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# ***Public Utilities Commission of the State of California***

## ***Public Agenda 3309***

***Wednesday, February 13, 2013 9:00 a.m.***

***San Francisco, California***

### **Commissioners**

**Michael R. Peevey, President**

**Mark J. Ferron**

**Michel Peter Florio**

**Carla J. Peterman**

**Catherine J.K. Sandoval**

*For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed. To listen by phone, dial 1-800-857-1917 and enter passcode 92105 or access our website at <http://www.cpuc.ca.gov>*

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### **Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <b><i>Closed to the Public</i></b>	<i>Commission Meeting</i> Auditorium (9:00 a.m.) <b><i>Open to the Public</i></b>
Monday, February 11, 2013 (San Francisco) (Will Be Held)	Wednesday, February 13, 2013 (San Francisco)
Monday, February 25, 2013 (San Francisco)	Thursday, February 28, 2013 (San Francisco)
Monday, March 18, 2013 (San Francisco)	Thursday, March 21, 2013 (San Diego)
Friday, March 29, 2013 (San Francisco)	Thursday, April 04, 2013 (San Francisco)
Monday, April 15, 2013 (San Francisco)	Thursday, April 18, 2013 (San Francisco)

*\*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](mailto:public.advisor@cpuc.ca.gov)



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## PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- 16, 17

Public Comment:

## Consent Agenda

*Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.*

### Consent Agenda - Orders and Resolutions

1                    **Preliminary Categorizations and Hearing Determinations for**  
[11843]            **Recently Filed Formal Applications**

Res ALJ 176-3309

### 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=47164068>

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Consent Agenda - Orders and Resolutions (continued)

**2 Refunds of Overcharges**

[11753]

A08-09-024, C08-03-021, C09-02-007, C09-03-027 - Related matters.

Application of San Pablo Bay Pipeline Company LLC for Approval of Tariffs for the San Joaquin Valley Crude Oil Pipeline.

**PROPOSED OUTCOME:**

® Orders Shell Entities to pay refunds to independent shippers for the period April 1, 2005, to July 1, 2011.

® Closes the proceeding.

**SAFETY CONSIDERATIONS:**

® It is the utilities' responsibility to adhere to all Commission rules, decisions, General Orders and statutes including Pub. Util. Code Section 451 to take all actions "...necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

**ESTIMATED COST:**

® \$104 million.

(Comr Peevey - ALJ Bemmesderfer)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=46452309>

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

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

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Agenda 3306, Item 24 12/20/2012 (Staff);

Agenda 3307, Item 9 1/10/2013 (Staff);

Agenda 3308, Item 4 1/24/2013 (Staff)

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Consent Agenda - Orders and Resolutions (continued)

3                    **Division of Water and Audits Disposition Regarding**  
[11789]            **California American Water Company's Advice Letter**

Res W-4940, Advice Letter (AL) No. 923 filed on November 15, 2011 and AL No. 932 filed on February 27, 2012 - Related matters.

**PROPOSED OUTCOME:**

- ® Affirms the Division of Water and Audit's letter of disposition rejecting California American Water Company's (Cal-Am) Advice Letter 923.
- ® Any future claims by Cal Am pursuant to Decision (D)10-12-016 should be accompanied by appropriate supporting documentations and mapping to the authorized projects in D10-12-016.
- ® Cal Am's claim for \$236,516 including \$4,011 for Allowance for Funds Used During Construction (AFUDC), to be added to rate base is disallowed without prejudice.
- ® Cal Am may transfer to rate base \$480,105 which includes AFUDC of \$8,152 within 5 days after effective date of this Resolution.
- ® Authorizes Cal Am to file a supplement to Advice Letter 932 to modify the tariff sheets (6284-W through 6288-W) for the Monterey Tariff District and to reflect the transfer to rate base of the amount authorized in Ordering Paragraph No. 3.
- ® New rates to be effective 5 days after filing of the supplement to AL 932 subject to approval or rejection by DWA consistent with this Resolution.

