
Public Utilities Commission of the State of California

Steve Larson, Executive Director

Headquarters

505 Van Ness Avenue
San Francisco, CA 94102
(415) 703-2782

Southern California Office

320 West 4th Street, Suite 500
Los Angeles, CA 90013
(213) 576-7000

Website: <http://www.cpuc.ca.gov>

Calendar Archive: http://www.cpuc.ca.gov/daily_calendar_archive/

Daily Calendar Wednesday, February 23, 2005

- Commission Meetings
- Notices
- Subscription Information (Daily Calendar and Agenda)
- Commissioner Office Hours
- Public Meetings and Workshops
- Notice of Draft Resolutions (PU Code § 311(g))
- New Filings
- Petitions for Modification and Applications for Rehearing
- Draft Decisions/Proposed Decisions/Alternates/Presiding Officer's Decisions/ Arbitrator's Reports
- Advice Letter Filings
- Miscellaneous Transportation Items
- Miscellaneous Telecommunication Matters
- Adjournments/Resettings/Hearings Concluded
- Removals from Calendar
- New Settings
- Law and Motion Hearings
- Final Oral Argument
- Hearings
- Notice of Denial of Request for Ex Parte Meeting
- Notice of All-Party Meetings (PU Code §1701.3(c))
- Notice of Ex Parte Communications

Summaries of Decisions and Resolutions for the Commission Meeting of February 10, 2005 are included in this calendar.



The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities.

The CPUC encourages all Californians to participate in its meetings, hearings, workshops, and proceedings. We try to hold our public meetings only in places that are wheelchair accessible and which can accommodate specialized equipment and other services useful to people with disabilities. Please see the notice of the meeting you wish to attend for more specifics.

If you plan to attend and need specialized accommodations for a particular meeting that are not listed in the notice, request them from the Public Advisor's Office at least three business days in advance of the meeting. Contact the Public Advisor's Office by any one of the following:

Email: public.advisor@cpuc.ca.gov
toll-free: 1-866-849-8390
Voice: 415-703-2074

FAX: 415-355-5404 (Attn.: Public Advisor)
TTY: 1-866-836-7825 (toll-free)
1-415-703-5282

REGULAR COMMISSION BUSINESS MEETINGS

February 24, 2005	10:00 am	San Francisco
March 17, 2005	10:00 am	San Francisco
April 7, 2005	10:00 am	San Francisco

**COMMISSION RATESETTING DELIBERATIVE MEETINGS
(Not Open to the Public)**

Ratesetting Deliberative Meeting dates are reserved as noted but will only be held if there are ratesetting matters to be considered.

March 14, 2005	1:30 pm	San Francisco
April 4, 2005	1:30 pm	San Francisco
April 18, 2005	1:30 pm	San Francisco

OTHER COMMISSION MEETINGS**Public Meeting Notice - Climate Change En Banc**

<i>Climate Change and the IOUs February 23, 2005 9 am – 3:30 pm</i>	<i>California Public Utilities Commission 505 Van Ness Avenue, Commission Auditorium (Corner of Van Ness Avenue and McAllister Street) San Francisco</i>
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The CPUC will hold a public meeting, chaired by President Peevey, on the issue of climate change. The purpose of this meeting will be to move "beyond energy procurement" and to begin to identify best practices for all CPUC regulated companies (electric, natural gas, telecommunications, water, and transportation). Opportunities to reduce greenhouse gas emissions related to business operations include fleet vehicle efficiency, building efficiencies, and overall reduction of energy consumption. The U.S. is the world's largest greenhouse gas emitter and is responsible for approximately 25% of the world's emissions. California policymakers and businesses have the opportunity to proactively address this issue, to demonstrate effective leadership, and to make a significant contribution to emissions reduction. Invited presenters include representatives from the academic, research, business, insurance, shareholder activist, and state government organizations. Business and industry leaders will also be asked to respond to a recent CPUC summary paper on the subject. In addition, the IOUs should be prepared to present their current and anticipated efforts to address climate change. Information about the meeting, including a link to the discussion paper and the agenda are posted at www.cpuc.ca.gov/static/industry/electric/climate+change/index.htm#meeting and can also be found on the CPUC's homepage at www.cpuc.ca.gov. All utilities are asked to RSVP to confirm their attendance and to discuss their presentations. To RSVP, and for further information, please contact Lainie Motamedi, CPUC Division of Strategic Planning, at (415) 703-1764 or lrn@cpuc.ca.gov.

NOTICES**Central Files Revised Office Hours**

Starting May 24, 2004, the Central Files Office will be open for business from 8 a.m. to 12 noon only.

Delivery of Formal Pleadings for Filing

Unless otherwise directed, all courier-delivered documents submitted for filing as part of the formal record in a proceeding should be taken directly to the Commission's lobby, 505 Van Ness Avenue in San Francisco; Suite 500, 320 West 4th Street in Los Angeles; or Room 4006, 1350 Front Street in San Diego. All documents sent through the mail for formal filing should be addressed ONLY to the Commission's Docket Office, Room 2001, 505 Van Ness Avenue, San Francisco, CA 94102.

Charge for Commission Documents

To purchase Commission documents, there is a charge of 20 cents a printed page (postage prepaid) with a minimum purchase of \$2.00.

Commission Resources Available for Rental

The auditorium, hearing rooms and training room at the headquarters of the California Public Utilities Commission, located at 505 Van Ness Avenue, San Francisco, are available for rent. Further information about requirements and fees can be obtained by contacting Colette Kondo at (415) 703-1401.

SUBSCRIPTION INFORMATION

Subscription to Daily Calendar, Commission Meeting Agenda, and Draft Agenda Items

For information contact: California Public Utilities Commission
Attention: Poly Arca
505 Van Ness Avenue, Room 1003
San Francisco, CA 94102
Phone: (415) 703-1798
Email: pol@cpuc.ca.gov

COMMISSIONER OFFICE HOURS

NONE

PUBLIC MEETING & WORKSHOPS

Public Meeting Notice - Climate Change En Banc

<i>Climate Change and the IOUs</i> <i>February 23, 2005</i> <i>9 am – 3:30 pm</i>	<i>California Public Utilities Commission</i> <i>505 Van Ness Avenue, Commission Auditorium</i> <i>(Corner of Van Ness Avenue and McAllister Street)</i> <i>San Francisco</i>
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Public Meeting – Low Income Oversight Board (LIOB)

Meeting By Teleconference With One Board Member At Each Public Satellite Location

