

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rulemaking for purposes of revising General
Order 96-A regarding informal filings at the
Commission.

Rulemaking 98-07-038
(Filed July 23, 1998)

**OPINION REVISING PROPOSED GENERAL ORDER 96-B
AND ADOPTING THAT GENERAL ORDER AS REVISED**

(See Appendix E for Appearances.)

TABLE OF CONTENTS

Title	Page
OPINION REVISING PROPOSED GENERAL ORDER 96-B AND ADOPTING THAT GENERAL ORDER AS REVISED	2
1. Introduction	2
2. Events Since the Start of This Rulemaking	4
3. Tiers of Review.....	5
3.1 Concepts Underlying Tier 1.....	9
3.2 Tier 1 in Operation	10
3.3 Advice Letters Deemed Approved.....	14
4. Timeline for Advice Letter Review and Disposition.....	15
4.1 Filing, Protest, Reply.....	15
4.2 Review and Suspension Under Public Utilities Code Section 455.....	16
4.3 Review of Tier 1 Advice Letters	18
4.4 Review of Tier 2 Advice Letters	20
4.5 Review of Tier 3 Advice Letters	21
4.6 Other Advice Letter Tiers.....	23
4.7 Disposition of Advice Letters	23
5. Changes to the General Rules.....	27
5.1 Advice Letter Request to Modify a Resolution.....	27
5.2 Advice Letter Cover Sheet and Contents.....	28
5.3 Advice Letter Supplements	28
5.4 Requesting Information.....	30
5.5 Sanctions	31
5.6 Advice Letters Deemed Approved; Effective Date.....	31
5.7 Information About Tariffed Services.....	32
5.8 Publishing Tariffs	34
5.9 Confidential Material in Advice Letters	34
5.10 Numbering Tariff Sheets.....	35
5.11 Miscellaneous Changes	37
6. Changes to Energy Industry Rules	38
7. Changes to Telecommunications Industry Rules	40
8. Changes to Water Industry Rules	43
9. Comments on Draft Decision.....	43
Findings of Fact	44
Conclusions of Law	47
ORDER	48

Appendix A	General Rules
Appendix B	Energy Industry Rules
Appendix C	Telecommunications Industry Rules
Appendix D	Water Industry Rules
Appendix E	Appearances

**OPINION REVISING PROPOSED GENERAL ORDER 96-B
AND ADOPTING THAT GENERAL ORDER AS REVISED**

1. Introduction

Today, we adopt General Order (GO) 96-B.¹ This GO, like its predecessors, comprehensively governs utility tariffs (including their form, content, and publication), and an informal procedure, termed an “advice letter,” that is the general means by which utilities request Commission approval for proposed tariff revisions. The use of advice letters has somewhat expanded in recent years, pursuant to statute or Commission order, to cover a limited range of nontariff matters. This GO governs all advice letter practice.

The new GO replaces GO 96-A for all advice letters submitted after July 1, 2001. Pending advice letters, and those filed after today but before July 1, 2001, will continue to be handled under the provisions of GO 96-A. We provide this transition period to minimize confusion, allow pending advice letters to be reviewed under procedures in effect when they were submitted, and enable everyone concerned with advice letters to become familiar with the new procedures before they take effect.

Following adoption of GO 96-B, staff from the Legal, Administrative Law Judge, and Industry Divisions will coordinate to conduct training programs for

¹ GO 96-B is appended to today’s decision. As we proposed in our order instituting this rulemaking, GO 96-B will consist of “General Rules” (Appendix A) governing all advice letters and other informal matters, and “Industry Rules” containing procedures specific to different utility industries: Energy (Appendix B); Telecommunications (Appendix C); and Water (Appendix D). The revisions to the General Rules, as compared to the version we originally proposed, are indicated by strikeout and underlining. The Industry Rules have been rewritten to such an extent that strikeout and underlining would not be meaningful.

all staff and interested persons. During these programs, we encourage open discussion of how GO 96-B and the transition period will work.

Although a transition period is needed, we recognize the difficulty for everyone of having advice letters simultaneously pending under different systems of review. Accordingly, we urge the utilities and the Industry Divisions to take all reasonable steps to minimize the number of advice letters pending as of July 1, 2001. In addition, we make the following prospective disposition of certain of such pending advice letters: Any unprotested advice letter that was filed on or before May 21, 2001, and is still pending as of July 1, 2001, shall be automatically approved as of that date, unless, on or before that date, the reviewing Industry Division has (1) placed on the Commission's agenda a draft resolution disposing of the advice letter, or (2) made a data request to the utility or otherwise notified the utility, in writing, that the advice letter is undergoing active review. This special approval process during the transition period will enable us to dispose of those pending advice letters that are uncontroversial, and to deal in due course with advice letters under active review as of July 1, 2001.

In the sections below, we first describe some of the major events since the start of this rulemaking, in which we have already received several rounds of comments. (Section 2.) We then elaborate on our reasons for creating a tiered structure for advice letter review, with special attention to Tier 1 (advice letters that are effective pending disposition). (Sections 3-3.3.) Next, we describe our overall timeline for advice letter review and disposition, highlighting the elements that are common to all the tiers as well as their distinguishing features. (Sections 4-4.7.) We then summarize the major changes to the General Rules in GO 96-B, as compared to the version of the General Rules set forth in the order instituting this rulemaking. (Sections 5-5.10.) Finally, we summarize the major

changes to the respective Industry Rules from our initial proposals.
(Sections 6-8.)

2. Events Since the Start of This Rulemaking

We had hoped to complete this rulemaking by now. Several factors have lengthened the process. We discuss some of the main factors below.

Senate Bill (SB) 779 (Calderon), effective January 1, 1999, requires us, in relevant part, to serve draft resolutions on “parties,” and to provide in many instances a public review and comment period before we vote on the draft resolutions. The disposition of many advice letters is by resolution, so we began our process for implementation of SB 779 by soliciting comments in this rulemaking. These comments, in turn, prompted a new rulemaking (R.99-02-001), which now is concluded. The new SB 779 rules will complement the advice letter procedures under consideration in this rulemaking.²

Another development is the vast increase in utilization of the Internet. What seemed to be visionary proposals in the original rulemaking, e.g., for Internet access to utility tariffs, now seem unduly cautious. We have revised these proposals. Among other things, we give large utilities (those whose gross intrastate revenues exceed \$10 million) a deadline of October 1, 2001, for publishing their tariffs on the Internet.

The most important factor delaying issuance of our revised proposals, however, is our realization of how ambitious and far-reaching this project is, and the consequent need to think through, as thoroughly as we can, and from various

² In Decision (D.) 00-01-053, issued January 21, 2000, we adopted the new and amended rules, and closed R.99-02-001. These rules are part of the Commission’s Rules of Practice and Procedure, codified in Title 20 of the California Code of Regulations. New Rule 77.7 contains most of the provisions specific to resolutions.

points of view, all the aspects of implementation. Although most of the parties have supported the concepts embodied in GO 96-B, our review of the comments shows that additional discussion of these concepts is necessary. In particular, we need to elaborate on the reasoning behind the new tier structure for advice letter review, and how we expect the tier structure to work in practice. This elaboration is contained in Sections 3-4.7.

The months spent hammering out these implementation issues internally will prove fruitful in the long run in fostering a better understanding, inside and outside the Commission, of our rules governing tariffs and advice letters. There are currently many more advice letter filings than there are formal proceedings, so care in developing and implementing GO 96-B is fully warranted.³

3. Tiers of Review

Historic advice letter practice, as set forth in GO 96-A, has become inadequate in relation to the volume and variety of advice letters submitted for Commission review in recent years. For example, GO 96-A does not systematically distinguish advice letters from formal proceedings, or sort advice letters by type, or explain how, when, or by whom an advice letter would be approved or rejected. The proposed tier structure for advice letter review should improve this situation dramatically.

³ The Commission generally has pending about 500 formal proceedings and about 1,500 advice letters, but an advice letter typically takes far less time to process than a formal proceeding, so advice letter filings outnumber formal filings by much more than 3 to 1. In 1999, 3,824 advice letters were filed, as follows: Telecommunications Division, 3,156; Energy Division, 496; and Water Division, 172. In 2000, 3,965 advice letters were filed: Telecommunications Division, 3,228; Energy Division, 522; and Water Division, 215.

For all advice letters in the energy, telecommunications, and water industries, we propose to distinguish fundamentally between those advice letters that the reviewing Industry Division may approve or reject (and that may be deemed approved under certain conditions), and those advice letters whose disposition will require a Commission resolution. In short, we separate advice letters into two broad groups: advice letters disposed of by staff, where approval or rejection is ministerial; and advice letters disposed of by Commission resolution, where approval or rejection requires the exercise of discretion.

For water, the mode of disposition is the only generic distinction we make among advice letters. For energy and telecommunications, advice letters submitted for staff disposition are further divided between those that are “effective pending disposition,” i.e., they may be implemented before approval (“Tier 1”), and those that are effective, and may only be implemented, on or after approval (“Tier 2”). Advice letters requiring a Commission resolution go to “Tier 3” under the Energy and Telecommunications Industry Rules.

As mentioned above, an advice letter may be deemed approved in limited circumstances. Only an advice letter that the utility has properly submitted for staff disposition (for water, the “Ministerial Tier;” for energy and telecommunications, Tier 1 or Tier 2) may be deemed approved. If such an advice letter is not timely protested, it will be deemed approved at the end of the “initial review period,” unless by that date the reviewing staff either rejects the advice letter or states in writing that review of the advice letter is ongoing.⁴

⁴ We detail the timelines and review processes in our tier-by-tier discussion later. See Sections 4-4.7.

The tier under which a utility submits an advice letter does not irrevocably dictate the mode of disposition of that advice letter. For example, an issue may arise in the review of a Tier 1 or Tier 2 advice letter that requires the exercise of judgment about the meaning of a statute, so instead of the delegation to staff normal for the tier, disposition of that advice letter would be by Commission resolution. (This change in mode of disposition generally will delay the disposition (due to the statutory public review and comment requirements that apply to Commission resolutions), but the utility will not have to re-submit its advice letter, nor will there be a new or extended protest period.) On the other hand, a Tier 3 advice letter may be clearly erroneous, e.g., it may contain errors of arithmetic or clear inconsistencies with the statute or Commission order that purportedly authorizes the advice letter. In those situations, Industry Division staff will reject the advice letter without going through the fuss and delay of putting a draft resolution before the Commission. Whenever disposition of an advice letter would be a ministerial act, staff has delegated authority under GO 96-B to make that disposition.

If a utility designates the wrong tier for an advice letter, the appropriate action is for the staff of the reviewing Industry Division to reject the advice letter without prejudice whenever the designated tier is lower than the proper tier.⁵ In other words, if the utility has designated for disposition by staff an advice letter that, under the applicable Industry Rules, belongs in the tier for advice letters to be resolved by the Commission, staff will reject the advice letter on that basis.

⁵ Staff will also reject an advice letter without prejudice if the subject matter of the advice letter requires a formal proceeding (typically, an application or petition for modification).

The reason for rejection in this situation is that the utility improperly designating a lower tier could thereby gain improper advantages.

For example, where an advice letter is improperly submitted for filing under Tier 1, the utility generally will have implemented the action proposed in the advice letter without prior regulatory approval. If the action in fact was of a kind that requires prior regulatory approval, implementation without such approval may harm consumers, competitors, or both. Similarly, if a utility designates Tier 2 for an advice letter that should be designated Tier 3, the utility is saying that the advice letter could be deemed approved at the end of the initial review period, whereas Tier 3 advice letters, in fact, can only be approved and become effective pursuant to Commission resolution.

There is one situation where the designation of a wrong tier does not result in rejection without prejudice. Specifically, if a utility designates Tier 3 for an advice letter that should be reviewed under a lower tier, the reviewing Industry Division will approve or reject the advice letter under Tier 2. In other words, the utility cannot compel a Commission resolution on an advice letter that is subject to Industry Division disposition under this GO. However, by the utility's wrongly designating Tier 3 for an advice letter, that advice letter cannot be deemed approved.⁶

Along with tiers of review, GO 96-B introduces two major concepts already mentioned, namely, "effective pending disposition" (Tier 1 advice letters) and "deemed approved" (Tier 1 and Tier 2 advice letters). The following

⁶ We note that there is also one situation in which the utility may properly designate a higher tier. Specifically, the utility submitting an advice letter that would qualify for Tier 1 may instead designate Tier 2 for that advice letter. We discuss this situation Section 3.2. See text accompanying footnotes 7 and 8.

sections of today's decision contain a detailed explanation of these concepts in practice.

3.1 Concepts Underlying Tier 1

Advice letters are an informal procedure used by the Commission to deal with types of utility requests that are usually minor, noncontroversial, or otherwise appropriate for processing without hearings or a formal evidentiary record. Most often an advice letter is submitted to effect a tariff change to comply with a prior Commission order, or to document the specific implementation of a utility program for which the utility already has general authorization by statute or Commission order. No protest is ever filed in the large majority of advice letters. Also, in many instances, approval or rejection of an advice letter is ministerial, i.e., reviewing staff can determine the advice letter's validity through objective review of the supporting materials and authority cited by the utility. The Commission may lawfully delegate such determinations to its staff.

In proposing the concept of advice letters "effective pending disposition" (i.e., implemented at some time before their approval), we had in mind certain of those advice letters whose review and disposition can be delegated to our staff. The Energy and Telecommunications Industry Rules specify those subject matters that, under the current regulatory structure in those industries, seem appropriate for handling by means of advice letters that are effective pending disposition. We expect that our creating this new "tier" for the review and disposition of such advice letters will both help the Commission and the stakeholders to focus their resources on more controversial matters and ensure that less controversial matters do not fall through the cracks. With thousands of advice letters submitted to the Commission each year, improving the efficiency of our review process has great benefits for everyone.

The main reason to allow many advice letters to go into effect pending disposition, however, is to better accommodate innovation and competition in the marketplace. According to some commenters, a utility that must publicly announce and then await regulatory approval for a new product or service will often find that competitors are able to copy the program before the utility has had any significant chance to benefit from its initiative. As a result, the incentive to innovate is reduced, nominal competitors tend to “me too” each other so that prices move in lockstep, and any genuinely innovative advice letter is correspondingly more likely to elicit protests from competitors who hope to gain time to catch up with similar proposals of their own. By allowing certain types of advice letters to take effect before regulatory approval, we can fulfill our responsibilities while giving greater scope to market forces.

3.2 Tier 1 in Operation

Most commenters share our enthusiasm for the “effective pending disposition” concept, but their comments demonstrate the need to address certain questions about how the concept works in practice. These questions are: Must the utility implement such an advice letter immediately, or can the utility await approval? What is the procedure when, during review of such an advice letter, an issue arises that must be resolved by the Commission? Finally, what is the procedure when the utility mistakenly or deliberately requests the “effective pending disposition” tier for an advice letter that in fact does not qualify for such treatment? We address these questions below, in the order stated.

- **An Advice Letter Whose Subject Matter Qualifies for Tier 1 May Be Submitted Under Tier 2 (“Effective Upon Staff Approval”) if the Utility Chooses.**

A necessary condition to our allowing any advice letter to go into effect before it has received our approval is that the utility must be prepared to

undo any actions the utility has taken to implement the advice letter if the advice letter ultimately is not approved. The kinds of remedies that are appropriate will depend on the particular advice letter.⁷ Beyond such remedies as we may require, the utility in this situation will likely suffer loss of credibility and good will – losses that may be very damaging in a competitive marketplace.

We think the severity of these potential losses helps to ensure the integrity of the Tier 1 process.⁸ However, some commenters feel that there may be gray areas where the propriety of a Tier 1 designation is not clear. In any case, they suggest that a utility that prefers to obtain prior regulatory approval should not be forced to implement an advice letter in advance of such approval.

There is a simple way to address this concern, namely, allow the utility submitting an advice letter that would qualify for Tier 1 to nevertheless submit the advice letter for processing under Tier 2 (effective upon staff approval). We have made changes to the General, Energy, and Telecommunications Rules to give utilities this choice.

- **Industry Division Staff Will Prepare a Draft Resolution for the Commission’s Consideration If an Issue Arises in Advice Letter Review That the Commission Must Address.**

All of the Industry Rules separate advice letters generally between those whose subject matter seems to be within staff’s delegated authority to review and resolve, and those whose subject matter seems to require resolution

⁷ We expect customer refunds to be a common remedy but not necessarily the only remedy. We cannot be more definitive at this time except to say that we expect to approach these (hopefully) rare situations on a case-by-case basis.

⁸ We further discuss this point below in connection with the third question, regarding advice letters improperly requesting review under Tier 1.

by the Commission itself. There will be instances, however, where the utility submitting an advice letter has properly designated one of the lower (i.e., staff disposition) tiers and yet, because of the nature of an issue raised by a protestant or discovered by staff, the advice letter requires exercise of discretion to approve or reject, and so must go to the Commission.

If staff determines that a Tier 1 advice letter will require disposition by the Commission, staff will so notify the utility and any protestants by the end of the initial review period. The staff notification does not act to suspend the effectiveness of an advice letter already in effect; however, the notification will extend the review period and prevent the advice letter from being deemed approved.⁹

Unfortunately, delay in disposition is almost inevitable if a Tier 1 advice letter requires a Commission resolution, because Industry Division staff will have to write a draft resolution, place it on the Commission agenda, and (in many instances) circulate it for public review and comment pursuant to Pub. Util. Code § 311(g)(1). Nevertheless, proposed GO 96-B will improve significantly on current practice in that the utility and any protestants will have

⁹ Many advice letters that are subject to staff review do not go into effect pending disposition. These are Tier 2 advice letters (energy and telecommunications) and Ministerial Tier advice letters (water). When an issue arises in the review of these advice letters that requires Commission resolution, staff will so notify the utility and any protestants. The notification will (1) prevent the advice letter from being deemed approved, and (2) serve as a “suspension” pursuant to Pub. Util. Code § 455 of any advice letter that would otherwise go into effect unless suspended within 30 days of the advice letter’s filing. (See General Rule 7.5.) Consequently, the initial review period for Tier 2 advice letters is 30 days, and staff notification that the advice letter will go before the Commission for disposition will be given by the last day of the initial review period.

better information on the status of pending advice letters and will know the steps for concluding the review process.

We emphasize that a change in the mode of disposition from a staff notification (the usual mode of disposition for advice letters in Tier 1 or 2) to a Commission resolution (the mode of disposition for advice letters in Tier 3) does not in itself trigger a new protest period. Finally, the foregoing discussion relates to advice letters that were properly designated Tier 1 or 2. We turn now to the problem of an advice letter improperly designated Tier 1.

- **An Advice Letter Improperly Designated Tier 1 Will Be Rejected Without Prejudice and May Require Remedial Action.**

Because a utility can implement a Tier 1 advice letter before receiving regulatory approval, the improper submittal of an advice letter under Tier 1 is consequential. We see two likely scenarios for this mishap. First, there may be a good faith issue over whether a given advice letter meets the requirements for Tier 1. Second, the improper submittal may be knowing and deliberate, e.g., for the sake of competitive advantage.

As we discussed earlier, we expect that few utilities would run the risk of having to undo an action taken to implement an advice letter improperly designated Tier 1. The costs, the damage to the utility's reputation, and the possibility of sanctions (especially in our second scenario) should give pause to any management that contemplates running this risk. Nevertheless, we need to be clear on how staff will respond, should either of these scenarios occur.

Whenever an issue arises over whether an advice letter was properly designated Tier 1, the reviewing Industry Division will analyze the issue, and if staff determines that the Tier 1 designation was improper, staff will reject the advice letter without prejudice, its effectiveness will cease, and the

Commission will further direct the utility regarding any other remedial actions necessary to undo the advice letter. If staff is unable, before the end of the initial review period, to determine the propriety of the Tier 1 designation, staff will so notify the utility and any protestants prior to the date that the advice letter would otherwise be deemed approved.

3.3 Advice Letters Deemed Approved

Historically, and still today, many advice letters are simple and uncontroversial, as when a utility submits revised tariff sheets to implement specific directions in a statute or Commission order. The revised tariff sheets are readily checked for conformity with the authority cited, and the large majority of such advice letters do not elicit any objection from the reviewing Industry Division or third parties. The “deemed approved” concept is carefully tailored to this situation.

The concept, in brief, is that an advice letter will be deemed approved at the end of the initial review period¹⁰ if the advice letter satisfies all of the following conditions. First, the advice letter is one whose subject is suitable for Industry Division disposition, pursuant to the applicable Industry Rules. Second, the advice letter is unprotested, i.e., no protest has been submitted within the 20 days following the date of filing. Third, there has been no disposition, and the Industry Division has not extended the review period or suspended the advice letter. The General and Industry Rules govern the types of advice letters that may be deemed approved. In particular, the “Ministerial Tier”

¹⁰ As we will discuss later, the “initial review period” is 60 days from the date of filing for advice letters effective pending disposition, and 30 days from the date of filing for all other advice letters.

under the Water Industry Rules, and Tiers 1 and 2 under the Energy and Telecommunications Industry Rules, list the types of advice letters that may be deemed approved.

