regarding contributions or advances to individuals or developers, deposits, refunds, ownership, maintenance.

(16) *Facilities on Customers' Premises and Service Connections* - Unless additional persons authorized, only utility employees to make service connections; right of access to customers' premises.

The Industry Rules may specify additional subjects to be covered by tariff rules of utilities within the respective industries. Subjects having special significance to particular utilities shall be covered either by inclusion in the tariff rules described above or by additional numbered tariff rules specifically addressing those subjects.

9.5.8 Sample Forms

Each utility's tariffs shall contain sample copies of printed forms, such as applications for service, regular bills for service, contract forms, delinquency notices, disconnect notices, connection fee data, deposit receipts, and all other forms of concern to customers in connection with the utility's services. Such sample copies may contain data for illustrative purposes. Each sample copy shall be printed on a regularly numbered tariff sheet showing the name of the form. For purposes of this General Rule, and except where prohibited by statute or Commission order, utilities may use forms developed by government agencies.

10.0 Confidential Treatment

10.1 General Provisions

In general, any information submitted in support of or in opposition to the relief requested in an advice letter will either be open to public inspection or will already be subject to confidential treatment pursuant to nondisclosure agreements and a protective order issued in a formal proceeding. Because matters governed by this General Order are informal, it is rarely appropriate to seek confidential treatment of information submitted in the first instance in the advice letter process. In any event, confidential treatment may be requested only for the kinds of

information for which such treatment is authorized by statute, by prior Commission order, or by the provisions of this General Order.

10.2 Burden of Establishing Confidentiality

A person requesting confidential treatment under this General Order bears the burden of proving why any particular document, or portion of a document, must or should be withheld from public disclosure. Any request for confidential treatment of information must reference the specific law prohibiting disclosure, the specific statutory privilege that the person believes it holds and could assert against disclosure, the specific privilege the person believes the Commission may and should assert against disclosure, or the specific provision of General Order 66-C (or its successor) or other Commission decision that authorizes a document to be kept confidential.

10.3 Procedure for Establishing Confidentiality

Whenever a person submitting a document (other than an application for rehearing) under this General Order wants the Commission to keep the entire document under seal, or in redacted and unredacted versions, that person shall submit to the reviewing Industry Division a written request for such confidential treatment. The request shall either (1) attach a copy of the protective order that applies to the information for which confidential treatment is sought, or (2) explain why it is appropriate to accord confidential treatment to the information in the first instance in the advice letter process. In the latter case, the request shall attach a proposed protective order, or reference an effective protective order applicable to advice letter submittals previously submitted by the person. In either case, the request shall be narrowly drawn, shall identify the text and the information within the document for which confidential treatment is sought, and shall specify the grounds justifying such treatment.

Consistent with the above requirements, a utility may request confidential treatment for part of an advice letter; however, a utility may request confidential treatment for part of an advice letter that is effective pending disposition only if the utility concurrently provides access to the entire advice letter to those persons on its advice letter service list who have executed a reasonable nondisclosure agreement for purposes of advice letter review.

Whenever a request for confidential treatment of all or part of an advice letter is submitted to an Industry Division, the person desiring confidential treatment of information provided to the Commission shall at a minimum:

(a) Include the following information in the cover sheet of the advice letter: (i) a statement that the utility is requesting confidential treatment of information submitted in the advice letter; (ii) specification of the information for which the utility is seeking confidential treatment; (iii) a statement that the information will be made available to those who execute a nondisclosure agreement; and (iv) a list of the name and contact information of the person or persons who will provide the nondisclosure agreement and access to the confidential information. The cover sheet of an advice letter, any of the information in the cover sheet, and any of the proposed tariff sheets included as part of the advice letter will not be kept confidential.

(b) Specifically indicate the information that the person wishes to be kept confidential, clearly marking each page, or portion of a page, for which confidential treatment is requested.

(c) Identify the length of time the person believes the information should be kept confidential and provide a detailed justification for the proposed length of time, or identify the length of time a Commission decision addressing the information authorizes the information to be kept confidential. The business sensitivity of information generally declines over time and the balancing of interests for and against disclosure may change accordingly.

(d) Identify any specific provision of state or federal law, or Commission decision, the person believes prohibits disclosure of the information for which it seeks confidential treatment and explain in detail the applicability of the law or decision to that information.

(e) Identify any specific privilege, if any, the person believes it holds and may assert to prevent disclosure of information and explain in detail the applicability of that law to the information for which confidential treatment is requested.

(f) Identify any specific privilege, if any, the person believes the Commission holds and may assert to prevent disclosure of information and explain in detail the applicability of that privilege to the information for which confidential treatment is requested.

(g) State whether the person would object if the information were disclosed in an aggregated format.

(h) State, to the best of one's knowledge, whether and how the person keeps the information confidential and whether the information has ever been disclosed to a person other than an employee of the utility or entity or to a non-market participant.

10.4 Duration of Confidentiality Claim

A confidentiality claim, whether or not specifically acted upon by the Commission or Industry Division, expires on the earliest of the following dates: (a) at the end of the period specified by the person in the initial confidentiality claim; (b) at the end of a period specified in a specific Commission ruling or decision; or in the event (a) or (b) are inapplicable, then (c) two years after the claim was first asserted before the Industry Division. To reassert the confidentiality claim, the person must again satisfy the requirements of this General Order before the end of the confidentiality period.

10.5 Objection to Confidentiality Claim

Any person may object to the requested confidential treatment, and shall meet and confer with the requester to resolve such objections informally whenever possible. When such objections are not so resolved, the Industry Division will refer the request to the Administrative Law Judge Division. Confidential treatment shall be accorded pending a ruling on the request; however, the Industry Division, in appropriate circumstances, may issue a notice delaying the effective date of the advice letter pending the ruling.

10.6 Disposition of Confidentiality Claim

In the case where a protective order has not yet been issued, if the Industry Division determines that confidential treatment is warranted, review of the advice letter shall proceed in the normal fashion. If the Industry Division determines that confidential treatment is not warranted, then the Industry Division shall (a) proceed with review of the advice letter, and (b) attempt to informally resolve the dispute with the submitting party. If the Industry Division and submitting party are unsuccessful in resolving the dispute, the submitting party shall be given 10 days, following Industry Division notification that confidentiality will not be afforded, to appeal the confidentiality issue to the Administrative Law Judge Division. Confidentiality will continue to be afforded while the appeal is pending.

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Energy Industry Rules

Industry Rule 1. Additional Definitions

In addition to the definitions in General Rules 3 to 3.16, the following definitions apply to the defined terms, which will appear with the initial letter capitalized when used in these Industry Rules.

1.1 Contract

An agreement between a Utility and a developer or customer to provide service under rates or conditions not offered in the Utility's tariffs.

1.2 Industry Rule

An Industry Rule contained in the Energy Industry Rules, as set forth in General Order 96-B or its successor.

1.3 Load-Serving Entity

An electrical corporation, electric service provider, or community choice aggregator. See Public Utilities Code Section 380(j).

1.4 Staff

The Energy Division (or its successor).

1.5 Utility

A public Utility that, as defined in the Public Utilities Code, is an electrical, gas, heat, or pipeline corporation.

Industry Rule 2. Submitting a Document (see General Rule 7.1)

The Energy Division Filings Room will process documents submitted to the Energy Division for filing, including information-only filings and advice letters and associated documents (such as protests, responses, replies, and supplements). A document may be submitted in person, by delivery service, or by mail to the Energy Division Filings Room, 505 Van Ness Ave., 4th Floor, San Francisco, CA 94102-3298.

A Utility submitting an advice letter shall provide an original and five copies of the advice letter, one copy of the workpapers (if any), and an original and five copies of each affected tariff sheet. A Utility submitting an information-only filing shall submit an original and one copy, and shall cite the statute or Commission order requiring the filing.

Industry Rule 3. Notice and Service Procedures

3.1 Notice to Customers

Unless otherwise required by a Commission order issued after September 6, 2007, exceptions to General Rule 4.2 are authorized, and no customer notice is required, for the following categories of Energy Industry advice letters:

(1) An electrical, gas, heat, or pipeline Utility advice letter that requests higher rates or charges, or more restrictive terms or conditions of service, where the increased rates or charges, or changes to terms or conditions of service, as requested in the advice letter, have been specifically authorized by statute or by a prior Commission order;

(2) A weekly, monthly, or semi-annual advice letter filed by a gas Utility in accordance with Commission authorized procedures to change gas rates based on changes in the price of gas;

(3) A monthly advice letter filed by an electrical Utility in accordance with Commission authorized procedures to change electric rates based on changes in diesel fuel costs (see Resolution E-3849); and

(4) An advice letter filed by an electrical Utility in accordance with Commission authorized procedures to pass through increases to electric rates or charges for electric transmission related costs that have been filed with and become effective at the Federal Energy Regulatory Commission. (See Resolution E-3930.)

