Public Utilities Commission of the State of California

Public Agenda 3301
Thursday, September 27, 2012  9:00 a.m.
San Francisco, California

Commissioners

Michael R. Peevey, President
Mark J. Ferron
Michel Peter Florio
Catherine J.K. Sandoval
Timothy Alan Simon

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

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

Scheduled Commission Meetings
505 Van Ness Avenue, San Francisco

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<th>Ratesetting Deliberative Meeting*</th>
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<td>Room 5305</td>
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<td>(1:30 p.m.)</td>
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Closed to the Public

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<th>Monday, September 24, 2012 (San Francisco)</th>
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Open to the Public

*Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

For further information contact the Public Advisor
(415) 703-2074    E-mail:  public.advisor@cpuc.ca.gov

This location is accessible to people with disabilities.  If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TTY# (415) 703-5282 or toll free # 1-866-836-7825 three business days in advance of the meeting.
PUBLIC COMMENT

The following items are not subject to public comment:

· All items on the closed session agenda.
· 19, 20, 23

Public Comment:

Consent Agenda

Consent Agenda - Orders and Resolutions

1 Preliminary Categorizations and Hearing Determinations for Recently Filed Formal Applications
Res ALJ 176-3301

PROPOSED OUTCOME:

Ratification of preliminary determination of category for proceedings initiated by application. The Preliminary determinations are pursuant to Rule 7.1 of the Commission's Rules of Practice and Procedure.

ESTIMATED COST:

None.

http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=28946804
2 Deaf and Disabled Telecommunications Program’s Budget Resolution for Fiscal Year 2013-2014
Res T-17372

PROPOSED OUTCOME:

Establishes the Deaf and Disabled Telecommunications Program budget at $76.11 million for Fiscal Year 2013-2014.

ESTIMATED COST:

$76.11 million.


Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3299, Item 20 8/23/2012 (Staff)

3 (Rev.) California Teleconnect Fund Budget Resolution for Fiscal Year 2013-2014
Res T-17377

Proposed Outcome:

Approves California Teleconnect Fund budget of $92,429,000 for Fiscal Year 2013-2014. A $194,000 increase to the annual appropriation cap, from $92,234,000 to $92,429,000. A cap of $11,167,000 on the total discounts available for community colleges for Fiscal Year 2013-2014.

Estimated Cost:

$92,429,000.

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3299, Item 24 8/23/2012 (Staff)

09/20/2012 - This revision was not shown on the Agenda mailed to the public.
Consent Agenda - Orders and Resolutions (continued)

4  California LifeLine Program’s Budget Resolution for Fiscal Year 2013-2014

Res T-17376

PROPOSED OUTCOME:

Establishes the California LifeLine Program budget at $347.553 million for Fiscal Year 2013-2014.

ESTIMATED COST:

$347.553 million.

http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=28950723

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3299, Item 26 8/23/2012 (Staff)

5  Commission Review of the Energy Division’s Disposition for Pacific Gas and Electric Company’s Advice Letter


PROPOSED OUTCOME:

Affirms Energy Division’s disposition of Pacific Gas and Electric Company’s Advice Letter (AL) 3278-G/4006-E.

Approves the AL as filed.

ESTIMATED COST:

None.

http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=27847204

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3300, Item 16 9/13/2012 (Staff)
Southern California Edison Company's Revisions to the
Station Power Protocol Tariff


PROPOSED OUTCOME:

Approves Southern California Edison Company's (SCE) proposed revisions to the Station Power Self Supply (SPSS) Schedule to assess certain retail charges to station power load of generators that participate in the California Independent System Operator’s Station Power Protocol.

Directs SCE to modify the SPSS Schedule so that the station power load is permitted to be netted with on-site generation within the same 15-minute interval.

ESTIMATED COST:

None.

http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=27845793

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3300, Item 17 9/13/2012 (Staff)


PROPOSED OUTCOME:

Rejects the Tier 2 Advice Letters (AL) and proposed tariffs filed by San Diego Gas & Electric Company (SDG&E), Southern California Edison Company (SCE) and Pacific Gas and Electric Company (PG&E) to implement the privacy and security rules adopted by Decision (D) 11-07-056.

Directs SDG&E, SCE and PG&E to re-file these ALs based on discussions held in a future workshop, as ordered by D12-08-045.

ESTIMATED COST:

None.

http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=28609033

Pub. Util. Code § 311 – This item was mailed for Public Comment.
San Diego Gas & Electric Company's Two Purchase and Sale Agreements


PROPOSED OUTCOME:

Approves cost recovery for San Diego Gas & Electric Company’s purchase and sale agreements for renewable energy credits with Cabazon Wind Partners LLC and Whitewater Hill Wind Partners LLC.