When an advice letter is deemed approved, no written disposition is necessary; however, the approval will be reported in the Commission's Daily Calendar. Conversely, there will be a written disposition (approval or rejection) for all advice letters except those deemed approved.

4. Timeline for Advice Letter Review and Disposition

In this section, we summarize the major events in handling advice letters under GO 96-B. We highlight the time between the major events, and indicate things that can speed or slow the process.

4.1 Filing, Protest, Reply

The process begins with a utility submitting an advice letter to the appropriate Industry Division. Normally, the Industry Division will accept the advice letter for filing soon after the day it is submitted. The date of filing is the day when the Industry Division reports the advice letter and the utility-designated tier in the Commission's Daily Calendar. The Industry Division may delay the filing if, for example, the advice letter is incomplete.¹¹ In that case, the utility will have an opportunity to supply the missing material to the Industry Division and to everyone on whom the advice letter was served. See General Rule 5.6.¹²

¹¹ The General and Industry Rules have content requirements for the various types of advice letters. In addition, all advice letters must have a cover sheet with "scoping" information. See General Rule 5.5.

¹² If the utility does not correct the defect within a reasonable time, the Industry Division will return the advice letter with a statement of the defect. Returning the

Footnote continued on next page

Assuming the advice letter filing is not delayed as discussed above, then the Daily Calendar report should happen quickly. The 20-day protest period runs from the date of filing, i.e., the day when the advice letter is reported in the Daily Calendar. The utility must reply to any protest; the reply is due five business days after the end of the protest period.

The filing, protest, and reply process is common to all advice letters. The timeline thereafter depends on the tier of the particular advice letter, and on the kinds of issues (if any) that emerge as the result of protest or the reviewing Industry Division's own analysis. Review time beyond the initial review period for a given advice letter may be taken so that the Industry Division may complete its analysis, and draft a resolution if one is necessary to the disposition of the advice letter.

Since the review timeline may vary by tier once the filing, protest, and reply steps are completed, our summary will address each tier separately. First, however, we discuss some statutory provisions related to the review process for advice letters.

4.2 Review and Suspension Under Public Utilities Code Section 455

The Public Utilities Code has many requirements for Commission procedures but relatively few requirements specific to advice letters.¹³ In

advice letter in these circumstances does not constitute a disposition; since the utility never submitted a proper advice letter, the advice letter will not have been filed.

¹³ One statute that expressly refers to advice letters is Pub. Util. Code § 455.1, authorizing the use of that procedure by water utilities on matters related to "service of recycled water." Also, Pub. Util. Code § 455.3 appears to contemplate the use of advice letters by oil pipelines in seeking rate changes. Both of these statutes contain their own timelines and provisions for the proposed rates to become effective on an interim basis subject to refund. When dealing with an advice letter whose subject comes within one

Footnote continued on next page

devising our timelines for advice letter review, we have relied chiefly on Pub. Util. Code § 455. That statute only governs tariff changes “not increasing or resulting in an increase in any rate.”¹⁴ Section 455 authorizes the Commission to investigate and, if need be, to suspend proposed tariff changes. In relevant part, § 455 says that:

- Such a tariff change that is not suspended by the Commission shall become effective 30 days after filing “or a lesser time[,] subject to the power of the [C]ommission...to alter or modify” the tariff change;
- The Commission may “enter upon a hearing” on the proposed tariff change;
- The tariff change will not go into effect (i.e., the change is “suspended”) pending the “hearing” and Commission decision; and
- The Commission may continue the suspension for 120 days “beyond the time when [the tariff change] would otherwise go into effect” and may extend this period of suspension “for a further period not exceeding six months.”

In GO 96-B we propose to use the above timelines (with minor adjustments depending on the tier) for reviewing essentially all advice letters, including those advice letters that increase or result in an increase in rates. The only exceptions are those few advice letters for which a different process or timeline is specified by statute or by other Commission order.

While § 455 allows up to 330 days (including initial review and periods of suspension) for disposition of an advice letter, we are confident that

of these statutes, the applicable Industry Rules follow the specific statutory timeline and not the general review timeline described in the text accompanying this footnote.

¹⁴ Rate changes generally are governed by Pub. Util. Code § 454, but that statute, in contrast to § 455, does not contain a timeline for review of proposed changes.

review of most advice letters under GO 96-B will consume much less time. To speed review and disposition, we (1) expressly delegate authority to the Industry Divisions to handle the review and disposition of many kinds of advice letters, and (2) allow certain noncontroversial advice letters to be deemed approved within a stated period (30 or 60 days, depending on the tier). These two changes to current practice should significantly improve the timeliness of our advice letter dispositions.

Another improvement in GO 96-B over current practice is that, while we expressly authorize the reviewing Industry Division to suspend a proposed tariff change while investigating the change, we also limit the length of time for which the tariff change may be suspended. Regrettably, we will need to use this suspension authority often for advice letters that require disposition by Commission resolution. Resolutions generally must be circulated for public review and comment pursuant to Pub. Util. Code § 311(g)(1). Drafting, placing on the Commission's agenda, and voting on a resolution within the 30-day initial review period contemplated by § 455 is generally not possible. With rare exceptions, the disposition of Tier 3 advice letters, and of any other type of advice letter for which a Commission resolution is usually required, will consume more than 30 days despite everyone's best efforts.¹⁵

4.3 Review of Tier 1 Advice Letters

The initial review period for a Tier 1 advice letter (i.e., an advice letter effective pending disposition) is 60 days; filing, protest, and reply all occur

¹⁵ An exception would be those instances where the reviewing Industry Division can make the disposition on a ministerial basis. For example, if a Tier 3 advice letter depends on a calculation that proves to be mistaken, rejection of the advice letter would be ministerial, and there is no need for a Commission resolution.

during this period, as described above. After 60 days have elapsed from the date of filing, the advice letter is deemed approved unless there is a timely protest or the reviewing Industry Division notifies the utility and protestants (if any) that the initial review period is being extended.

The Industry Division may extend the period for various reasons. For example, staff may need to get additional information regarding the advice letter, typically by means of an information request to the utility (see General Rule 7.5.2). Staff may also need more time to complete its analysis of the advice letter, or to draft a resolution if staff finds that Commission disposition of the advice letter is necessary. In addition, where there has been a timely protest and there has not been a disposition of the advice letter within the initial review period, the review period will be automatically extended. In that situation, the Industry Division will notify the utility and protestants of the length of the extension.

On or before the 60th day, the Industry Division will notify the utility and any protestants if disposition of the advice letter will not occur within the 60-day initial review period. The notification will state the reason for the extension. This first extension of the review period is for up to 90 days. There may be a further extension of up to six months (180 days); thus, disposition of a Tier 1 advice letter should not consume more than 330 days (= 60 days for initial review + up to 90 days for 1st extension + up to 180 days for final extension).

In short, while the overall timeline for Tier 1 advice letters is consistent with § 455, we have structured the first 150 days differently: The initial review period under GO 96-B is 60 days, not 30 days. However, the 30-day initial review period under § 455 does not concern the date by which an advice letter must be approved or rejected. Instead, the statute sets the date by which proposed tariff changes must either be suspended or allowed to take

effect, “subject to the power of the [C]ommission...to alter or modify them.” Since we are allowing Tier 1 advice letters to become effective pending disposition, we are not constrained by § 455 to complete our review within 30 days. Note also that an extension of the Tier 1 review period means only that disposition of the advice letter will take a little longer; the extension does not cancel the effectiveness of the advice letter.

Our reason in choosing a 60-day initial review period for Tier 1 is to ensure that our procedural innovation (i.e., allowing certain advice letters to become effective pending disposition) works as we intend. Although we expect the new procedure will benefit consumers and stimulate competition, these results will depend, in part, on our finding and promptly correcting any misuse of the procedure. A 60-day rather than a 30-day initial review period is therefore necessary to allow adequate scrutiny before the advice letter may be deemed approved.

4.4 Review of Tier 2 Advice Letters

Like Tier 1, Tier 2 advice letters concern matters generally not expected to require a Commission resolution; however, unlike Tier 1, the tariff or other changes proposed in a Tier 2 advice letter do not become effective until the advice letter is approved. As discussed earlier, a utility that prefers prior approval to immediate effectiveness may submit under Tier 2 an advice letter that otherwise would qualify for Tier 1.

The initial review period for a Tier 2 advice letter is only 30 days. The initial and further review periods follow the § 455 timeline exactly. Thus, a Tier 2 advice letter is deemed approved if, after the 30-day initial review period has elapsed, there is no timely protest and the reviewing Industry Division has not

notified the utility that the advice letter is being suspended.¹⁶ However, the Industry Division will suspend the advice letter to continue its review beyond the initial review period. Our General Rules deliberately use “suspension” rather than “extension” to describe review of a Tier 2 advice letter beyond the initial review period. In contrast to a Tier 1 advice letter, which continues in effect during subsequent review periods, a Tier 2 advice letter is not in effect during the initial review period, and its effectiveness will be suspended throughout any subsequent review period. The suspension is consistent with § 455 and with the fundamental premise of Tier 2 (and Tier 3) advice letters that approval of these advice letters must occur before any proposed change becomes effective.

4.5 Review of Tier 3 Advice Letters

Tier 3 advice letters concern matters whose disposition is expected to require action by the Commission.¹⁷ As with Tier 2 advice letters, the initial review period is 30 days, but unlike Tier 2, a Tier 3 advice letter may not be deemed approved. Due to the kinds of subjects dealt with in Tier 3 advice letters, proper regulatory oversight requires us to ensure affirmatively the propriety of a Tier 3 advice letter before allowing the proposed changes to take

¹⁶ The grounds for suspension for Tier 2 advice letters are the same as for extension of the review period for Tier 1 advice letters: getting additional information, completing staff’s analysis, dealing with a protest, or drafting a resolution where Commission disposition of the advice letter proves to be necessary. The first suspension of a Tier 2 advice letter is for up to 120 days, and there may be a further suspension for up to 180 more days. This overall timeline results in up to 330 days for disposition of a Tier 2 advice letter, the same as for Tier 1.

¹⁷ Industry Division disposition of a Tier 3 advice letter is possible, however, where the advice letter contains the kind of defect where rejection of the advice letter would be ministerial.

effect, regardless of whether there has been a protest to the advice letter. Since GO 96-B provides that a tariff change proposed in a Tier 3 advice letter may not become effective unless and until the Commission itself approves the advice letter, the suspension of such advice letters under GO 96-B is automatic if (as generally will be the case) disposition does not occur by the end of the initial review period.

Because Commission resolutions, like other Commission decisions, are subject to public review and comment under by Pub. Util. Code § 311(g)(1), only in extraordinary circumstances will we be able to dispose of a Tier 3 advice letter by the end of the initial review period.¹⁸ For virtually all Tier 3 advice letters, the reviewing Industry Division will send a suspension letter to the utility and any protestants by the end of that period. The letter will indicate that staff is drafting a resolution for the Commission's consideration, and will remind the utility that the proposed changes do not become effective during the suspension. The suspension letter will also note whether staff is seeking additional information or is otherwise still completing its analysis of the advice letter.

The suspensions for Tier 3 mirror those for Tier 2. Thus, the first suspension is for up to 120 days, and there may be a further suspension of up to 180 more days. Overall, disposition of a Tier 3 advice letter should not require more than 330 days.

¹⁸ Pub. Util. Code § 311(g)(2) provides for reduction or waiver of the period for public review and comment in some situations, and § 311(g)(3) allows the Commission to establish, by rule, additional categories of decision subject to such reduction or waiver. We have adopted rules to implement this authority. See footnote 2 and accompanying text. We expect these rules, together with statutory provisions for reduction or waiver, will enable us, for many Tier 3 advice letters, to minimize delay beyond the initial 30-day review period, but neither the statute nor the rules are likely to eliminate the need for suspension letters except in the case of unforeseen emergencies.

4.6 Other Advice Letter Tiers

At an early stage of developing GO 96-B, staff and workshop participants cut down the advice letter tiers to the three we just described. We agree with this recommendation. The tiers we have now depend on fundamental concerns, such as the scope of the authority that we may delegate to staff. Additional tiers are likely to result in complexity and confusion, rather than clarity and ease of administration.

The Water Industry Rules, in fact, present an even simpler tier structure because those rules do not provide for an advice letter to become effective pending disposition. The “Ministerial Tier” under the latter rules corresponds to “Tier 2” for energy and telecommunications. The timeline for handling these water advice letters will be the same as we described for Tier 2, while advice letters in the “Discretionary Tier” under the Water Industry Rules will follow the timeline we described for Tier 3.

Finally, we note that the Legislature has enacted special procedures for certain advice letters. (See Pub. Util. Code §§ 455.1 (recycled water), 455.3 (rate changes for oil pipelines).) We have assigned these types of advice letter to the tier best approximating the statutory procedures, but we also propose Industry Rules specific to these types of advice letters where necessary to implement the respective statutes.

4.7 Disposition of Advice Letters

Uncontested advice letters in Tiers 1 or 2 may be deemed approved without a written disposition. In all other instances, there will be a written disposition. As discussed earlier, written disposition of Tier 1 and 2 advice letters typically will be by letter from the reviewing Industry Division, while disposition of Tier 3 advice letters typically will be by Commission resolution.

Whatever the mode of disposition, and regardless of whether the disposition is an approval or a rejection, all dispositions will be reported in tabular form at the Commission's Internet site. The table of dispositions will be updated regularly, so that anyone can readily determine whether and when a particular advice letter was approved or rejected. Also, consistent with current practice, the reviewing Industry Division, upon approval of an advice letter, will return to the utility the relevant tariff sheets stamped with the effective date.

On the following two pages, we provide tables summarizing the key provisions of GO 96-B regarding the disposition (Table 1) and effective date (Table 2) of advice letters. These tables distill many provisions of GO 96-B, most notably General Rules 7.6.1 and 7.6.2 (disposition) and General Rules 7.3 to 7.3.5 (effective date), and the tiers of review under the respective Industry Rules. While we have made great efforts to ensure the accuracy of these tables, they cannot substitute for careful reading of the relevant rules, the language of which is controlling.

Table 1: DISPOSITION OF ADVICE LETTERS

In general, the reviewing Industry Division, by letter, will approve or reject an advice letter (AL) submitted in Tier 1 or 2 (or Water's Ministerial Tier); the Commission, by resolution, will approve or reject AL submitted in Tier 3 (or Water's Discretionary Tier). Exceptions will occur, however, due to utility error or issues arising during review. The following table shows how exceptions will be handled.

1. Utility Designates Wrong Tier

<u>Designated Tier</u>	<u>Proper Tier</u>	<u>Staff Action</u>
1	2 or 3	Reject w/o prejudice
2	3 ^a	Reject w/o prejudice
3	1 or 2	Approve/reject under Tier 2 ^b
any	none ^c	Reject w/o prejudice

2. Utility Designates Correct Tier But . . .

- Any tier: AL is clearly erroneous Reject
- Any tier: matter in AL requires hearing Reject w/o prejudice
- Any tier: issue requires exercise of discretion Prepare resolution

3. Remedial Action by Utility if AL is Rejected w/o Prejudice

- Wrong Tier: Utility may submit new AL in proper tier
Utility must stop implementation (Tier 1)
- Hearing Required: Utility may file formal proceeding
- Matter Inappropriate for AL: Utility may file formal proceeding

^a Note that a utility may designate for Tier 2 an advice letter that would qualify for Tier 1. The Tier 2 designation therefore is not "wrong" in this situation.

^b However, by the utility's wrongly designating Tier 3, the advice letter may not be deemed approved.

^c This situation arises where the subject matter of the advice letter requires a formal proceeding (typically, an application or petition for modification).

Table 2: EFFECTIVE DATE OF ADVICE LETTERS

Normally, under GO 96-B, Water advice letters will become effective upon approval, while Energy and Telecommunications advice letters will become effective either upon approval (Tiers 2 and 3) or on the date when the utility submits its advice letter to the reviewing staff (Tier 1). Other effective dates are sometimes possible, where statute, other Commission order, or the utility itself designates another effective date. This table summarizes the major possibilities, which are detailed in General Rules 7.3 to 7.3.5. Regarding the process by which disposition of advice letters occurs, see General Rules 7.6.1, 7.6.2.

	<u>Tier 1^a</u>	<u>Tier 2^b</u>	<u>Tier 3^c</u>
“normal” effective date:	on date submitted	upon approval (may be deemed approved)	upon resolution approval (no deemed approval)
“early” effective date:	• per statute, CPUC order	• per statute, CPUC order	• per statute, CPUC order
“later” effective date:	• if requested by utility <u>and</u> not inconsistent w/ statute, CPUC order • per statute, CPUC order	• if requested by utility <u>and</u> not inconsistent w/ statute, CPUC order • per statute, CPUC order	• if requested by utility <u>and</u> not inconsistent w/ statute, CPUC order • per statute, CPUC order

^a Under Energy and Telecommunications Industry Rules only.

^b “Ministerial Tier” under Water Industry Rules.

^c “Discretionary Tier” under Water Industry Rules.

5. Changes to the General Rules

In addition to solidifying the details of internal administration for GO 96-B, we have developed several important refinements to the General Rules and the respective Industry Rules, as they were set forth in the order instituting this rulemaking. Sections 5.1 to 5.11 describe the principal additions and modifications to the General Rules.

5.1 Advice Letter Request to Modify a Resolution

We have changed General Rules 5.1, 5.2, and 7.2, as originally proposed, to clarify the provisions we made for advice letter requests to modify a Commission order. We need to distinguish those Commission orders that are subject to modification through an advice letter from those that are not. If the order in question was issued in a formal proceeding, then the request must also be made formally (typically, through a petition for modification or a new application). If, however, the order was a resolution disposing of a prior advice letter, we believe the resolution in general should be subject to modification through the same informal procedure, so long as proper notice is given.¹⁹ Thus, to make this distinction explicit, we clarify our General Rules on (1) matters appropriate to advice letters and matters appropriate to formal proceedings; and (2) requirements for serving advice letters.

¹⁹ Conceivably, a request to modify a resolution may raise issues whose disposition would require a formal proceeding. For example, a simple update to an existing utility program is more likely to be suitable for an advice letter than is a broad change to that program. The scope of requested relief is always key in determining the propriety of presenting a utility request by means of an advice letter.

5.2 Advice Letter Cover Sheet and Contents

The Industry Divisions all require that an advice letter have a cover sheet and specific contents. We conclude that these subjects deserve inclusion in the General Rules. Thus, we propose today to add General Rule 5.5, requiring a utility to submit and serve a cover sheet with its advice letter, and General Rule 5.6, setting forth broadly applicable content requirements.

The cover sheet will concisely summarize all critical information about a given advice letter, such as the designated tier, the affected product or service, the magnitude of any rate change, the legal authority on which the utility relies, referral to other pending advice letters that might affect the same tariffs, and information for contacting the utility. The cover sheet should be helpful to everyone concerned with advice letter procedure. The utility can use the cover sheet as a check list to help ensure that a given advice letter is complete and logically assembled. The Industry Division and other reviewers can use the cover sheet to identify issues, assign personnel, and set internal schedules and priorities. In essence, the cover sheet is the road map for a given advice letter, analogous to the “scoping memo” that we use in formal proceedings. Neither the cover sheet nor any of the information contained in the cover sheet may be treated as confidential under General Rule 9. (See also Section 5.9.)

Similarly, the content requirements eliminate guesswork for the utility preparing an advice letter, help ensure that the advice letter is complete and easy to review, and limit the need for information requests after the advice letter is submitted. Both the cover sheet and the content requirements are calculated to enable effective review of advice letters within the tight timeframes available.

5.3 Advice Letter Supplements

We propose in General Rule 7.5.1 to allow a utility to modify its advice letter or accompanying tariff by submitting a supplement and serving the

supplement on everyone that received the original advice letter. We also propose to abolish the alternative modification method referred to as a “slip sheet” or “substitute sheet.”

Historically, a substitute sheet was used to make corrections purported to be nonsubstantive. Because the utility was not always required to serve a substitute sheet, people affected by the tariff change did not always receive the final text of the proposed new or revised tariff before its approval. Also, substitute sheets were often identified only by an asterisk, leading to confusion even after approval.

Because the language of a tariff controls the terms and conditions of service provided under the tariff, any confusion about the text of the tariff is intolerable. Indeed, one of the main goals of this proceeding is to ensure that everyone concerned (utility, customers, and Industry Division staff) can determine quickly and without mystery the text of any given tariff as in effect at any given time. Our historic practice regarding substitute sheets is inconsistent with that goal.

In contrast, advice letter supplements are both served and identified by letter suffix. Their exclusive use to modify advice letters will enhance the review process and better track the text of proposed and approved tariffs. Since we allow both advice letters and advice letter supplements to be served electronically, eliminating substitute sheets will not impose significant additional burden on utilities. Moreover, under proposed General Rule 7.5, revisions that are truly minor will not extend the protest period or delay the effective date of the advice letter, and in those situations where comment on the revision is appropriate, the scope of such comment will be confined to the substance of the revision.

5.4 Requesting Information

How and when the reviewing Industry Division may obtain additional information from a utility about its advice letter is the subject of proposed new General Rule 7.5.2. To explain this proposal, we first discuss the role of supporting data and information gathering in the advice letter process.