3.2 Serving Advice Letters (see General Rules 4.3, 7.2)

On or before the date an advice letter is submitted for filing, in addition to serving the advice letter as required by General Rule 7.2, the Utility shall serve the advice letter, or a notice of the advice letter (containing a summary of major provisions and information on accessing or ordering the entire advice letter), as follows:

(1) If the advice letter requests approval of a Contract or other deviation, serve all parties to the Contract or other deviation.

(2) If the advice letter requests approval of rates for an oil pipeline not previously in Utility service, serve all current or potential customers of the oil pipeline.

(3) If the advice letter requests approval of a rate change for an oil pipeline already in Utility service, serve all shippers and submit to the Energy Division Filings Room at least 30 days before the requested effective date.

(4) Except for an advice letter described in Industry Rule 3.1 or in (3) of this Industry Rule, if the advice letter requests a change that would cause an increase in a rate or charge, reduction in service, discontinuance of a program, closing a rate schedule to new customers, canceling a rate schedule, or abandoning service to an area, serve all affected customers.

(5) If the advice letter proposes a new product or service, serve all Utilities and other providers that are providing service within the area to be served.

Industry Rule 4. Numbering Advice Letters

For each type of service rendered, a Utility shall number its advice letters sequentially, beginning with No. 1, followed by a letter designating the type of service (E for electric, G for natural gas, H for heat, O for oil pipeline). A Utility may not reuse an advice letter number, regardless of whether the advice letter bearing that number was approved, withdrawn, or rejected. (See also General Rules 4.6, 5.3, 8.4 & 8.5.)

Industry Rule 5. Tier Classifications for Advice Letters

A Utility submitting an advice letter shall designate the appropriate tier, based on the content of the advice letter. A Tier 1 or Tier 2 advice letter is subject to disposition under General Rule 7.6.1; a Tier 3 advice letter is subject to disposition under General Rule 7.6.2.

5.1 Matters Appropriate to Tier 1 (Effective Pending Disposition)

A matter appropriate to Tier 1 may be designated by a Utility in its advice letter as effective pending disposition. (For advice letters pursuant to General Rule 8.2.3, see Industry Rule 5.3.) Matters appropriate to Tier 1 are:

(1) A tariff change in compliance with specific requirements of a statute or Commission order where the wording of the change follows directly from the statute or Commission order.

(2) A non-substantive editorial change to the text of a tariff, such as correcting a typographical error. A non-substantive change does not affect a rate, charge, term, or condition under the tariff.

(3) A change in a rate or charge pursuant to an index or formula that the Commission has approved for use in an advice letter by the Utility submitting the advice letter, not including the first time the Utility uses that index or formula. This Industry Rule does not cover a change in a methodology, such as a methodology approved by the Commission for use by a Utility for performance-based ratemaking.

(4) A Contract that conforms to a Commission order authorizing the Contract, and that requests no deviation from the authorizing order (e.g., a gas storage Contract in exact conformity with Decision 93-02-013).

(5) Establishment of tariff rates and charges for an oil pipeline that has not previously filed any tariffs with the Commission.

(6) Initial tariffs for a new service by an oil pipeline, including service on a pipeline segment commencing Utility service.

(7) A change to an existing tariff rate by an oil pipeline, as provided in Industry Rule 8.

(8) Withdrawing a service, abandoning service within an area, canceling a rate schedule, or closing a rate schedule to new customers when authorized by a prior Commission decision, resolution, or order.

5.2 Matters Appropriate to Tier 2 (Effective After Staff Approval)

Matters appropriate to Tier 2 are:

(1) A change in a rate or charge pursuant to an index or formula that the Commission has approved for use in an advice letter by the Utility submitting the advice letter but that the Utility has not used previously for this purpose. This Industry Rule does not cover a change pursuant to a methodology, such as a methodology approved by the Commission for use by a Utility for performance-based ratemaking.

(2) A tariff change that is consistent with authority the Commission previously has granted to the Utility submitting the advice letter, such as a rate change within a price floor and ceiling previously approved by the Commission for that Utility.

(3) A refund program to comply with a Commission order requiring the refund.

(4) A request relating to a substation or power line under Section III.B.1 of General Order 131.

(5) A rate or revenue requirement update for performance-based ratemaking as approved by the Commission for the Utility submitting the update.

(6) Amortization of a balance in a balancing account if the Commission has specified both (i) the amortization period, and (ii) the rate component by which the balance will be amortized.

(7) An advice letter otherwise appropriate to Tier 1 but for which the Utility submitting the advice letter requests review and disposition under Tier 2.

5.3 Matters Appropriate to Tier 3 (Effective After Commission Approval)

An advice letter submitted under (8) of this Industry Rule may be designated by the Utility as effective pending disposition; all other matters appropriate to Tier 3 may become effective only after Commission approval. Matters appropriate to Tier 3 are:

(1) A matter appropriate to an advice letter but not subject to review and disposition under Tier 1 or 2. (See General Rules 5.1 and 5.2.)

(2) A tariff change in compliance with a statute or Commission order where the wording of the change does not follow directly from the statute or Commission order.

(3) Except as provided in Industry Rule 5.1(6), a new product or service.

(4) Except for a change that may be submitted by advice letter pursuant to Industry Rules 5.1(1), 5.1(3), 5.1(7), 5.2(1), or 5.2(2), a change that would result in an increase to a rate or charge or a more restrictive term or condition, which change has been authorized by statute or by other Commission order to be requested by advice letter.

(5) Except as provided in Industry Rule 5.1(4) and in (8) of this Industry Rule, a Contract or other deviation. (See also Industry Rule 7.)

(6) Withdrawing a service, abandoning service within an area, canceling a rate schedule, or closing a rate schedule to new customers, unless the action is authorized by a prior Commission decision, resolution, or order (in which case the action may be eligible for Tier 1).

(7) A fund transfer within or between demand-side management or research, development, and demonstration balancing accounts.

(8) Service to a government agency pursuant to General Rule 8.2.3.

(9) A change to a rate or charge pursuant to a methodology approved by the Commission for use in an advice letter, such as an annual performance review for performance-based ratemaking as approved by the Commission for the Utility submitting the advice letter.

Industry Rule 6. Additional Tariff Requirements

Industry Rules 6.1 to 6.4 contain tariff requirements that, as authorized by the General Rules (see in particular General Rules 8.1, 8.5, and 8.5.4), are other than or in addition to the General Rule requirements for Internet publication, service area description, and tariff contents.

6.1 Internet Publication

A Utility that must comply with the requirement to publish its tariffs at an Internet site (see General Rule 8.1.2) shall implement the requirement as follows. The requirement shall apply to each tariff sheet used by the Utility on or after the date upon which the Utility must publish its tariffs at a site on the Internet. As of that date, the Utility shall publish all of its tariff sheets then in effect or pending review and disposition. From that date onward, the Utility shall publish within five business days each new tariff sheet (or the advice letter including or attaching each new tariff sheet) that it submits for review and disposition. For each published tariff sheet, the Utility shall also publish and keep up-to-date the status of the tariff sheet (i.e., in effect; pending review and disposition; withdrawn (see General Rule 5.3); rejected; or no longer in effect). A tariff sheet number may be used only once, and all tariff sheets published at the Utility's Internet site shall remain accessible at the site unless and until the Commission authorizes an alternative electronic means of publishing and enabling public access to the Utility's tariffs.

6.2 [Reserved]

6.3 Written Agreement Required by Tariff

If a tariff provides that a written agreement must be executed by a customer as a condition to the customer's receiving service under the tariff, the executed agreement need not be submitted for approval or filing; however, when submitting the tariff for approval, the Utility shall submit the form of agreement that will be used for purposes of the tariff. The form shall contain substantially the following clause: "This agreement at all times shall be subject to such modifications as the California Public Utilities Commission may direct from time to time in the exercise of its jurisdiction."