<i>February 25, 2005</i> <i>10 am - 12 noon</i>	<i>Commission Designee – Not Yet Determined</i> <i>California Public Utilities Commission</i> <i>505 Van Ness Avenue, Room 4010</i>
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	<p>(Corner of Van Ness Avenue and McAllister Street) San Francisco Information Contact: Manuel Ramirez (415) 703-1809</p>
<p>February 25, 2005 10 am - 12 noon</p>	<p>Board Member Tim Dayonot Department of Community Services and Development 700 N. 10th Street, Room 258 Sacramento Information Contact: Dawn Chambers (916) 341-4263</p>
<p>February 25, 2005 10 am - 12 noon</p>	<p>Board Member Maria Juarez Community Action Partnership Riverside County 2038 Iowa Avenue, Suite B-102 Riverside Information Contact: Shelley Plumlee (909) 955-4900</p>
<p>February 25, 2005 10 am - 12 noon</p>	<p>Board Member Alan Woo Community Action Partnership of Orange County 12640 Knott Street Garden Grove Information Contact: Marilene Panal (714) 897-6670, Ext. 3400</p>
<p>February 25, 2005 10 am - 12 noon</p>	<p>Board Member Yole Whiting San Diego Gas & Electric Company 8335 Century Park Court Bldg. 1 - 2nd Floor Conference Room 12-516 San Diego Information Contact: Gloria Saporito (858) 654-1231</p>
<p>February 25, 2005 10 am - 12 noon</p>	<p>Board Member Janine Scancarelli Folger Levin & Kahn LLP 275 Battery Street, 23rd Floor San Francisco Information Contact: Tricia Verbick (415) 365-7477</p>
<p>February 25, 2005 10 am - 12 noon</p>	<p>Board Member Ron Garcia Reliable Energy Mgmt. Inc. 6250 Paramount Boulevard</p>

<p>February 25, 2005 10 am - 12 noon</p>	<p>Long Beach Information Contact: Eva Martinez (562) 984-5511</p> <p>Board Member Ortensia Lopez El Concilio of San Mateo 1419 Burlingame Avenue, Suite N Burlingame Information Contact: Carol Hatten (650) 373-1095</p>
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The Low Income Oversight Board (LIOB) will meet to discuss, review and decide on:

(1) Approval of previous minutes, (2) review recent filing by the Standardization Team regarding new measures proposed for the 2006 low income energy efficiency program, (3) a CARE Audit update, and (4) a Needs Assessment Study update. LIOB will also review recent CPUC rulings, discuss pending CPUC orders and potential LIOB comments on any draft orders, new business, and agenda planning for future meetings.

This is a public meeting. Interested parties may attend in person at any of the above locations or may teleconference in. Wheelchair accessibility varies by site and can be determined by calling the above information contacts at the above locations. Parties who need directions may also call the above information contacts for directions or other site-specific information.

Teleconference Information: To use this option, please call: 1-866-675-0748 and then dialing pass code 554377#. We ask any participants who wish to use this teleconference service to refrain from any additional sounds, such as, music on hold, background noises, as it interferes with the meeting attendees. If necessary, please use the mute function on your phone or disconnect from the call and reconvene at a more convenient time.

Public Meeting Notice – Deaf and Disabled Telecommunications Program

<p>California Relay Service Advisory Committee (CRSAC) February 25, 2005 10 am – 4 pm</p>	<p>DDTP Office 505 14th Street, Suite 400 Oakland</p>
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PUBLIC MEETING AGENDA

I. Routine Business, A. Introductions, B. Agenda Modifications and Approval, C. Review of Minutes of the Previous Meeting, D. Review of Action List, E. CRS Contract Manager's Report, F. CRS Report, 1. Data Report – Sprint, 2. Data Report – MCI, 3. Data Report – Nordia, G. CPUC Report and General Program Status Update, H. Report from TADDAC Liaison, I. DDTP Staff Reports, 1. Field Operations, 2. Consumer Affairs, 3. Outreach, 4. Marketing, II. Public Input, III. Discussion of Chairs' meeting, IV. CRS-II Update and Discussion, VI. CapTel Discussion, VII. Outreach Expenditure Report, VIII. CRSAC Priority List, IX. Goals and Objectives, X. Discussion of the Standards and Assessment Guidelines for DDTP Advisory Committees, XI. Member Reports, and XII. Future Meetings and Locations.

Meeting Information

For more information, please contact Jane Elin, DDTP Committee Coordinator at (510) 302-1100 x110 voice or (510) 302-1118 TTY.

Environmental Notice: People with environmental illness or multiple chemical sensitivities must reduce their exposure in order to attend this meeting. Please refrain from wearing perfumes or scents to DDTP meetings.

Public Meeting Notice – Deaf and Disabled Telecommunications Program

<p>Telecommunications Access for the Deaf and Disabled Administrative Committee March 1, 2005 10 am - 4 pm</p>	<p>DDTP Office 505 14th Street, Suite 400 Oakland</p>
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The Telecommunications Access for the Deaf and Disabled Administrative Committee will hold a meeting to address the following:

PUBLIC MEETING AGENDA

I. Welcome and Introduction of Members, II. Minutes of the February 1, 2005 TADDAC Meeting and the February 9, 2005 Joint Meeting, Review and follow-up on Action List from previous meeting, III. Approval of Agenda, IV. Administrative Business, A. Public Input, B. Report from the Chair, C. Report from CPUC Staff, D. Report from CCAF Staff, V. Unfinished Business, A. Report from the CRS II Working Group, B. Discussion of CapTel Trial and Equipment Distribution Plan, C. Progress on Administrative Contract Work Group, VI. New Business, A. Recommendations from CRSAC, B. Recommendations from EPAC, C. Discussion of Nomination and Interview Process for new DDTP Committee Members, D. Discussion of Recommendations in the California Performance Review Report, E. Committee Member Constituency Contact, F. Appointment of Interview Subcommittee, G. Target for Disabled Community Seat, H. Discussion of Goals and Objectives for 2005-2006, I. Summary of the Commission's Broadband, J. Commissioner Grueneich's Telecommunications, and K. DDTP 2006-2007 Budget.

For additional information, please call Katy Franco, DDTP Committee Coordinator, at (510) 302-1100 VOICE, (510) 302-1101 TTY, or email her at katyf@ddtp.org. If you plan to attend the meeting and need sign language interpreters or other special communication accommodations, please call the DDTP office at least 5 days prior to the meeting.

Meeting Information: For more information, please contact Katy Franco, DDTP Committee Coordinator at (510) 302-1100 x110 voice or (510) 302-1118 TTY.

Environmental Notice: People with environmental illness or multiple chemical sensitivities must reduce their exposure in order to attend this meeting. Please refrain from wearing perfumes or scents to DDTP meetings.

Public Meeting Notice – Deaf and Disabled Telecommunications Program

*Deaf and Disabled Telecommunications Program
CRS 2 Workgroup
March 2, 2005
1 pm – 4 pm*

*DDTP Office
505 14th Street, Suite 400
Oakland*

The Deaf and Disabled Telecommunications Program will hold a meeting of the CRS 2 Workgroup – Mtg. #12. The purpose of the Committee is to discuss and provide recommendations on certain aspects of the new California Relay Service.

I. Welcome and Introduction of Members, II. Review and approve the Minutes of the February 2, 2005, CRS-II Workgroup Meeting. III. Review and approve agenda, IV. Action items from previous meeting, V. Comments/report from the CPUC, including potential for contract conflict if Verizon is successful in acquiring MCI, VI. CRS-II implementation progress report, including the potential of new technologies and services such as voice recognition software, VII. Website update and demonstration, VIII. 711 Choice Form, including availability and the paper-based version, IX. CRS-II marketing and outreach progress report, including results of January media campaign in terms of contacts and inquiries, X. CRS-II call quality, response times and complaints, including use of VCO, and summary of call evaluations prepared by committee members and sent to Mission, XI. Information briefing on comments filed by the California Coalition of Agencies Serving the Deaf and Hard of Hearing on Interoperability, XII. Schedule and agenda for next CRS-II Workgroup meeting, XIII. Adjournment.

Meeting Information: For more information, please contact Jane Elin, DDTP Committee Coordinator at (510) 302-1100 x110 voice or (510) 302-1118 TTY.