The advice letter process is intentionally informal. Applications and other formal proceedings provide the forum for matters involving hearings, an evidentiary record, and disputed material facts. Advice letters, in contrast, should rarely involve extensive data gathering.²⁰ Also, a utility should ensure that its advice letter includes all necessary supporting data when submitting the advice letter; otherwise, staff cannot be expected to complete review of the advice letter within the tight timeframes available.

On occasion, on the basis of staff's own review or of a protest, staff may find that narrowly defined additional information is needed for disposition of an advice letter. In that situation, staff should simply request the information from the utility rather than disapprove the advice letter.

New General Rule 7.5.2 will apply the policies outlined above. Instead of prescribing a detailed discovery process, we allow staff and the utility to work out particular arrangements for production of information. If a material fact remains in dispute after reasonable efforts to resolve it, General Rule 5.4

²⁰ If disposing of a matter requires extensive additional data to be generated, analyzed, and/or debated, the matter normally should be submitted as a formal proceeding rather than as an advice letter. However, the need for such additional data sometimes is not apparent until staff has reviewed the advice letter and any protests.

provides two options: Either the utility can withdraw the advice letter,²¹ or the reviewing Industry Division can reject it without prejudice to its refiling as a formal proceeding. If staff believes determination of all material facts can be made on the basis of information provided by the utility, staff will prepare a disposition pursuant to General Rule 7.6.1 or 7.6.2, as appropriate.

5.5 Sanctions

In our original rulemaking proposal, General Rule 7.5.3 (“Advice Letters Effective Pending Disposition”) contained provisions for a penalty of \$500 per day if a utility that submitted an advice letter effective pending disposition failed to correct or revise the advice letter after being notified by the reviewing Industry Division of a defect in the advice letter. After reviewing the comments, we have decided to modify this General Rule. The essential message we want to convey is that the utility conduct the General Rule describes is sanctionable by the Commission. Whether and what sanctions are imposed will depend on the facts of the particular case. The specificity in our original proposal has caused commenters to assume that the specified sanction will always be imposed, and that only this sanction will be imposed. Neither assumption is correct, and we have modified the sanction provision to make it more general and to better convey our essential message.

5.6 Advice Letters Deemed Approved; Effective Date

In our original rulemaking proposal, we said in General Rule 7.6.1 that the reviewing Industry Division did not need to make a written disposition

²¹ Such withdrawal is without prejudice to refiling as a formal proceeding. However, an advice letter that is effective pending disposition may not be withdrawn on or after the effective date. See General Rule 5.4.

in granting an unprotested advice letter—the disposition would simply be reported at the Commission’s Internet site. In essence, this provision allowed an advice letter to be deemed approved in these circumstances. To make the provision explicit, and to clarify the timing of approval, we now propose to add a new paragraph to General Rule 7.6.1. We have also greatly expanded General Rule 7.3 from our original proposal. In this rule, we intend to cover all the permutations of how and when an advice letter may become effective.

5.7 Information About Tariffed Services

In our original rulemaking proposal, General Rule 8.2 (“Serving Under Tariffs”) said that utilities must serve their California customers only pursuant to tariff terms and conditions,²² and that ambiguities in a tariff would be construed against the utility. Both statements are boilerplate of public utility law, and are still sound. However, we propose to add provisions to General Rule 8.2 to better address contemporary conditions in the utility industries.

First, we will require utility representations, for example in ads regarding a tariffed service, to be consistent with the terms and conditions of the applicable tariff(s). Most consumers rely on the utility’s service representative or advertising for information about service choices, and we suspect that few consumers, now or historically, read the underlying tariffs before arranging for service. Thus, consumer protection requires ensuring that utilities accurately describe their tariffed services in all their representations to the public. The utility must bear the duty of ensuring such accuracy, which naturally

²² General Rule 8.2 also recognizes that deviations from tariffs might be approved in particular circumstances, and that statute or Commission order might authorize general exceptions to the tariff requirement for particular types of services or utilities.

complements the utility's long-standing duty to ensure that the tariffs themselves are clear and unambiguous.

Second, we will require a utility's tariffs to identify optional features as such, to disclose alternative means (such as different rate plans) of obtaining a particular service, and in both cases to specify the means by which the customer chooses.²³ Choices are good from the customer's perspective (in that they enable a better fit between the customer's needs and the services selected to meet those needs), but they complicate tariff drafting, as compared to traditional, "one-size-fits-all" service. For example, several different tariffs may have to be cross-referenced, depending on the range of choices the customer is offered. Our proposed requirement is intended to help ensure that tariffs fully and readily disclose information a customer would need in deciding between service options.

Some commenters have proposed standards for clarity of tariffs. We endorse the goal of writing tariffs that are understandable to consumers, but we think there are many problems in adopting a specific standard. Is the utility to assume an "average" consumer? Does such an assumption make sense in connection with a tariff for a technically complex business or industrial service? Is the utility required to render a complex legal requirement into language understandable to, say, an eighth grade reader? If a utility wants to write its new tariffs in plainer English, what should the utility do about its hundreds of pages of existing tariffs, which cannot be revised overnight? These are hard questions that go beyond the scope of this rulemaking. For present purposes, we affirm

²³ GO 96-A already has similar requirements, but they are obscurely located in a list of mandatory "tariff rules." We retain this list (see General Rule 8.5.7), while recodifying and clarifying these particular requirements.

our historical approach to tariff content. That approach, as reflected in proposed General Rule 8.2, is to require that the utility provide comprehensive tariffs and bear the risk of any tariff ambiguity.

5.8 Publishing Tariffs

As discussed earlier, we have decided to make Internet publication of tariffs a requirement for utilities whose gross intrastate revenues exceed \$10 million. At the same time, for any utility so publishing its tariffs, we are relaxing the requirement to maintain tariffs for public inspection at utility offices. For all utilities, a caller may obtain tariff information or order copies by telephone. (See General Rules 8.1 to 8.1.3.) Finally, we have added a statement explaining our purpose in requiring utilities to compile and publish the tariffs under which they serve their California customers. (See General Rule 8.1.1.)

The premise for all of these requirements is that public access to tariffs is vital as long as utility service continues to depend, generally or to any significant extent, on filed tariffs. Meaningful public access requires that an interested person be able to determine (1) the tariffs in effect, the tariffs that would be affected by pending advice letters, and the tariffs that are no longer in effect, and (2) the tariffs that govern (or formerly governed) the provision of a particular product or service at a particular time. We have crafted General Rules 8.1 to 8.1.3 with these public access goals in mind.

5.9 Confidential Material in Advice Letters

In our original rulemaking proposal, we provided in General Rule 9 for treatment of material asserted to be confidential. The rule said, in part, that an advice letter could not be effective pending disposition if the utility submitting the advice letter requested it to be treated as confidential in whole or part. We continue to be very concerned, for reasons discussed in Section 3.1, that advice letters effective pending disposition receive due scrutiny. However, after

reviewing comments on General Rule 9, we believe our original proposal can be liberalized. Today we propose that a utility may request confidential treatment for parts of an advice letter effective pending disposition, but only if the utility concurrently provides access to the entire advice letter to those persons on the utility's advice letter service list who have executed a reasonable nondisclosure agreement for purposes of advice letter review.²⁴

5.10 Numbering Tariff Sheets

In lieu of individually negotiated contracts, a utility's tariffs systematically describe its services, products, and relationships with its customers. Any interested person, including a current, former, or potential customer, should be able to determine the applicable tariffs currently in effect, or in effect as of a particular date, for a particular utility. A logical system of tariff sheet numbering is helpful in making such determinations; however, the existing GO 96-A numbering system is incomplete. We propose several improvements to better accommodate revising existing sheets, inserting additional sheets, and keeping track of these changes.²⁵

²⁴ Of course, confidential treatment may be requested only for information for which such treatment is authorized by statute or Commission order. General Rule 9 does not broaden the types of information that may be kept confidential. Also, neither the cover sheet of an advice letter nor any of the information in the cover sheet may be kept confidential.

²⁵ Our improvements are based on the tariff numbering system adopted by the Federal Communications Commission (FCC) (see generally Title 47, Chapter 61 of the Code of Federal Regulations). By Resolution U-275 (March 25, 1947), we authorized telecommunications utilities to follow the FCC system in their California tariffs.

The crux of the numbering system was, and will continue to be, consecutive numbering, starting with tariff sheet 1.²⁶ When a utility starts operations, consecutive numbering presents few difficulties, but this pristine condition does not last long. For example, the utility may need to revise the content of a particular sheet. Under GO 96-A, the utility may replace Original Sheet 5 with a differently numbered Revised Sheet; we propose, instead, that an Original Sheet 5 be replaced by a Revised Sheet bearing the same number, so that Original Sheet 5 is replaced by 1st Revised Sheet 5, and then by 2nd Revised Sheet 5, and so on.

Another confusion arises when a utility needs to add new sheets, especially when these new sheets relate to an existing service. GO 96-A does not clearly say how the utility is to insert and number new sheets when they should go between its current tariff sheets, so that all the sheets setting forth a given product or service are kept together in logical order. We propose that the utility maintain subject matter cohesion by inserting new sheets, using a decimal numbering system where appropriate. For example, the utility will insert Sheets 5.1, 5.2, and so on, following Sheet 5; and if need arises, Sheets 5.1.1, 5.1.2, and so on will be inserted following Sheet 5.1.²⁷

²⁶ The FCC allows a utility, as an alternative, to number its tariff sheets to reflect the section number of the tariff as well as the page. For example, under the alternative, sheets in Section 1 would be numbered 1-1, 1-2, and so on. Provided that the utility uses only one page numbering system throughout its tariffs, this alternative is acceptable to us.

²⁷ In this situation, the FCC allows an “alpha” suffix (for example, 5A, 5B, and so on) in lieu of the decimal system. Again, provided the utility is consistent throughout its tariffs, use of the “alpha” suffix is acceptable to us.

GO 96-A requires only a Table of Contents covering all of a utility's tariffs; for many utilities, whose tariffs may run to several shelf feet, such a table is unwieldy. We propose, in addition, that a utility include a "check sheet" with each of the utility's tariff schedules, and each of its bound volumes. The check sheet would list all the effective tariff sheets, by page and revision number, for that schedule or bound volume.

All utilities starting operations after the effective date of GO 96-B must number their tariff sheets consistent with the improved system described above. Telecommunications utilities that file tariffs in compliance with the FCC system are already in compliance with the GO 96-B tariff sheet numbering system. For utilities not in compliance with that system as of the effective date of GO 96-B, we will delegate authority to the Industry Divisions to require renumbering in accordance with schedules that the respective divisions may adopt. Finally, the Industry Divisions may excuse compliance by small utilities and by a utility (such as oil pipelines) that must file tariffs in accordance with a federal tariff sheet numbering system that is incompatible with our system.

5.11 Miscellaneous Changes

In addition to the major changes discussed above, we have clarified or modified many General Rules in response to comments or upon our own further reflection. All proposed changes to the General Rules are shown in Appendix A, with new language underlined and deleted language struck through.

Among the additional changes, the following are notable. We have clarified our use of "public utility," the interrelationship between General and Industry Rules, and the applicability of GO 96-B. (General Rule 1.1.) We have also clarified the distinction between "formal" and "informal" matters (General Rules 3.7, 5.1), and clarified the definition of "person" to include both natural persons and legal entities. (General Rule 3.10.) We have revised several General

Rules by replacing “advice letter filer” with “utility.” We have completely rewritten General Rule 7.5 to reflect the process of advice letter review as described in Sections 3-4.7 of today’s decision. In General Rule 8.2.3, we essentially carry over the provisions in GO 96-A for deviation from tariffs in case of emergency or to serve government agencies; however, we liberalize the provisions applicable to telecommunications utilities so that, during emergencies, they may provide free or reduced rate service to the public, and not just to government agencies. We have revised General Rule 8.5.4 to better describe the utility’s responsibility for delineating the boundaries of its service area through maps and verbal descriptions. Finally, we have deleted our proposal for a “Customer Request for Deviation” (General Rule 10 in the original rulemaking proposal); instead, consistent with current practice, the Industry Divisions may assist informally when a customer believes a utility is unreasonably rejecting the customer’s request for a deviation.

6. Changes to Energy Industry Rules

The Energy Industry Rules are drastically shortened, compared to the version set forth in the order instituting this rulemaking. Even at that time, there were many areas where the Energy Industry Rules overlapped the General Rules. With the clarification and expanded coverage of the General Rules proposed in today’s order, we saw that all of the Industry Rules needed severe pruning. The Energy Industry Rules set forth in Appendix B are less than half the length of the prior version, and we have also revised their format and structure to fit better with both the General Rules and the other Industry Rules.

The tier structure of the Energy Industry Rules has been simplified. Conceptually, Tiers 1, 2, and 3 for energy and telecommunications are now identical. Advice letters for oil pipeline rate changes will be handled under Tier 1 because these advice letters may be effective pending disposition, but an

additional Energy Industry Rule is proposed to implement other aspects of the statutorily-mandated procedures for these changes.

The prior version of the Energy Industry Rules did not specifically address advice letters proposing new products or services. In their comments, several energy utilities jointly suggested that “Pilot Programs for Discretionary Products and Services” could be initiated simply by submission of notice to the Commission through an information-only filing (General Rule 6). We reject the suggestion. Our recent experience shows that proposed new products or services commonly raise controversial and difficult issues. An information-only filing is completely unsuitable for dealing with such issues, since by definition (General Rule 3.9) an information-only filing is only a report; it is not subject to protest, and does not receive a disposition. Even a pilot program should not go forward on such a thin basis. For new energy products and services to be offered under tariff, we find that under current conditions only Tier 3 provides an appropriate level of regulatory scrutiny. Thus, an advice letter proposing a new tariffed energy offering must be submitted for review under Tier 3, and may not be approved or become effective except by Commission adoption of a resolution approving the advice letter.²⁸

As expressly authorized in some of the General Rules, the Industry Rules may set other or additional requirements regarding certain subjects addressed in those General Rules. Energy Industry Rules 6 to 6.4 have tariff requirements that go beyond the General Rule provisions on Internet publication, description of

²⁸ We note that our Affiliate Transaction Rules already govern the offering of new nontariffed products or services. (See D.98-08-035, Appendix A, Rule VII.) We intend to review, and possibly revise, these rules shortly, but pending that review they will continue to govern the energy utilities’ nontariffed offerings.

service area, and tariff contents. The first two of these requirements are additions to the Energy Industry Rules as initially proposed.

Regarding Internet publication, Energy Industry Rule 6.1 requires the utility to publish both the text and the current status of all tariff sheets, beginning with the date when the utility had to comply with the Internet publication requirement. Essentially, under this rule, the utility's Internet site will contain a comprehensive, searchable tariff file that will include the tariff sheet corresponding to every used tariff sheet number, starting with all of the tariff sheets in effect or pending review as of the date the utility had to begin Internet publication. The published tariffs will enable any person to easily research the evolution of a particular tariff provision through successive revisions, and will resolve questions about the status of a particular tariff sheet since the published tariffs will indicate whether the sheet is in effect, pending, withdrawn, rejected, or no longer in effect (i.e., canceled).

Regarding description of service area, Energy Industry Rule 6.2 requires that the utility include, among other descriptors, the zip codes wholly or partially within its service area. In the Energy Division's experience, this zip code information has been very useful to staff and others, and should be required of all energy utilities.

7. Changes to Telecommunications Industry Rules

As with all of the Industry Rules, the Telecommunications Industry Rules have been revised to better fit with the General Rules. The new version of the Telecommunications Industry Rules is shorter; the format and structure more closely follow those of the General Rules and the other Industry Rules; and provisions that unnecessarily duplicated or overlapped provisions of the General Rules were eliminated.

The main substantive changes to the Telecommunications Industry Rules concern allocation of subject matter to different tiers. For example, for advice letters proposing new services, we had distinguished initially between such proposals, depending on the type of carrier making the proposal: A local carrier operating under our “New Regulatory Framework” (i.e., a “NRF-LEC”) would submit a Tier 2 advice letter (effective after staff approval), but a local carrier competing with the NRF-LEC could submit a Tier 1 advice letter (effective pending disposition). We have reconsidered this distinction; under the new version of the Telecommunications Industry Rules, all such proposals would be reviewed under Tier 2. The new version is more fair, and ensures that proposed new services receive regulatory scrutiny before they become effective. At the same time, GO 96-B review of advice letters proposing new services would be streamlined relative to such review under GO 96-A, since the initial review period is shorter (30 days instead of 40), and if no controversy arises the advice letter thereafter may be deemed approved.

Similarly, the new version would shift from Tier 1 to Tier 2 the review of certain advice letters that propose to withdraw a service,²⁹ or to realign a boundary or exchange area if the realignment results in increased rates or more restrictive terms or conditions. The shift ensures regulatory scrutiny of actions that could limit service or increase costs to customers. Among other things, staff can determine whether affected customers have been notified and, if not, can require appropriate corrective action by the utility.

²⁹ Note that Industry Division disposition is permitted only if the service proposed to be withdrawn is one for which affected customers would still have an alternative service provider. Where no such alternative exists, approval for withdrawal requires a formal application.

The new version also streamlines the procedure for submitting contracts for tariffed services. Under the procedure, all such contracts (except for contracts entered into by a “GRC-LEC,” i.e., a local exchange company still operating subject to general rate case ratesetting and regulatory oversight) may be effective when signed, or as otherwise provided in the contract. GO 96-A contained such a procedure but limited it to government contracts.

There are several other notable substantive changes. In the order instituting this rulemaking, we had proposed to require a NRF-LEC to submit a formal application to update its authorized price cap, or to change the price floor or ceiling, or other term or condition, of a Category II service. For price floor increases and ceiling decreases, this procedure would have been more restrictive than current procedure, under which these changes could be made by advice letter. On further consideration, we now propose to allow a NRF-LEC to seek to change the price floor or ceiling, or other term or condition, of a Category II service by means of a Tier 3 advice letter. We have also revised our proposal regarding customer notice. We had previously proposed that such notice of an increased rate or charge, or of a more restrictive term or condition, be provided either 15 or 30 days (depending on the service) before the increase or other change would become effective. We now propose to require customer notice at least 25 days before the effectiveness of any such change.

The new version of the Telecommunications Industry Rules also dispenses with the characterization of carriers as “dominant” or “non-dominant,” and instead refers directly to carriers by class (e.g., local exchange carrier, interexchange carrier, and so on). Several additional terms are defined, and procedures for specific types of advice letters (for example, asset transfers) are provided.

8. Changes to Water Industry Rules

The changes to the Water Industry Rules, compared to the version set forth in the order instituting this rulemaking, are relatively minor. Most of the changes are intended to make these rules easier to use and understand. For example, the terminology and structure of the Water Industry Rules now track the General Rules more closely, and we have added many more cross-references to the General Rules, as well as to the Commission's Rules of Practice and Procedure and to relevant sections of the Public Utilities Code. Also, new or modified sample forms are provided to illustrate the elements common to most types of advice letters.

Substantively, the new version of the Water Industry Rules clarifies the use of advice letters in two common situations, namely, service extensions into "contiguous" areas, and amortization of under- or over-collections in balancing accounts. Notable among the latter clarifications is that, in making refunds from an over-collected account, a utility will apply a surcredit only to the service charge, thus enabling greater precision in refund calculations and avoiding the disincentive to conserve water that occurs when a surcredit applies to usage.

Other important substantive changes include the following. The Customer Notice provisions are clarified, and large (Class A) water utilities are required to publish pending advice letters on their Internet sites. The allocation of advice letters between Water Division's two review tiers (ministerial and discretionary) has a few changes and additions. Lastly, procedures for specified types of advice letters are added or clarified.

9. Comments on Draft Decision

The draft decision of the Administrative Law Judge (ALJ) was mailed to the parties on _____, 2001. An extended period for public review and comment was provided, with concurrent opening comments due on _____,

and concurrent reply comments due on _____. Discussion of the comments follows.

Findings of Fact

1. GO 96-B comprehensively governs utility tariffs and advice letters.
2. To implement GO 96-B, a transition period is appropriate.
3. The number of advice letters pending during the transition period should be minimized.
4. A special approval process during the transition period is appropriate.
5. The Commission's rules for public review and comment regarding draft resolutions complement the GO 96-B advice letter procedures.
6. Large utilities should be required to provide Internet access to their tariffs.
7. Historic advice letter practice, as set forth in GO 96-A, has become inadequate in relation to the volume and variety of advice letters submitted for Commission review in recent years.
8. Advice letters should be separated into two broad groups: advice letters disposed of by staff, where approval or rejection is ministerial; and advice letters disposed of by Commission resolution, where approval or rejection requires the exercise of discretion.
9. Only an advice letter that the utility has properly submitted for staff disposition (for water, the "Ministerial Tier;" for energy and telecommunications, Tier 1 or Tier 2) may be deemed approved.
10. The tier under which a utility submits an advice letter does not irrevocably dictate the mode of disposition of that advice letter.
11. Whenever disposition of an advice letter would be a ministerial act, staff has delegated authority under GO 96-B to make that disposition.
12. Allowing certain advice letters to be implemented at some time before their approval will both help the Commission and the stakeholders to focus their

resources on more controversial matters and better accommodate innovation and competition in the marketplace.