**SAFETY CONSIDERATIONS:**

- ® It is the utility's responsibility to adhere to all Commission rules, decisions, General Orders and statutes including Pub. Util. Code Section 451 to take all actions "...necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

**ESTIMATED COST:**

- ® \$480,105.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=48431347>

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

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Agenda 3307, Item 11 1/10/2013 (Staff);

Agenda 3308, Item 5 1/24/2013 (Staff)

Consent Agenda - Orders and Resolutions (continued)

4                    **Cold Springs Water Company's General Rate Increase to**  
[11807]            **Produce Additional Annual Revenue for Test Year 2012**

Res W-4941, Advice Letter 57 filed on April 25, 2012 - Related matters.

**PROPOSED OUTCOME:**

- ® To file a supplemental Advice Letter (AL) with the revised rate schedule attached to the Resolution as Appendix B.
- ® Adopts the quantities in Appendix D used to develop the Division of Water and Audit's recommendations.
- ® Authorizes the utility to file a Tier 2 AL within 30 days from effective date of resolution to collect over a twenty-four month period the under-collected revenues from April 25, 2012, the interim rate date, to the effective date of the new rates established in this Resolution.

**SAFETY CONSIDERATIONS:**

- ® Authorizes a test-year revenue requirement in order to provide safe and reliable water service.

**ESTIMATED COST:**

- ® \$73,471 or 35.44%.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=42170315>

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

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Agenda 3308, Item 7 1/24/2013 (Staff)

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Consent Agenda - Orders and Resolutions (continued)

5

**Petition for Modification of Decision 12-08-044**

[11811]

A11-05-017, A11-05-018, A11-05-019, A11-05-020 - Related matters.

Application of Southern California Edison Company for Approval of its 2012- 2014 California Alternate Rates for Energy and Energy Savings Assistance Programs and Budgets.

**PROPOSED OUTCOME:**

® Denies Southern California Edison Company's Petition to Modify Decision 12-08-044, dated September 27, 2012.

**SAFETY CONSIDERATIONS:**

® It is the utilities' responsibility to adhere to all Commission rules, decisions, General Orders and statutes including Pub. Util. Code Section 451 to take all actions "...necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

**ESTIMATED COST:**

® None.

(Comr Sandoval - ALJ Kim)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=48933096>

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

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

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Agenda 3308, Item 8 1/24/2013 (Peevey)

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Consent Agenda - Orders and Resolutions (continued)**6 (Rev.)                    City of Davis to Construct an At-Grade Pedestrian and  
[11844]                    Bicycle Crossing**

A11-08-014

Application of the City of Davis to Construct one new at-grade pedestrian and bicycle crossing at the main train station platform access in the vicinity of Mile Post No. 76.0, and an emergency-access only private crossing in the vicinity of Mile Post 76.3 of the Union Pacific Railroad Company in the City of Davis, County of Yolo, State of California.

**PROPOSED OUTCOME:**

® Denies the City of Davis's application to construct an at-grade pedestrian and bicycle crossing across the Union Pacific Railroad Company railroad.

® It is not possible to construct the proposed at-grade crossing in a manner that will ensure safe use.

® Closes the proceeding.

**SAFETY CONSIDERATIONS:**

® The proposed decision denies the application because, among other things, there is overwhelming evidence that an at-grade crossing cannot be designed to eliminate potential safety hazards.

**ESTIMATED COST:**

None.

(Comr Florio - ALJ Yacknin)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=48401989>

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

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

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02/05/2013 - This revision was not shown on the Agenda mailed to the public.

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Consent Agenda - Orders and Resolutions (continued)

7                    **Southern California Edison Company's Sale of Surplus**  
[11852]           **Sulfur Dioxide Credits Allocated to Mohave Generating**  
                      **Station**

A06-12-022

Application of Southern California Edison Company Regarding the Distribution of SO2 Allowance Sale Proceeds Related to the Suspended Operation of Mohave Generating Station.

**PROPOSED OUTCOME:**

® Sets a process for the use of proceeds from the sale by the applicant, Southern California Edison Company (SCE) of sulfur dioxide emission allowances allocated to it pursuant to Title IV of the federal Clean Air Act that have been rendered surplus by the termination of operations at the Mohave Generating Station in Laughlin, Nevada.

® The proceeds will be used as a "revolving fund" to allow projects offering to provide electricity to meet SCE's procurement obligations under the California renewables portfolio standard (RPS) program to post early-stage deposits and development security payments necessary for participating in SCE's RPS procurement process, so long as the projects also provide economic benefits to the Hopi Tribe and/or the Navajo Nation, pursuant to criteria set by this decision.