Environmental Notice: People with environmental illness or multiple chemical sensitivities must reduce their exposure in order to attend this meeting. Please refrain from wearing perfumes or scents to DDTP meetings.

Workshop Notice – R04-04-003: Procurement Incentive Framework

*March 7, 2005
9:30 am – 5 pm*

through

*March 9, 2005
9:30 am – 5 pm*

*Milton Marks Conference Center, San Diego Rooms
Hiram W. Johnson State Office Building
455 Golden Gate Avenue
San Francisco*

Per the November 23, 2004 ruling of Judge Gottstein in this proceeding, a three-day workshop will be held on the issue of Procurement Incentive Framework.

**NOTICE OF DRAFT RESOLUTIONS
(Pursuant to PU Code § 311(g))**

NONE

NEW FILINGS

- 2/14/05 **A05-02-018** - Southern California Edison Company, to issue, sell, and deliver one or more series of Debt Securities and guarantee the obligations of others in respect of the issuance of Debt Securities, the total aggregate principal amount of such indebtedness and guarantees not to exceed \$2.0 billion; to execute and deliver one or more indentures; to sell, lease, assign, mortgage or otherwise dispose of or encumber utility property; to issue, sell and deliver in one or more series, an aggregate amount not to exceed \$500 million par or stated value of Cumulative Preferred Stock - \$25 Par Value, Cumulative Preferred Stock - \$100 Par Value, Preference Stock or any combination thereof, and guarantee the obligations of others in respect of the issuance of that Stock; and for an exemption from the Commission's Competitive Bidding Rule.
- 2/17/05 **A05-02-016** – California Water Service Company, for an order authorizing in its Kern River Valley a water quality memorandum account.
- 2/17/05 **A05-02-017** - Mundo Express, Inc., Ivan Vallejo, and Rodrigo L. Polanco, for authority to control Mundo Express, Inc., pursuant to Section 854 of the Public Utilities Code.
- 2/18/05 **A05-02-019** - San Diego Gas & Electric Company, for authority to make various Electric Rate Design changes, close certain rates, and revise cost allocation among customer classes, effective January 1, 2006.
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PETITIONS FOR MODIFICATION AND APPLICATIONS FOR REHEARING

- 2/16/05 **I02-04-026** - Order Instituting Investigation into the ratemaking implications for Pacific Gas and Electric Company (PG&E) pursuant to the Commission's Alternative Plan of Reorganization under Chapter 11 of the Bankruptcy Code for PG&E, in the United States Bankruptcy Court, Northern District of California, San Francisco Division, In re Pacific Gas and Electric Company, Case No. 01-30923 DM; **Petition for Modification of D04-02-062 by the California Municipal Utilities Association.**
- 2/16/05 **R02-01-011** - Order Instituting Rulemaking regarding the implementation of the suspension of direct access pursuant to Assembly Bill 1X and Decision 01-09-060; **Petition for Modification of D04-12-059 and D03-08-076 by the California Municipal Utilities Association.**
- 2/16/05 **A04-07-032** – Pacific Gas and Electric Company, for authority (1) to sell or assign recovery property to one or more financing entities; (2) to service recovery bonds on behalf of financing entities; (3) to establish charges sufficient to recover fixed recovery amounts and fixed recovery tax amounts; and (4) for such further authority necessary to carry out the transactions described in this application; **Petition for Modification of D04-11-015 by the California Municipal Utilities Association.**
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**DRAFT DECISIONS * PROPOSED DECISIONS * ALTERNATES * PRESIDING OFFICER'S DECISION *
ARBITRATOR'S REPORTS**

NONE

ADVICE LETTER FILINGS

To inquire about a filing, call the Energy Division (703-1093), Telecommunications Division (703-1330) or Water Division (703-2028).

To protest a filing, mail the original letter/telegram to the Chief of the appropriate division (i.e., "Chief, [Energy, Telecommunications or Water] Division"), to be received no later than 20 days after the date the Advice Letter was filed.

"Effective TBD" means that the date is to be determined by further Commission action. A date listed as "anticipated effective" may be subject to change. An Advice Letter Supplement is not a new filing, and there is no protest period unless indicated.

02/17/05	Telecom 26211	PACIFIC BELL, Express contract (effective TBD)
02/17/05	Telecom 26212	PACIFIC BELL, Express contract (effective TBD)
02/17/05	Telecom 26213	PACIFIC BELL, Express contract (effective TBD)
02/17/05	Telecom 26214	PACIFIC BELL, Express contract (effective TBD)
02/17/05	Telecom 26215	PACIFIC BELL, Express contract (effective TBD)
02/18/05	Energy 2626E-A	PACIFIC GAS & ELECTRIC COMPANY, Supplements A.L.No.2626E , Issuance of energy recovery bonds (anticipated effective 03/01/05)
02/18/05	Energy 1871E	SOUTHERN CALIFORNIA EDISON COMPANY, Revenue transfer request for certain FERC revenues (anticipated effective 03/30/05)
02/18/05	Energy 1872E	SOUTHERN CALIFORNIA EDISON COMPANY, Implementation of affiliate transaction rules with respect to the creation of eight affiliates (anticipated effective 03/30/05)
02/18/05	Telecom 26223	PACIFIC BELL, Government Contract (effective TBD)
02/18/05	Telecom 26225	PACIFIC BELL, Government Contract (effective TBD)
02/18/05	Telecom 26226	PACIFIC BELL, Government Contract (effective TBD)
02/18/05	Telecom 26227	PACIFIC BELL, Government Contract (effective TBD)
02/18/05	Telecom 26228	PACIFIC BELL, Government contract (effective TBD)
02/18/05	Telecom 26229	PACIFIC BELL, Government Contract (effective TBD)
02/18/05	Telecom 26230	PACIFIC BELL, Government Contract (effective TBD)
02/22/05	Water 46	COLD SPRINGS WATER COMPANY, INC., To offset the increase in the Consumer Price Index for 2003 and to add a one-time surcharge for recovery of DHS fees. (effective TBD)

ADVICE LETTER SUSPENSIONS (Pursuant to M-4801, 04/19/01)

To inquire about a suspension, call the Energy Division (703-1093), Telecommunications Division (703-1330) or Water Division (703-2028).

NONE

ADVICE LETTER PROTESTS

To inquire about a protest, call the Energy Division (703-1093), Telecommunications Division (703-1330) or Water Division (703-2028). To obtain a copy of the protest, please direct your request to the protestor.

02/18/05	Telecom 26201	PACIFIC BELL, PROMOTION ON CATEGORY II SERVICE CUSTOMER OWNED PAY TELEPHONE SERVICE Protest by nii communications, Ltd. ("NII").
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MISCELLANEOUS TRANSPORTATION ITEMS
Filings with Consumer Protection and Safety Division

02/14/05	TCP 18593-B	Charter Harder Tours, Inc.; Attn: Brent Moser, Pres.; Mailing Address: 5600 Lenore Ave, Arcadia CA 91006; Terminal Address: Same; Tel. No: 626-575-3591; Application filed for Class B Charter-Party authority.
02/14/05	TCP 18595-B	Elsa Lazo DBA Compass Transportation; Mailing Address: 54 Tanforan Avenue, South San Francisco CA 94080; Terminal Address: Same; Tel. No: 650-246-8942; Application filed for Class B Charter-Party authority.
02/15/05	TCP 18604-B	Lupe Siaki DBA Compass Transportation; Mailing Address: 54 Tanforan Avenue, South San Francisco CA 94080; Terminal Address: Same; Tel. No: 650-246-8942; Application filed for Class B Charter-Party authority.