13. A necessary condition to allowing any advice letter to go into effect before it has received approval is that the utility must be prepared to undo any actions the utility has taken to implement the advice letter if the advice letter ultimately is not approved.

14. Drafting, placing on the Commission's agenda, and voting on a resolution within the 30-day initial review period contemplated by Pub. Util. Code § 455 is generally not possible.

15. An extension of the Tier 1 review period does not cancel the effectiveness of the advice letter.

16. A 60-day rather than a 30-day initial review period for Tier 1 advice letters is appropriate.

17. A Tier 2 advice letter is not in effect during the initial review period, and its effectiveness is suspended throughout any subsequent review period, consistent with Pub. Util. Code § 455 and with the fundamental premise of Tier 2 (and Tier 3) advice letters that approval of these advice letters must occur before any proposed change becomes effective.

18. The suspension of Tier 3 advice letters under GO 96-B is automatic if (as generally will be the case) disposition does not occur by the end of the initial review period.

19. Unprotested advice letters in Tiers 1 or 2 may be deemed approved without a written disposition. In all other instances, there will be a written disposition.

20. All advice letter dispositions will be reported in tabular form at the Commission's Internet site.

21. In general, a Commission resolution disposing of a prior advice letter should be subject to modification through the same informal procedure, so long as proper notice is given.

22. It is appropriate to require a cover sheet, which would concisely summarize all critical information about a given advice letter.

23. The text of any given tariff as in effect at any given time must be readily determined.

24. The exclusive use of advice letter supplements to modify advice letters will enhance the review process and better track the text of proposed and approved tariffs.

25. A utility should ensure that its advice letter includes all necessary supporting data when submitting the advice letter.

26. Public access to tariffs is vital as long as utility service continues to depend, generally or to any significant extent, on filed tariffs.

27. Any interested person should be able to determine the applicable tariffs currently in effect, or in effect as of a particular date, for a particular utility. A logical system of tariff sheet numbering is helpful in making such determinations.

28. For new energy products and services to be offered under tariff, only Tier 3 provides an appropriate level of regulatory scrutiny.

29. All telecommunications advice letters proposing new services should be reviewed under Tier 2, which will ensure fairness and appropriate regulatory scrutiny before they become effective.

30. The various Industry Rules are modified, compared to the versions originally proposed, to better conform to the provisions, structure, and terminology of the General Rules, and to make appropriate cross-references to the General Rules, other Commission rules and orders, and statutory provisions.

Where appropriate, the allocation of advice letter subject matter by tier is adjusted, and procedures for specific types of advice letters are added.

Conclusions of Law

1. If an advice letter is clearly erroneous, Industry Division staff should reject the advice letter.
2. The Commission may lawfully delegate ministerial determinations to its staff.
3. If the reviewing Industry Division determines that the utility's Tier 1 or 2 designation of an advice letter was improper under the applicable Industry Rules, staff will reject the advice letter without prejudice. If designated Tier1, the advice letter's effectiveness will cease, and the Commission will further direct the utility regarding any other remedial actions.
4. Pub. Util. Code § 455 governs tariff changes "not increasing or resulting in an increase in any rate." Rate changes generally are governed by Pub. Util. Code § 454.
5. Since Tier 1 advice letters may become effective pending disposition, Pub. Util. Code § 455 does not constrain the Commission to complete its review within 30 days.
6. Utility representations, for example in ads regarding a tariffed service, must be consistent with the terms and conditions of the applicable tariff(s).
7. A utility's tariffs must identify optional features as such, must disclose alternative means (such as different rate plans) of obtaining a particular service, and in both cases must specify the means by which the customer chooses.
8. Regarding tariff content, the utility must provide comprehensive tariffs and bear the risk of any tariff ambiguity.

9. To rapidly accomplish the reform of the Commission's advice letter procedures and tariff requirements, today's order should be made effective immediately.

O R D E R

IT IS ORDERED that:

1. General Order (GO) 96-B is adopted, effective July 1, 2001, and shall govern the review and disposition of advice letters submitted on or after its effective date.

2. GO 96-A shall continue to govern the review and disposition of any advice letter filed on or before June 30, 2001. Any such advice letter that was filed on or before May 21, 2001, that is unprotested (i. e., no timely protest was submitted), and that is still pending as of July 1, 2001, shall be automatically approved as of that date, unless, on or before that date, the reviewing Industry Division either has (1) placed on the Commission's agenda a draft resolution disposing of the advice letter, or (2) made a data request or otherwise given written notice to the utility that its advice letter is undergoing active review.

3. Rulemaking 98-07-038 is closed.

This order is effective today.

Dated March _____, 2001, at San Francisco, California.

**TABLE OF CONTENTS
Of Appendix A**

General Rules.....1

1. Overview of the General Order..... 11

 1.1 Structure; Purpose; Applicability..... 11

 1.2 Utilities Operating in Different Utility Industries..... 2

 1.3 Construction; Waiver or Variance 2

 1.4 Amendments..... 2

 1.5 Computation of Time..... 43

2. Code of Ethics 43

3. Definitions 43

 3.1 Advice Letter..... 43

 3.2 Daily Calendar; Date of Filing..... 43

 3.3 Day; Business Day 43

 3.4 Deviation 54

 3.5 Disposition 54

 3.6 Effective Pending Disposition 54

 3.7 Formal; Informal..... 54

 3.8 Industry Division 65

 3.9 Information-only Filing..... 65

 3.10 Person..... 65

 3.11 Protest 65

 3.12 Reply 76

 3.13 Response 76

 3.14 Service 76

 3.15 Tariffs 76

 3.16 Utility 97

4. Notice, Access, and Filing Procedures Generally 97

 4.1 Commission Policies 97

 4.2 Customer Notices 97

 4.3 Maintaining Advice Letter Service Lists..... 108

 4.4 Serving Documents by Internet..... 108

 4.5 Filing Format and Procedures; Automatic Extension of Filing Deadlines 119

5. Use of Advice Letters..... 119

 5.1 Matters Appropriate to Advice Letters..... 119

 5.2 Matters Appropriate to Formal Proceedings 1210

 5.3 Changes to Tariffs 1311

 5.4 Withdrawal; Rejection Without Prejudice 1311

 5.5 Advice Letter Cover Sheet 1412

 5.6 Advice Letter Contents 1513

6. Process for Handling Information-only Filings..... 1614

**TABLE OF CONTENTS
Of Appendix A
(Continued)**

6.1 Filing, Access, Service.....	<u>1614</u>
6.2 Review.....	<u>1614</u>
7. Process for Handling Advice Letters.....	<u>1715</u>
7.1 Filing, Access.....	<u>1715</u>
7.2 Service.....	<u>1715</u>
7.3 Effective Date.....	<u>1917</u>
7.3.1 Effective Date Provided by Statute or by Commission Order Other Than This General Order.....	<u>1917</u>
7.3.2 Later Effective Date Requested by Utility.....	<u>1917</u>
7.3.3 Effective Pending Disposition.....	<u>2018</u>
7.3.4 Effective Date of Advice Letter Submitted for Industry Division Disposition.....	<u>2018</u>
7.3.5 Effective Date of Advice Letter Submitted for Disposition by Resolution.....	<u>2119</u>
7.4 Protests and Responses.....	<u>2119</u>
7.4.1 Grounds for Protest.....	<u>2119</u>
7.4.2 Replies.....	<u>2220</u>
7.4.3 Late-Filed Protest or Response.....	<u>2321</u>
7.5 Review.....	<u>2321</u>
7.5.1 Supplements.....	<u>2422</u>
7.5.2 Additional Information.....	<u>2523</u>
7.5.3 Advice Letters Effective Pending Disposition.....	<u>2523</u>
7.6 Disposition of Advice Letters.....	<u>2624</u>
7.6.1 Industry Division Disposition of Advice Letters.....	<u>2624</u>
7.6.2 Disposition by Resolution.....	<u>2926</u>
7.7 Reconsideration; Appeal.....	<u>2926</u>
7.7.1 Reconsideration of Industry Division Disposition.....	<u>2926</u>
7.7.2 Application for Rehearing of Resolution.....	<u>3128</u>
7.8. Petition for Modification; Request for Extension.....	<u>3128</u>
8. Tariffs.....	<u>3229</u>
8.1 Filing, Making Accessible, Revising.....	<u>3229</u>
8.1.1 Publishing Tariffs.....	<u>3229</u>
8.1.2 Internet Publication.....	<u>3330</u>
8.1.3 Other Publication.....	<u>3330</u>
8.2 Serving Under Tariffs.....	<u>3431</u>
8.2.1 Consistency With Tariffs.....	<u>3431</u>
8.2.2 Service Options and Alternatives.....	<u>3431</u>
8.2.3 Emergency Service; Service to Government Agencies.....	<u>3632</u>

TABLE OF CONTENTS
Of Appendix A
(Continued)

8.3 Notice to Correct Tariffs.....	<u>3632</u>
8.4 Tariff Format and Sheet Numbering.....	<u>3733</u>
8.5 Tariff Contents.....	<u>3935</u>
8.5.1 Title Page.....	<u>4136</u>
8.5.2 Table of Contents; Check Sheets.....	<u>4136</u>
8.5.3 Preliminary Statement and Explanation of Symbols.....	<u>4136</u>
8.5.4 Service Area	<u>4237</u>
8.5.5 Rate Schedules.....	<u>4338</u>
8.5.6 List of Contracts and Other Deviations.....	<u>4338</u>
8.5.7 Tariff Rules.....	<u>4539</u>
8.5.8 Sample Forms.....	<u>4640</u>
9. Confidential Treatment	<u>4741</u>

APPENDIX A

Page 1

PROPOSED GENERAL ORDER 96-B

General Rules Governing Advice Letters and Information-only Filings

1. Overview of the General Order

1.1 Structure; ~~and Purpose;~~ Applicability

This General Order ~~establishes~~ contains General Rules and Industry Rules. The General Rules governing all informal matters (advice letters and information-only filings) submitted to the Commission by public utilities that are gas, electric, ~~telecommunication~~ telephone, water, sewer system, pipeline, ~~and or~~ heat ~~utilities~~ corporations, as defined in the Public Utilities Code.

The ~~three appendixes to this General Order~~ establish Industry Rules of limited applicability. The Energy Industry Rules apply to gas, electric, pipeline, and heat corporations. The Telecommunications Industry Rules apply to telephone corporations. The Water and Sewer System Industry Rules apply to water and sewer system corporations. Within their respective industries, For example, 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 two or more 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.

APPENDIX A

Page 2

~~Taken together, the General Rules and the Industry Rules govern all informal matters submitted to the Commission by the specified utilities. The provisions of this General Order govern only those informal matters submitted for filing on or after July 1, 2001. 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 ~~utility~~ 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, ~~unless the Commission has authorized the utility to file combined tariffs or advice letters. In addition, if a utility provides two or more types of utility service covered in this General Order (electric, 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 special specific instances and for good cause, the Director of the appropriate Industry Division may (1) shorten the protest and reply period under the General Rules, and (2) waive or vary a any of the procedural requirements of the Industry 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. Conforming amendments to this General Order may be issued by the Commission's Executive Director as needed to ensure consistency with applicable statutes and Commission orders; all other amendments will be adopted by Commission order following notice and an opportunity to comment

APPENDIX A

Page 3

on the proposed amendments. All amendments and the complete text of this General Order will be published at the Commission's Internet site.

APPENDIX A

Page 4

1.5 Computation of Time

When the General Rules or Industry 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 (“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 this General Order.

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 an informal request by a utility for Commission approval, authorization, or other relief, including an informal request by a utility for approval of a deviation. See also General Rules 5.1 to 5.3.

3.2 Daily Calendar; **Date of Filing**

“Daily Calendar” means the Daily Calendar published by the Commission. “Date of Filing,” when referring to an advice letter, means the day when the reviewing Industry Division reports the advice letter in the Daily Calendar.

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.

APPENDIX A

Page 5

due either to a State holiday ~~or to 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~~ the furnishing by a utility of any ~~utility~~ 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 pursuant to General Rule 5.4, 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 Rule 8.2.3 and the appropriate Industry Rules whereby the utility submitting filing 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 ~~The filer of an advice letter proposing such implementation~~ 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 ~~proceeding initiated by~~ order to show cause. “Informal” refers to an advice letter or other matter submitted to the Commission outside a formal proceeding at the Commission. An informal matter is ~~an uncontested matter; or if the matter becomes contested,~~ either an uncontested matter or a matter for which a hearing ~~in the matter~~ is not

APPENDIX A

Page 6

required in order to resolve the contested issues. See also General Rules 5.1, ~~and~~ 5.2.

3.8 Industry Division

“Industry Division” means the Energy, Telecommunications, or Water Division, or their successors.

3.9 Information-only Filing

“Information-only Filing” 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 Filing” includes both periodic and occasional reports.

3.10 Person

“Person” refers both to ~~entities and~~ natural persons and to entities including, without limitation, companies, corporations, partnerships, associations, and sole proprietorships.

3.11 Protest

“Protest” means a ~~document filing~~ that objects in whole or in part to the relief requested in an advice letter, and that contains at least the following information:

- (1) Specification of the advice letter being protested;
- (2) Grounds for the protest;
- (3) Supporting factual information or legal argument;
- (4) Name, telephone number, postal address, and (where appropriate) FAX number or e-mail address of the protestant; and

APPENDIX A

Page 7

- (5) Statement that the protest was sent to the utility advice letter filer no later than the date on which the protest was submitted to the Industry Division reviewing the advice letter.

3.12 Reply

“Reply” means a document filing containing a utility’s an advice letter filer’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, filing that does not object to the relief sought in that is not a protest to an advice letter but that contains is served on the utility submitting the advice letter and provides information the person submitting the response believes that would be useful in the review and disposition of the advice letter, or would show an omission or other defect in an information-only filing.

3.14 Service

“Service,” when referring used with reference to sending a document, means mailing or delivering the document, or transmitting it by facsimile transmission, FAX, modem, or other electronic means, as provided in Rule 2.3(a) and (b) of 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 rates, tolls, rentals, charges, classifications, special conditions, and rules that a utility must file, or 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 rates, tolls, rentals, charges, classifications, special conditions, and rules set forth therein.

APPENDIX A

Page 8

APPENDIX A

Page 9

3.16 Utility

“Utility” means a public utility that, [as defined in the Public Utilities Code](#), is a gas, electric, ~~telecommunication~~[telephone](#), water, sewer system, pipeline, or heat [utility corporation](#). The Industry Rules may define “utility” more narrowly.

4. Notice, Access, and Filing 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, ~~and~~ (2) to get notice of advice letter and information-only filings, ~~(3) to get~~ access to public records regarding such ~~documents~~[filings](#), 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.

Consistent with this intent, (1) the Daily Calendar will report ~~information-only filings,~~ advice letters and associated ~~documents~~[filings](#), ~~and advice letter dispositions,~~ and (2) the Commission ~~will~~ encourages use of the Internet to ~~make available electronically searchable copies of currently effective tariffs, and to~~ provide notice of events and access to ~~advice letters and related~~ documents. ~~related to advice letters.~~ [The Commission will also tabulate advice letter dispositions and periodic information-only filings at its Internet site. See also General Rules 8.1 to 8.1.3.](#)

The utilities and Industry Divisions shall use the Internet to the greatest extent feasible for exchange of information and service of documents. The utilities and Industry Divisions shall maintain and publicize e-mail addresses for these purposes.

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 the advice letter filer~~ shall give affected customers at least 30 days notice before the effective date of an

APPENDIX A

Page 10

advice letter requesting higher increased 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; or separate notices sent by first-class mail. Where authorized by the appropriate Industry Rules, the notice requirement may also be satisfied by notices printed in a newspaper of general circulation.

~~Where a utility has given notice as required in the above paragraph, and the Commission adopts changes in the utility's rates, charges, terms, or conditions, that differ materially from those requested by the utility and published in its notice, the appropriate Industry Division may require the utility to give affected customers notice, as described above, before the effective date of the advice letter submitted to implement the changes adopted by the Commission.~~

4.3 Maintaining Advice Letter Service Lists

Each utility shall maintain at least one advice letter service list, which shall include the postal and e-mail address, 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), so that persons may request and receive only those advice letters of interest. The utility shall include on the requested service list any person that 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 for filing, it shall serve the advice letter without charge on all persons listed for that type of advice letter.

4.4 Serving Documents by Internet

For purposes of this General Order, any person may accept service by Internet. A person indicates acceptance of such service by submitting 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 paper service (including service by first-class mail, personal delivery, or facsimile transmission) immediately whenever service by Internet is unsuccessful.

APPENDIX A

Page 11

4.5 Filing Format and Procedures; Automatic Extension of Filing Deadlines

For purposes of this General Order, documents shall be submitted for filing as provided in ~~this~~ these General ~~Order Rules~~ and the Industry Rules. The format of such documents shall be as provided by Rule 2 of the Commission's Rules of Practice and Procedure, except that the format of tariffs shall be as provided in these General Rules and the appropriate Industry Rules.

When a ~~filing~~ deadline, ~~as calculated under for~~ submitting a document pursuant to this General Order ~~or the Industry Rules~~, does not fall on a business day, the deadline is automatically extended to the next business day. ~~When an unscheduled closure of the Commission's offices occurs due to emergency, natural disaster, or any reason other than a weekend or State holiday, a document otherwise due on the day of the unscheduled closure shall be deemed timely if submitted for filing on the next business day following the unscheduled closure.~~

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 ~~non~~controversial, nor to raise ~~no~~ 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. See General Rules 5.2, 5.4. and do not require the rigorous review through a hearing or other evidentiary process provided by 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:

APPENDIX A

Page 12

(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) seeks Commission approval of a proposed action that the utility reasonably believes is appropriate for review through the advice letter process (as described above), and is (i) dictated by statute or Commission order, or (ii) authorized or required, by statute or Commission order, with sufficient specificity that the proposed action involves a relatively narrow exercise of discretion by the utility.~~

~~(3)~~(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 a resolution, see General Rule 7.8.

A utility may seek a rate increase by means of an advice letter only ~~where such advice letter is if use of an advice letter for this purpose is~~ authorized by statute or Commission order, ~~or where the rate increase is minor. For purposes of this General Rule, a rate increase is minor if it _____.~~

5.2 Matters Appropriate to Formal Proceedings

A utility shall ~~submit make~~ an application, application for rehearing, or petition for modification, as or other appropriate, ~~formal request for relief~~ 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; ~~or~~
- (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~~

APPENDIX A

Page 13

(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 may seek a rate increase only by means of a formal application.~~

5.3 Changes to Tariffs

~~Changes to tariffs shall be requested by means of advice letter or formal proceeding.~~

Except as provided in General Rule 5.1, a utility may seek approval of a rate increase or other change to its tariffs only by means of an application.

5.4 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, at any time prior to disposition, 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 ~~reviewing an advice letter~~ determines that the relief requested or the issues raised by ~~the~~ advice letter require a hearing, or otherwise require review in a formal proceeding, the Industry Division ~~will shall~~ reject the advice letter without prejudice.

The ~~utility advice letter filer~~ may resubmit, as an application or other appropriate formal request for relief, an advice letter that it has withdrawn, pursuant to this General Rule, or that is rejected without prejudice, pursuant to this General Rule on the grounds that the advice letter must be heard or reviewed in a formal proceeding.

APPENDIX A

Page 14

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.

5.5 Advice Letter Cover Sheet

A utility submitting an advice letter for filing must include with its advice letter a cover sheet, which shall be in such form as the pertinent Industry Rules may provide, and which shall summarize the contents of the advice letter, as follows:

- (1) Utility-designated tier of review (together with citation to the Industry Rule relied on) and requested effective date (together with citation to the General Rule relied on (see General Rule 7.3.1 to 7.3.5));
- (2) Service affected by the advice letter;
- (3) Category of affected service (where applicable);
- (4) Proposed change to existing service (where applicable);
- (5) Percent impact of proposed change on current rates or charges for affected service (where applicable);
- (6) Citation to Commission orders and to Public Utilities Code or other statutory provisions related to the substance of the advice letter;
- (7) Reference to the utility's other pending advice letters that relate to the same tariffs or are otherwise affected by the proposed change;

APPENDIX A

Page 15

- (8) Contact person, telephone number, and (where applicable) e-mail address for information regarding the advice letter; and
- (9) Such additional description as the pertinent Industry Rules may require.

If an advice letter does not include a complete cover sheet, as indicated above, the reviewing Industry Division may decline to accept the advice letter for filing unless and until the utility submitting the advice letter **submits and serves** the information that is missing or incomplete.

5.6 Advice Letter Contents

The contents of an advice letter shall include additional discussion, as needed, of any aspect of the advice letter summarized in the cover sheet. In addition, an advice letter shall:

- (1) be numbered sequentially, beginning with No. 1 for the first advice letter submitted by the utility for each type of service rendered, followed by a letter designation for the type of service if the pertinent Industry Rules so require;
- (2) attach the tariff sheets (new, revised, or canceled) 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). The appropriate Industry Rules may provide for the reviewing Industry Division to assign sheet numbers. A tariff sheet number may not be used more than once;
- (3) state whether any deviations or conflicts would be created, service withdrawn from any present customer, or more or less restrictive conditions imposed;
- (4) if establishing a new service, state the reason for the new service and its impact on other customers and the utility;
- (5) if seeking approval of a contract or other deviation, attach a copy;
- (6) attach analysis and workpapers used to justify the relief sought in the advice letter;
- (7) state what notice was given of the advice letter; and

APPENDIX A

Page 16

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

The Industry Rules may contain additional content requirements. If an advice letter omits any of the contents required by this General Rule or an applicable Industry Rule, the reviewing Industry Division may decline to accept the advice letter for filing unless and until the utility submitting the advice letter submits and serves the contents that are missing or incomplete. In addition, the reviewing Industry Division may require the utility to re-serve the additional contents or the entire advice letter.