ESTIMATED COST:

Costs of these power purchase agreements are confidential at this time.

http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=28948106

Pub. Util. Code § 311 – This item was mailed for Public Comment.

California Teleconnect Fund Surcharge Rate Increase

Res T-17375

PROPOSED OUTCOME:

Approves the California Teleconnect Fund surcharge rate increase from 0.079% to 0.59%, effective November 1, 2012, until further revised by the Commission.

ESTIMATED COST:

Increase in surcharge revenue is $40.388 million for Fiscal Year (FY) 2012-2013. $80.776 million for FY 2013-2014.

Pub. Util. Code § 311 – This item was mailed for Public Comment.
Extension of Month-to-Month Bridge Funding


In the matter of the Application of PacifiCorp for approval of the 2012-2014 California Alternate Rates for Energy and Energy Savings Assistance Program Programs and Budgets.

PROPOSED OUTCOME:

Approves continued bridge funding starting October 1, 2012, for the Small and Multi-Jurisdictional Utilities, at the same levels and terms as the current bridge period which is set to expire on September 30, 2012.

ESTIMATED COST:

Approximately $400,000 per month in Energy Savings Assistance Program Budget. Approximately $1 million per month in California Alternate Rates for Energy Program.

(Comr Simon - ALJ Kim)

http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=28946806

Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
Consent Agenda - Orders and Resolutions (continued)

11 Petition to Modify Decision 11-12-053
[11556]
A10-03-014 Application of Pacific Gas and Electric Company To Revise Its Electric Marginal Costs, Revenue Allocation, and Rate Design, including Real Time Pricing, to Revise its Customer Energy Statements, and to Seek Recovery of Incremental Expenditures.

PROPOSED OUTCOME:

Denies Petition of Modification of Decision 11-12-053, filed by Western Manufactured Housing Communities Association, to revise the Schedule ET Discount applicable to Mobile Home Park Master Meter Customers.
Closes the proceeding.

ESTIMATED COST:

None.

(Comr Peevey - ALJ Pulsifer)
http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=26471670

Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
Consent Agenda - Orders and Resolutions (continued)

12 New Fiscal Agent for the Inland Empire Regional Broadband Consortium

Res T-17379

PROPOSED OUTCOME:

Approves SmartRiverside as the fiscal agent for the Inland Empire Regional Broadband Consortium (in Riverside and San Bernardino Counties) under the California Advanced Services Fund's Rural and Urban Regional Broadband Consortia Grant Account.

ESTIMATED COST:

None.

http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=28167432

Pub. Util. Code § 311 – This item was mailed for Public Comment.

13 California-American Water Company to Establish a Memorandum Account to Track Costs For the Main San Gabriel Groundwater Basin


PROPOSED OUTCOME:

Authorizes California-American Water Company to establish the Main San Gabriel Groundwater Basin Contamination Memorandum Account.

ESTIMATED COST:

None.

http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=28504538
Ivan Valentino Ivanov for a Passenger Stage Corporation
Certificate

A12-05-022

PROPOSED OUTCOME:

Grants the application of Ivan Valentino Ivanov to operate as an on-call passenger stage corporation between points in Alameda, Contra Costa, Marin, Napa, San Francisco, San Joaquin, San Mateo, Santa Clara, Solano and Sonoma Counties, and San Francisco, Oakland, and San Jose International Airports.

Establishes a zone of rate freedom.

Closes the proceeding.

ESTIMATED COST:

None.

(Exam Hagan)
http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=27105577

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
Abu Al Kassim Mohamed Agag, Mohamed A. Hussain, and Dina Mahgoub Ahmed Agag for a Passenger Stage Corporation Certificate

A12-06-001

PROPOSED OUTCOME:

Grants the application of Abu Al Kassim Mohamed Agag, Mohamed A. Hussain, and Dina Mahgoub Ahmed Agag to operate as an on-call passenger stage corporation between points in Alameda, Contra Costa, Marin, Napa, San Francisco, San Joaquin, San Mateo, Santa Clara, Solano, and Sonoma Counties and San Francisco, Oakland, and San Jose International Airports.

Establishes a zone of rate freedom.

Closes the proceeding.

ESTIMATED COST:

None.

(Exam Hagan)

http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=27104142

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
Consent Agenda - Orders and Resolutions (continued)

16  Cuong Huu Nguyen for a Passenger Stage Corporation
[11571]  Certificate

A12-06-015

PROPOSED OUTCOME:

Grants the application of Cuong Huu Nguyen to operate as an on-call passenger stage corporation between points in Alameda, Contra Costa, Marin, Napa, San Francisco, San Joaquin, San Mateo, Santa Clara, Solano, and Sonoma Counties and San Francisco, Oakland, and San Jose International Airports.

Establishes a zone of rate freedom.

Closes the proceeding.

ESTIMATED COST:

None.