6.4 Tariff Rules

A Utility shall include in its tariffs, in addition to the tariff rules specified in General Rule 8.5.7, the following tariff rules, numbered as shown:

Tariff Rule 17: Meter Tests and Adjustment of Bills for Meter Error

Tariff Rule 18: Supply to Separate Premises and Resale

The Industry Division may exempt a utility from including Tariff Rules 17 or 18 if (a) the utility's existing tariffs already include comparable language; (b) a Commission decision, resolution, or order requires different tariff rules for a specific utility, or (c) the language of these rules is not appropriate to the utility's method of operation.

Industry Rule 7. Contract or Other Deviation

7.1 Generally

After a Utility enters into a Contract or other deviation, the Utility shall submit an advice letter requesting approval and updating its list of Contracts and other deviations (see General Rule 8.5.6). The Contract shall contain substantially the following clause: "Unless otherwise expressly ordered by the California Public Utilities Commission, this Contract at all times shall be subject to such modifications as the Commission may direct from time to time in the exercise of its jurisdiction." In addition, except for a Contract that is authorized to be submitted pursuant to Industry Rule 5.1(4) or 5.3(8), the Contract shall contain substantially the following clause: "This Contract does not become effective unless and until approved by the California Public Utilities Commission."

7.2 Customer Protest

A customer may protest an advice letter in which a Utility seeks approval of a Contract or other deviation for the purpose of providing service to that customer. Such protest, if it only concerns a rate or charge under the Contract or other deviation, may include a request for service pending disposition of the advice letter. Staff will approve the request for service unless, based either on another protest or Staff's own analysis, Staff finds that there is a substantial issue that should be resolved before service is provided; however, if Staff approves the request, Staff will require the customer, as a condition of such service, to deposit with the Commission the sum(s) of money in dispute pending disposition of the advice letter.

Industry Rule 8. Rate Change by Oil Pipeline (see Public Utilities Code Section 455.3)

The following procedures govern review and disposition of an advice letter requesting approval of a rate change by an oil pipeline already in Utility service. These procedures, to the extent they are inconsistent with the procedures otherwise provided by this General Order (see General Rules 7.5, 7.6.1; Industry Rules 5, 5.1), supersede the latter procedures.

8.1 Effective Date; Suspension

An oil pipeline shall submit its advice letter requesting approval of a rate change (see Industry Rule 2), and shall serve the advice letter on all affected shippers, at least 30 days in

advance of the requested effective date. (See Industry Rule 3.) The rate change, on the later of the requested effective date or 30 days after the date of filing, may be made effective pending disposition of the advice letter; however, if a requested increase exceeds a maximum of 10 percent per 12-month period, only the portion of the rate increase not exceeding that maximum may be effective pending disposition.

Staff may suspend a rate change, including an increase up to and including the maximum, once only and for a period not to exceed 30 days from the date when the oil pipeline might otherwise put the rate change into effect; the suspended rate change may be made effective at the end of that suspension, even if disposition of the advice letter is still pending. The portion that exceeds the maximum shall become effective only as provided in Industry Rule 8.2.

8.2 Disposition

Only a rate change that is neither suspended by Staff nor protested, and only to the extent it is not an increase exceeding the maximum (see Industry Rule 8.1), will be deemed approved, and such deemed approval will occur 30 days after the date of filing. An advice letter that is suspended but not protested and that does not request a rate increase exceeding the maximum will be subject to disposition as provided in General Rule 7.6.1. An advice letter that either is protested or requests a rate increase exceeding the maximum will be disposed of by resolution.

Within 30 days after the date of disposition of the advice letter, the oil pipeline shall refund to all shippers, with interest computed at the three-month commercial paper rate published by the Federal Reserve Board and accruing from the date the new rate was first charged, any portion of the rate change that is disapproved. For an advice letter that requests a rate increase exceeding the maximum, the disposition of the advice letter will determine the appropriateness of allowing retroactive charge and collection of an approved rate increase above the maximum.

Industry Rule 9. **Compliance Filing by Load-Serving Entity** (see Public Utilities Code Section 380)

A compliance filing by a Load-Serving Entity is not subject to protest but is otherwise subject to review and disposition under General Rules 7.5.1, 7.5.2, and 7.6.1.

WATER INDUSTRY RULES

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Water Industry Rules

Industry Rule 1. Additional Definitions

In addition to the definitions in General Rules 3 to 3.16, the following definitions apply to the defined terms, which will appear with the initial letter capitalized when used in these Industry Rules.

1.1 Balancing Account (see Public Utilities (Pub. Util.) Code Section 792.5)

A deferred charge or credit account approved by the Commission for recovery or refund (see General Rule 8.5.3).

1.2 Class A, Class B, Class C, Class D (see Decision (D.) 85-04-076)

A Utility is designated Class A if it serves over 10,000 service connections, Class B if it serves 2,001 through 10,000 service connections, Class C if it serves 501 through 2,000 service connections, and Class D if it serves no more than 500 service connections.

1.3 Compliance Advice Letter

An advice letter requesting approval of the utility's proposed implementation of a specific mandate in a statute or Commission order. Typically, a Compliance Advice Letter requests that tariff changes attached to a decision or resolution be made effective.

1.4 Contact Person

A person identified on the title page of a Utility's tariffs as the Utility's authorized representative for all rate and service quality matters.

1.5 Contract

An agreement between a Utility and a developer or customer to provide service under rates or conditions not offered in the Utility's tariffs or standard form contracts.

1.6 Industry Rule

An Industry Rule contained in these Industry Rules, as set forth in General Order 96-B or its successor.

1.7 Informal General Rate Case (see D.92-03-093)

A general rate case for a Class B, Class C, or Class D Utility that is requested by advice letter rather than by formal application.

1.8 Memorandum Account (see D.85-04-076)

A deferred charge or credit account that, as described in the Utility's preliminary statement (see General Rule 8.5.3) has been authorized by the Commission; however, deferred charges or credits shown in the Memorandum Account may be recovered in rates only after a request by the Utility, a showing of their reasonableness, and approval by the Commission.

1.9 Staff

The Water Division (or its successor).

1.10 Standard Practice

A Water Division document that provides procedural guidelines (1) to the public and Utilities for preparing, and filing with the Water Division or the Commission, various documents, including formal applications and advice letters, and (2) to Staff for reviewing such documents and creating Water Division work products. Copies of Standard Practices are available on request from the Water Division and are published on the Commission's Internet site.

1.11 Utility

A public Utility that is a water corporation (see Pub. Util. Code § 241) or a sewer system corporation (see Pub. Util. Code § 230.6).

Industry Rule 2. Filing Advice Letters, Information-only Filings

A Utility may use any one of the following procedures when filing its advice letter (General Rule 7.1) or information-only filing (General Rule 6.1) with the Water Division:

(1) File the document in person, by delivery service, or by mail to the Water Division, Room 3102, State Building, 505 Van Ness Ave., San Francisco, CA 94102-3298;

(2) File the document by facsimile to (415) 703-4426 (703-4H2O); or

(3) File the document by electronic mail to water_division@cpuc.ca.gov.

These procedures also apply to filing of documents pertaining to an advice letter, e.g., a protest, response, reply, substitute sheet, or supplement.

A Utility filing an advice letter shall provide an original and two copies with workpapers. A Utility filing an information-only filing shall provide an original and one copy.

Industry Rule 3. Methods of Customer Notice (see General Rule 4.2)

3.1 Method of Notice for Advice Letter Increasing Rates

A Utility shall give notice by bill insert or by separate mailing of an advice letter requesting approval of a more restrictive term or condition, or of a rate or charge increase, except that if the requested revenue increase is an offset increase of less than ten percent of the revenue requirement last authorized for the Utility (or district of the Utility for which the increase is requested), the Utility may give notice of the requested increase by publishing a legal notice in a newspaper of local circulation or, if no such newspaper exists, by posting notice prominently in an area in which customers normally gather. Mailed notice should be provided, whenever possible, to the customer's permanent mailing address if a Utility serves a high percentage of vacation homes. A Class A Utility shall provide a link to the advice letter on the Utility's internet site.

Staff will create the notice of an Informal General Rate Case advice letter and provide the notice to the Utility for distribution by bill insert or special mailing.

3.2 Special Notice Rules for Compliance Advice Letter, Certain Tier 1 Advice Letters

Normally, notice to customers of a Compliance Advice Letter need not be provided; however, for a Compliance Advice Letter submitted in an Informal General Rate Case, the Utility shall give notice using the form provided by the Water Division (see Standard Practice U-9-W).