6. Process for Handling Information-only Filings

6.1 Filing, Access, Service

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

Information-only filings are public records, and are open to public inspection, except as provided under General Order 66-C (or the then-current successor to General Order 66-C). 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 filings. Information-only filings need not be served, except as otherwise required by statute or Commission order.

6.2 Review

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

APPENDIX A

Page 17

7. Process for Handling Advice Letters

7.1 Filing, Access

Advice letters, protests, responses, and replies shall be submitted to the appropriate Industry Division, and as further provided in the Industry Rules. Each such document filing shall indicate a postal address and (where appropriate) a FAX number or e-mail address at which the utility, advice letter filer, protestant, or respondent agrees to receive subsequent documents and notices relevant to the advice letter. Each such document filing will be reported in the Daily Calendar.

Advice letters, protests, responses, and replies are public records, and are open to public inspection, except as provided under General Order 66-C (or the then-current successor to General Order 66-C). 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 filings.

Whenever the appropriate Industry Rules allow and the utility advice letter filer requests that an advice letter be effective pending disposition, the utility filer shall make the full text of the advice letter (including any attachments) electronically accessible by Internet on or before the date that the advice letter is submitted for filing. Except as provided in General Rule 9, Aan advice letter cannot be effective pending disposition if the utility filer requests confidential treatment for any all or part of the advice letter (including workpapers and tariff sheets).

7.2 Service

On or before the date an advice letter is submitted for filing, and unless otherwise directed by Commission order, the utility filer shall serve the advice letter (1) on the Consumer Services Division and the Office of Ratepayer Advocates, (service on these parties to be made by Internet); and (2) on the filer's utility's advice letter service list (see General Rule 4.3) and any other third parties as specified in the appropriate Industry Rules, other Commission order, or statute.

APPENDIX A

Page 18

After the submittal of 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 ~~order~~ resolution. (See General Rule 5.1.) The utility submitting filer ~~of~~ such an advice letter shall serve it on ~~all~~ anyone who filed 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 that had been served with the ~~Commission order~~ resolution. The advice letter shall specify the ~~Commission order~~ resolution to which a change is requested, and shall set forth the following information:

- (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 file and serve a timely protest to the advice letter. The protestant must expressly request and explain the need for an evidentiary hearing. Such explanation must identify material disputed facts and indicate 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.

~~After the filing of an advice letter, and pending its disposition, the filer shall promptly provide a copy of the advice letter to anyone so requesting. Such provision shall be without charge to anyone who is a current customer for utility services from the filer, or to anyone receiving the advice letter by Internet.~~

APPENDIX A

Page 19

7.3 Effective Date

~~The utility filing an advice letter shall include the requested effective date, as further provided in the Industry Rules. The Industry Rules may provide for implementation of the actions or tariff changes set forth in an advice letter to be effective pending disposition of the advice letter. When an advice letter is effective pending disposition, all service rendered pursuant to the advice letter and prior to disposition will be subject to any Commission order requiring refunds or such other or additional adjustments as may be necessary or appropriate.~~

A utility submitting an advice letter shall include the requested effective date, as further provided in the Industry Rules. Also, the Industry Rules may authorize a utility to designate an advice letter as effective pending disposition of the advice letter.

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.

APPENDIX A

Page 20

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 upon submission to the reviewing Industry Division, or as provided under General Rule 7.3.2 or 8.2.3. 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), the advice letter will become effective 30 days after the date of filing.
- (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.)

APPENDIX A

Page 21

If an advice letter is improperly submitted for Industry Division disposition, the advice letter will be rejected without prejudice, as provided in General Rule 5.4.

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

Any person may protest or respond to an advice letter. Within 20 days ~~of after~~ the date of filing of that the advice letter, ~~is reported in the Daily Calendar,~~ the protest or response shall be submitted to the appropriate Industry Division and served on the same day on the utility. ~~filing the advice letter.~~ After submitting filing a protest, and pending disposition of the advice letter, the protestant shall promptly provide a copy of the protest to anyone so requesting.

7.4.1 Grounds for Protest

An advice letter may be protested on one or more of the following grounds, or as provided in the Industry Rules:

- (1) The ~~utility advice letter filer~~ designated an incorrect tier of review, or 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

APPENDIX A

Page 22

- (3) The analysis, calculations, or data other analysis submitted in support of the advice letter contain material errors or omissions.

In addition, an advice letter may be protested on the grounds that the proposed rate, charge, service, condition, or classification is unjust, unreasonable, or discriminatory, except that, as illustrated by the following examples, an advice letter is not subject to protest on these grounds where such protest would require relitigating a prior order of the Commission approving or authorizing such rate, charge, service, condition, or classification.

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. E.g., in example 3, if the rate change 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.

7.4.2 Replies

The utility submitting filing 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, ~~or~~

APPENDIX A

Page 23

~~response is served, and shall be served on the same day on the person making the protest or response. If multiple protests or responses to an advice letter are filed, the utility's reply may be to all such protests and responses and may be filed and served within five business days after service of the latest protest or response.~~

7.4.3 Late-Filed Protest or Response

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

7.5 ~~Revisions to Advice Letters~~Review

~~The advice letter filer may make minor revisions or corrections to the filing at any time before the effective date by filing and serving a supplement or substitute sheet. The filer shall withdraw the advice letter without prejudice (see General Rule 5.4) in order to make major revisions. Supplements, substitute sheets, and withdrawals shall be filed and served in the same manner and on the same persons as was the original advice letter.~~

~~Minor revisions do not automatically extend 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 extending the protest period or delaying the effective date of a revised advice letter. Any protest during the extended period shall be confined to the substance of the revision.~~

The review period for an advice letter begins on ~~the first day after~~ the date of filing of the advice letter. The initial review period for an advice letter is the 30 days (60 days in the case of an advice letter effective pending disposition) immediately following the ~~date~~ of filing. No later than the last day of the initial review period, the reviewing Industry Division will notify ~~in writing~~ the utility and any protestants if disposition of the advice letter will not occur within the initial review period.

APPENDIX A

Page 24

If the advice letter is effective pending disposition, the Industry Division notification will state the reason for extending the review period and the expected duration of the extension, which will not exceed 90 days from the end of the initial review period. By notifying the utility and any protestants in writing no later than the last day of the first extension, the Industry Division may further extend the review period for not more than an additional 180 days.

If the advice letter is not effective pending disposition, the Industry Division 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. If disposition has not occurred by the end of the first suspension, the Industry Division will further suspend the advice letter's effectiveness for not more than an additional 180 days by notifying the utility and any protestants in writing no later than the last day of the first suspension. The Industry Division will give these notifications even if suspension is automatic pursuant to General Rule 7.6.2.

The Industry Rules governing advice letters by a water utility for recycled water service (see Public Utilities Code Section 455.1) and by an oil pipeline for a rate change (see Public Utilities Code Section 455.3) may provide procedures for review (including suspension) different from those set forth above.

7.5.1 Supplements

~~A supplement to an advice letter may be used to make minor revisions. The following revisions are examples of what commonly, but not necessarily, qualify as minor: a modification in response to a protest; a withdrawal of a pending new service; a language clarification; or a later effective date. The supplement shall bear the same identifying number as the original advice letter but shall have a letter suffix "A" for the first supplement, "B" for the second supplement, etc.~~

A utility may make minor revisions or corrections to its advice letter at any time before the requested effective date by submitting a supplement to the reviewing Industry Division. The utility shall withdraw the advice letter without prejudice in order to make major revisions or corrections. A supplement shall be

APPENDIX A

Page 25

submitted and served in the same manner and on the same persons as the advice letter, plus any other persons who have submitted 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.).

Changes that generally may be made by supplement include: a correction of a typographical or other insubstantial error; a modification in response to a protest; a withdrawal of a pending new service; a language clarification; or a later effective date.

The submission of a supplement, or of additional information at the request of the reviewing Industry Division (see General Rule 7.5.2), 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 ~~Substitute Sheets~~ Additional Information

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 pursuant to General Rule 5.4.

~~A substitute sheet may be used to correct minor typographical errors or other insubstantial errors in an advice letter or tariff sheets.~~

7.5.3 Advice Letters Effective Pending Disposition

Where General Rule 8.2.3 or the Industry Rules authorize ~~the filing of a utility to designate~~ an advice letter as effective pending disposition, the Industry

APPENDIX A

Page 26

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. ~~Such procedures may include a penalty of \$500 per day of noncompliance~~ Whenever a utility fails to submit a timely or satisfactory revision after notice by the Industry Division, as prescribed in the procedures: ~~In addition to the penalty,~~ 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 5.4, 7.6.1, or 7.6.2.

7.6 Disposition of Advice Letters

~~An advice letter filer utility~~ shall ~~designate indicate~~ in the advice letter whether the ~~utility filer~~ believes ~~the advice letter~~ it is subject to Industry Division disposition. The utility's ~~designation recommendation~~ is not binding on the ~~reviewing~~ Industry Division.

7.6.1 Industry Division Disposition of Advice Letters

The Commission intends by this rule to make advice letters subject to Industry Division disposition in all instances where the delegation of such authority to the Industry Divisions is lawful.

An advice letter is subject to disposition by the reviewing Industry Division whenever such disposition would be a ministerial act. Industry Division disposition is appropriate where both of the following conditions are met: (1) statutes or Commission orders have authorized the action proposed in the advice letter; and (2) the authorization is sufficiently specific that the Industry Division need not exercise discretion in its review but need only determine, as a

APPENDIX A

Page 27

technical matter, whether the proposed action is within the scope of what has already been authorized by statute or Commission order. In addition, the Industry Division will reject any advice letter where the advice letter or workpapers are ~~deficient on their face~~ clearly erroneous, including without limitation where there are clear inconsistencies with statute or Commission order.

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 an exercise of discretion by the reviewer, the disposition of the advice letter will be by Commission resolution, as provided in General Rule 7.6.2.

The Industry Division will review each advice letter ~~submitted to~~ filed with it, 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 General Rule, the Industry Division will report its disposition ~~in the Daily Calendar at the Commission's Internet Site and, if the advice letter is approved, will return to the utility a complete copy of the advice letter with the effective date stamped on each tariff sheet.~~ A written disposition is not necessary unless the Industry Division rejects the advice letter or grants a protested advice letter, in which instances the Industry Division will also issue a written disposition stating the basis for rejecting the advice letter or the protest. The written disposition will be served on the advice letter filer and on any person filing a protest or response to the advice letter.

An advice letter that the utility has properly submitted for Industry Division disposition, pursuant to the applicable Industry Rules, is deemed approved if, at the end of the initial review period, the advice letter has not been protested and the reviewing Industry Division has not extended the initial review period or suspended the advice letter's effectiveness, as provided in General Rule 7.5. Except where an advice letter is deemed approved, the Industry Division will issue a written disposition. Where the Industry Division rejects the advice letter or grants a protested advice letter, the written disposition will state the basis for rejecting the advice letter or the protest. The written

APPENDIX A

Page 28

disposition will be served on the utility and on any person submitting a protest or response to the advice letter.

APPENDIX A

Page 29

7.6.2 Disposition by Resolution

Except as provided in General Rule ~~5.15.4~~ or 7.6.1, the reviewing Industry Division will prepare and place on the Commission's meeting agenda a proposed resolution approving, ~~or rejecting,~~ or modifying any advice letter ~~filed with~~ submitted to the Industry Division. The proposed resolution will contain the Industry Division's recommended disposition and analysis supporting such disposition. ~~As with decisions issued pursuant to the Commission's expedited complaint procedure, the proposed resolution will not contain separately stated findings of fact or conclusions of law but may set forth a brief summary of the facts.~~

The Commission may adopt the proposed resolution or modify it in whole or in part. After the Commission has acted on the resolution, ~~its action will be reported in the Daily Calendar and the resolution~~ it will be served on the utility, ~~filing the advice letter and~~ on any person submitting ~~filing~~ a protest or response to the advice letter, ~~and on any other party to the resolution.~~ 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 return to the utility a complete copy of the advice letter with the effective date stamped on each tariff sheet.

An advice letter that has been submitted for disposition by resolution is never deemed approved. Except for an advice letter submitted pursuant to General Rule 8.2.3, the effectiveness of an advice letter submitted for disposition by resolution is suspended automatically until the Commission adopts a resolution approving the advice letter if disposition of the advice letter has not occurred by the end of the initial review period.

7.7 Reconsideration; Appeal

7.7.1 Reconsideration of Industry Division Disposition

The utility ~~submitting~~ submitting ~~an~~ submitting the advice letter or any person ~~submitting~~ submitting ~~filing~~ a protest to the advice letter may request reconsideration of a disposition under General Rule 7.6.1. Any other person who has an interest in the advice letter but who could not submit a protest may also request reconsideration. Any

APPENDIX A

Page 30

such request shall explain why the person is entitled to make the request. The reconsideration will be by the Industry Division's Director or ~~(where the pertinent Industry Rules so provide)~~ by the Director's delegate, ~~an individual within the Industry Division, who is delegated by the Industry Division's Director, and who (aside from this reconsideration)~~ The delegate will have had no prior involvement with review of the advice letter, either directly or through supervision of staff.

Any such request for reconsideration shall be submitted to the Industry Division within 10 days after the issuance of the written disposition, and shall be served on the same day. If the requester is the utility, ~~filing the advice letter~~, it shall serve all persons ~~submitting filing~~ protests or responses to the advice letter. If the requester is a person ~~submitting filing~~ a protest, the requester shall serve the utility and all other persons ~~submitting filing~~ protests or responses to the advice letter. ~~A person filing a response does not have standing to request reconsideration.~~ No late-filed request will be entertained.

Within 10 days after the last day for submitting a request for reconsideration, was served (or in the case of multiple requests, after service of the last filed request), the ~~utility, advice letter filer~~, any protestant, the Consumer Services Division, or the Office of Ratepayer Advocates may ~~submit file~~ and serve an answer a response to the request. No reply from the requester is allowed.

Within 40 days ~~after~~ of the last day for submitting a date that the request for reconsideration, was filed (or if more than one request is filed, within 40 days of the date that the last request was filed), the Director or the Director's delegate will issue a written decision ruling on reconsideration. The ~~ruling decision~~ will be reported in the Daily Calendar and will be served on the utility ~~filing the advice letter~~ and on any person ~~submitting filing~~ a protest or response to the advice letter.

The utility, ~~filing the advice letter or~~ any person ~~submitting filing~~ a protest, or any person requesting reconsideration to the advice letter may request Commission review of the ~~decision ruling~~ on reconsideration. In addition, any person who has an interest in the advice letter but who could submit neither a protest nor a request for reconsideration may request Commission review. Any

APPENDIX A

Page 31

such request for Commission review shall explain why the person is entitled to make the request. ~~Any such~~ The request for Commission review shall be submitted to the Industry Division within 10 days after the issuance of the ~~decision on reconsideration ruling~~, shall be served in accordance with the procedures in this General Rule applicable to service of a request for reconsideration, and shall set forth specifically the grounds on which the requester considers the ~~decision on reconsideration ruling~~ to be unlawful or erroneous. Upon receipt 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 in accordance with General Rule 7.6.2. Pending Commission action on the proposed resolution as provided in General Rule 7.6.2, the advice letter will take effect if it is approved granted under the ~~decision on reconsideration ruling~~.

7.7.2 Appeal Application for Rehearing of Resolution

Pursuant to Sections 1731 to 1736 of the Public Utilities Code ~~Sections 1731 to 1736~~ and Rules 85 to 86.7 of the Commission's Rules of Practice and Procedure, the utility submitting an filing the advice letter, ~~or~~ any person submitting filing a protest to the advice letter, and any other person who was a party to the resolution may apply for rehearing of a resolution approving or rejecting the advice letter under General Rule 7.6.2. The application for rehearing shall set forth specifically the grounds on which the applicant considers the resolution to be unlawful. ~~A person filing a response does not have standing to apply for rehearing.~~

The application for rehearing shall be submitted to the Commission's Docket Office, which will assign a docket number to the application, and with to the appropriate Industry Division. On the same day that it is submitted, the Service of an application for rehearing shall be served on the same persons who are required to be served with the resolution the same as provided for requests for reconsideration under General Rule 7.6.2. 7.7.1.

7.8. Petition for Modification; Request for Extension

A Commission resolution issued under General Rule 7.6.2 is subject to petition for modification to the same extent and under the same procedures as

APPENDIX A

Page 32

provided, with respect to Commission decisions, by Rule 47 of the Commission's Rules of Practice and Procedure, except that the procedure for filing and serving a petition for modification of such resolution is ~~the same procedure as that~~ provided for an application requests for ~~rehearing reconsideration~~ under General Rule ~~7.7.2. 7.7.1.~~

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.

8. Tariffs

8.1 Filing, ~~Maintaining~~, 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) ~~file submit~~ them ~~with to~~ the appropriate Industry Division; ~~(2) maintain them at the utility's offices serving California customers;~~ ~~(3) compile, publish, and~~ make them accessible for public ~~copying and~~ inspection ~~in accordance with General Rules 8.1.1 to 8.1.3;~~ and ~~(4) promptly submit, by advice letter or application,~~ 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.

8.1.1 Publishing Tariffs

The tariff publication requirements in General Rules 8.1.1 to 8.1.3 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.

APPENDIX A

Page 33

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.

8.1.2 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, 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 before the adoption of General Order 96-B, exceed \$10 million, shall comply with this Internet publication requirement no later than **October 1, 2001**. Any other utility whose gross intrastate revenues, as reported in the utility's annual report to the Commission after the adoption of General Order 96-B, exceed \$10 million, shall comply with this Internet publication requirement no later than 180 days after the date of the annual report.

8.1.3 Other Publication

APPENDIX A

Page 34

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. The utility 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.

8.2 Serving Under Tariffs

8.2.1 Consistency With Tariffs

Except for nontariffed or detariffed service, or a deviation (whether by contract or otherwise), as by authorized by statute, this General Order, or other Commission order, ~~or pursuant to contract or other deviation as provided under the appropriate Industry Rules,~~ 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).

8.2.2 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

APPENDIX A

Page 35

disclose the alternatives available to a customer, and shall describe how the customer selects an alternative.

APPENDIX A

Page 36

8.2.3 Emergency Service; Service to Government Agencies

Under emergency conditions, such as war 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. Although the advice letter may be effective pending disposition, it shall be subject to disposition under General Rule 7.6.2. The Commission may determine, in an appropriate proceeding, 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, it shall be subject to disposition under General Rule 7.6.2. The Commission may determine, in an appropriate proceeding, the reasonableness of such service.

For the purposes of this General Rule 8.2.3, "government agency" means the United States and its departments, the State of California and its political subdivisions and municipal corporations, including the departments thereof, and public fairs and celebrations.

8.3 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

APPENDIX A

Page 37

Services Division, or the Office of Ratepayer Advocates, or on its 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 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, **all** service rendered pursuant to the tariff in question, at least from the date of issuance of the notice to correct, **is 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.

8.4 Tariff Format and Sheet Numbering

Tariff sheets shall be 8 ½ 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 other process that will** 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 a header and a footer** 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 **tariff numbering and** maintenance of tariffs in electronic media, and may provide illustrative exhibits.

Header. On each sheet, the utility shall provide:

APPENDIX A

Page 38

- (1) On the left - The name, address, and CIS 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 filed in accordance with a decision; otherwise this space is left blank.
- (2) Center - Name and **T**itle of an individual authorized by the utility to legally obligate it.
- (3) On the right - Date Filed, Effective, and Resolution No. 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."

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

APPENDIX A

Page 39

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.

The respective Industry Divisions will establish compliance schedules for those utilities that, as of July 1, 2001, do not comply with the requirements of this General Rule regarding tariff sheet numbering. Such utilities shall renumber their tariff sheets by compliance advice letter submitted in accordance with the applicable schedule. An Industry Division may excuse compliance with this numbering system by a small utility or by a utility required to file tariffs in accordance with a federal tariff sheet numbering system that is incompatible with the numbering system under this General Rule.

8.5 Tariff Contents

APPENDIX A

Page 40

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

APPENDIX A

Page 41

8.5.1 Title Page

The cover page of each utility's tariffs shall be a title page showing the utility's name (and any other fictitious business names), 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.

8.5.2 Table of Contents; Check Sheets

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. 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.

8.5.3 Preliminary Statement and Explanation of Symbols

The preliminary statement shall ~~briefly~~ describe or explain: the territory served; the types and classes of service rendered; the general conditions under which services are rendered; the memorandum accounts, 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 also define technical terms used in the tariffs, and 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 rates, charges, terms, or conditions;
- (D) To signify discontinued material, including a listing, rate, charge, rule, or condition;
- (I) To signify a rate or charge increase;

APPENDIX A

Page 42

- (L) To signify material relocated to another part of tariff schedules with no change in text, ~~rate, rule, or condition~~;
- (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 ~~in wording of text that does but~~ not affect a change in rate, ~~rule, charge, term,~~ or condition; and
- (X) To signify corrections.