® Closes the proceeding.

**SAFETY CONSIDERATIONS:**

® The generating facility to which the sulfur dioxide allowances whose disposition is directed by this decision are allocated has been closed and is being dismantled.

**ESTIMATED COST:**

® None.

(Comr Peevey - ALJ Simon)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=46444955>

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

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

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## Consent Agenda - Orders and Resolutions (continued)

8                    **Modification of the California Solar Initiative Thermal**  
[11855]           **Program**

R12-11-005

Order Instituting Rulemaking Regarding Policies, Procedures and Rules for the California Solar Initiative, the Self-Generation Incentive Program and Other Distributed Generation Issues.

**PROPOSED OUTCOME:**

® Modifies the California Solar Initiative (CSI) Thermal Program to provide incentives to process heat applications, solar cooling technologies, space heating technologies, and systems that combine multiple applications.

® The way rebates are paid is modified to create a performance-based incentive system that replaces the existing 70/30 incentive mechanism.

**SAFETY CONSIDERATIONS:**

® The utilities shall ensure the CSI Thermal Program complies with all applicable Commission rules, decisions, General Orders and Statutes, including Public Utilities Code Section 451.

**ESTIMATED COST:**

® This decision shall be implemented within the existing CSI Thermal Program budget.

(Comr Peevey - ALJ MacDonald)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=42158243>

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

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

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Consent Agenda - Orders and Resolutions (continued)

9                    **One-Year Freeze in the California High Cost Fund-A General**  
[11856]            **Rate Case Schedule and Waterfall Provisions**

R11-11-007

Order Instituting Rulemaking into the Review of the California High Cost Fund-A Program.

**PROPOSED OUTCOME:**

® Approves one year stay of General Rate Cases and one year freeze of waterfall.

**SAFETY CONSIDERATIONS:**

® None.

**ESTIMATED COST:**

® None.

(Comr Sandoval - ALJ Colbert)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=48806095>

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

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

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Consent Agenda - Orders and Resolutions (continued)

10                    **San Diego Gas & Electric Company to Create and Modify Net**  
[11857]               **Energy Metering Interconnection Forms to Comply With**  
                         **California Law**

Res E-4561, Advice Letter (AL) 2407-E filed on October 12, 2012 and AL 2407-E-A filed on November 9, 2012 - Related matters.

**PROPOSED OUTCOME:**

- ® Approves without modification San Diego Gas & Electric Company's (SDG&E) request to:
- ® Create the new "Net Energy Metering (NEM) Application for Interconnection for Customers with Solar and/or Wind Only Electric Generating Facilities Greater than 30 Kilowatts (kw) Up to 1,000 kw."
- ® Modify the "NEM Application and Interconnection Agreement for Customers with Solar and/or Wind Generating Facilities of 30 kw or Less."
- ® Modify the "Interconnection Agreement for NEM Renewable Electric Generating Facilities."

**SAFETY CONSIDERATIONS:**

- ® None.

**ESTIMATED COST:**

- ® None.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=48400538>

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

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Consent Agenda - Orders and Resolutions (continued)

11

**Petition for Modification of Decision 12-06-025**

[11861]

R11-10-023

Order Instituting Rulemaking to Oversee the Resource Adequacy Program, Consider Program Refinements, and Establish Annual Local Procurement Obligations.

**PROPOSED OUTCOME:**

® Modifies the Resource Adequacy Calendar.

**SAFETY CONSIDERATIONS:**

® None as a result of this decision.

**ESTIMATED COST:**

® None.

(Comr Ferron - ALJ Gamson)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=48806101>

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

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

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## Consent Agenda - Orders and Resolutions (continued)

12                    **Revised Surcharge Rate for the California Advanced**  
[11864]               **Services Fund**

Res T-17386

**PROPOSED OUTCOME:**

® Approves a revised surcharge rate of 0.164% for the California Advanced Services Fund (CASF) Effective April 1, 2013, until further revised by the Commission.

**SAFETY CONSIDERATIONS:**

® There is no probable or direct safety impact associated with this Resolution because it solely adjusts the surcharge rate for the CASF.