Following an advice letter increasing rates as a Balancing Account amortization, CPI offset, expense offset, or pass-through of additional taxes, the Utility shall inform its customers, by bill insert in the first bill that includes the increase, of the amount of the increase, expressed in dollar and percentage terms.

3.3 Other Required Notice

In addition to the notice required by General Rule 4.2 and Industry Rule 3.1, a Class A Utility shall publish at its Internet site the notice and contents of each advice letter it has submitted whose disposition is pending. For a particular advice letter, the Director of the Water Division may require a Utility to give notice to other persons, or by other means, in addition to those specified in these Industry Rules.

Industry Rule 4. Serving Advice Letters (see General Rules 4.3 & 7.2)

At the option of the recipient, the Utility shall serve the entire advice letter, tariffs and workpapers; the advice letter and tariffs; or just the cover sheet (see General Rules 4.6 and 5.3). Except as provided in Industry Rule 4.1, service of one copy of an advice letter shall be without charge.

4.1 Advice Letters Generally

When filing any advice letter, the Utility shall serve it on the following persons:

(1) customers, developers, municipalities, counties, and other governmental agencies, in or partially in the service area(s) affected, who have requested a particular advice letter or have requested inclusion on the Utility's advice letter service list (see General Rule 4.3);

(2) adjacent Utilities (including, for purposes of this Industry Rule, publicly-owned utilities); and

(3) other interested persons, such as parties of record in a related proceeding or persons having a specific interest in the advice letter.

4.2 Service Area Extension or Transfer of Ownership (see Industry Rule 8.1)

When filing an advice letter for service area extension or transfer of ownership, the Utility shall serve it on the Local Agency Formation Commission (LAFCO) for each county in which service will be extended, and on each owner of real property, local fire protection agency, and subdivision permitting agency in the area in which service will be extended.

4.3 Contract or Other Deviation (see Industry Rule 8.3.)

When filing an advice letter for a Contract or other deviation, the Utility shall also serve it on each customer for whom the Contract or other deviation is proposed. The advice letter shall state that the customer may object to it or seek a modification by submitting a protest.

4.4 Withdrawal or Withholding of Service (see Industry Rule 8.7)

When filing an advice letter for withdrawal or withholding of service, the Utility shall also serve it on each owner of real property in the affected area.

Industry Rule 5. Tariff Sheet Numbering (see General Rule 8.4.)

At the Utility's option, the numbers for new tariff sheets may be left blank, in which case staff will assign sheet numbers. A multiple-service Utility shall use the appropriate designator (SS for Sewer System, W for Water) as a suffix to the sheet number.

Industry Rule 6. Advice Letter Supplements (see General Rule 7.5.1)

A change to a pending advice letter that is necessary to correct minor errors, or a minor editorial change to the text, may be made by a supplement. A change that results in a higher revenue requirement, or greater diminution of service, from that noticed in the original advice letter must be made by a new advice letter.

Industry Rule 7. Disposition of Advice Letters

7.1 Initial Review

If an advice letter (including its cover sheet) is incomplete (see General Rules 4.6 and 4.7), Staff will so inform the Utility and may either delay filing until corrections are made or return the advice letter without filing.

7.2 Effective Date (see General Rule 7.3)

The following provisions vary the otherwise applicable General Rules.

(1) A Compliance Advice Letter will become effective as specified in the applicable resolution or decision, or if not specified, five days after the date of filing.

(2) Upon request and justification by the Utility, Staff may allow a Tier 2 advice letter to be made effective, subject to refund, in less than 30 days.

(3) An advice letter that is an Informal General Rate Case will become effective as provided in the Service Guarantee Plan (Standard Practice U-9-W).

7.3 Tier Classifications for Advice Letters

Water and sewer system advice letters are classified as Tier 1, 2, or 3 for purposes of review and disposition, as shown below.

7.3.1 Tier 1

The following advice letters are effective pending disposition, do not require notice under General Rule 4.2, and are generally subject to approval or rejection by Staff (including deemed approval) pursuant to General Rule 7.6.1, except as indicated below:

(1) Balancing Account amortization (see Industry Rule 8.5);

(2) Change to sample forms (see General Rule 8.5.8);

(3) Compliance with mandatory statute, decision, or resolution;

(4) Consumer Price Index (CPI) offset;

(5) Decrease in rates;

(6) Escalation filing;

(7) Expense offset (see Industry Rule 8.4);

(8) Pass-through of additional taxes imposed on Utility;

(9) Service to a government agency (see General Rule 8.2.3); but such advice letter shall be subject to disposition by Commission resolution as provided by General Rule 7.6.2; and

(10) Emergency voluntary conservation program.

7.3.2 Tier 2

The following advice letters are effective only upon approval, but may be deemed approved and are generally subject to approval or rejection by staff pursuant to General Rule 7.6.1:

(1) Approval of post-acquisition rates of mutual or municipal water company (see D.99-10-064);

(2) Contract or other deviation (or tariff sheets providing service to a single customer) (see Industry Rule 8.3);

(3) Department of Health Services (DHS) fee offset;

(4) New service offering;

(5) New Memorandum Account request;

(6) Recycled water service (as provided in Industry Rule 8.6);

(7) Request for similar treatment (as provided in Industry Rule 8.2);

(8) Service extension into contiguous area or within city in which the Utility already provides service (Water Supply and Certification Questionnaire required) (see Industry Rule 8.1);

(9) Transfer of ownership interest pursuant to Pub. Util. Code § 853(c);

(10) Withdrawal of tariff schedule that has no customers; and

(11) Provision of non-tariffed services (see D.00-07-018, D.03-04-028 & D.04-12-023).

7.3.3 Tier 3

The following advice letters may not be deemed approved and generally will be disposed of by Commission resolution pursuant to General Rule 7.6.2:

(1) Change in ownership or control due to court proceeding, other than transfer of ownership pursuant to Pub. Util. Code § 853(c) (see Industry Rule 7.3.2(12));

(2) Change to Commission resolution;

(3) Closing tariff schedule to new customers;

(4) Establish a new non-tariffed investment or recategorize an existing non-tariffed investment (see D.00-07-018);

(5) Informal General Rate Case;

(6) Loan approval or stock sale permission request by Class C or Class D Utility (see D.93-11-066);

(7) Memorandum Account amortization (see Standard Practice U-27-W);

(8) Rate base offset except that a Rate base offset will be disposed of under Tier 2 when staff determines that:

(i) The Rate base offset was previously approved by the Commission in a decision or resolution;

(ii) The project scope is consistent with what the Commission approved; and

(iii) The Commission approval included a budget cap and the rate base offset request is at or below the budget cap.

(9) Revocation of certificate of public convenience and necessity due to abandonment or sale to municipality or special district;

(10) Transfer of ownership of inadequately operated and maintained Class C or Class D water Utility (see D.99-10-064);

(11) Withdrawal or withholding of service (see Industry Rule 8.7); and

(12) A matter appropriate to advice letter but not subject to approval or rejection under Industry Rules 7.3.1 or 7.3.2.

Industry Rule 8. Procedures for Specific Types of Advice Letters

8.1 Service Extension into Contiguous or Other Area (see Pub. Util. Code §§ 1001, 2709, 8202; Industry Rules 4.2, 7.3.2(10))

A service area extension is into a contiguous area for purposes of this Industry Rule if (1) the distance between the existing service area and the new area does not exceed 2,000 feet at the points of closest proximity, or (2) service will be provided by the extension of line, plant, or system from the Utility's existing service area. If entirely separate sources of supply and distribution are used in the new area, and the separation is over 2,000 feet, the extension is not contiguous, and the Utility must seek authority by means of a formal application to serve the new area.

At least 30 days before (1) commencing service in an area within a city in which the Utility is already providing service, (2) extending service to a contiguous area, or (3) taking ownership of a mutual or municipal water company, the Utility shall submit a service area map delineating the added area, and proof that the utility already has a water supply adequate to serve the areas or a plan to obtain such a supply. (See Standard Practices U-14-W and U-18-W.)

8.2 Request for Similar Treatment (see Industry Rule 7.3.2(8))

A Utility may submit an advice letter requesting approval, authorization, or other relief similar to that accorded another Utility by Commission order. The advice letter shall cite each decision or resolution relied upon, and shall demonstrate that the Utility submitting the advice letter is similarly situated in all material respects, and is requesting the same relief and relying on the same justification as in the cited order(s).