MISCELLANEOUS TELECOMMUNICATION MATTERS

NONE

TABLE OF SUBMISSION DATES FOR THE PRECEDING TWO WEEKS

2/22/05 ALJ Fukutome	A.04-08-042 - In the Matter of the Application of SOUTHERN CALIFORNIA WATER COMPANY (U 133 W) for an Order authorizing it to increase rates for water service by \$677,900 or 9.65% in 2005, by \$177,600 or 2.31% in 2006, and by \$186,000 or 2.36% in 2007 in the Arden-Cordova Customer Service Area; by \$227,300 or 4.71% in 2005, by \$126,400 or 2.50% in 2006, and by \$136,100 or 2.63% in 2007 in the Bay Point Customer Service Area; by \$136,200 or 10.37% in 2005, by \$45,800 or 3.16% in 2006, and by \$47,900 or 3.20% in 2007 in the Clearlake Customer Service Area; by \$183,500 or 9.44% in 2005, by \$89,700 or 4.22% in 2006, and by \$95,300 or 4.30% in 2007 in the Los Osos
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Customer Service Area; by \$214,500 or 8.07% in 2005, by \$154,600 or 5.38% in 2006, and by \$160,900 or 5.31% in 2007 in the Ojai Customer Service Area; by \$644,900 or 10.57% in 2005, by \$314,500 or 4.66% in 2006, and by \$331,000 or 4.69% in 2007 in the Santa Maria Customer Service Area; by \$575,100 or 7.24% in 2005, by \$120,600 or 1.42% in 2006, and by \$192,900 or 2.23% in 2007 in the Simi Valley Customer Service Area; and various other relief.

2/22/05
ALJ Walker

I.04-06-008 - Investigation on the Commission's own motion into the fitness of the officers, directors, owners and affiliates of Clear World Communications Corporation, U-6039, including individual officers, directors and shareholders James, Michael, and Joseph Mancuso, and into the conduct of other utilities, entities, or individuals (including Christopher Mancuso) who or that may have facilitated the Mancusos' apparent unlicensed sale of telecommunications services.

ADJOURNMENTS * RESETTINGS * HEARINGS CONCLUDED

ALJ Barnett **Correction to the Daily Calendar of 2/18/05**
C.04-10-020 - Nick J. Constantinides, Complaint, vs. Bear Valley Electric Services, Defendant,
Expedited Complaint Proceeding Hearing in San Bernardino held and concluded

ALJ Barnett **Correction to the Daily Calendar of 2/22/05**
C.04-10-027 (ECP) - Sotelo Car Care, Inc., Complainant, vs. Nextel of California, Inc., Defendant,
Expedited Complaint Proceeding Hearing in Los Angeles held and concluded

REMOVALS FROM CALENDAR

NONE

NEW SETTINGS

3/8/05
10:00 a.m.
ALJ Yacknin
Comr Kennedy **I.04-07-003 (EH)** - In the matter of the Order Instituting Investigation and Order to Show Cause on the Commission's own motion into the operations and practices of Fan Ding (aka Ding Fan or Lisa Ding), an individual doing business as Lucky Moving Co., Lucky Movers, Jixiang Moving Co., Northam Immigration Services, and Northman Immigration Service, Applicant/Respondent,
Commission Courtroom, San Francisco

LAW AND MOTION

Law and Motion Hearings are held before Administrative Law Judges Hallie Yacknin and John E. Thorson at 10:00 a.m. in one of the Commission's San Francisco Office Hearing Rooms, unless otherwise noted. Law and Motion procedures are governed by Resolution ALJ 164. Copies of Resolution ALJ 164 are available from the Commission's Documents Desk (415) 703-1713 or from Central Files (415) 703-2045.

2/28/05
10:00 a.m. **NONE SCHEDULED**

3/7/05
10:00 a.m. **NONE SCHEDULED**

3/14/05 NONE SCHEDULED
10:00 a.m.

FINAL ORAL ARGUMENTS (FOA)

NONE

HEARINGS

Dates in parentheses following the word “also” are subject to change without notice. The assigned Commissioner’s name is listed next to the proceedings as matter of record; the assigned Commissioner may not be present at the hearing.

(PHC) = Prehearing Conference
(EH) = Evidentiary Hearing
(PPH) = Public Participation Hearing
(IAM) = Initial Arbitration Meeting
(M) = Mediation

(ECP) = Expedited Complaint Procedure
(OSC) = Order to Show Cause
(WS) = Workshop
(FPH) = Full Panel Hearing
(AH) = Arbitration Hearing

(CA) = Closing Argument
(LM) = Law & Motion
(OA) = Oral Argument

2/24/05 **A.05-01-016 (PHC)** - Application of Pacific Gas and Electric Company for Authority to Implement Default CPP Rate Options For Large Customers, and
10:00 a.m. **A.05-01-017** - Application of San Diego Gas & Electric Company (U 902-E) for Adoption of a 2005
ALJ Cooke Default Critical Peak Pricing Structure for Commercial and Industrial Customers With Peak Demands
Comr Peevey Exceeding 300kW, and
A.05-01-018 - Southern California Edison Company’s (U 338-E) Application for Approval of Rate
Design Proposal for Large Customers,
Commission Courtroom, San Francisco

2/24/05 **A.05-01-016 (EH)** - Application of Pacific Gas and Electric Company for Authority to Implement Default
1:00 p.m. CPP Rate Options For Large Customers, and
ALJ Cooke **A.05-01-017** - Application of San Diego Gas & Electric Company (U 902-E) for Adoption of a 2005
Comr Peevey Default Critical Peak Pricing Structure for Commercial and Industrial Customers With Peak Demands
Exceeding 300kW, and
A.05-01-018 - Southern California Edison Company’s (U 338-E) Application for Approval of Rate
Design Proposal for Large Customers,
Commission Courtroom, San Francisco
(also February 25 and February 28 - March 4)

2/28/05 **A.04-08-012 (EH)** - In the Matter of the Application of California-American Water Company for
10:00 a.m. Authority Pursuant to Public Utilities Code Section 454 to Restructure and Consolidate its Rates for its
ALJ McVicar Monterey and Felton Districts,
Comr Kennedy **Commission Courtroom, San Francisco**
(also March 1 – 4)

3/1/05 **A.03-10-057 (PHC)** - In the Matter of the Application of the SOUTHERN CALIFORNIA WATER
10:00 a.m. COMPANY (U 133 W) for an order authorizing it to increase rates for water service in 2004 in its Region
ALJ Vieth 1 Customer Service Areas by \$179,200 or 2.62% in the Arden-Cordova CSA; \$93,400 or 1.98% in the
Comr Peevey Bay Point CSA; and \$115,900 or 4.55% in the Ojai CSA; and various other relief,
Commission Courtroom, San Francisco