(Exam Hagan)

http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=27106234

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

17  Southern California Gas Company’s Waiver for Chevron USA
[11572]

Res G-3475, Southern California Gas Company’s Advice Letter 4358-G filed on April 17, 2012 - Related matters.

PROPOSED OUTCOME:

Approves Southern California Gas Company’s request for a one-time, non-precedential waiver for Chevron USA from a portion of its three-year commitment for backbone transportation service rights from Southern California Gas Company.

ESTIMATED COST:

None.

http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=27155585
Consent Agenda - Orders and Resolutions (continued)

18  [11576]

Golden State Water Company to Establish the Income Tax Repair Regulations Implementation Memorandum Account


PROPOSED OUTCOME:

Authorizes Golden State Water Company to establish the Income Tax Repair Regulations Implementation Memorandum Account for the limited purpose of tracking the necessary costs for implementing the new repair regulations incurred prior to January 1, 2013, the effective date of Golden State’s current general rate case Application 11-07-017.

ESTIMATED COST:

Capped at $900,000.

http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=28950829

19  [11583]

Order Extending Statutory Deadline

C11-10-024
Rolando Menendez vs. Pacific Gas and Electric Company.

PROPOSED OUTCOME:


ESTIMATED COST:

None.

(Comr Florio - ALJ Weatherford)
http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=27152072

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
Order Extending Statutory Deadline

I12-01-007

PROPOSED OUTCOME:

Extends statutory deadline for resolution of proceeding to January 12, 2014.

ESTIMATED COST:

None.

(Comr Peevey - ALJ Wetzell)

http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=27152513

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
G3 USA Telecom, Inc. for a Certificate of Public Convenience and Necessity

A12-03-020
Application of G3 Telecom USA Inc. for a Certificate of Public Convenience and Necessity to Operate as a Provider of Resold Interexchange Service Within the State of California.

PROPOSED OUTCOME:

Grants the application of G3 Telecom USA, Inc. for a certificate of Public Convenience and Necessity authorizing the provision of resold inter-exchange services in this state.

Closes the proceeding.

ESTIMATED COST:

None.

(Comr Sandoval - ALJ Prestidge)

http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=25740490

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
22

Petition of Price Indexing Cases Settlement Class to Modify Implementation of Decision 10-01-024

R09-07-029
Order Instituting Rulemaking Adopting Rules to Account for the Consideration Allocated to California Core Natural Gas Ratepayers Under Settlements of Natural Gas Antitrust Cases I-IV.

PROPOSED OUTCOME:

- Modifies Implementation of Decision 10-01-024.
- Closes the proceeding.

ESTIMATED COST:

None.

(Comr Simon - ALJ Clark)

http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=28954263

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

23

Order Extending Statutory Deadline

C11-06-014
Maria Carmen Ozuna and Serapio Garcia vs. Southern California Edison Company.

PROPOSED OUTCOME:

- Extension of statutory deadline to April 1, 2013.

ESTIMATED COST:

None.

(Comr Florio - ALJ Colbert)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
Regular Agenda - Energy Resolutions and Written Reports

24 Pacific Gas and Electric Company's Agreements for the Procurement of Renewable Energy Credits


PROPOSED OUTCOME:

Denies cost recovery for Pacific Gas and Electric Company’s agreements for renewable energy credits, also referred to as green attributes, with Barclays Bank PLC, Sierra Pacific Industries, and TransAlta Corporation.

ESTIMATED COST:

None.

http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=27861252

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3299, Item 49 8/23/2012 (Staff);
Agenda 3300, Item 36 9/13/2012 (Sandoval)
Directs Investor-Owned Utilities to File a Supplement To Modify Their Home Area Network Implementation Plans


PROPOSED OUTCOME:


ESTIMATED COST:

None.

http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=28949960

Pub. Util. Code § 311 – This item was mailed for Public Comment.
26  Pacific Gas and Electric Company’s Amended and Restated Power Purchase Agreement With Bottle Rock Power LLC - OPTION A


PROPOSED OUTCOME:

Denies cost recovery for the amended and restated power purchase agreement between Pacific Gas and Electric Company and Bottle Rock Power LLC, owned by private investment companies.

ESTIMATED COST:

Actual costs are confidential at this time.

http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=27845797

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3300, Item 38 9/13/2012 (Sandoval)

26a  OPTION B

Advice Letter 4048-E filed on May 25, 2012 - Related matters.

PROPOSED OUTCOME:

Approves cost recovery for the amended and restated power purchase agreement between Pacific Gas and Electric Company and Bottle Rock Power LLC, owned by private investment companies.

ESTIMATED COST:

Actual costs are confidential at this time.

http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=27836696

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3300, Item 38a 9/13/2012 (Sandoval)
Revisions to Basic Telephone Service

R09-06-019
Order Instituting Rulemaking Regarding Revisions to the California High Cost Fund B Program.