8.3 Contract or Other Deviation (see Pub. Util. Code §§ 532, 2712; General Rule 8.5.6; Industry Rules 4.3, 7.3.2(3))

After entering into a Contract or other deviation, but at least 30 days before the effective date of the rate or service, the Utility shall file an advice letter requesting approval and updating its list of Contracts and other deviations.

Each Contract shall contain substantially the following provisions:

(1) "This Contract may not become effective until it is approved by the California Public Utilities Commission"; and

(2) "This Contract at all times shall be subject to such modifications as the California Public Utilities Commission may direct from time to time in the exercise of its jurisdiction."

A customer may protest an advice letter in which a Utility seeks approval of a Contract or other deviation for the purpose of providing service to that customer. Such protest, if it only concerns a rate or charge under the Contract or other deviation, may include a request for service pending disposition of the advice letter. Alternatively, in that situation, the Utility may request to provide service pending disposition of the advice letter. Staff will approve the request for service unless, based either on another protest or Staff's own analysis, Staff finds that there is a substantial issue that should be resolved before service is provided; however, if Staff approves the

request, Staff will require the customer, as a condition of such service, to deposit with the Commission the sum(s) of money in dispute pending disposition of the advice letter.

8.4 Expense Offset (see Industry Rule 7.3.2(5))

When a Utility knows that an expense subject to offset is likely to change in the future, it shall file an advice letter for a concurrent change in rates. When an expense subject to offset changes without warning, the affected Utility shall file an advice letter within 60 days of the change seeking to adjust the rates accordingly.

8.5 Balancing Account Amortization (see Industry Rule 7.3.1(1))

A Utility shall promptly file an advice letter seeking to amortize an over- or under-collected balancing account when the balance exceeds two percent of the most recent annual report revenue for the Utility (or district of the Utility). An over-collection shall be refunded as soon as possible by crediting the service charge. An under-collection shall be recovered within one year by a surcharge on the service charge or commodity charge, as appropriate (see Standard Practice U-15-W). A Utility may not request recovery for an under-collection that is over three years old.

8.6 Recycled Water (see Pub. Util. Code § 455.1; Industry Rule 7.3.2(8))

If an advice letter requesting an initial rate or a rate increase for recycled water service is protested, the matter shall be set for hearing, the tariff schedules shall become effective, subject to refund, 30 days after the date of filing, and the Commission will dispose of the advice letter by resolution. If Staff requests additional information from the Utility, and if the Utility appropriately supplements the advice letter within 10 days of receiving Staff's request, the tariff schedules in the supplement shall become effective, subject to refund, five days after the date of filing of the supplement, and the Commission will dispose of the advice letter by resolution.

8.7 Withdrawal or Withholding of Service (see Pub. Util. Code §§ 2708, 2710, 2711; Industry Rule 7.3.3(11))

A Utility shall provide service to any person in its service area on demand, in accordance with its tariffs; however, if a water shortage exists, or if the Department of Health Services has imposed a building permit moratorium, or if other good cause requires, the Utility shall file an advice letter requesting either (1) approval to withdraw service from all or part of its service area (including a new service area map), or (2) Commission imposition of a service connection moratorium and Commission authorization before withholding service.

8.8 Service to Government Agency (see General Rule 8.2.3; Industry Rule 7.3.1(7))

An advice letter to provide service to a government agency pursuant to General Rule 8.2.3 may be designated by the Utility as effective pending disposition.

Industry Rule 9. Tariff Publication, Format

Each Class A Utility shall be subject to the Internet publication requirements of General Rule 8.1.2.

9.1 Tariff Schedules

Water Rate Schedules shall be published, as appropriate, for each of the Utility's districts:

(1) General Metered Service;

(2) Flat Rate Service;

(3) Irrigation Service;

(4) Fire Sprinkler Service;

(5) Private Fire Protection Service (see Pub. Util. Code § 2713 (b));

(6) Recycled Water Service;

(7) Construction and Other Temporary Metered Service;

(8) Service to Employees;

(9) Water Conservation Plan; and

(10) Other water or sewer services.

The above schedules shall be followed or preceded by schedules applicable to multiple districts such as:

UF—Surcharge to fund Public Utilities Commission Reimbursement Fee

LC—Late Payment Charge

FF—Facilities Fees

Sewer System Rate Schedules shall be numbered and printed in the following order, for each of the Utility's districts:

(1) Sewer Service or General Residential Service

(2) Commercial and Industrial Service

The above schedules shall be followed or preceded by schedules applicable to multiple districts such as:

UF—Surcharge to Fund Public Utilities Commission Reimbursement Fee

LC—Late Payment Charge

Tariff sheets may not contain marks or alterations unless approved by staff. Only one side of a sheet may be used.

9.2 Tariff Rules (see General Rule 8.5.7)

A Utility shall include in its tariffs, following the tariff rules specified in General Rule 8.5.7, these additional tariff rules, numbered as follows:

Tariff Rule 17: Standards for Measurement of Service—Method of measuring, accuracy limits

Tariff Rule 18: Meter Tests and Adjustment of Bills for Meter Error—Specification of conditions, fees, and frequency of tests

Tariff Rule 19:

For Water Utilities: Supply to Separate Premises and Multiple Units—Separate metering on separate premises
For Sewer System Utilities: Resale of (Sewer) Service—Conditions for resale

Tariff Rule 20:

For Water Utilities: Water Conservation—Use of water- saving devices, provision of free water-saving kits
For Sewer System Utilities: Limitation on Wastes Discharged into the Utility's Sewer System—Items that may not be disposed of through the sewer system

Tariff Rule 21:

For Water Utilities: Fire Protection—General rules for fire protection service
For Sewer System Utilities: Commercial, Institutional and Industrial Wastes—Notice of waste discharge and preliminary treatment

Industry Rule 10. Service Area Maps (see General Rule 8.5.4)

A Utility shall prepare a digital map of its authorized service area boundaries prepared using a common projection and datum that meets a minimum resolution of 1:24,000 scale, distributed in an open format and accompanied by Federal Geographic Data Committee (FGDC)-compliant metadata. In addition, a utility shall provide a digital basemap (in TIF or PDF format) for printing that includes, at a minimum, its service area, major roads, and relevant administrative boundaries (e.g., counties, cities, federal and state land).

A Utility shall submit the map, and updates as the authorized service area changes, to the Water Division and to the Local Agency Formation Commission (LAFCO) for each county within the Utility's authorized service area. The Water Division will establish detailed map specifications and compliance schedules for the preparation of digital maps; but in no event will the compliance schedule extend beyond December 31, 2007, for Class A Utilities and December 31, 2008, for all other Utilities.

TELECOMMUNICATIONS INDUSTRY RULES

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Telecommunications Industry Rules

Industry Rule 1. Additional Definitions

In addition to the definitions in General Rules 3 to 3.16, the following definitions apply to the defined terms, which appear with the initial letter capitalized when used in these Industry Rules.

1.1 Basic Service

"Basic Service" means the service elements, as specified in Decision 96-10-066 (Appendix B, Part 4) and as modified from time to time by the Commission, that a provider of local exchange service must offer to each residential customer who requests local exchange service from the provider.

1.2 Carrier of Last Resort

"Carrier of Last Resort" means a carrier that has specific duties regarding the provision of Basic Service and universal service, as specified in Decision 96-10-066 and as modified from time to time by the Commission.

1.3 Compliance Advice Letter

"Compliance Advice Letter" means an advice letter seeking approval of the Utility's proposed implementation of a specific requirement in a statute or Commission order.

1.4 Freezing of Service

"Freezing" or "Freezing of Service" means discontinuing a service's availability to customers, other than those customers receiving the service from the Utility as of the date that the Utility freezes the service.

1.5 GRC-LEC

"GRC-LEC" means a local exchange carrier that is regulated through cost-of-service regulation.

1.6 Industry Rule

"Industry Rule" means an Industry Rule in the Telecommunications Industry Rules, as set forth in General Order 96-B or its successor.

1.7 Market Trial; Technical Trial

"Market Trial" or "Technical Trial" means a New Service offered only for a specified limited duration for the purpose of testing or evaluating the service.

1.8 New Service

"New Service" means a service that (i) is distinguished from any existing service offered by the Utility by virtue of the technology employed; or (ii) includes features or functions not previously offered in any service configuration by the Utility.