8.5.4 Service Area ~~Map~~

~~Each utility's tariffs shall include a map or maps clearly indicating the boundaries of the utility's service area and the general location of the service area in relation to nearby cities, highways, or other well-known reference points. The scale of such maps shall be adequate to make them easily readable and to enable the relation between the boundaries and the references to appear clearly on their face.~~

~~If a utility serves the entire state, a statement of this fact shall be provided instead of a service area map.~~

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

APPENDIX A

Page 43

(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 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.

8.5.5 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 or residential), 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.

8.5.6 List of Contracts and Other Deviations

Except and to the extent excused by statute or Industry Rule or other Commission order, each utility's shall compile and publish in its tariffs ~~shall contain~~ 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.

APPENDIX A

Page 44

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.

APPENDIX A

Page 45

8.5.7 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. Each such tariff rule shall have a number, and a descriptive title, ~~Each such tariff rule shall have 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, for various purposes and classes of service, conditions precedent to return, of deposits, 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 may be deposited with Commission, time limits for actions.

APPENDIX A

Page 46

- (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 ~~of~~ 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, ~~no others unless authorized~~; 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.

8.5.8 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

APPENDIX A

Page 47

notices, disconnect notices, connection fee data, ~~forms~~, deposit receipts, and all other forms ~~that are normally used 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.

9. Confidential Treatment

In general, any information submitted in support of or 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 already authorized by statute or Commission order. Also, neither the cover sheet of an advice letter, nor any of the information in the cover sheet, nor any of the proposed tariff sheets included as part of the advice letter may be kept confidential. Consistent with the above requirements, ~~In no event can an advice letter be effective pending disposition if the filer requests confidential treatment for all or part of the advice letter.~~ 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 person ~~submitting a document making a filing~~ (other than an application for rehearing) under this General Order wants the Commission to keep the entire ~~document filing~~ under seal, or in redacted and unredacted versions, ~~that person the filer~~ shall submit to the reviewing Industry Division a written request for such confidential treatment. Any such request shall be served together with a redacted version of the ~~document filing~~ to which the request relates. The request shall either (1) attach a copy of the protective order that

APPENDIX A

Page 48

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. In either case, the request shall be narrowly drawn, shall identify the text and the information within the [document filing](#) for which confidential treatment is sought, and shall specify the grounds, as set forth in General Order 66-C (or the then-current successor to General Order 66-C), justifying such treatment.

Any person may object to the requested confidential treatment, and shall meet and confer with the [requester filer](#) 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. Customer Request for Deviation~~

~~An Industry Division, in its Industry Rules, may provide an informal procedure for a utility customer to request a deviation from that utility's tariffs. The procedure will include provisions for filing and service of such a request, utility response and reply to the response, disposition of the request, and appeal from the disposition. For the purpose of this procedure, "utility customer" may include a prospective customer or a developer acting on behalf of prospective customers.~~

(END OF APPENDIX A)

**TABLE OF CONTENTS
Of Appendix B**

Energy Industry Rules..... 1
Industry Rule 1. Additional Definitions 1
 1.1 Contract 1
 1.2 Industry Rule 1
 1.3 Staff..... 1
 1.4 Utility 1
Industry Rule 2. Submitting a Document (see General Rule 7.1)..... 1
Industry Rule 3. Serving Advice Letters (see General Rules 4.3, 7.2) 2
Industry Rule 4. Numbering Advice Letters..... 2
Industry Rule 5. Tier Classifications for Advice Letters..... 3
 5.1 Matters Appropriate to Tier 1 (Effective Pending Disposition) 3
 5.2 Matters Appropriate to Tier 2 (Effective After Staff Approval) 4
 5.3 Matters Appropriate to Tier 3 (Effective After Commission Approval)..... 5
Industry Rule 6. Additional Tariff Requirements 6
 6.1 Internet Publication..... 6
 6.2 Service Area..... 6
 6.3 Written Agreement Required by Tariff..... 8
 6.4 Tariff Rules 8
Industry Rule 7. Contract or Other Deviation 8
 7.1 Generally 8
 7.2 Customer Protest..... 9
Industry Rule 8. Rate Change by Oil Pipeline (see Public Utilities Code
 Section 455.3)..... 9
 8.1 Effective Date; Suspension..... 9
 8.2 Disposition 10

Exhibit A Sample Tariff Book Title Sheet
Exhibit B Sample Tariff Book Table of Contents
Exhibit C Sample Tariff Sheet
Exhibit D Sample Advice Letter Wording
Exhibit E Sample Advice Letter Cover Sheet
Exhibit F Sample Information-Only Filing Cover Sheet

APPENDIX B

Page 1

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 Staff

The Energy Division (or its successor).

1.4 Utility

A public Utility that, as defined in the Public Utilities Code, is an electric, 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.

APPENDIX B

Page 2

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. 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 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 (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 may compete 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

APPENDIX B

Page 3

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 5.5, 5.6.)

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) An editorial change to the text of a tariff, i.e., a change that 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 pursuant to 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).

APPENDIX B

Page 4

- (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.

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.

APPENDIX B

Page 5

- (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, 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 Rule 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.

APPENDIX B

Page 6

- (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 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 5.4); 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 Service Area

APPENDIX B

Page 7

A Utility shall include in the verbal description of its service area (see General Rule 8.5.4) a list of the zip codes that are wholly or partially within the service area.

APPENDIX B

Page 8

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

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."

APPENDIX B

Page 9

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

APPENDIX B

Page 10

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.

APPENDIX B

Exhibit A: Sample Tariff Book Title Sheet

DYNAMO ELECTRIC COMPANY (U123C)
Any City, CA 90000-1234

ELECTRIC TARIFF BOOK
1ST Revised Cal. PUC Sheet 1
Cancels Original Cal. PUC Sheet 1

TARIFFS

Applicable To

ELECTRIC SERVICE

including

Rates and Rules Affecting Rates and Services
of
DYNAMO ELECTRIC COMPANY
(Name of Utility)

4 Road Runner Road, Post Office Box 2,
Any City, CA 90000-1234
(Mailing Address)

Operating In or Near
Mojave County, Calif.
(City or Town and County)

Contact Person: Mr. Wil E. Coyote Website: www.dynamo-energy.com
Telephone No. 800-555-1234 Email Address: coyote@dynamo.com

(Mailing Address if different from above)

This version of the California Public Utilities Commission (PUC) Tariff Book for DYNAMO ELECTRIC COMPANY is effective on the dates shown on the bottom of each sheet. This tariff book implements a new numbering system and other conventions set forth in Commission General Order 96-B, which was adopted in Decision (D.) D.98-XX-XXX.

The following tariff schedules embracing Rates and Rules have been regularly filed with the Public Utilities Commission of the State of California and are the effective rates and rules of this utility.

No officer, inspector, solicitor, agent or employee of the utility has any authority to waive, alter or amend these tariff schedules or any part thereof in any respect.

(To be inserted by utility)

Issued by

(To be inserted by Cal. PUC)

Advice No. 1
Dec. No. D.64-12-001

Wil E. Coyote
Chief Financial
Officer & Treasurer
TITLE

Date Filed Jan 01 1965
Effective Jan 06 1965
Resolution No.

APPENDIX B

Exhibit C: Sample Tariff Sheet

DYNAMO ELECTRIC COMPANY (U123C)
 Any City, CA 90000-1234

ELECTRIC TARIFF BOOK
 Original Cal. PUC Sheet 12
 Cancels Cal. PUC Sheet 15236

E-1 Residential Service

1.1 GENERAL

1.1.1 APPLICABILITY
 Applicable to alternating current electric service for lighting, cooking, heating or power, or any combination thereof.

1.1.2 TERRITORY
 Within the rate areas of Alpha, Beta, and Gamma as described by the Rate Area Maps.

1.2 RATES

	Per Meter
	Per Month
Service Charge	\$5.00
Energy Charge (to be added to Service Charge):	
Baseline 300 kWh, per kWh	\$0.10
All Energy in Excess of 300 kWh per month:	
Non-Baseline Above 300 kWh, per kWh	\$0.12

1.3 SPECIAL CONDITIONS
 Baseline rates are applicable only to separately-metered residential use.

(To be inserted by utility) Issued by (To be inserted by Cal. PUC)

Advice No. 123	J.D. Magnum	Date Filed Jan 17 2001
	Vice President	Effective Jan 21 2001
Dec. No. D.01-01-011	Regulatory Affairs	Resolution No. _____
	TITLE	

APPENDIX B

Exhibit D: Sample Advice Letter Wording

(Letterhead if Available)

Advice Letter No. 973
TIER 3

DYNAMO ELECTRIC COMPANY (U 123 C)
January 31, 2001

Public Utilities Commission of the State of California

DYNAMO ELECTRIC COMPANY requests approval of the changes in the following tariff
schedules applicable to its _____(describe service)_____.

Table with 3 columns: Cal PUC Sheet No., Title of Sheet, Canceling Cal. PUC Sheet No. and 4 rows of blank lines for entry.

The effective date of the tariff schedules is requested to be _____.

(These tariff changes are being submitted pursuant to D._____, dated _____ in
A._____. (or) Resolution _____, dated _____.)

Notice has been provided as required by GO 96. The Service List is attached to this
Advice Letter (or "This Advice Letter was served on the same parties as Advice Letter
#_____, dated _____.")

STANDARD PROTEST STATEMENT

Anyone may protest this advice letter to the California Public Utilities
Commission. The protest must set forth the specific grounds on which it is based,
including such items as financial and service impacts. A protest must be made in
writing and received within 20 days of the date this advice letter appears on the Daily
Calendar. A copy must be mailed to the Utility on the same date it is mailed or
delivered to the Commission. The address for mailing or delivering a protest to the
Commission is:

Energy Division Filings Room
California Public Utilities Commission
505 Van Ness Avenue, 4th Floor
San Francisco, CA 94102-3298

APPENDIX B

Inquiries concerning this advice letter and service of any protest may be made to:

Name of Designated Individual
Title
Telephone Number
Mailing Address)

This is a Tier (1, 2, 3 or 4) advice letter; for further information on Notice, Protest, Disposition, and Appeal processes for this advice letter, consult Commission General Order 96-B.

TYPICAL WORDING TO OFFER NEW SERVICE

This filing provides a new service not previously offered or furnished. This filing will not increase any rate or charge, cause the withdrawal of service, or conflict with other schedules or rules. It is desired that this filing become effective on [specify the desired effective date]. (Include a brief description of the new service.)

TYPICAL WORDING FOR AN INCREASE IN RATES (COMPLIANCE)

These tariff schedules are submitted pursuant to Decision _____, dated _____, in Application _____, dated _____ [or Resolution _____, dated _____], which states:

(quote ordering paragraph from decision or resolution)

TYPICAL WORDING FOR A DECREASE IN RATES

This advice letter covers a reduction in the rate for (electric service - give full details) in the _____ service area. There are no increases involved in this advice letter nor will it result in withdrawal of any service or conflict with other schedules or rules. It is desired that this decrease become effective on [specify the desired effective date].

(End of Exhibit D)

APPENDIX B

Exhibit E: Sample Advice Letter Cover Sheet

CALIFORNIA PUBLIC UTILITIES COMMISSION

ADVICE LETTER FILING SUMMARY
ENERGY UTILITY

MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

Company name: _____

Utility type: _____ CPUC utility #: U-_____

[] ELC [] GAS Contact name: _____

[] PLC [] HEAT Phone #: (____) _____

Table with 2 columns: EXPLANATION OF UTILITY TYPE (ELC = Electric, GAS = Gas, PLC = Pipeline, HEAT = Heat) and (Date Filed/ Received Stamp by CPUC)

Filing #: _____ Requested Tier: _____

Keyword (See list on reverse, or www.cpuc.ca.gov): _____

Authorization for AL (e.g., decision, resolution, legislation #): _____

Requested effective date: _____ Number of tariff sheets: _____

Estimate annual revenue effect: \$ _____

Tariff schedules affected: _____

Pending Advice Letters that affect the Tariff schedules cited: _____

Affected Service: _____

Subject of AL: _____

Customer privacy implications: [] Yes. If yes, please explain in advice letter. [] No

FOR CPUC OFFICE USE ONLY

[] No Resolution Required (Analysis attached) Assigned Supv/Analyst: _____/_____

[] Resolution Required (Draft attached) AL Due Date: _____ Due to

____ To Supervisor Supv: _____ Analyst

____ To Branch Chief Completion Date: _____ Supv.

[] Executive Action Resolution Review Date: _____

[] Resolution # (E-, G-, or O-): AL/Tariff Effective Date: _____

Notes: _____

APPENDIX B

Exhibit F: Sample Information-Only Filing Cover Sheet

CALIFORNIA PUBLIC UTILITIES COMMISSION

INFORMATION-ONLY FILING COVER SHEET
ENERGY UTILITY

MUST BE COMPLETED BY UTILITY

Company name: _____

Utility type: _____ CPUC utility #: U-_____

ELC GAS Contact name: _____

PLC HEAT Phone #: (____) _____

EXPLANATION OF UTILITY TYPE

ELC = Electric
GAS = Gas
PLC = Pipeline
HEAT = Heat

(Date Filed/ Received Stamp by CPUC)

Filing Subject/Issue Area: _____

Filing Type (Annually, Quarterly, Monthly, Daily, One-Time, etc.): _____

Filing Due Date: _____

Additional notes: _____

FOR CPUC OFFICE USE ONLY

Assigned Supv/Analyst: _____/_____

Review Date: _____

Non-compliance letter: _____

Notes: _____

Filed Date: Analyst Completion Date: _____

(END OF APPENDIX B)

**TABLE OF CONTENTS
Of Appendix C**

Telecommunications Industry Rules..... 1

Industry Rule 1. Additional Definitions 1

 1.1 Basic Service 1

 1.2 Carrier of Last Resort..... 1

 1.3 Category I, II, or III Service..... 1

 1.4 Compliance Advice Letter 1

 1.5 Freezing of Service 2

 1.6 GRC-LEC 2

 1.7 Industry Rule 2

 1.8 Market Trial; Technical Trial 2

 1.9 New Service..... 2

 1.10 NRF-LEC..... 2

 1.11 Price Floor, Ceiling..... 3

 1.12 Promotional Offering; Promotional Platform 3

 1.13 Staff..... 3

 1.14 Telecommunications Advice Letter Coordinator 3

 1.15 Transfer 3

 1.16 Utility 3

 1.17 Wholesale Service..... 3

 1.18 Withdrawal of Service 4

Industry Rule 2. Submitting Documents for Filing; Telephone Directories 4

Industry Rule 3. Notice to Affected Customers..... 4

 3.1 Customer Notice of Transfer 5

 3.2 Customer Notice of Withdrawal..... 5

 3.3 Customer Notice of Higher Rates, More Restrictive Terms..... 6

Industry Rule 4. Contracts and Other Deviations 6

Industry Rule 5. Detariffed Service..... 6

 5.1 Market Trial; Technical Trial 6

 5.2 Commercial Mobile Radio Service Provider 7

 5.3 Interexchange Carriers 7

Industry Rule 6. Advice Letter Contents 7

Industry Rule 7. Advice Letter Review 8

 7.1 Matters Appropriate to a Tier 1 Advice Letter 8

 7.2 Matters Appropriate to a Tier 2 Advice Letter 10

 7.3 Matters Appropriate to a Tier 3 Advice Letter 11

 7.4 Matters Requiring Review in a Formal Proceeding 13

Industry Rule 8. Procedures for Specific Types of Advice Letters..... 13

 8.1 Negotiated Interconnection Agreements..... 13

8.2 Contracts for Tariffed Services 14

**TABLE OF CONTENTS
Of Appendix C
(Continued)**

8.2.1 Deadline for Submittal; Effective Date 14
8.2.2 Required Clauses 14
8.2.3 Availability of Contract Rates 15
8.2.4 Cost Justification 15
8.2.5 Contract Rate Violating Commission Standards 16
8.3 New Service..... 16
8.4 Change to Tariffed Rate, Charge, Term, or Condition 17
8.5 Withdrawing Basic Service 17
8.6 Transfer 18
8.6.1 Transfer of GRC-LEC or NRF-LEC 18
8.6.2 Transfer of Interexchange or Competitive Local Carrier..... 18
8.6.3 Transfer of Commercial Mobile Radio Service Provider 18
8.7 Promotional Offering..... 18
Industry Rule 9. Notification of DBAs 19

Exhibit A	Schedule with Preferred Numbering System
Exhibit B	Schedule with GO 96-A Numbering System
Exhibit C	Example of Tariff Title Page
Exhibit D	Example of an Advice Letter
Exhibit E	Advice Letter Cover Sheet
Exhibit F	Information-Only Filing Cover Sheet

APPENDIX C

Page 1

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 will 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 Category I, II, or III Service

“Category I, II, or III Service” refers to distinctions adopted by the Commission for services that a NRF-LEC may offer. The distinctions indicate the degree of flexibility that the NRF-LEC has in the pricing and offering of a particular service, as specified by the Commission in Decision 89-10-031 and as modified from time to time by the Commission.

1.4 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.

APPENDIX C

Page 2

1.5 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.

1.6 GRC-LEC

“GRC-LEC” is a local exchange carrier that is regulated through periodic general rate case review of its costs, revenues, and services, after which review the Commission sets the Utility’s rates and charges, based on its authorized rate of return.

1.7 Industry Rule

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

1.8 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.

1.9 New Service

“New Service” refers to a service proposed by a Utility, which service is distinguished from any existing service offered by the Utility by virtue of the technology employed and/or features, functions, and means of access provided.

1.10 NRF-LEC

“NRF-LEC” is a local exchange carrier that is regulated through the Commission’s new regulatory framework, as specified in Decision 89-10-031 and as modified from time to time by the Commission.

APPENDIX C

Page 3

1.11 Price Floor, Ceiling

Price “Floor” and “Ceiling” refer, respectively, to a lower and upper limit established by the Commission for pricing a Category II Service of a NRF-LEC.

1.12 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 or a NRF-LEC may make a Promotional Offering.

1.13 Staff

“Staff” means the Telecommunications Division (or its successor).

1.14 Telecommunications Advice Letter Coordinator

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

1.15 Transfer

“Transfer” means a Transfer of assets (including customer base) and/or Transfer of control.

1.16 Utility

“Utility” means a public Utility that is a telephone corporation as defined in the Public Utilities Code.

1.17 Wholesale Service

“Wholesale Service” means a tariffed service that a carrier offers to another carrier for resale.

APPENDIX C

Page 4

1.18 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

An advice letter, a document pertaining to an advice letter (e.g., protest, response, reply, or supplement), or an information-only filing shall be submitted for filing to the Telecommunications Advice Letter Coordinator, Telecommunications Division, 505 Van Ness Ave., 3rd Floor, San Francisco, CA 94102-3298. A Utility submitting an advice letter shall provide an original and three copies; if the Utility is requesting confidential treatment of any information (see General Rule 9), the Utility shall submit a single, sealed copy of such information. A Utility submitting an information-only filing shall provide an original and one copy.

A Utility that issues a telephone directory shall submit, concurrent with publication, two copies of each directory to the Telecommunications Advice Letter Coordinator; 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. GRC-LECs, NRF-LECs, and competitive local carriers shall provide without charge copies of their current directories to public libraries in California.

Industry Rule 3. Notice to Affected Customers

On the date that is 25 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 shall 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.

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 shall contain

APPENDIX C

Page 5

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. Anyone may object to that advice letter by sending a written protest to: Telecommunications Advice Letter Coordinator, Telecommunications Division, 505 Van Ness Ave., 3rd Floor, San Francisco, CA 94102-3298. The protest shall 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 is reported in the Daily Calendar of the California Public Utilities Commission. On or before the day that the protest is sent to the Telecommunications Advice Letter Coordinator, the protestant shall 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 view the Commission’s Daily Calendar or to get further information about the Commission’s procedures for advice letters and protests, go to the Commission’s Internet site (www.cpuc.ca.gov).”

3.1 Customer Notice of Transfer

If a Utility requests approval of a Transfer, the notice shall identify the new service provider, describe the changes (if any) in rates, charges, terms, or conditions of service, and state that customers have the right to select a new service provider.

3.2 Customer Notice of Withdrawal

If a Utility requests approval of a Withdrawal of Service, the notice shall also describe the proposed Withdrawal. In the case of a Withdrawal from providing Basic Service, the notice shall 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 shall 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.)

APPENDIX C

Page 6

3.3 Customer Notice of Higher Rates, More Restrictive Terms

If a Utility requests approval of higher rates or charges or more restrictive terms or conditions, the notice shall also state the current and proposed rates, charges, terms, or conditions (as appropriate). If the Utility requesting such approval is a GRC-LEC, the notice shall also state the reasons for the proposed change and the impact of any proposed change to a 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.