- 3/1/05**
10:00 a.m.
ALJ Koss
Comr Peevey
C.04-06-032 (EH) - E. Dennis Geary, Trustee of the Geary Family Trust Under Declaration of Trust Dated October 9, 1990, Complainant, vs. North County Transit District and Versaform Corporation, Defendants,
San Diego State Office Building, 1350 Front Street, Room B-107, San Diego, CA
(also March 2)
- 3/7/05**
10:00 a.m.
ALJ Galvin
Comr Kennedy
A.03-12-008 (EH) - In the Matter of the Application of CALIFORNIA WATER SERVICE COMPANY (U 60 W), a corporation, for an order authorizing treatment of net proceeds from real property sales as subject to Public Utilities Code § 790 and for establishment of memorandum accounts to record net sales proceeds, and
A.04-08-017 - In the Matter of the Application of CALIFORNIA WATER SERVICE COMPANY (U 60 W), a corporation, for an order authorizing replacement of the operations center and customer center in the Chico District and treatment of their net sale proceeds as subject to Public Utilities Code § 790,
Commission Courtroom, San Francisco
(also March 8)
- 3/8/05**
9:00 a.m.
ALJ Malcolm
Comr Brown
A.04-07-044 (EH) - Application of Pacific Gas and Electric Company to Revise its Gas Rates and Tariffs to be Effective July 1, 2005 (U 39 G),
Commission Courtroom, San Francisco
- 3/8/05**
10:00 a.m.
ALJ Yacknin
Comr Kennedy
I.04-07-003 (EH) - In the matter of the Order Instituting Investigation and Order to Show Cause on the Commission's own motion into the operations and practices of Fan Ding (aka Ding Fan or Lisa Ding), an individual doing business as Lucky Moving Co., Lucky Movers, Jixiang Moving Co., Northam Immigration Services, and Northman Immigration Service, Applicant/Respondent,
Commission Courtroom, San Francisco
- 3/10/05**
10:00 a.m.
ALJ Patrick
C.05-01-028 (ECP) - Billy Wayne French, Complainant, vs. Pacific Gas and Electric Company, Defendant,
State Personnel Board, 801 Capitol Mall, Room 141, Sacramento, CA
- 3/14/05**
9:00 a.m.
ALJ Vieth
Comr Peevey
A.03-10-057 (EH) - In the Matter of the Application of the SOUTHERN CALIFORNIA WATER COMPANY (U 133 W) for an order authorizing it to increase rates for water service in 2004 in its Region 1 Customer Service Areas by \$179,200 or 2.62% in the Arden-Cordova CSA; \$93,400 or 1.98% in the Bay Point CSA; and \$115,900 or 4.55% in the Ojai CSA; and various other relief,
Commission Courtroom, San Francisco
(also March 15 – 16)
- 3/14/05**
10:00 a.m.
ALJ Brown
Comr Brown
A.04-03-008 (EH) - Application of San Diego Gas & Electric Company (U 902 E) for a Certificate of Public Convenience and Necessity for the Otay Mesa Power Purchase Agreement Transmission Project,
Commission Courtroom, San Francisco
(also March 15 – 18)
- 3/14/05**
11:00 a.m.
ALJ Malcolm
Comr Peevey
R.03-08-018 (PHC) - Order Instituting Rulemaking to Review Policies Concerning Intrastate Carrier Access Charges,
Commission Courtroom, San Francisco
- 3/15/05**
1:30 p.m.
ALJ Walker
Comr Kennedy
A.04-07-001 (PHC) - Application of the San Luis Obispo County Public Works Department for an order authorizing construction of an at-grade pedestrian crossing in San Miguel, California crossing Union Pacific Railroad in the vicinity of 16th Street, County of San Luis Obispo,
Commission Courtroom, San Francisco

- 3/16/05**
10:00 a.m.
ALJ DeBerry
Comr Peevey
A.04-09-028 (EH) - In the Matter of Application of California Water Service Company (U 60 W), a corporation, for an order authorizing it to increase rates charged for water service in the Chico District by \$2,614,975 or 24.20% in fiscal 2005-2006, by \$603,000 or 4.46% in fiscal 2006-2007, and by \$603,000 or 4.27% in fiscal 2007-2008, and
Related Matters:
A.04-09-029
A.04-09-030
A.04-09-031
A.04-09-032
A.04-09-033
A.04-09-034
A.04-09-035
Commission Courtroom, San Francisco
(also March 17 – 18 and March 21 – 22)
- 3/18/05**
12:00 noon
ALJ Barnett
C.05-01-021 (ECP) - Paul Merritt Christiansen, Complainant, vs. SBC Pacific Bell, Defendant,
Commission Courtroom, State Office Building, 320 West 4th Street, Suite 500, Los Angeles, CA
- 3/23/05**
10:00 a.m.
ALJ DeBerry
Comr Kennedy
A.04-07-033 (EH) - In the Matter of the Application of Silverado Stages, Inc. for authority to operate as a passenger stage corporation between points in San Luis Obispo and Santa Barbara Counties and the Los Angeles International Airport and the ports of San Pedro and Long Beach and to establish a Zone of Rate Freedom,
Commission Courtroom, San Francisco
(also March 24 – 25)
- 3/23/05**
10:00 a.m.
ALJ Walker
Comr Brown
C.04-10-008 (EH) - Color Marble Inc., Complainant, vs. Southern California Edison Company, Defendant,
Commission Courtroom, State Office Building, 320 West 4th Street, Suite 500, Los Angeles, CA
- 3/28/05**
10:00 a.m.
ALJ Malcolm
Comr Peevey
R.03-08-018 (EH) - Order Instituting Rulemaking to Review Policies Concerning Intrastate Carrier Access Charges,
Commission Courtroom, San Francisco
(also March 29 – 30 at 9:00 a.m.)
- 3/30/05**
3:00 p.m.
ALJ Malcolm
Comr Peevey
R.03-10-003 (PHC) - Order Instituting Rulemaking to Implement Portions of AB 117 Concerning Community Choice Aggregation,
Commission Courtroom, San Francisco
- 4/5/05**
10:00 a.m.
ALJ McKenzie
Comr Brown
A.04-11-007 (EH) - Application of Pacific Gas and Electric Company (U 39 E) for Rate and Line Extension Incentives for Conversion of Stationary Agricultural Internal Combustion Equipment to Electric Service, and
A.04-11-008 - Application of Southern California Edison Company (U 338-E) for Rate and Line Extension Incentives for Conversion of Stationary Agricultural Internal Combustion Equipment to Electric Service,
Commission Courtroom, San Francisco
(also April 6 – 8)
- 4/11/05**
9:00 a.m. –
12:00 p.m.
ALJ Thorson
Comr Peevey
A.04-11-004 (PHC) - Application of Union Pacific Railroad Company, Keene Water System (0434W), For Authorization to Increase Rates and For Interim Rate Relief,
Commission Courtroom, San Francisco