1.9 Promotional Offering; Promotional Platform

"Promotional Offering" means an existing service offered under tariffed terms temporarily deviating from the otherwise applicable tariff in order to promote the service. "Promotional Platform" means a tariffed description of service for which a GRC-LEC may make a Promotional Offering.

1.10 Resale Service

"Resale Service" means a tariffed service that a carrier offers to another carrier for resale.

1.11 Staff

"Staff" means the Communications Division (or its successor).

1.12 Telecommunications Advice Letter Coordinator

"Telecommunications Advice Letter Coordinator" means the person who processes documents submitted to the Communications Division for filing.

1.13 Transfer

"Transfer" means a Transfer of assets (including the entire customer base or an entire class of customers) and/or Transfer of control.

1.14 URF Carrier and URF ILEC

"URF Carrier" means a Utility that is a wireline carrier that has full pricing flexibility over all or substantially all of its rates and charges. "URF Carrier" includes any incumbent local exchange carrier that is regulated through the Commission's uniform regulatory framework, as established in Decision 06-08-030, and as modified from time to time by the Commission; competitive local exchange carriers; and interexchange carriers.

"URF ILEC" means those incumbent local exchange carriers currently granted pricing flexibility through D.06-08-030, and as may be modified from time to time.

1.15 Utility

"Utility" means a public Utility that is a telephone corporation as defined in the Public Utilities Code. Only GRC-LECs and URF Carriers are required to file advice letters under the Industry Rules.

1.16 Withdrawal of Service

"Withdrawal" or "Withdrawal of Service" means discontinuing a service's availability to all customers, including those customers receiving the service as of the date it is withdrawn.

Industry Rule 2. Submitting Documents for Filing; Telephone Directories

For instructions on filing an advice letter, a document pertaining to an advice letter (e.g., a protest, response, reply, substitute sheet, or supplement), or an information-only filing, go to the Commission's Internet site (www.cpuc.ca.gov) and look for the Communications Division's link.

A Utility that issues a telephone directory must submit, concurrent with publication, two copies of each directory to the Telecommunications Advice Letter Coordinator, Communications Division, 505 Van Ness Ave., 3rd Floor, San Francisco, CA 94102-3298. However, a directory is not a tariff and will not be listed in the table of contents of the Utility's tariffs or given Cal. P.U.C. sheet numbers. A local exchange company must notify public libraries that they will provide without charge, upon request, copies of its current telephone directory to any public library in California and must provide such copies. GRC-LECs may provide only one copy per library.

Industry Rule 3. Notice to Affected Customers

No later than the date that is 30 days before the advice letter's requested effective date, or on the date that the Utility submits the advice letter to the Telecommunications Advice Letter Coordinator, whichever date is earlier, the Utility must give notice to each affected customer of the advice letter if it requests approval of a Transfer, Withdrawal of Service, or higher rates or charges or more restrictive terms or conditions.

However, no further customer notice under this Industry Rule 3 or General Rule 4.2 is required of a Utility's Compliance Advice Letter that implements a prior Commission order approving the Utility's request for authorization of a Transfer, Withdrawal of Service, or higher rates or charges or more restrictive terms or conditions, unless a further notice is required in the prior Commission order.

Whenever this customer notice is of an advice letter submitted or required to be submitted in Tier 3 (see Industry Rule 7.3), the notice must contain information regarding procedure for protests, as follows: "The proposed [insert Transfer, Withdrawal of Service, or higher rates or charges or more restrictive terms or conditions, as appropriate] is being submitted by Advice Letter _____ [insert advice letter number] for review and possible approval by the California Public Utilities Commission. The advice letter was filed with the Communications Division [insert date of filing]. Anyone may object to the advice letter by sending a written protest to: Telecommunications Advice Letter Coordinator, Communications Division, 505 Van Ness Ave., 3rd Floor, San Francisco, CA 94102-3298. The protest must state specifically the grounds on which it is based. The protest must be received by the Telecommunications Advice Letter Coordinator no later than 20 days after the date that the advice letter was filed. On or before the day that the protest is sent to the Telecommunications Advice Letter Coordinator, the protestant must send a copy of the protest to _____ [insert name and address of person whom the Utility has designated in the advice letter to receive protests]. To obtain information about the Commission's procedures for advice letters and protests, go to the Commission's Internet site (www.cpuc.ca.gov) and look for document links to General Order 96-B."

3.1 Customer Notice of Transfer

If the utility requests approval of a transfer of customers, the notice must identify the transferee, describe the changes (if any) in rates, charges, terms, or conditions of service, state that customers have the right to select another utility, and provide a toll-free customer service telephone number for the purpose of responding to customers' questions.

3.2 Customer Notice of Withdrawal

If a Utility requests approval of a Withdrawal of Service, the notice must also describe the proposed Withdrawal. In the case of a Withdrawal from providing Basic Service, the notice must describe the arrangements the Utility has made to ensure continuity of service to affected customers. If the Utility resells Basic Service (or service element thereof), the arrangements must include notice to affected customers that they may choose another service provider or (if no other service provider is chosen) receive Basic Service from the underlying carrier or Carrier of Last Resort. If the Utility is proposing Withdrawal of Basic Service that it provides using its own facilities, the Utility must arrange for Transfer of its customers to another Utility. (See Industry Rules 3.1, 8.5, 8.6.)

3.3 Customer Notice of Higher Rates, More Restrictive Terms

A notice of higher rates or charges or more restrictive terms or conditions, must state the current and proposed rates, charges, terms, or conditions (as appropriate). If the Utility giving notice is a GRC-LEC, the notice must also state the reasons for the proposed change and the impact of any proposed change on the affected rate or charge, expressed in dollar and percentage terms.

Industry Rule 4. Contracts and Other Deviations

The Commission may authorize a Utility, on a case-by case basis, to provide service under a contract or other deviation that departs from rates, charges, terms, or conditions offered in the Utility's tariffs. A Utility that does not use tariffs to provide service other than Basic Service may provide such detariffed or non-tariffed service under a contract, without any additional authorization from the Commission.

Industry Rule 5. Detariffed and Non-tariffed Service

An URF Carrier may cancel by advice letter any retail tariff currently in effect except for the following: Basic Service; 911 or e-911 service; a provision, condition, or requirement imposed by the Commission in an enforcement, complaint, or merger proceeding; a provision relating to customer direct access to or choice of an interexchange carrier; a service (such as Resale Service) not within the scope of services for which the Commission granted full pricing flexibility in Decision 06-08-030; or a provision pertaining to a Utility's obligations under state or federal law (such as California public policy surcharges or Carrier of Last Resort obligations), or the Commission's decisions or orders.

The Commission otherwise will consider granting exceptions from the general requirement (see General Rule 8.2.1) that a Utility serve its California customers under its filed tariffs. Such exceptions, allowing the Utility to provide detariffed service, may be granted to a specific Utility or type of Utility, or for specific services offered by the Utility or type of Utility. Industry Rules 5.1 to 5.5, which will be updated as necessary, list the currently authorized exceptions and certain requirements that apply to service not provided under tariff.

5.1 URF Carrier

Subject to Industry Rule 5, an URF Carrier may request to detariff in whole or in part. The URF Carrier seeking to detariff a service not excluded under Industry Rule 5 must submit a Tier 2 advice letter. The advice letter must identify the service that the URF Carrier proposes to detariff and must attest that the service is not one of the services excepted from detariffing under Industry Rule 5.

After the Commission has authorized an URF Carrier to detariff in whole or in part, the URF Carrier may make available to the public New Service offerings on a detariffed basis to the extent consistent with the Commission's authorization. If the URF Carrier seeks to make available to the public on a detariffed basis a New Service that does not fall into categories in which the URF Carrier has already detariffed existing services, the URF Carrier must file an advice letter under Tier 2 that introduces and describes the New Service and simultaneously seeks Detariffing for that New Service. The advice letter shall also attest that the New Service is not one of the services excepted from detariffing under Industry Rule 5. (See General Rules 6.1, 6.2; Industry Rule 2.)

5.2 Publication of Rates, Charges, Terms, and Conditions (URF Carrier)

For any service or bundled offering available to the public but detariffed, the URF Carrier providing the service or bundled offering must at all times and without charge publish, at a site on the Internet, the applicable rates, charges, terms, and conditions for that detariffed service or bundled offering. The URF Carrier must also publish at its Internet site an archive of its canceled rates, charges, terms, and conditions, going back three years or to the date of detariffing, whichever is more recent.