PROPOSED OUTCOME:

Adopts an updated definition of basic telecommunications service offered by any carriers of last resort.

- The revised definition is designed to:
  - Consolidate and streamline existing listings of service elements.
  - Apply technology-neutral terminology and definitions.
  - Avoid degrading standards necessary to meet essential universal service needs.

ESTIMATED COST:

No specific cost changes anticipated in basic rates.

(Comr Peevey - ALJ Pulsifer)
http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=26216449

Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.
PROPOSED OUTCOME:

Updates and consolidates requirements for residential basic telephone service for telephone corporations offering basic service. Substantive differences between the Alternate Proposed Decision (APD) and Revision 5 of the Proposed Decision exist in the following areas:

- The APD establishes tariff filing requirements.
- The APD requires that basic service be offered at monthly rates with no contracts, and on a stand-alone basis unless an exemption is obtained, but also allows other options.
- The APD requires that all basic service providers provide a dependable voice-grade connection to the public telephone network, with compliance requirements depending on the technology used.
- The APD requires that all incoming calls be provided without per-minute or per-call charges.
- In addition to flat rate basic service for calling within specified geographic areas, the APD requires some basic service providers, and allows the others, to offer measured rate service in the same geographic areas.
- The APD requires 911/Enhanced 911 location accuracy and reliability comparable to that required of existing wireline carriers.
- The APD requires that customers be allowed to choose, without charge, whether to have a listing included, or not, in a White Pages directory and/or directory assistance.
- The APD retains access to operator services as a separate element of basic service.
- The APD retains free access to 800 and 8YY toll-free services, with no per-minute or per-call charges.
- The APD defers service quality issues for all basic service providers to Rulemaking 11-12-001. In the meantime, basic service providers using non-traditional technologies must meet service quality requirements applicable to Uniform Regulatory Framework Carriers of Last Resort.

ESTIMATED COST:

No specific cost changes anticipated in basic rates.

(Comr Florio)

http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=28949422

Agenda 3298, Item 36a 8/2/2012 (Pub. Util. Code §311(e));
Agenda 3299, Item 50a 8/23/2012 (Sandoval)
Regular Agenda - Legal Division Matters
Regular Agenda - Legislative and Other Matters
Commissioner Simon's Discussion and Action to the Low Income Oversight Board

Proposed Appointment to the Low Income Oversight Board.
http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=28168115
Report and Discussion by Consumer Protection and Safety Division on Recent Safety Program Activities
Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).

Closed Session - Applications for Rehearing

30  Conference with Legal Counsel - Application for Rehearing

Compilation of applications for rehearing recently filed with the Commission.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

31 (Rev.)  Conference with Legal Counsel - Application for Rehearing

I09-12-016

Disposition of application for rehearing of Decision (D) 12-02-032 and related motion to stay D12-02-032 by TracFone Wireless, Inc. D12-02-032 issued in phase 1 of an adjudicatory investigation (I.09-12-016). It determined that TracFone is a telephone corporation operating as a public utility in California, that user fees and public purpose surcharges apply to the prepaid wireless telephony services TracFone provides in California, and that TracFone is ultimately responsible for those user fees and public purpose surcharges. The challenged decision also determined that TracFone violated provisions of the Public Utilities Code and Commission orders and decisions in failing to pay those fees and surcharges.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

09/17/2012 - This revision was not shown on the Agenda mailed to the public.
Closed Session - Initiation of Litigation - Non-Federal

Consideration of possible Commission initiation of, or intervention in, litigation.

Gov. Code § 11126(e)(2)(C)(i) and/or § 11126(d)(2), allows this item to be considered in Closed Session.
Closed Session - Threatened Litigation - Non-Federal

Significant exposure to litigation

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session
Closed Session - Existing Litigation - Non-Federal

32 Conference with Legal Counsel - Existing Litigation

Gastelum v. Verizon California, Inc., San Francisco County Superior Court Case No. CGC-11-511467

Discussion regarding questions posed by the San Francisco County Superior Court in a letter received August 23, 2012.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.
Closed Session - Threatened Litigation - Federal

Significant exposure to litigation in federal agency or court proceedings.

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session
Closed Session - Initiation of Litigation - Federal

Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*
Closed Session - Federal
Closed Session - FERC Docket No. EL00-95-000, et al.

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., FERC Docket No. EL00-95, Investigation of Practices of the California Independent System Operator and the California Power Exchange, FERC Docket EL00-98, and related dockets, CPUC v. FERC, Ninth Circuit Nos. 01-71051, et al., and 01-71934, et al., and related dockets.

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*
Closed Session - Personnel Matters

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee. *Gov. Code § 11126(a), allows this item to be considered in Closed Session*