The requirements of General Rule 8.5.6 (requiring a Utility's tariffs to include a list of its contracts and other deviations) shall apply to GRC-LECs; all other Utilities are excused from maintaining this list. However, nothing in this Industry Rule excuses a Utility from submitting any contract otherwise required to be submitted for filing with the Commission.

Industry Rule 5. Detariffed Service

The Commission may grant 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 Rule 5.1 et seq., which will be updated as necessary, list the currently authorized exceptions and certain requirements.

5.1 Market Trial; Technical Trial

A Market Trial or Technical Trial shall be submitted as an information-only filing (see Exhibit F), and shall follow guidelines set forth in Resolution T-14944 (June 17, 1992). Such an information-only filing will be treated as confidential pursuant to Resolution T-14944.

APPENDIX C

Page 7

5.2 Commercial Mobile Radio Service Provider

A commercial mobile radio service provider cannot file tariffs with the Commission but shall make available to the public schedules showing its rates, charges, terms, and conditions of service.

5.3 Interexchange Carriers

A currently certificated interexchange carrier that is unaffiliated with a GRC-LEC or NRF-LEC may submit an advice letter requesting Commission approval to detariff in whole or part. A currently certificated interexchange carrier that is affiliated with a GRC-LEC or NRF-LEC must file an application to request detariffing approval.

In all instances, an interexchange carrier that is detariffed in whole or part, regardless of whether it is detariffed at or after certification, shall make available to the public schedules showing its rates, charges, terms, and conditions for detariffed service.

Industry Rule 6. Advice Letter Contents

APPENDIX C

Page 8

An advice letter shall 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 by sending a written protest to: Telecommunications Advice Letter Coordinator, Telecommunications Division, 505 Van Ness Ave., 3rd Floor, San Francisco, CA 94102-3298. The protest shall 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 is reported in the Daily Calendar of the California Public Utilities Commission. On or before the day that the protest is sent to the Telecommunications Advice Letter Coordinator, the protestant shall 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 view the Commission’s Daily Calendar or to get further information about the Commission’s procedures for advice letters and protests, go to the Commission’s Internet site (www.cpuc.ca.gov).”

Industry Rule 7. Advice Letter Review

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.

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

A Utility submitting an advice letter in Tier 1 must comply with the applicable customer notice requirements, as set forth in Industry Rules 3 to 3.3 and as referenced in (1) to (16) of this Industry Rule, and the advice letter may be returned without filing if the Utility has not complied. Pursuant to General Rule 5.6(7), the Utility shall 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.

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

APPENDIX C

Page 9

- (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 contract for a tariffed service by an interexchange carrier, competitive local carrier, or NRF-LEC, which contract meets the requirements of Industry Rule 8.2 et seq.
- (6) A contract for a tariffed service by a GRC-LEC, if (i) the contract repeats the rates, charges, terms, and conditions of a NRF-LEC's contract, (ii) the contract involves a service for which the GRC-LEC concurs in that NRF-LEC's corresponding tariff, and (iii) the GRC-LEC participates in the intercompany settlement pool. Any such contract shall meet the requirements of Industry Rules 8.2 to 8.2.3. This procedure for submitting such a contract for approval by a Tier 1 advice letter is available only so long as the intercompany settlement pool is available.
- (7) A change by an interexchange carrier or a competitive local carrier to a rate, charge, term, or condition (not including an exchange area boundary realignment, as described in Industry Rules 7.2(2) and 7.3(4)), which change has been noticed in compliance with Industry Rules 3 and 3.3 (as applicable).
- (8) A change by a NRF-LEC to a rate or charge for a Category II Service, which change has been noticed in compliance with Industry Rules 3 and 3.3 (as applicable), and is at or within the applicable Price Floor and Ceiling.
- (9) A change by a NRF-LEC to (i) a Wholesale 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 Category

APPENDIX C

Page 10

II Service rate or charge by a discount adopted by the Commission, or (ii) a Wholesale 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 Category II Service.

- (10) A change by a NRF-LEC to a rate, charge, term, or condition for a Category III Service, which change has been noticed in compliance with Industry Rules 3 and 3.3 (as applicable).
- (11) A New Service of an interexchange carrier, which service meets the requirements of Industry Rule 8.3.
- (12) A new Promotional Offering, or continuation of a Promotional Offering, by a GRC-LEC or NRF-LEC for which there is a Commission-approved Promotional Platform (see Industry Rule 7.3(10)).
- (13) A new Promotional Offering, or continuation of a Promotional Offering, by a competitive local carrier or interexchange carrier.
- (14) Freezing of Service (not including a Freezing subject to Industry Rule 7.3(3) or 7.4(1)) by a competitive local carrier or interexchange carrier.
- (15) Freezing of a Category III Service (not including a Freezing subject to Industry Rule 7.3(3) or 7.4(1)) by a NRF-LEC.
- (16) A change to a tariff for an existing service by a GRC-LEC, which change has been noticed in compliance with Industry Rules 3 and 3.3 (as applicable), and adopts without modification the corresponding tariff of a NRF-LEC.

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

A Utility submitting an advice letter in Tier 2 must comply with the applicable customer notice requirements, as set forth in Industry Rules 3 to 3.3 and as referenced in (1) to (6) of this Industry Rule, and the advice letter may be

APPENDIX C

Page 11

returned without filing if the Utility has not complied. Pursuant to General Rule 5.6(7), the Utility shall 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.

- (1) A New Service of a GRC-LEC, NRF-LEC, or competitive local carrier, where the New Service complies with Industry Rule 8.3.
- (2) An exchange area boundary realignment by a Utility other than a Carrier of Last Resort, which realignment results in an increase to a rate or charge or in a more restrictive term or condition, and has been noticed in compliance with Industry Rules 3 and 3.3 (as applicable).
- (3) A Withdrawal or Freezing of Service (not including a Withdrawal or Freezing subject to Industry Rule 7.1(14), 7.1(15), 7.3(3), 7.3(11), or 7.4(1)), where the Withdrawal has been noticed in compliance with Industry Rules 3 and 3.2.
- (4) Detariffing by an interexchange carrier that is not affiliated with a GRC-LEC or NRF-LEC.
- (5) Request to Transfer by an interexchange carrier or a competitive local carrier. (See Industry Rule 8.6.2.)
- (6) An advice letter otherwise appropriate to Tier 1 but for which the Utility submitting the advice letter requests review and disposition under Tier 2.

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

A Utility submitting an advice letter in Tier 3 must comply with the applicable customer notice requirements, as set forth in Industry Rules 3 to 3.3 and as referenced in (1) to (12) of this Industry Rule, and the advice letter may be returned without filing if the Utility has not complied. Pursuant to General Rule 5.6(7), the Utility shall document its compliance with applicable customer notice

APPENDIX C

Page 12

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.

- (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) Withdrawal or Freezing of Basic Service (or service element thereof) or of Wholesale Service where a Carrier of Last Resort continues to offer such service within the affected area. In the case of a Withdrawal, it shall have been noticed in compliance with Industry Rules 3 and 3.2, and shall meet all applicable requirements of Industry Rule 8.5.
- (4) An exchange area boundary realignment by a Carrier of Last Resort, 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).
- (5) Except for a change appropriate for review and disposition under Industry Rule 7.1(8) or 7.1(12), a change for a Category II Service by a NRF-LEC to the applicable Price Floor or Ceiling, or to a term or condition, which change has been noticed in compliance with Industry Rules 3 and 3.3 (as applicable).
- (6) An annual update by a NRF-LEC to its Commission-adopted price cap.
- (7) Except for a change appropriate for review and disposition under Industry Rule 7.1(12) or 7.1(16), 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).
- (8) An update by a GRC-LEC regarding its allocation from the high cost fund.
- (9) A contract for a tariffed service by a GRC-LEC, except for a contract appropriate for review and disposition under Industry Rule 7.1(6).

APPENDIX C

Page 13

- (10) A Promotional Platform of a GRC-LEC or NRF-LEC.
- (11) 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 shall have been noticed in compliance with Industry Rules 3 and 3.2, and shall meet all applicable requirements of Industry Rule 8.5.
- (12) Emergency service pursuant to General Rule 8.2.3.

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 or other formal proceeding. (See General Rules 5.2, 5.4.) Matters requiring such review include, but are not limited to:

- (1) Withdrawal or Freezing of Basic Service (or service element thereof) or Wholesale Service where no Carrier of Last Resort continues to offer such service within the affected area. In the case of a Withdrawal, it shall have been noticed in compliance with Industry Rules 3 and 3.2, and shall meet all applicable requirements of Industry Rule 8.5.
- (2) Detariffing by a GRC-LEC, NRF-LEC, competitive local carrier, or an interexchange carrier that is affiliated with a GRC-LEC or NRF-LEC.
- (3) Request by a NRF-LEC to change (i) a rate, charge, term, or condition of a Category I Service, or (ii) the category of a Category I, II, or III Service.
- (4) Request for operating authority or for authority to expand service area.
- (5) Request to Transfer by a GRC-LEC or NRF-LEC.

Industry Rule 8. Procedures for Specific Types of Advice Letters

8.1 Negotiated Interconnection Agreements

APPENDIX C

Page 14

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 shall be submitted by advice letter for Commission approval. Staff will prepare a proposed resolution approving or rejecting the agreement, and the proposed resolution will be placed before the Commission for its consideration at a meeting no later than 60 days after staff accepts the advice letter for filing.

8.2 Contracts for Tariffed Services

Contracts for tariffed services shall be submitted for approval under this Industry Rule and Industry Rules 8.2.1 to 8.2.5. Except for negotiated interconnection agreements, a contract that involves only detariffed 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 days after the execution of a contract for a tariffed service, the contract shall 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. 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 as soon as the date of execution.

8.2.2 Required Clauses

A contract for a tariffed service shall contain the following clause: “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.” If the contract is for tariffed service from a NRF-LEC, the contract shall also contain the following clause: “If any Category II Service rate or charge in this contract conflicts with an applicable Commission-approved Price Floor or Ceiling, the contract rate or charge shall be null and void, and the contract may be rescinded or renegotiated.” If the contract is required to be submitted for

APPENDIX C

Page 15

review and disposition by Tier 3 advice letter, the contract shall also contain the following clause: “This contract does not become effective unless and until approved by the California Public Utilities Commission.”

8.2.3 Availability of Contract Rates

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

8.2.4 Cost Justification

An advice letter by a NRF-LEC or GRC-LEC requesting approval of a contract shall show that each rate set in the contract is at or above cost, or in compliance with the applicable Commission-approved Price Floor and Ceiling. In the latter case, the advice letter shall state (1) the contract rate for each covered Category II Service, and (2) each Commission-approved Price Floor or Ceiling that applies to such service. Cost data provided in support of the contract may be submitted under seal together with a request for confidential treatment. (See General Rule 9.)

APPENDIX C

Page 16

8.2.5 Contract Rate Violating Commission Standards

If a contract rate is below cost, or differs from the Utility's applicable tariff rate for a Category I Service, or violates any applicable Commission-approved Price Floor or Ceiling for a Category II Service, the Commission may invalidate the contract rate, or may require an amendment to conform the contract to the tariff rate or the Price Floor or Ceiling, as appropriate. In addition, the Commission may impose sanctions, including but not limited to a penalty on the Utility of the greater of \$10,000 or twice the difference between the revenue to be realized over the term of the contract and the revenue that would have been realized by the Utility under the proper rate, as determined by the Commission. If the Commission finds that the Utility has engaged in a pattern of below-cost pricing, the Commission may impose further sanctions.

8.3 New Service

An advice letter requesting approval of a New Service shall demonstrate 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 provide 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 submitted by a GRC-LEC or NRF-LEC to request approval of a New Service shall demonstrate that the proposed rate for the New Service is above cost, except that if a GRC-LEC adopts or concurs in a NRF-LEC's tariff, the GRC-LEC is exempt from the requirement to demonstrate that the proposed rate for the New Service is above cost. Cost data, which must be provided for the purpose of this Industry Rule, may be submitted under seal together with a request for confidential treatment. (See General Rule 9.) An advice letter

APPENDIX C

Page 17

submitted by a NRF-LEC to request approval of a New Service shall indicate and justify the proposed category for the service.

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

An advice letter by a NRF-LEC or GRC-LEC 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, shall demonstrate that the rate, charge, term, or condition, as proposed to be changed, would be just and reasonable. Cost data, which must be provided for the purpose of this Industry Rule, may be submitted under seal together with a request for confidential treatment. (See General Rule 9.) 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 5.4.)

8.5 Withdrawing Basic Service

Prior to a Utility's Withdrawal, in whole or part, from offering Basic Service (or service element thereof) within its service area, the Utility shall submit an advice letter or application, as appropriate (see Industry Rules 7.2(3), 7.3(3), 7.3(11), and 7.4(1)), requesting the Commission's authorization for such Withdrawal. The request shall state the date and method by which the Utility notified affected customers of the proposed Withdrawal (see Industry Rules 3 and 3.2), and shall 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 shall 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 shall include notice to affected customers of the Utility's plans for Transfer of the customers to another carrier. (See Industry Rule 3.1, 8.6.)

APPENDIX C

Page 18

8.6 Transfer

8.6.1 Transfer of GRC-LEC or NRF-LEC

Commission approval for the Transfer of a GRC-LEC or NRF-LEC shall be requested by formal application jointly submitted by the transferor and proposed transferee. See Rules 35-36 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 shall 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 shall (1) either register to operate as an interexchange carrier (using the registration form available at the Commission's Internet site) or apply to operate as a competitive local carrier, and (2) upon the grant of operating authority by the Commission, submit an advice letter requesting approval of the Transfer. The advice letter shall 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 shall submit an information-only filing setting forth changes in the provider's registration information.

8.7 Promotional Offering

A GRC-LEC or NRF-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.

APPENDIX C

Page 19

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

APPENDIX C

Exhibit A – Schedule with Preferred Numbering System

CONGLOMERATE COMMUNICATIONS (U357C)
 Sacramento, California

SCHEDULE CAL. P.U.C. NO. A1.
 2ND Revised Sheet 1
 Cancels 1ST Revised Sheet 1

COMPETITIVE LOCAL CARRIER

A1. BASIC EXCHANGE ACCESS SERVICE

1.1 GENERAL

1.1.1 APPLICABILITY

Applicable to individual and party line business and residence basic exchange access service.

1.1.2 TERRITORY

Within the exchange areas in the state of California as said areas are defined on maps and verbal descriptions filed as part of the tariff schedules.

1.2 RATES

	Monthly Flat Rate	CSOC	Monthly Measured Rate	CSOC
1.2.1 RESIDENCE SERVICE *				
Each individual primary line	\$ 9.50 (I)	1FRPL	\$ 4.00 (R)(\$6.00)	1MRPL

* Customers may change from flat rate service to measured rate service or from measured rate service to flat rate service, once, at no charge, within 90 days from the effective date of Advice Letter No. 123.

() Zone 1 Usage Measurement allowance.

(continued)

(To be inserted by utility)	Issued by	(To be inserted by Cal.P.U.C.)
Advice No. <u>123</u>	<u>J.D. Magnum</u>	Date Filed <u>Jan 17 2001</u>
	Vice President	Effective <u>Jan 21 2001</u>
Dec. No. <u>D.01-01-011</u>	<u>Regulatory Affairs</u>	Resolution No. _____
	TITLE	

APPENDIX C

Exhibit B – Schedule with GO 96-A Numbering System

ACME TELEPHONE Company(U123C)
Desert Air, California

Revised Cal. P.U.C. Sheet No. 864-T
Canceling Original Cal. P.U.C. Sheet
No. 21-T

LOCAL EXCHANGE CARRIER

Schedule No. A1

FLAT RATE EXCHANGE SERVICE

APPLICABILITY

Applicable to individual and party service access line business and residence flat rate services.

TERRITORY

Within the base rate areas, as said areas are defined on maps and verbal descriptions filed as part of the tariff schedules.

RATES

	<u>Rate per Month</u>		
	<u>Business Service</u>	<u>Residence Service</u>	
<u>Wadi and Bitterwater Exchanges</u>			
First individual access line	\$ 101.99	\$ 50.99	(I)
Each additional access line	50.99	25.49	(R)

(continued)

(To be inserted by utility)	Issued by	(To be inserted by Cal.P.U.C.)
Advice Letter No. <u>972</u>	<u>Wyl E. Coyote</u>	Date Filed <u>Jan 17 2001</u>
	Vice President	Effective <u>Jan 21 2001</u>
Dec. No. <u>D.01-01-010</u>	<u>Regulatory Affairs</u>	Resolution No.
	Title	

APPENDIX C

Exhibit C – Example of Tariff Title Page

ACME TELEPHONE COMPANY (U123C)
Desert Air, California

Original Cal. P.U.C. Sheet No. 1-T
Canceling Cal. P.U.C. Sheet No.

TARIFFS

Applicable To

TELEPHONE SERVICE

including

Rules Affecting Rates and Services
of
ACME TELEPHONE COMPANY
(Name of Utility)

4 Road Runner Road, Post Office Box 2,
Desert Air, CA 91234
(Mailing Address)

Operating In or Near
Mojave County, Calif.
(City or Town and County)

Contact Person: Mr. Wyl E. Coyote
Telephone No. _____

(Mailing Address if different from above)

The following tariff schedules embracing Rates and Rules have been regularly filed with the Public Utilities Commission of the State of California and are the effective rates and rules of this utility.

No officer, inspector, solicitor, agent or employee of the utility has any authority to waive, alter or amend these tariff schedules or any part thereof in any respect.

(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advice No. 1

Wyl E. Coyote
Chief Financial
Officer & Treasurer

Date Filed Jan 01 1965
Effective Jan 06 1965
Resolution No.

Dec. No. D.64-12-001

TITLE

APPENDIX C

Exhibit D – Example of an Advice Letter

(Letterhead if Available)

Advice Letter No. 973
January 31, 2001

Acme Telephone Company (U 123C)

Public Utilities Commission of the State of California

Acme Telephone Company requests approval of the changes in the following tariff schedules applicable to its (describe service).

Cal P.U.C. Sheet No.	Title of Sheet	Canceling Cal. P.U.C. Sheet No.
_____	_____	_____
_____	_____	_____
_____	_____	_____

The effective date of the tariff schedules is requested to be _____.

(These tariff changes are being submitted pursuant to D._____, dated _____ in A._____, (or) Resolution _____, dated _____.)

Notice has been provided as required by GO 96. The Service List is attached to this Advice Letter (or "This Advice Letter was served on the same parties as Advice Letter #_____, dated _____.")

STANDARD PROTEST STATEMENT

Anyone may protest this advice letter to the California Public Utilities Commission. The protest must set forth the specific grounds on which it is based, including such items as financial and service impacts. A protest must be made in writing and received within 20 days of the date this filing appears on the Commission's Daily Calendar. A copy must be mailed to the Utility on the same date it is mailed or delivered to the Commission. The address for mailing or delivering a protest to the Commission is:

Telecommunications Advice Letter Coordinator,
California Public Utilities Commission
505 Van Ness Avenue, Room 3251
San Francisco, CA 94102-3298

Inquiries concerning this advice letter and service of any protest may be made to:

Name of Designated Individual
Title
Telephone Number
Mailing Address

This advice letter is subject to review by the California Public Utilities Commission; for further information on Notice, Protest, Disposition, and Appeal processes for this advice letter, consult Commission General Order 96-B (General Rules and Telecommunications Industry Rules).

APPENDIX C

TYPICAL WORDING TO OFFER NEW SERVICE

This advice letter provides a new service not previously offered or furnished. This advice letter will not increase any rate or charge, cause the withdrawal of service, or conflict with other schedules or rules. It is desired that this advice letter become effective on _____, pursuant to (cite authorizing statute, rule, or Commission order).

(Include a brief description of the new service.)

TYPICAL WORDING FOR AN INCREASE IN RATES (COMPLIANCE)

These tariff schedules are submitted pursuant to Decision _____, dated _____, in Application _____, dated _____, (or) Resolution _____, dated _____, which states:
(quote ordering paragraph from decision or resolution).

TYPICAL WORDING FOR A DECREASE IN RATES

This advice letter covers a reduction in the rate for (telephone service - give full details) in the _____ service area. There are no increases involved in this advice letter nor will it result in withdrawal of any service or conflict with other schedules or rules. It is desired that this decrease become effective on _____, pursuant to (cite authorizing statute, rule, or Commission order).