- 4/12/05**
10:00 a.m.
ALJ Barnett
Comr Brown
A.04-11-003 (EH) - Application of San Diego Gas and Electric Company (U 902-E) for Adoption of Cost Recovery and Ratemaking Mechanisms Relative to SDG&E's Acquisition and Operation of the Palomar Energy Center,
Commission Courtroom, San Francisco
(also April 13)
- 4/12/05**
10:00 a.m.
ALJ McKenzie
Comr Kennedy
C.04-10-024 (EH) - Pac-West Telecomm, Inc., Complainant, vs. AT&T Communications of California, Inc., Teleport Communications Group of San Francisco, Teleport Communications Group of Los Angeles, and Teleport Communications Group of San Diego, Defendants,
Commission Courtroom, San Francisco
(also April 13 – 15)
- 4/19/05**
10:00 a.m.
ALJ Walker
Comr Kennedy
A.04-02-031 (EH) - Application of the City of Gridley to remove the Laurel Street crossing of the Union Pacific Railroad Company tracks and construct a new crossing in the City of Gridley, County of Butte,
Commission Courtroom, San Francisco
(also April 20 – 21)
- 4/20/05**
9:00 a.m.
ALJ Vieth
Comr Kennedy
A.04-07-042 (EH) - In the matter of the Application of Hillview Water Company (U 194-W) for authority to increase rates: In 2004 \$251, 233, or 28.32% above the revenues generated by present rates,
Commission Courtroom, San Francisco
(also April 21 – 22, if needed)
- 4/25/05**
8:00 a.m. –
4:00 p.m.
ALJ Thorson
Comr Peevey
A.04-11-004 (EH) - Application of Union Pacific Railroad Company, Keene Water System (0434W), For Authorization to Increase Rates and For Interim Rate Relief,
Commission Courtroom, San Francisco
(also April 26 at 9 a.m. – 4:00 p.m.)
- 4/26/05**
9:00 a.m.
ALJ Vieth
Comr Peevey
C.04-12-023 (EH) - Kenneth and Jennifer Marsden, Complainants, vs. Pacific Gas and Electric Company, Defendant,
Commission Courtroom, San Francisco
- 4/26/05**
10:00 a.m.
ALJ Fukutome
Comr Peevey
A.04-07-018 (EH) - In the Matter of the Application of SOUTHERN CALIFORNIA WATER COMPANY (U 133-W), for an Order pursuant to Public Utilities Code Section 851 approving a Reallocation Agreement with the City of Folsom, as directed by D.04-04-069,
Commission Courtroom, San Francisco
(also April 27 – 28)
- 4/26/05**
10:00 a.m.
ALJ Brown
Comr Peevey
R.04-04-003 (PHC) - Order Instituting Rulemaking to Promote Policy and Program Coordination and Integration in Electric Utility Resource Planning,
Commission Courtroom, San Francisco
- 4/27/05**
10:00 a.m.
ALJ Halligan
Comr Kennedy
R.04-04-025 (PHC) - Order Instituting Rulemaking to Promote Consistency in Methodology and Input Assumptions in Commission Applications of Short-Run and Long-run Avoided Costs, Including Pricing for Qualifying Facilities,
Commission Courtroom, San Francisco
- 5/2/05**
10:00 a.m.
ALJ Halligan
Comr Kennedy
R.04-04-025 (EH) - Order Instituting Rulemaking to Promote Consistency in Methodology and Input Assumptions in Commission Applications of Short-Run and Long-run Avoided Costs, Including Pricing for Qualifying Facilities,
Commission Courtroom, San Francisco
(also May 3 – 6; May 9 – 13 and May 16 – 20 at 9:00 a.m.)

5/17/05 10:00 a.m. ALJ Mattson Comr Peevey	A.04-06-024 (PHC) - Application of Pacific Gas and Electric Company To Revise Its Electric Marginal Costs, Revenue Allocation, and Rate Design U 39 M, Commission Courtroom, San Francisco
5/20/05 11:00 a.m. ALJ Barnett Comr Kennedy	C.05-01-022 (PHC) - Richard E. and Joyce A. Kline, Complainants, vs. Pacific Gas and Electric Company, Defendant, Commission Courtroom, San Francisco
5/23/05 9:00 a.m. ALJ Mattson Comr Peevey	A.04-06-024 (EH) - Application of Pacific Gas and Electric Company To Revise Its Electric Marginal Costs, Revenue Allocation, and Rate Design U 39 M, Commission Courtroom, San Francisco (also May 24 – 27; May 30 – June 3; and June 6 – 10)
5/23/05 10:00 a.m. ALJ Malcolm Comr Peevey	R.03-10-003 (EH) - Order Instituting Rulemaking to Implement Portions of AB 117 Concerning Community Choice Aggregation, Commission Courtroom, San Francisco (also May 24 – 27 and May 31 at 9:00 a.m.)

DECISION SUMMARIES

D05-02-001 02/01/2005	I.04-03-016	CPUC - MIKO TELEPHONE COMMUNICATIONS, INC., Investigation on the Commission's own motion into the operations and practices of Miko Telephone Communications, Inc. and its sole owner and President Margaret Currie, to determine whether it has violated the laws, rules and regulations governing payment of surcharges to the Commission, authorized operation in California, providing accurate information to the Commission and the manner in which California consumers are switched from one long-distance carrier to another. Finds that respondents violated Public Utilities Code Sections 405, 702, 1013(a), and 2229.5(a), as well as Commission rules and regulations. The CPCN issued to Miko Telephone Communications, Inc. and in effect when this investigation began is permanently revoked. This proceeding is closed.
D05-02-002 02/08/2005	C.04-12-017	(ECP) AMOKRANE KACI vs. Pacific Bell Telephone Company, dba SBC California (U 1001-C), for an order that complainant does not owe to defendant the sum of \$320. or any other sum. Dismissed. This proceeding is closed.
D05-02-003 02/10/2005	A.99-12-025	VALENCIA WATER COMPANY, for approval of its updated water management program. The Angeles Chapter of the Sierra Club is awarded \$4,074.18 in compensation for its substantial contribution to D03-10-063 and D01-11-048. This proceeding is closed.
D05-02-004 02/10/2005	A.03-10-039	PACIFIC BELL TELEPHONE COMPANY, dba SBC CALIFORNIA, for expedited dispute resolution of a right-of-way agreement with Roseville Telephone Company pursuant to 47 U.S.C. Section 224(c) and Decision 98-10-058. Adopts final arbitrator's report.
D05-02-005 02/10/2005	I.02-06-003	PUC - PACIFIC BELL WIRELESS, LLC, dba CINGULAR WIRELESS, Investigation on the Commission's own motion into the operations, practices, and conduct of Pacific Bell Wireless LLC, dba Cingular Wireless, U-3060, U-4135, and U-4314, and related entities