**ESTIMATED COST:**

® The revised CASF surcharge rate will allow for the collection of \$25 million annually as authorized by State Bill 1040.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=48591049>

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

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Consent Agenda - Orders and Resolutions (continued)

13                    **Transportation Reimbursement Account Fees For Fiscal**  
[11865]               **Year 2012-2013**

Res M-4824

**PROPOSED OUTCOME:**

® The fee levels set by this resolution for passenger vehicle operators, vessel operators, commercial air operators and pipeline corporations are unchanged from the fee levels set for fiscal year 2012-13.

® The fee level set for the railroad corporations reflect a \$146,000 increase from the level set for fiscal year 2012-13 primarily due to the impact of an approved Budget Change Proposal adding positions to the Rail Section.

**SAFETY CONSIDERATIONS:**

® These fees are established to allow the California Public Utilities Commission (CPUC) to perform its transportation-related safety functions.

**ESTIMATED COST:**

® No impact to customers of transportation companies regulated by the CPUC.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=48400484>

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

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## Consent Agenda - Orders and Resolutions (continued)

14                    **Pacific Gas and Electric Company to Enter Into an**  
[11879]               **Encroachment Agreement With the Yuba Community College**  
                         **District**

Res E-4570, Advice Letter 4065-E filed on June 18, 2012 - Related matters.

**PROPOSED OUTCOME:**

- ® Adopts the findings and conclusions in the Yuba Community College District's (YCCD) Mitigated Negative Declaration pursuant to the California Environmental Quality Act.
- ® Approves Pacific Gas and Electric Company's (PG&E) Advice Letter 4065-E seeking authority to enter into an encroachment agreement with YCCD.

**SAFETY CONSIDERATIONS:**

- ® PG&E indicated that entering into this encroachment agreement will neither interfere with the operations of the Palermo-Pease Transmission Line, nor affect PG&E's ability to provide safe and reliable service to its customers and the public at large. All utilities are expected to comply with all federal and state safety regulations, including Public Utilities Code section 451.

**ESTIMATED COST:**

- ® None.
- ® The encroachment agreement will not impact PG&E's ratebase as no PG&E assets are being disposed of with this transaction.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=46607795>

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Consent Agenda - Orders and Resolutions (continued)**15 (Rev.)      Park Water Company to Issue New Debt Securities**  
**[11880]**

A12-10-016

Application of Park Water Company for authority to issue evidence of indebtedness and other related requests.

**PROPOSED OUTCOME:**

- ® Grants Park Water Company the authority to:
- ® Issue up to \$15 million of new debt securities.
- ® Guarantee its new debt securities.
- ® Amend its unsecured line of credit and issue such for up to 24 months.
- ® Execute and deliver supplemental indentures.
- ® Be exempt from the New Financing Rule.
- ® Closes the proceeding.

**SAFETY CONSIDERATIONS:**

- ® It is Park Water's responsibility to adhere to all Commission rules, decisions, General Orders and statutes including Public Utilities Code Section 451 to take all actions "... necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

**ESTIMATED COST:**

- ® Unknown.

(Comr Sandoval - ALJ Wilson)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=42177231>

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

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02/05/2013 - This revision was not shown on the Agenda mailed to the public.



## Consent Agenda - Orders and Resolutions (continued)

16  
[11888]      **Wilson HOA Management Solutions for Changes to San  
Diego Gas & Electric Company's Smart Meter Turn-On  
Policy**

C12-09-015

Wilson HOA Management Solutions vs. San Diego Gas &amp; Electric Company.

**PROPOSED OUTCOME:**

® Denies the request by Wilson HOA Management Solutions (HOA) that the San Diego Gas & Electric Company's (SDG&E) smart meter turn-on policy be changed so that the utility rather than HOA is responsible for residents' access to locked meter rooms to activate service to the individual residences.

® Closes the proceeding.

**SAFETY CONSIDERATIONS:**

® SDG&E's turn-on policy meets the requirements of Public Utilities Code §451 in that it promotes the health, safety, comfort and convenience of its patrons, the public and its employees.

**ESTIMATED COST:**

® None.

(Comr Ferron - ALJ Rochester)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=42170562>

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

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Consent Agenda - Orders and Resolutions (continued)

17                    **Order Extending Statutory Deadline**  
[11894]

C12-02-021

Mr. John S. Davis vs. Southern California Edison Company.

**PROPOSED OUTCOME:**

® Extends the statutory deadline for completion of this proceeding until August 28, 2013.