(End of Exhibit D)

APPENDIX C

Exhibit E – Advice Letter Cover Sheet

CALIFORNIA PUBLIC UTILITIES COMMISSION

ADVICE LETTER COVER SHEET
TELECOMMUNICATIONS UTILITY

MUST BE COMPLETED BY UTILITY	
Company name: _____	
Utility type: <input type="checkbox"/> LEC <input type="checkbox"/> IEC <input type="checkbox"/> IER <input type="checkbox"/> CLC <input type="checkbox"/> CLR	CPUC utility #: U- _____ Contact name: _____ Phone #: () _____
<p style="text-align: center; margin: 0;">EXPLANATION OF UTILITY TYPE</p> LEC = Incumbent Local Exchange Carrier IEC = Interexchange Carrier IER = IEC Reseller only CLC = Competitive Local Carrier CLR = CLC Reseller only	<p style="text-align: center; margin: 0;">(Date Filed/ Received Stamp by CPUC)</p>
Filing #: _____	Requested Tier Review: _____
Keyword (See list on reverse, or www.cpuc.ca.gov): _____	
Authorization for filing (e.g., decision, resolution, legislation #): _____	
Requested effective date: _____	Number of tariff sheets: _____
Estimate annual revenue effect: \$ _____ (Applicable only if carrier is a GRC-LEC)	
Tariff schedules affected: _____	
Affected Service: _____	
Subject of advice letter: _____	
Customer privacy implications: <input type="checkbox"/> Yes. If yes, please explain in advice letter. <input type="checkbox"/> No	
FOR CPUC OFFICE USE ONLY	
<input type="checkbox"/> No Resolution Required (Analysis attached)	Assigned Supv/Analyst: _____ / _____ AL Due
<input type="checkbox"/> Resolution Required (Draft attached) _____ To Supervisor _____ To Branch Chief _____ To Director	Date: _____ Due to Supv: _____ Analyst Completion Date: _____ Supv. Review Date: _____
<input type="checkbox"/> Executive Action Resolution	AL/Tariff Effective Date: _____ Notes: _____
Resolution #: T- _____	

APPENDIX C**CALIFORNIA PUBLIC UTILITIES COMMISSION**ADVICE LETTER KEYWORD LIST
TELECOMMUNICATIONS UTILITY

<u>Keyword</u>	<u>Description</u>
GRC	Any General Rate Case filing.
Initial Filing	The first utility tariff filing.
Contract	Any contract or agreement other than a negotiated interconnection agreement.
Compliance	Any non-elective filing made in compliance with a Commission order.
Interconnection Agreement	Any negotiated interconnection agreement per Section 252 of the Telecommunications Act.
New Service	Any new service.
Price-Cap Filing	The annual price cap filing.
Rate Increase	Any increase in rates or charges including surcharges and surcredits.
Rate Decrease	Any decrease in rate or charges including surcharges and surcredits.
Restrictive Language Change	Any change in service terms and conditions that result in a restriction from previous terms and condition. E.g., a service reduction.
Less-restrictive Language Change	Any change in service terms and conditions that result in less-restrictions than previous terms and conditions. E.g., a service expansion.
Neutral Language Change	Any change in service description that has no impact on service terms and conditions.
Promotion	Any temporary change in rates, charges, terms, and conditions of service for less than one year.
Utility Name Change	Any change in utility DBA / or ownership name.

(End of Exhibit E)

APPENDIX C

Exhibit F – Information-Only Filing Cover Sheet

CALIFORNIA PUBLIC UTILITIES COMMISSION

INFORMATION-ONLY FILING COVER SHEET
TELECOMMUNICATIONS UTILITY

MUST BE COMPLETED BY UTILITY

Company name: _____

Utility type:

- LEC IEC IER
- CLC CLR CMRS

CPUC utility #: U-_____

Contact name: _____

Phone #: () _____

EXPLANATION OF UTILITY TYPE

LEC = Incumbent Local Exchange Carrier
 IEC = Interexchange Carrier
 IER = IEC Reseller only
 CLC = Competitive Local Carrier
 CLR = CLC Reseller only
 CMRS = Commercial Mobile Radio Service

(Date Filed/ Received Stamp by CPUC)

Filing Type (see list on reverse): _____

Filing Due Date: _____

Additional notes: _____

FOR CPUC OFFICE USE ONLY

Assigned Supv/Analyst: _____ / _____

Review Date: _____

Non-compliance letter: _____

Notes: _____

Filed Date: Analyst Completion Date: _____

APPENDIX C**CALIFORNIA PUBLIC UTILITIES COMMISSION****INFORMATIONAL ONLY FILINGS KEYWORD LIST
TELECOMMUNICATIONS UTILITY**

<u>Keyword</u>	<u>Description</u>
Annual Financial Report	All carriers must file financials in accordance with _____.
CPCN attachments	Letters of compliance with CPCN requirements— State business license, employee badges, financial fitness, must be filed with the CPCN application.
Complaint reports	Statistics of complaints received by local exchange carriers must be filed quarterly.
Cell site locations	CMRS carriers must provide a list cell site location in accordance with_____.
Interconnection Agreement	Any negotiated interconnection agreement per Section 252 of the Telecommunications Act, must be filed with the CPUC.
Construction reports	All facilities based carriers must provide a description of construction activities in accordance with _____.
Quarterly financial reports	All carriers subject to price caps or NRF.
General Order 65	All local exchange carriers must provide a copy of financials
General Order 77	All local exchange carriers must provide a list of officer salaries in accordance with GO77.
Number utilization and forecast report	All carriers that hold numbers must file semi-annually with the FCC a number utilization and forecast report. A copy of this report must be provided the CPUC.
Name change	Name or DBA change or addition (non-tariffed carriers only – tariffed carriers must submit an advice letter)

(End of Exhibit F)**(END OF APPENDIX C)**

**TABLE OF CONTENTS
Of Appendix D**

Water Industry Rules..... 1

Industry Rule 1. Additional Definitions 1

 1.1 Balancing Account (see Public Utilities (Pub. Util.) Code Sec. 792.5)..... 1

 1.2 Class A, Class B, Class C, Class D (see Decision (D.) 85-04-076) 1

 1.3 Compliance Advice Letter 1

 1.4 Contact Person..... 1

 1.5 Contract 1

 1.6 Industry Rule 2

 1.7 Informal General Rate Case (see D.92-03-093) 2

 1.8 Memorandum Account (see D.85-04-076) 2

 1.9 Staff..... 2

 1.10 Standard Practice..... 2

 1.11 Utility 2

 1.12 Weather-Normalized Means Test (Pro-Forma Test) (see D.94-06-033) 3

Industry Rule 2. Submitting Advice Letters, Information-only Filings 3

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

 3.1 Method of Notice for Advice Letter Increasing Rates 3

 3.2 Method of Notice for Compliance Advice Letter 4

 3.3 Other Required Notice 4

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

 4.1 Advice Letters Generally..... 4

 4.2 Service Area Extension (see Industry Rule 8.1) 5

 4.3 Contract or Other Deviation (see Industry Rule 8.3) 5

 4.4 Withdrawal or Withholding of Service (see Industry Rule 8.7) 5

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

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

Industry Rule 7. Disposition of Advice Letters..... 6

 7.1 Initial Review 6

 7.2 Effective Date (see General Rules 7.3, 7.3.1, 7.3.2, 7.3.4, 7.3.5) 6

 7.3 Tier Classifications for Advice Letters 7

 7.3.1 Ministerial Tier..... 7

 7.3.2 Discretionary Tier 8

Industry Rule 8. Procedures for Specific Types of Advice Letters..... 9

 8.1 Service Extension into Contiguous or Other Area (see Pub. Util. Code Secs. 1001, 2709, 8202; Industry Rules 4.2, 7.3.1(14)) 9

 8.2 Request for Similar Treatment (see Industry Rule 7.3.1(13)) 9

 8.3 Contract or Other Deviation (see Pub. Util. Code Secs. 532, 2712; General Rule 8.5.6; Industry Rules 4.3, 7.3.1(7))..... 10

 8.4 Expense Offset (see Industry Rule 7.3.1(10)) 10

**TABLE OF CONTENTS
Of Appendix D
(Continued)**

8.5 Balancing Account Offset (see Industry Rule 7.3.1(3))..... 11
8.6 Recycled Water (see Pub. Util. Code Sec. 455.1; Industry Rule 7.3.1(12))..... 11
8.7 Withdrawal or Withholding of Service (see Pub. Util. Code Secs. 2708,
2710, 2711; Industry Rule 7.3.2(12)) 11
8.8 Service to Government Agency (see General Rule 8.2.3;
Industry Rule 7.3.2(13)) 12
Industry Rule 9. Tariff Publication, Format..... 12
9.1 Tariff Schedules 12
9.2 Tariff Rules (see General Rule 8.5.7)..... 13

Exhibit A Example Cover Sheet
Exhibit B Example Title Page
Exhibit C Example Preliminary Statement
Exhibit D Example Rate Schedule

APPENDIX D

Page 1

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 Sec. 792.5)

A deferred charge or credit account approved by the Commission for recovery or refund, as described in the Utility's preliminary statement (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 requirement 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.

APPENDIX D

Page 2

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 authorized by the Commission but not approved for recovery or refund, as described in the Utility's preliminary statement (see General Rule 8.5.3).

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 for submitting for review by the Water Division, 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 Sec. 241) or a sewer system corporation (see Pub. Util. Code Sec. 230.6).

APPENDIX D

Page 3

1.12 Weather-Normalized Means Test (Pro-Forma Test) (see D.94-06-033)

A procedure that tests the adjusted revenues of a Utility to see if it is already realizing a Commission-authorized revenue increase (see Standard Practice U-17-W).

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

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

- (1) Submit 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) Submit the document by facsimile to (415) 703-4426 (703-4H2O); or
- (3) Submit the document by electronic mail to water_division@cpuc.ca.gov.

The above procedures also apply to submittal of documents pertaining to an advice letter, e.g., a protest, response, reply, or supplement.

A Utility submitting an advice letter shall provide an original and five copies. A Utility submitting 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 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

APPENDIX D

Page 4

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.

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 Method of Notice for Compliance Advice Letter

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).

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 Rule 5.5, Exhibit A to these Industry Rules). 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 submitting any advice letter, the Utility shall serve it on the following persons:

APPENDIX D

Page 5

- (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 (see Industry Rule 8.1)

When submitting an advice letter for service area extension, 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 submitting an advice letter for 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 submitting 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.

APPENDIX D

Page 6

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 5.5, 5.6), Staff will so inform the Utility and may either delay filing until corrections are made or return the advice letter without filing. If filed, one copy of the advice letter and tariff sheets will be returned to the Utility, stamped with the date of filing.

7.2 Effective Date (see General Rules 7.3, 7.3.1, 7.3.2, 7.3.4, 7.3.5)

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 ministerial tier 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).

APPENDIX D

Page 7

7.3 Tier Classifications for Advice Letters

Water and sewer system advice letters are classified as ministerial tier or discretionary tier for purposes of review and disposition, as shown below.

7.3.1 Ministerial Tier

The following advice letters are classified as ministerial, and are generally subject to approval or rejection by Staff pursuant to General Rule 7.6.1:

- (1) Acquisition of mutual or municipal water company (see D.99-10-064)
- (2) Attrition filing (Weather-Normalized Means Test required)
- (3) Balancing Account offset (see Industry Rule 8.5)
- (4) Change to sample forms (see General Rule 8.5.8)
- (5) Compliance with statute, decision, or resolution
- (6) Consumer Price Index (CPI) offset
- (7) Contract or other deviation (or tariff sheets providing service to a single customer) (see Industry Rule 8.3)
- (8) Decrease in rates
- (9) Department of Health Services (DHS) fee offset
- (10) Expense offset (see Industry Rule 8.4)
- (11) New service offering
- (12) Recycled water service (as provided in Industry Rule 8.6)
- (13) Request for similar treatment (as provided in Industry Rule 8.2)

APPENDIX D

Page 8

- (14) Service extension into contiguous area or within city in which the Utility already provides service (see Industry Rule 8.1)
- (15) Step rate filing (Weather-Normalized Means Test required)
- (16) Transfer of ownership interest pursuant to Pub. Util. Code Sec. 853(c)
- (17) Withdrawal of tariff schedule that has no customers

7.3.2 Discretionary Tier

The following advice letters are classified as discretionary, 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 Sec. 853(c) (see Industry Rule 7.3.1(16))
- (2) Change to Commission resolution
- (3) Closing tariff schedule to new customers
- (4) Informal General Rate Case
- (5) Loan approval or stock sale permission request by Class C or Class D Utility (see D.93-11-066)
- (6) Memorandum Account offset (see Standard Practice U-27-W)
- (7) New Memorandum Account request
- (8) Rate base offset (requires prior Commission approval for Class A Utility; Class B, Class C, or Class D Utility may request approval and recovery by advice letter)
- (9) Revocation of certificate of public convenience and necessity due to abandonment or sale to municipality or special district

APPENDIX D

Page 9

- (10) Transfer of ownership of inadequately operated and maintained Class C or Class D water Utility (see D.99-10-064)
- (11) Pass-through of additional taxes imposed on Utility
- (12) Withdrawal or withholding of service (see Industry Rule 8.7)
- (13) Service to a government agency pursuant to General Rule 8.2.3
- (14) A matter appropriate to advice letter but not subject to approval or rejection under Industry Rule 7.3.1

Industry Rule 8. Procedures for Specific Types of Advice Letters

8.1 Service Extension into Contiguous or Other Area (see Pub. Util. Code Secs. 1001, 2709, 8202; Industry Rules 4.2, 7.3.1(14))

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 an adequate water supply exists. (See Standard Practice U-16-W.)

8.2 Request for Similar Treatment (see Industry Rule 7.3.1(13))

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

APPENDIX D

Page 10

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 Secs. 532, 2712; General Rule 8.5.6; Industry Rules 4.3, 7.3.1(7))

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 submit 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 7.3.1(10))

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

APPENDIX D

Page 11

8.5 Balancing Account Offset (see Industry Rule 7.3.1(3))

A Utility shall promptly submit an advice letter seeking to offset 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 Sec. 455.1; Industry Rule 7.3.1(12))

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 Secs. 2708, 2710, 2711; Industry Rule 7.3.2(12))

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 submit 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.

APPENDIX D

Page 12

8.8 Service to Government Agency (see General Rule 8.2.3; Industry Rule 7.3.2(13))

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 of the advice letter.

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 have the format shown in Exhibit D. These schedules shall be numbered and printed in the following order, 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 Sec. 2713 (b))
- (6) Recycled Water Service
- (7) Construction and Other Temporary Metered Service
- (8) Service to Employees
- (9) Water Conservation Plan

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

APPENDIX D

Page 13

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:

APPENDIX D

Page 14

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

**Exhibit A
Example Cover Sheet**

CALIFORNIA PUBLIC UTILITIES COMMISSION

WATER AND SEWER SYSTEM UTILITY
ADVICE LETTER COVER SHEET

MUST BE COMPLETED BY UTILITY

Company name: _____	
Utility type: <input type="checkbox"/> Water <input type="checkbox"/> Sewer System	CPUC Utility #: U- _____
Contact Person: _____	Phone #: (____) _____
e-mail address: _____	FAX #: _____
	(Date Filed/Received Stamp by CPUC)

AL #: _____ Type of AL: Ministerial Discretionary

Authorization for filing (e.g., decision, resolution, legislation #): _____

Requested effective date: _____ Number of tariff sheets: _____

Estimate annual revenue impact: \$ _____ (Applicable only if a GENERAL RATE CASE)

Tariff schedules affected: _____

Subject of AL: _____

Customer privacy implications: Yes. If yes, please explain in advice letter. No

FOR CPUC OFFICE USE ONLY

<input type="checkbox"/> No Resolution Required (Analysis attached)	Assigned Supv/Analyst: _____/_____
<input type="checkbox"/> Resolution Required (Draft attached)	AL Due Date: _____
_____ To Supervisor	Due to Supv: _____
_____ To Branch Chief	Analyst Completion Date: _____
_____ To Director	Supv. Review Date: _____
_____ To Commissioner's Office	AL/Tariff Effective Date: _____
<input type="checkbox"/> Executive Action Resolution	Notes: _____
Resolution #: <input type="checkbox"/> W, <input type="checkbox"/> SS _____	

Exhibit B
Example Title Page

REGULATED WATER COMPANY
(U456W)
Gamma, California

Revised
Canceling Revised

Cal. P.U.C. Sheet No. 123-W
Cal. P.U.C. Sheet No. 101-W

TARIFF SCHEDULES

Applicable To

WATER SERVICE

including

Rates and Rules
Affecting Rates and Services

of

REGULATED WATER COMPANY (T)

(Name of Utility)

456 West Delta Street, Post Office Box 123, Gamma, CA 91234 (T)
(Mailing Address)

Operating In or Near

Gamma, Gamma County, Calif.
(City or Town and County)

Contact Person: Mr. or Mrs. Roger W. Regulated

Telephone No. _____

e-mail address: _____

(Mailing Address if different from above)

The following tariff schedules encompassing Rates and Rules have been regularly filed with the Public Utilities Commission of the State of California and are the effective rates and rules of this Utility.

No officer, inspector, solicitor, agent or employee of the Utility has any authority to waive, alter or amend these tariff schedules or any part thereof in any respect.

(To be inserted by utility) Issued by (To be inserted by Cal. P.U.C.)

Advice No. _____	123	<u>Roger W. Regulated</u>	Date Filed <u>Jan 01 1999</u>
		Chief Financial	Effective <u>Jan 06 1999</u>
Dec. No. _____	<u>D.98-12-023</u>	<u>Officer & Treasurer</u>	Resolution No. <u>W-9999</u>

Exhibit C
Example Preliminary Statement

REGULATED WATER COMPANY
(U456W)
Gamma, California

Original

Cal. P.U.C. Sheet No. 39-W

Canceling

Cal. P.U.C. Sheet No.

PRELIMINARY STATEMENT
(Continued)

G. CATASTROPHIC EVENT MEMORANDUM ACCOUNT (CEMA):

1. PURPOSE: The purpose of the CEMA is to recover the costs associated with the restoration of service and Regulated Water Co. facilities affected by a catastrophic event declared a disaster or state of emergency by competent federal or state authorities. The balance in the CEMA will be recovered in rates after CPUC review and audit of the recorded CEMA balance. The authority to establish this account was granted in CPUC Resolution E-3238, dated July 24, 1991 and Public Utilities Code Section 454.9.

Should a disaster occur, Regulated Water Co. will inform the Executive Director of the CPUC by letter within 30 days after the catastrophic event that Regulated Water Co. has started booking costs in the CEMA.

2. ACCOUNTING PROCEDURE:
Regulated Water Company (RWC) may maintain a memorandum account for its expenses and other recovery/reimbursements in connection with a catastrophic event as defined in Section 454.9. These expenses must be additional or incremental to those allowed in RWC's last general rate case proceeding. RWC shall make entries to this account at the end of each month as follows:

- a. Debit entries equal to the incremental or additional amounts recorded in RWC's operations and maintenance and administrative and general expense accounts that were incurred as a result of the catastrophe.
- b. Debit entries equal to the depreciation and/or amortization amounts of new or replacement utility plant installed to continue the provision of uninterrupted services to customers.
- c. Debit entries equal to the return on investment on the average monthly balance of new or replacement utility plant installed in (b) above.
- d. Credit entries equal to the proceeds reimbursed by the utility's insurance covering such events.
- e. Credit or debit entries to transfer all or a portion of the balance in this memorandum account to other adjustment clauses for future rate recovery, as may be approved by the Commission.

In addition, the water utility shall file an advice letter to the Commission detailing any utility plant retired from service and the proposed rate making treatment for such plant.

(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advice No. 123

Roger W. Regulated

Date Filed Feb 15 1999

Vice President

Effective Mar 14 1999

Dec. No. D.98-12-023

Regulatory Affairs

Resolution No. W-9999

TITLE

**Exhibit D
Example Rate Schedule**

REGULATED WATER COMPANY
(U456W)
Gamma, California

Revised Cal. P.U.C. Sheet No. 121-W
Canceling Original Cal. P.U.C. Sheet No. 8-W

Schedule No. 1		
<u>GENERAL METERED SERVICE</u>		
APPLICABILITY		
Applicable to general metered water service.		
TERRITORY		
The city of Gamma and contiguous territory in the County of Gamma.		
RATES		
Quantity Rates:		
Per 100 cu. ft.....	\$1.00	
Service Charge		
	Per Meter Per Month	
For 5/8 x 3/4-inch meter.....	\$ 1.00	(I)
For 3/4-inch meter.....	1.50	
For 1-inch meter.....	2.50	
For 1-1/2-inch meter.....	5.00	
For 2-inch meter.....	8.00	
For 3-inch meter.....	15.00	
For 4-inch meter.....	25.00	
For 6-inch meter.....	50.00	
For 8-inch meter.....	80.00	
For 10-inch meter.....	115.00	
For 12 inch meter.....	165.00	
For 14-inch meter.....	225.00	(I)
The service charge is a readiness-to-serve charge which is applicable to all metered service and to which is added the charge for water used computed at the Quantity Rates.		
SPECIAL CONDITION		
1. Due to the gain on sale of property, a flat surcredit of \$0.10 per service connection per month is to be subtracted from the bill for thirty-six billing cycles commencing with billing cycle one on April 3, 1999.		

(continued)

(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advice No. 123

Roger W. Regulated
Vice President
Regulatory Affairs

Date Filed Feb 15 1999

Effective Mar 14 1999

Dec. No. D.98-12-023

Resolution No. W-9999

TITLE

(END OF APPENDIX D)

APPENDIX E
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Last Update on 13-FEB-2001 by: LPD
R9807038 LIST

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APPENDIX E
******* SERVICE LIST *******
Last Update on 13-FEB-2001 by: LPD
R9807038 LIST

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APPENDIX E
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APPENDIX E
******* SERVICE LIST *******
Last Update on 13-FEB-2001 by: LPD
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******* SERVICE LIST *******
Last Update on 13-FEB-2001 by: LPD
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APPENDIX E
******* SERVICE LIST *******
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