		(collectively 'Cingular'), to determine whether Cingular has violated the laws, rules and regulations of this State in its sale of cellular telephone equipment and service and its collection of an Early Termination Fee and other penalties from consumers. Grants intervenor compensation to UCAN.
D05-02-006 02/10/2005	A.04-04-005	SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E), for a Commission Finding that its Procurement-Related and Other Operations for the record period July 1 through December 31, 2003 complied with its Adopted Procurement Plan; for Verification of its Entries in the Energy Resource Recovery Account; for Recovery of a Nuclear Unit Incentive Reward of \$9.7 Million; and for Recovery of \$4.9 Million recorded in the Electric Transaction Administration Memorandum Account. (Public Version). Finds that SCE's administration of power purchase agreements and procurement of least cost dispatch power activities for the period beginning July 1, 2003 and ending December 31, 2003 were reasonable and prudent. This proceeding is closed. (Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)
D05-02-007 02/10/2005	A.04-04-040 A.04-04-041 A.04-08-013	CALIFORNIA-AMERICAN WATER COMPANY, for an order authorizing it to increase its rates for water service in its Sacramento district to increase revenues by \$3,160.8 or 14.35% in the year 2005, by \$2,158.6 or 8.48% in the year 2006, and by \$1,202.2 or 4.35% in the year 2007. Interim Opinion. Grants interim rate relief to California American Water Company for its Larkfield and Sacramento districts on the effective date of this decision, as set forth.
D05-02-008 02/10/2005	A.04-10-007	SAN DIEGO GAS & ELECTRIC COMPANY, for adoption of its 2005 Energy Resource Recovery Account (ERRA) Forecast Revenue Requirement, Review of its Power Procurement Balancing Account, and Approval of its 2004 ERRA Trigger Amount. Orders pursuant to Rule 6.5 of the Rules of Practice and Procedure that a hearing is not needed in this proceeding. (Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)
D05-02-009 02/10/2005	A.03-03-043	SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E), for a Permit to Construct Electrical Facilities with Voltage between 50 kV and 200 kV: Viejo System Project. Grants intervenor compensation to NOPE, Inc. for its substantial contribution to D04-07-027. (Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)
D05-02-010 02/10/2005	A.04-09-022	PACIFIC GAS AND ELECTRIC COMPANY, CITY OF REDDING, a California Corporation, and the City of Redding, a Municipal Corporation of the State of California, for an Order authorizing the sale and conveyance of a certain parcel of land in Shasta County pursuant to Public Utilities Code Section 851. Approves the sale and conveyance by PG&E of a certain parcel of land located in Shasta County to the City of Redding. This proceeding is closed. (Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)
D05-02-011 02/10/2005	A.04-09-012	G2 SOLUTIONS, LLC, for a Certificate of Public Convenience and Necessity to offer Local Exchange, Access and Interexchange Services.

Granted as set forth. This proceeding is closed.

D05-02-012 02/10/2005	A.03-11-012	BARTOO CHARITABLE TRUST, NELSON E. AND WINIFRED M., dba B&W RIVERVIEW ESTATES WATER CO., to sell and Rentals Etc. to buy the water system in Los Molinos, California, Tehama County. Granted as set forth. This proceeding is closed.
D05-02-013 02/10/2005	A.04-07-038	SACRAMENTO REGIONAL TRANSIT DISTRICT, for Authority to Modify, Maintain and Operate a light rail passenger system Blue Ravine Road in the City of Folsom, County of Sacramento, State of California. Granted as set forth. This proceeding is closed.
D05-02-014 02/10/2005	A.04-08-032	SACRAMENTO REGIONAL TRANSIT DISTRICT, for authorization to construct, maintain and operate a light rail passenger system under U.S. Highway 50 Natoma Overhead 24-0120 at Folsom Boulevard in the County of Sacramento, City of Folsom, State of California. Granted as set forth. This proceeding is closed.
D05-02-015 02/10/2005	A.04-08-036	CITY OF VICTORVILLE, for authorization for the construction of a proposed grade separation of National Trails Highway (Historic Route 66) over the proposed Southern California Logistics Rail Authority crossing in the City of Victorville. Granted as set forth. This proceeding is closed.
D05-02-016 02/10/2005	A.04-10-028	CITY OF DINUBA, to construct a new at-grade crossing at Ventura Street across the tracks of San Joaquin Valley Railroad Company and the removal of the at-grade crossing at Mono Street in the City of Dinuba, County of Tulare, State of California. Granted as set forth. This proceeding is closed.
D05-02-017 02/10/2005	R.00-02-004	PUC - Order Instituting Rulemaking on the Commission's own motion to establish consumer rights and consumer protection rules applicable to all telecommunications utilities. Grants intervenor compensation for substantial contributions to D04-08-056 and D04-10-013.
D05-02-018 02/10/2005	A.04-11-026	SOUTHERN CALIFORNIA EDISON COMPANY, for confirmation of the reappointment of Aulana L. Peters to the committee of each of its nuclear decommissioning trust funds. Authorizes reappointment of nuclear facilities decommissioning trust committees. This proceeding is closed. (Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)
D05-02-019 02/10/2005	A.02-10-004	AMERICANSTAR TOURS, for Extension of its Authority as a Passenger Stage Corporation between Points in San Luis Obispo, Santa Barbara, Ventura, Monterey, Santa Clara, Alameda, San Francisco, Fresno, Kings, Los Angeles, Tulare, Kern counties; and to establish a Zone of Rate Freedom. Granted as set forth. This proceeding is closed.
D05-02-020 02/10/2005	A.04-10-015	WTI COMMUNICATIONS, INC., for a Certificate of Public Convenience and Necessity to operate as a Provider of resold local exchange telecommunication services within the State of California. Granted as set forth. This proceeding is closed.
D05-02-021 02/10/2005	A.04-11-010	SOUTHWEST GAS CORPORATION, for the issuance of a limited exemption from the Affiliate Transaction Rules adopted in D97-12-088. Granted as set forth. This proceeding is closed. (Comr. Grueneich

recused herself from this agenda item and was not part of the quorum in its consideration.)

D05-02-022 02/10/2005	C.02-09-045	MPOWER COMMUNICATIONS CORP. (U 5859-C) vs. Pacific Bell Telephone Company (U 1001-C). Complaint is granted as set forth and is otherwise denied. This proceeding is closed.
D05-02-023 02/10/2005	A.02-07-022	SAN DIEGO GAS & ELECTRIC COMPANY, for a Certificate of Public Convenience and Necessity for the Miguel - Mission 230kV #2 Project. Dismisses application for rehearing of D04-07-026 and denies pending motions. (Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)
D05-02-024 02/10/2005	A.00-11-038 A.00-11-056 A.00-10-028	SOUTHERN CALIFORNIA EDISON COMPANY, for authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. Denies rehearing of D05-01-036. (Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)
D05-02-025 02/10/2005	A.04-09-021	PACIFIC GAS AND ELECTRIC COMPANY, LEONARD SOLONIUK/LINDA RUCKLE-SOLONIUK, a California Corporation, and Leonard Soloniuk and Linda Ruckle-Soloniuk, as individuals, for an Order authorizing the sale and conveyance of a certain parcel of land in Shasta County pursuant to Public Utilities Code Section 851. Corrects error in D05-01-044.
D05-02-026 02/10/2005	C.04-10-025	(ECP) INNOVATIVE GLASS ELEMENTS, INC. vs. Southern California Edison Company (U 338-E) for the following orders: (1) that the bill for the period May 3 to July 1, 2003 be reduced to the amount of \$1,200; (2) that the bill for "Unauthorized Use of Service" in the amount of \$5,432.71 be dismissed; and (3) for return of the impound sum of \$3,356.65. Dismissed. The deposit with the Commission shall be disbursed as set forth.

SPECIAL RESOLUTIONS

2/1/2005	SX-65	Resolution authorizing the railroads in California to update costs of maintenance of automatic grade-crossing warning devices for calendar year 2004. Adopted as set forth.
2/8/2005	T-16923	Resolution requesting reinstatement of Certificate of Public Convenience and Necessity held by Bulletins due to Administrative error. Adopted as set forth.