In maintaining the Internet site required by this Industry Rule, the URF Carrier must comply with the following requirements:

i) the webpage containing rates, terms, and conditions for detariffed services must be free of marketing and sales information or ads;

ii) the webpages for rates, terms, and conditions must be accessible without requiring personally identifying information except for area code, NXX, or zip code; and

iii) the URF Carrier must provide the Commission with a current link to the URF Carrier's webpage for accessing tariffed and detariffed rates.

5.3 Notice to Customers (URF Carrier)

For any service available to the public but not provided under tariff, the URF Carrier providing the service must notify each affected customer of a higher rate or charge, or more restrictive term or condition, or Withdrawal of Service, or Transfer of ownership or customer base. The URF Carrier must give this notice at least 30 days before the date when the change will occur.

The URF Carrier may satisfy a notice requirement in this Industry Rule by one or a combination of the following means: bill inserts; notices printed on bills; or separate notices sent by first-class mail (or by e-mail to a customer who consents to receive bills or notices from the carrier by e-mail). Notice by first-class mail is complete when the document is deposited in the mail, and notice by e-mail is complete upon successful transmission.

5.4 Market Trial; Technical Trial (URF Carrier)

An URF Carrier must submit an information-only filing that describes any Market Trial or Technical Trial. Such an information-only filing will be treated as confidential pursuant to General Rule 9.

5.5 Commercial Mobile Radio Service Provider

A commercial mobile radio service provider may not file tariffs with the Commission but shall make available information showing rates, charges, terms, and conditions of its generally available services.

Industry Rule 6. Advice Letter Contents

An advice letter must include (1) a copy of the notice to affected customers, if such notice is required by Industry Rule 3, and (2) the following statement: "Anyone may object to this advice letter, which was filed on [insert date of filing], by sending a written protest to: Telecommunications Advice Letter Coordinator, Communications Division, 505 Van Ness Ave., 3rd Floor, San Francisco, CA 94102-3298. The protest must state specifically the grounds on which it is based. The protest must be received by the Telecommunications Advice Letter Coordinator no later than 20 days after the date that the advice letter was filed. On or before the day that the protest is sent to the Telecommunications Advice Letter Coordinator, the protestant must send a copy of the protest to _____ [insert name and address of person whom the Utility has designated in the advice letter to receive protests]. To obtain information about the Commission's procedures for advice letters and protests, go to the Commission's Internet site (www.cpuc.ca.gov) and look for document links to General Order 96-B."

Industry Rule 7. Advice Letter Review

A Utility submitting an advice letter must designate the appropriate tier, based on the content of the advice letter. An erroneous designation is not binding on Staff. A Tier 1 or Tier 2 advice letter is

subject to disposition under General Rule 7.6.1; a Tier 3 advice letter is subject to disposition under General Rule 7.6.2.

7.1 Matters Appropriate to a Tier 1 Advice Letter (Effective Pending Disposition)

By submitting an advice letter in Tier 1, a Utility represents that the advice letter is properly filed in Tier 1, and that the Utility has complied with the applicable customer notice requirements, as set forth in Industry Rules 3 to 3.3 and as referenced in this Industry Rule 7.1. Pursuant to General Rule 4.2, the Utility must document its compliance with applicable customer notice requirements; if an advice letter accepted for filing is found not to have been noticed in compliance with these requirements, Staff will reject the advice letter without prejudice. The following matters may be filed under Tier 1:

(1) An editorial change to the text of a tariff that does not affect a rate, charge, term, or condition under the tariff.

(2) A change to the name of a product or service.

(3) A Compliance Advice Letter, unless the Commission order directing the submission of the advice letter specifies another tier.

(4) An exchange area boundary realignment that does not result in an increase to a rate or charge or in a more restrictive term or condition.

(5) A change by an URF Carrier to a rate, charge, term, or condition of a retail service (except for ILEC Basic Service rates). Changes to terms and conditions for Basic Service that do not conflict with law or the Commission's decisions or orders are permitted.

(6) A change by an URF Carrier to (i) a Resale Service rate or charge, if the change has been noticed in compliance with Industry Rules 3 and 3.3 (as applicable), and such rate or charge is linked to a tariffed service rate or charge by a discount adopted by the Commission, or (ii) a Resale Service term or condition, if the change has been noticed in compliance with Industry Rules 3 and 3.3 (as applicable), and such term or condition incorporates a term or condition approved by the Commission for the corresponding URF Carrier Service.

(7) A New Service offering of an URF Carrier where the New Service has full pricing flexibility. (See Industry Rule 8.3.)

(8) A contract for a tariffed service by an URF Carrier.

(9) A Withdrawal or Freezing of Service by an URF Carrier (not including a Withdrawal or Freezing subject to Industry Rule 7.4(1). In the case of a Withdrawal, it must have been noticed in compliance with Industry Rules 3 and 3.2.

(10) A new Promotional Offering for a tariffed service, or continuation of a tariffed Promotional Offering, by an URF Carrier.

(11) A new Promotional Offering, or continuation of a Promotional Offering, by a GRC-LEC for which there is a Commission-approved Promotional Platform. (See Industry Rule 7.3(6).)

(12) Emergency Service provided by an URF Carrier or GRC-LEC pursuant to General Rule 8.2.3.

(13) Price changes to special access service that are permitted to be filed in Tier 1, as ordered by the Commission.

7.2 Matters Appropriate to a Tier 2 Advice Letter (Effective After Staff Approval)

By submitting an advice letter in Tier 2, a Utility represents that the advice letter is properly filed in Tier 2, and that the Utility has complied with the applicable customer notice requirements, as set forth in Industry Rules 3 to 3.3 and as referenced in this Industry Rule 7.2. Pursuant to General Rule 4.2, the Utility must document its compliance with applicable customer notice requirements; if an advice letter accepted for filing is found not to have been noticed in compliance with these requirements, Staff will reject the advice letter without prejudice. If a Tier 2 advice letter has not been suspended by staff by the end of the initial 30-day review period, the Tier 2 advice letter is deemed approved. The following matters must be filed under Tier 2:

(1) A New Service of a GRC-LEC. (See Industry Rule 8.3.)

(2) A contract for a tariffed service by a GRC-LEC. (See Industry Rules 8.2.3, 8.2.4.)

(3) Detariffing by an URF Carrier. (See Industry Rules 5, 5.1.)

(4) A request to Transfer by a carrier other than a GRC-LEC or an URF Carrier that is an incumbent local exchange carrier. (See Industry Rule 8.6.2.)

(5) An advice letter otherwise appropriate to Tier 1 but for which the Utility submitting the advice letter requests review and disposition under Tier 2.

(6) Price changes to special access service that are permitted to be filed in Tier 2, as ordered by the Commission.

7.3 Matters Appropriate to a Tier 3 Advice Letter (Effective After Commission Approval)

By submitting an advice letter in Tier 3, a Utility represents that the advice letter is properly filed in Tier 3, and that the Utility has complied with the applicable customer notice requirements, as set forth in Industry Rules 3 to 3.3 and as referenced in this Industry Rule 7.3. Pursuant to General Rule 4.2, the Utility must document its compliance with applicable customer notice requirements; if an advice letter accepted for filing is found not to have been noticed in compliance with these requirements, Staff will reject the advice letter without prejudice. The following matters must be filed under Tier 3:

(1) A matter appropriate to an advice letter but not subject to review and disposition under Tier 1 or Tier 2. (See General Rule 5.1.)

(2) A negotiated interconnection agreement pursuant to Section 252 of the Telecommunications Act of 1996 (47 USC § 252). (See Industry Rule 8.1.)

(3) An exchange area boundary realignment by a GRC-LEC, which realignment results in an increase to a rate or charge or in a reduction in service to existing customers, and has been noticed in compliance with Industry Rules 3 and 3.3 (as applicable).

(4) A change by a GRC-LEC to a rate, charge, term, or condition, which change has been noticed in compliance with Industry Rules 3 and 3.3 (as applicable).

(5) An update by a GRC-LEC regarding its allocation from the high cost fund.

(6) A Promotional Platform of a GRC-LEC.

(7) Except where review in a formal proceeding is required by Industry Rule 7.4(1), Withdrawal or Freezing of Service by a GRC-LEC. In the case of a Withdrawal, it must have been noticed in compliance with Industry Rules 3 and 3.2.