**ESTIMATED COST:**

® None.

(Comr Ferron - ALJ Gamson)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=47316359>

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

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Consent Agenda - Orders and Resolutions (continued)

18  
[11895]      **Modification of Impulse Telecom, LLC, dba Impulse  
Advanced Communication's Certificate of Public  
Convenience and Necessity**

A12-08-012

In the Matter of the Application of Impulse Telecom, LLC dba Impulse Advanced Communications to expand its certificate of public convenience and necessity to provide: (1) full facilities-based competitive local exchange service throughout the service territories of Pacific Bell Telephone Company, Verizon California Inc., SureWest Telephone, and Citizens Telecommunications Company of California, Inc., and (ii) full facilities-based interexchange service statewide.

**PROPOSED OUTCOME:**

- ® Grants application of Impulse Telecom, LLC, dba Impulse Advanced Communications (Applicant) to modify its current certificate of public convenience and necessity to authorize Applicant to provide full facilities-based local exchange and interexchange services in this state.
- ® Grants Applicant's request for authorization to utilize an expedited 21-day process for environmental review of Applicant's full facilities-based projects which are potentially exempt from the requirements of the California Environmental Quality Act.
- ® Closes the proceeding.

**SAFETY CONSIDERATIONS:**

- ® It is Applicant's responsibility to adhere to all Commission rules, decisions, General Orders, and statutes including Pub. Util. Code § 451 to take all actions " . . . necessary to promote the safety, health, comfort, and convenience of as patrons, employees, and the public."

**ESTIMATED COST:**

- ® None.

(Comr Sandoval - ALJ Prestidge)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=45393832>

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

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## Consent Agenda - Orders and Resolutions (continued)

19                    **Change of Control of First Communications LLC, Globalcom,  
[11896]            Inc. and Xtension Services, Inc.**

A12-11-008

Joint Application of First Communications, LLC, Globalcom, Inc., Xtension Services, Inc. and Summit Data Services, Inc. for Approval of a Transfer of Control.

**PROPOSED OUTCOME:**

- ® Approves change of control of named licenses from First Communications, Inc. to Summit Data Services Inc.
- ® Closes the proceeding.

**SAFETY CONSIDERATIONS:**

- ® Approval of the change of control does not alter the applicant's responsibility to adhere to all Commissions rules, decisions, General Orders, and statutes including Pub. Util. Code Section 451 to take all actions "...necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

**ESTIMATED COST:**

- ® None.

(Comr Sandoval - ALJ Bemederfer)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=45393775>

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

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**Consent Agenda - Intervenor Compensation Orders****20 Compensation to Agricultural Energy Consumers  
[11862] Association**

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:**

- ® Awards Agricultural Energy Consumers Association \$92,866 for substantial contribution to Decision 11-12-053.
- ® Closes the proceeding.

**SAFETY CONSIDERATIONS:**

- ® Substantial Contributions by intervenor, as here, enhance the Commission's ability to resolve safety and other issues under Pub. Util. Code § 451, which states that it is "...necessary to promote the safety, health, comfort and convenience of its patrons, employees and the public."

**ESTIMATED COST:**

- ® Pacific Gas and Electric Company will pay \$92,866 plus interest.

(Comr Peevey - ALJ Pulsifer)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=42169262>

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

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## Consent Agenda - Intervenor Compensation Orders (continued)

21                    **Compensation to Mussey Grade Road Alliance**  
[11872]

R08-11-005

Order Instituting Rulemaking to Revise and Clarify Commission Regulations Relating to the Safety of Electric Utility and Communications Infrastructure Provider Facilities.

**PROPOSED OUTCOME:**

® The Mussey Grade Road Alliance is awarded \$92,661 for its substantial contributions to Decision 12-01-032.

**SAFETY CONSIDERATIONS:**

® The award of compensation relates to substantial contributions by the intervenor to resolution of issues in a proceeding focused on improving safety of utility infrastructure.

**ESTIMATED COST:**

® \$92,661 from the Commission's Intervenor Compensation Fund.

(Comr Florio - ALJ Kenney)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=47145256>

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

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## Consent Agenda - Intervenor Compensation Orders (continued)

22                    **Compensation to Natural Resources Defense Council**  
[11892]

R09-11-014

Order Instituting Rulemaking to Examine the Commission's Post-2008 Energy Efficiency Policies, Programs, Evaluation, Measurement, and Verification, and Related Issues.