COMMISSION MEETING OF FEBRUARY 10, 2005

Commissioners Present:

Michael R. Peevey, President

Geoffrey F. Brown

Susan P. Kennedy

Dian M. Grueneich

2/10/2005	ALJ 176-3147	Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure. Adopted as set forth in the attachments. (Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)
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- E-3910 Advice Letter 1641-E of San Diego Gas & Electric Company (SDG&E). Resolution approving the actions SDG&E has taken to implement California Public Utilities Commission D04-07-028, which is consistent with its approved short-term procurement plan. SDG&E developed a new Operating Procedure in cooperation with the California Independent System Operator to help congestion mitigation by using effectiveness factors in procurement and scheduling activities. **Adopted as set forth. Southern California Edison's protest is resolved as described. (Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)**
- E-3913 Advice Letter 1639-E of San Diego Gas & Electric Company (SDG&E). Requests approval of Amendment to SDG&E/Comverge contract in compliance with D04-06-011. **Granted as set forth. (Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)**
- T-16895 Resolution recommending a budget of \$66.8 million for Fiscal Year 2005-2006 for the Deaf and Disabled Telecommunications Program and granting the Executive Director the authority to enter into contracts to expand and extend captioned telephone service. **Adopted as set forth in the appendix.**
- T-16914 Advice Letter 10899 of Verizon California, Inc. (Verizon). Resolution approving the request of Verizon to grandfather Integrated Services Digital Network-Basic Rate Interface Single Line Residence service. **Adopted as set forth.**
- TL-19054 Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code. **Adopted as set forth in the attachment.**
- W-4519 Supplemental Advice Letter 131-A of Del Oro Water Company, Lime Saddle District (DOWC-LSD). Resolution authorizing DOWC-LSD a water quantity surcharge producing an increase in revenue of \$75,241 to recover the under-collection reflected in the full cost purchased water balancing account. **Adopted as set forth.**
- W-4520 Advice Letter 32 of Cobb Mountain Water Company (CMWC). Resolution authorizing CMWC a one-time surcharge to recover an increase in water testing costs producing an increase in annual revenues of \$1,266.30 or 10.70%. **Adopted as set forth.**
- W-4521 Advice Letter 96 of Peerless Water Company (PWC). Resolution authorizing PWC a surcharge to recover Department of Health Services costs producing an increase in annual revenue of \$3,777.38 or 0.47%. **Adopted as set forth.**

NOTICE OF DENIAL OF REQUEST FOR EX PARTE MEETING

On September 20, 1996, the Commission adopted Resolution ALJ 169 regarding the "Filing of Notice of Denial of Request for Ex Parte Meeting." The resolution implements an interim procedure whereby a party whose written request for an ex parte meeting with a Commissioner has been denied will be allowed to file a notice of such denial. Copies of Resolution ALJ 169 are available from the Commission's Central Files Office at 505 Van Ness Avenue, Room 2002, San Francisco; telephone (415) 703-2045. Copies of tendered notices are available in the Central Files Office for review and/or reproduction under existing procedures. They are also available from the filing party who is under the obligation to provide copies of the notice without delay.

NONE

NOTICE OF ALL-PARTY MEETINGS (PU Code § 1701.3(c))

NONE

NOTICE OF EX PARTE COMMUNICATIONS

Copies of tendered notices are available in the Central Files Office for review and/or reproduction under existing procedures. They are also available from the filing party who is under the obligation to provide copies of the notice without delay.

2/18/05	A01-02-024	AT&T Communications of California, Inc. and WorldCom, Inc., for the Commission to reexamine the recurring costs and prices of unbundled switching in its first annual review of unbundled network element costs pursuant to Ordering Paragraph 11 of D99-11-050.
	A01-02-035	AT&T Communications of California, Inc. and WorldCom, Inc., for the Commission to reexamine the recurring costs and prices of unbundled loops in its first annual review of unbundled network element costs pursuant to Ordering Paragraph 11 of D99-11-050.
	A02-02-031	Telephone Connection Local Services, LLC (U5522-C), for the Commission to Reexamine the Recurring Costs and Prices of the DS-3 Entrance Facility Without Equipment in its Second Annual Review of Unbundled Network Element Costs pursuant to Ordering Paragraph 11 of D99-11-050.
	A02-02-032	AT&T Communications of California, Inc. and WorldCom, Inc., for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Interoffice Transmission Facilities and signaling Networks and Call-Related Databases in its Second Annual Review of Unbundled Network Element Costs pursuant to Ordering Paragraph 11 of D99-11-050.
	A02-02-034	Pacific Bell Telephone Company (U 1001 C), for the Commission to Re-Examine the Costs and Prices of the Expanded Interconnection Service Cross-Connect Network Element in the Second Annual Review of Unbundled Network Element Costs pursuant to D99-11-050.
	A02-03-002	XO California, Inc. (U 5553 C), for the Commission to Re-Examine the Recurring Costs of DS1 and DS3 Unbundled Network Element Loops provided by Pacific Bell Telephone Company, as and for the Commission's Second Triennial Review of Recurring Unbundled Network Element Costs pursuant to Ordering Paragraph 11 of D99-11-050.

Summary: On February 15, 2005, Eric Batongbacal, Executive Director of Pacific Bell Telephone Company dba SBC California (SBC CA), met with the Commission interim advisor Chris Poschl in San Francisco. Also present was David Discher, General Attorney for SBC CA. Written material (attached to the notice) was used. SBC CA representatives stated that the record in this proceeding supports a shared and common markup of no less than 19 percent and that there is no support in the record for a 10 percent markup as proposed in the proposed decision or a 15 percent markup as proposed in Cmmr. Brown's alternate. Batongbacal and Discher further stated that any change in the markup should not be made retroactive.

Filer: Pacific Bell Telephone Company, dba SBC California

Contact: Thomas Selhorst

Phone: (415) 542-7715

Email: thomas.selhorst@sbc.com

Summary: On February 15, 2005, Eric Batongbacal, Executive Director of Pacific Bell Telephone Company dba SBC California (SBC CA), met with Lester Wong, advisor to Pres. Peevey, in San Francisco. Also present was David Discher, General Attorney for SBC CA. SBC CA representatives explained that the Commission is precluded from ordering a waiver, and that the OANAD record supports a shared and common markup of no less than 1 percent. Batongbacal and Discher also explained that, to be consistent, the markup adjustment cannot be retroactive.

Filer: Pacific Bell Telephone Company, dba SBC California

Contact: Thomas Selhorst

Phone: (415) 542-7715

Email: thomas.selhorst@sbc.com

2/18/05	A03-01-013	Pasadena Avenue Monterey Road Committee, for variance of General Order 143B and Authority to explore and enter into negotiations for consideration and implementation pursuant to Public Utilities Code Sections 1202 and 7604 as a Pilot Project as permitted by SB 1491.
	A03-07-049	Pasadena Avenue Monterey Road Committee and City of South Pasadena, for variance of General Order 75-C.
	A03-07-050	City of South Pasadena, for approval of Ordinance 2121 relating to limitations of train speeds pursuant to section 7658 of the California Public Utilities Code.

Summary: LATE FILED. On February 10, 2005, Martin Mattes, attorney for Los Angeles County Metropolitan Transportation Authority (MTA), met with Ross LaJeunesse, advisor to Cmmr. Kennedy, in San Francisco. Mattes addressed the revised proposed decision (PD) of ALJ Simon. Mattes communicated MTA's concern about possible ambiguity in a revised statement in the PD of the procedure to be mandated for testing certain crossing bells.

Filer: Los Angeles County Metropolitan Transportation Authority

Contact: Jeannie Wong

Phone: (415) 398-3600

Email: jwong@nossaman.com

Fax: (415) 398-2438