7.4 Matters Requiring Review in a Formal Proceeding

Staff will reject without prejudice an advice letter that requests relief or raises issues requiring an evidentiary hearing or otherwise requiring review in an application, petition for modification, or other formal proceeding. (See General Rules 5.2, 5.3.) Matters requiring such review include, but are not limited to:

(1) Withdrawal or Freezing of Resale Service or of Basic Service (or any service element thereof). In the case of a Withdrawal, it must have been noticed in compliance with Industry Rules 3 and 3.2, and must meet all applicable requirements of Industry Rule 8.5.

(2) A request for operating authority or for authority to expand service area.

(3) A request to Transfer by a GRC-LEC or an URF Carrier that is an incumbent local exchange carrier where the Transfer is subject to Commission review pursuant to Public Utilities Code Section 854.

(4) A request by an URF Carrier to modify or cancel a provision, condition, or requirement imposed by the Commission in an enforcement, complaint, or merger proceeding. (See Industry Rule 5.)

Industry Rule 8. Procedures for Specific Types of Advice Letters, Information-only Filings, and Formal Proceedings

8.1 Negotiated Interconnection Agreements

Promptly upon execution of an interconnection agreement arrived at through negotiation pursuant to Section 252 of the Telecommunications Act of 1996 (47 USC § 252), the agreement must be submitted by advice letter for Commission approval. The advice letter will be subject to review and disposition within the timeframes provided for such advice letters by Resolution ALJ-181 (October 5, 2000), as may be modified by the Commission from time to time, and in conformity with federal law.

8.2 Contracts for Tariffed Services

Contracts for tariffed services must be submitted to the Commission under this Industry Rule. Except for negotiated interconnection agreements, a contract that involves only detariffed or non-tariffed services is not subject to Commission approval and is not to be submitted for filing.

8.2.1 Deadline for Submittal; Effective Date

Within 15 business days after the execution of a contract for a tariffed service, the contract must be submitted by advice letter for Commission approval. A Utility that violates the deadline for submittal is liable to such sanctions as the Commission may impose, including but not limited to the penalties set forth in Decision 91-07-010 and the Public Utilities Code, as appropriate. Violation of the deadline does not, in itself, invalidate a contract. In the case of a contract properly submitted for review and disposition by Tier 1 advice letter, the contract may be made effective on the date of execution.

8.2.2 Availability of Contract Rates

The rate or charge under a contract then in effect must be made available to any similarly situated customer that is willing to enter into a contract with the same terms and conditions of service.

8.2.3 Required Clauses (GRC-LEC)

A contract by a GRC-LEC for a tariffed service must contain the following clauses: "This contract at all times is subject to such modifications as the California Public Utilities Commission may direct from time to time in the exercise of its jurisdiction. This contract does not become effective unless and until approved by the California Public Utilities Commission."

8.2.4 Cost Justification (GRC-LEC)

An advice letter by a GRC-LEC requesting approval of a contract must show that each rate or charge set in the contract is at or above cost. Cost data provided in support of the contract may be submitted under seal together with a request for confidential treatment. (See General Rule 9.)

8.3 New Service

An advice letter requesting approval of a New Service must attest that the proposed service would:

(1) comply with all applicable provisions of the Public Utilities Code, including without limitation Sections 2891 to 2894.10, and with the applicable consumer protection rules adopted by the Commission;

(2) not result in a degradation in quality of other service provided by the Utility submitting the advice letter; and

(3) not be activated for a particular customer unless affirmatively requested by the customer.

An advice letter by a GRC-LEC requesting approval of a New Service must show that the rate or charge set for the New Service is at or above cost. Cost data provided in support of the New Service may be submitted under seal together with a request for confidential treatment. (See General Rule 9.)

8.4 Change to Tariffed Rate, Charge, Term, or Condition

An advice letter requesting approval of a change to a tariffed rate, charge, term, or condition, if the change is required to be submitted for review and disposition by Tier 3 advice letter, must demonstrate that the rate, charge, term, or condition, as proposed to be changed, would be just and reasonable. If Staff determines that a change requested by an advice letter to a rate, charge, term, or condition requires a hearing or otherwise requires review in a formal proceeding, Staff will reject the advice letter without prejudice. (See General Rule 5.3.)

8.5 Withdrawing Basic Service

Prior to a Utility's Withdrawal, in whole or part, from offering Basic Service (or any service element thereof) within its service area, the Utility must file an application, as appropriate (see Industry Rule 7.4(1)), requesting the Commission's authorization. The application must conform to the Commission's Mass Migration Guidelines, as specified in Decision 06-10-021 and as modified from time to time by the Commission. The request must state the date and method by which the Utility notified affected customers of the proposed Withdrawal (see Industry Rules 3 and 3.2), and must describe the arrangements the Utility has made to ensure continuity of service to affected customers. If the Utility resells Basic Service (or any service element thereof), the arrangements must include notice to affected customers that they may choose another service provider or (if no other service provider is chosen)

receive Basic Service from the underlying carrier or Carrier of Last Resort. If the Utility uses its own facilities to provide Basic Service, the arrangements must include notice to affected customers of the Utility's plans for Transfer of the customers to another carrier. (See Industry Rules 3.1, 8.6.)

8.6 Transfer

8.6.1 Transfer of GRC-LEC or URF ILEC

Commission approval for the Transfer of a GRC-LEC, or an URF Carrier that is an incumbent local exchange carrier, must be requested by application jointly submitted by the transferor and proposed transferee. See Rule 3.6 of the Commission's Rules of Practice and Procedure.

8.6.2 Transfer of Interexchange or Competitive Local Carrier

Commission approval for the Transfer of an interexchange carrier or competitive local carrier may be requested by advice letter submitted by the proposed transferee. If the proposed transferee does not have authority from the Commission to operate as a Utility, the transferee must either (1) register to operate as an interexchange carrier (using the registration form available at the Commission's Internet site), or (2) file an application to operate as a competitive local carrier and in the application request approval of the Transfer. The application must include a financial statement, which may be submitted under seal together with a request for confidential treatment (see General Rule 9), demonstrating that the transferee has sufficient assets to operate through the transition period.

8.6.3 Transfer of Commercial Mobile Radio Service Provider

The transferee of a commercial mobile radio service provider must submit an information-only filing setting forth changes in the provider's registration information.

8.7 Promotional Offering

A GRC-LEC may not submit an advice letter requesting approval of a Promotional Offering unless and until the Utility has received approval for its Promotional Platform.

Industry Rule 9. Notification of DBAs

If a Utility does business under a name other than the name under which it was granted operating authority by the Commission ("doing business as" or "DBA"), the Utility must list, as part of its preliminary statement (see General Rule 8.5.3), each name under which the Utility does business. The Utility must update this list, as necessary, by submitting an advice letter (see Industry Rule 7.1(1)). If a detariffed Utility does business under a name other than the name under which it was granted operating authority by the Commission, the Utility must inform the Commission by submitting an information-only filing with a list of all names under which the Utility does business. The detariffed Utility must update this list, as necessary, by information-only filing.

Industry Rule 10- Service Lists for Advice Letter Filings

1. When filing any Advice Letter, the utility shall serve it on the following persons:

   i) Any Utility or person requesting such notification from the specific utility filing the advice letter, pursuant to General Rule 4.3 (see also General rule 7.2).

   ii) Other entities or persons as directed by the Director of the Communications Division for particular Advice Letters.

   iii) As required by paragraph 2 of this Industry Rule.

2. The Commission will host service lists on the Commission's public web site by means of which persons or entities can request to be served with particular categories of advice letters filed by all Telecommunication Carriers. Every carrier filing any advice letter shall determine which categories from the following lists best apply to the advice letter being filed, and shall serve that advice letter on all parties on the applicable service lists. The service lists will require the name of the entity or person to be served and their e-mail address for service. Persons or entities wishing to be included on a particular service list may sign up on the web site. Instructions for removing or modifying an entry already on the service list will be provided on the web site. It is the responsibility of the person or entity listed on the service list to ensure that each entry is correct. The categories are:

i) Changes in rates, terms and conditions of service, or initiation of new service.

ii) Eligible Telecommunications Carrier designation requests.

iii) General Rate Case filings.

iv) Facility construction filings.

v) Negotiated Inter Connection Agreements pursuant to Industry Rule 8.1, and Contracts for Tariffed Services pursuant to Industry Rule 8.2.

vi) Any advice letter not fitting within the preceding categories.