**PROPOSED OUTCOME:**

® Awards Natural Resources Defense Council \$4,935.00 in intervenor compensation for contributions to Decisions (D) 11-10-014 and D11-12-038.

**SAFETY CONSIDERATIONS:**

® Substantial contributions by intervenor enhance the Commission's ability to resolve safety and other issues under Pub. Util. § 451, which states that it is "... necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

**ESTIMATED COST:**

® Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company and Southern California Edison Company will pay the awarded amount of \$4,935.00, plus interest.

(Comr Ferron - ALJ Farrar)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=40641294>

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

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## Consent Agenda - Intervenor Compensation Orders (continued)

23                    **Compensation to Center for Accessible Technology for Itself**  
[11893]               **and as Successor to Disability Rights Advocates**

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:**

® Grants intervenor compensation of \$41,474.30 to Center for Accessible Technology for its substantial contribution to Decision 12-03-015.

**SAFETY CONSIDERATIONS:**

® Award of intervenor compensation does not directly implicate any safety considerations.

**ESTIMATED COST:**

® Pacific Gas and Electric Company is to pay \$41,474.30 for intervenor compensation.

(Comr Peevey - ALJ Pulsifer)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=44253768>

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

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## Regular Agenda

### Regular Agenda - Energy Orders

24                    **San Diego Gas & Electric Company's Local Capacity**  
 [11757]            **Requirement and Power Tolling Agreements**

A11-05-023

Application of San Diego Gas & Electric Company for Authority to Enter into Purchase Power Tolling Agreements with Escondido Energy Center, Pio Pico Energy Center and Quail Brush Power.

#### **PROPOSED OUTCOME:**

- ® Determines a local capacity requirement need and directs San Diego Gas & Electric Company (SDG&E) to procure up to 343 megawatts of local generation capacity beginning in 2018.
- ® Denies SDG&E authority to enter into purchase power tolling agreements with Escondido Energy Center, Pio Pico Energy Center, and Quail Brush Power, without prejudice to a renewed application for their approval, if amended to match the timing of the identified need, or upon a different showing of need.
- ® Closes the proceeding.

#### **SAFETY CONSIDERATIONS:**

- ® It is the utility's responsibility to adhere to all Commission rules, decisions, General Orders and statutes including Pub. Util. Code Section 451 to take all actions "...necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

#### **ESTIMATED COST:**

- ® None.

(Comr Ferron - ALJ Yacknin)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=46107114>

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

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

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Agenda 3306, Item 58 12/20/2012 (Ferron);

Agenda 3307, Item 29 1/10/2013 (Ferron);

Agenda 3308, Item 29 1/24/2013 (Florio)

## Regular Agenda - Energy Orders (continued)

24a/11758  
[11758]

**PROPOSED OUTCOME:**

- ® Determines a local capacity requirement need and directs San Diego Gas & Electric Company (SDG&E) to procure up to 298 megawatts of local generation capacity beginning in 2018.
- ® Grants SDG&E authority to enter into a purchase power tolling agreement with Escondido Energy Center.
- ® Denies authority to enter into purchase power tolling agreements with Pio Pico Energy Center and Quail Brush Power.
- ® Closes the proceeding.

**ESTIMATED COST:**

- ® Costs will be confidential at this time.

(Comr Ferron)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=45105596>

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

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

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Agenda 3306, Item 58a 12/20/2012 (Ferron);

Agenda 3307, Item 29a 1/10/2013 (Ferron);

Agenda 3308, Item 29a 1/24/2013 (Florio)

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Regular Agenda - Energy Orders (continued)

25                    **Long-Term Procurement Plans: Local Capacity**  
[11814]            **Requirements**

R12-03-014

Order Instituting Rulemaking to Integrate and Refine Procurement Policies and Consider Long-Term Procurement Plans.

**PROPOSED OUTCOME:**

® Authorizes Southern California Edison Company to procure between 1,050 and 1,500 Megawatts (MW) in the Los Angeles Basin, and between 215 and 290 MW in the Big Creek/Ventura local area, to meet local capacity requirements for 2021 and maintain safe and reliable service.

® For the Los Angeles Basin, between 1,000 and 1,200 MW must be from conventional gas-fired generation, at least 50 MW must be from energy storage resources, and up to 450 MW may be from preferred resources.

® An exception to the 1,500 MW cap is made for distributed generation sufficient to achieve current forecasts.

**SAFETY CONSIDERATIONS:**

® Allows the Commission to continue fulfilling its duties under Pub. Util. Code Section 451, including to take all actions necessary to promote the safety, health, comfort, and convenience of utility patrons, employees, and the public.

**ESTIMATED COST:**

® To be determined in subsequent applications.

(Comr Florio - ALJ Gamson)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=49133558>

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

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

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Agenda 3308, Item 30 1/24/2013 (Staff)

## Regular Agenda - Energy Orders (continued)

**26                    New Order Instituting Rulemaking**  
**[11821]**

R. \_\_\_\_\_

Order Instituting Rulemaking to Adopt Biomethane Standards and Requirements, Pipeline Open Access Rules, and Related Enforcement Provisions.

**PROPOSED OUTCOME:**

® Opens a proceeding to implement Assembly Bill 1900 (Gatto, Stats. 2012, Ch. 602) with respect to biomethane standards and requirements, pipeline open access rules, and related enforcement provisions relative to public health and safety for biomethane injected into common carrier pipelines.

**SAFETY CONSIDERATIONS:**

® Opens proceeding to allow the Commission to fulfill its duties under Public Utilities Code Section 451, including safety, health, comfort, and convenience of utility patrons, employees, and the public, in particular with respect to toxic contaminants from biomethane injected into common carrier pipelines.

**ESTIMATED COST:**

® None.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=48945568>

Agenda 3307, Item 30 1/10/2013 (Staff);

Agenda 3308, Item 31 1/24/2013 (Staff)

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**Regular Agenda - Communication Orders**

27  
[11669]      **Telephone Corporations Seeking Certificates of Public  
Convenience and Necessity and Wireless Carriers Seeking  
Registration**

R11-11-006

Order Instituting Rulemaking to Revise the Certification Process for Telephone Corporations and the Registration Process for Wireless Carriers.

**PROPOSED OUTCOME:**

® Revises the application process for telephone corporations seeking Certificates of Public Convenience and Necessity (CPCN) and wireless carriers seeking registration. The decision proposes to:

® Require all applicants seeking or holding a CPCN, and wireless carriers seeking or holding registration to post a bond to facilitate the collection of fines, fees, taxes, penalties, and restitution. Existing CPCN holders and wireless registrants must obtain a bond equal to or greater than 10% of intrastate revenues reported to the Commission during the preceding calendar year or \$25,000, whichever is greater. New applicants granted a CPCN or wireless carriers granted registration must obtain a bond of \$25,000.

® Exempts Uniform Regulatory Framework and General Rate Case Local Exchange Carriers from the requirement to obtain a performance bond.

® Requires CPCN applicants and wireless registrants to provide resumes of all key officers, directors, and owners of 10% or more of outstanding shares, listing all previous employment held by these individuals, and to provide information on prior or current known investigations by governmental agencies, and any settlement agreements, voluntary payments, or any other type of monetary forfeitures.

® Requires applicants seeking to transfer licenses or registration to verify compliance with Commission reporting, fee, and surcharge transmittals.

® Directs the Commission to seek legislative action to increase the application fee for new and transferred CPCN authority from \$75 to \$500.

® Requires wireless registrants to pay a \$250 fee for new and transferred wireless registration.

® Establishes a minimum annual user fee of \$100 for CPCN holders and wireless registrants including those reporting no intrastate revenues.

**SAFETY CONSIDERATIONS:**

® Allows the Commission to continue fulfilling its duties under Pub. Util. Code Section 451, including to take all actions necessary to promote the safety, health, comfort, and convenience of utility patrons, employees, and the public.

**ESTIMATED COST:**

® Zero dollars to ratepayers.

® Fee increase to carriers to offset administrative costs.

(Comr Sandoval - ALJ MacDonald)

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## Regular Agenda - Communication Orders

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=46596437>

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

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

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Agenda 3305, Item 48 11/29/2012 (Sandoval);

Agenda 3306, Item 60 12/20/2012 (Sandoval);

Agenda 3307, Item 32 1/10/2013 (Peevey);

Agenda 3308, Item 33 1/24/2013 (Peevey)

## Regular Agenda - Legal Division Matters

### 28                    **New Regulations Regarding Disclosure of Records and** [11182]                **Requests of Confidential Treatment of Records**

Res L-436

Interim Resolution regarding adoption of new regulations regarding public access to records of the California Public Utilities Commission and requests for confidential treatment of records.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=48767561>

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

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Agenda 3292, Item 72 4/19/2012 (Staff);

Agenda 3294, Item 42 5/24/2012 (Staff);

Agenda 3298, Item 39 8/2/2012 (Staff);

Agenda 3299, Item 53 8/23/2012 (Sandoval);

Agenda 3300, Item 43 9/13/2012 (Staff);

Agenda 3302 , Item 29 10/11/2012 (Staff);

Agenda 3303 , Item 38 10/25/2012 (Staff);

Agenda 3305, Item 49 11/29/2012 (Staff);

Agenda 3306, Item 61 12/20/2012 (Staff);

Agenda 3307, Item 33 1/10/2013 (Staff);

Agenda 3308, Item 36 1/24/2013 (Staff)

### 29                    **Wireline Competition Bureau Seeks Comment on** [11897]                **Procedures Relating to Areas Eligible for Funding and**                               **Election to Make a Statewide Commitment in Phase II of the**                               **Connect America Fund**

WC Docket No. 10-90 (DA 12-2075)

The Wireline Competition Bureau (Bureau) of the Federal Communications Commission (FCC) is developing a forward-looking cost model to determine support levels to be offered to price-cap carriers in Phase II of the Connect America Fund. In this Public Notice, the Bureau proposes procedures to provide an opportunity for parties to challenge certain assumptions and criteria being suggested for determining eligibility to receive Connect America Fund monies. Staff seeks authority to submit comments to the FCC.

**Regular Agenda - Legislative and Other Matters****30 (Rev.)      Energy: Energy Assessment: Nonresidential Buildings:  
[11890]      Financing**

AB 122 (Rendon)

This bill would provide a financing method for owners to pay for energy improvements to existing nonresidential buildings at lower rates than are currently available. (Recommended Position: Support if amended.)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=49127035>

02/11/2013 - This revision was not shown on the Agenda mailed to the public.

**31 (Rev.)      Deaf and Disabled Telecommunications Program  
[11891]**

SB 129 (Wright)

This bill would extend the sunset date for the Deaf and Disabled Telecommunications Program. (Recommended Position: Support as sponsor.)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=48806177>

02/11/2013 - This revision was not shown on the Agenda mailed to the public.

**32      Proposed Legislation on Excavation Penalties  
[11838]**

This bill would strengthen the enforcement system for penalties against operators and excavators who negligently damage utility infrastructure while excavating.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=46121369>

Agenda 3308, Item 43 1/24/2013 (Peevey)



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## **Regular Agenda - Commissioner Reports**

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**Regular Agenda - Management Reports and Resolutions**

33                    **Chief Administrative Law Judge Clopton Report**  
[11889]

Administrative Law Judges Division 2012 Annual Report and Accomplishments.

34                    **Report and Discussion by Safety and Enforcement Division**  
[11866]            **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

#### 35                    **Conference with Legal Counsel - Application for Rehearing** [11859]

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.*

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#### 36                    **Conference with Legal Counsel - Application for Rehearing** [11582]

R06-06-028

Disposition of application for rehearing of Decision 08-09-042 filed jointly by The Utility Reform Network and the Commission's Division of Ratepayer Advocates.

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

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Agenda 3308, Item 51 1/24/2013

#### 37                    **Conference with Legal Counsel - Application for Rehearing** [11860]

C12-02-012

Disposition of application for rehearing of Decision (D) 12-08-031 filed by DCOR, LLC (DCOR). In D12-08-031, the Commission dismissed a complaint filed by DCOR against Southern California Edison Company (SCE) involving Tariff Rule 17D. In 2011, DCOR became aware that over a seven year period, SCE had erroneously billed it for 33 kilovolt (kV) service rather than less expensive 66 kV service at DCOR's Mandalay Onshore Separation Facility. At issue in the proceeding was SCE's liability to refund any overcharges due to the billing error.

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

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Closed Session - Applications for Rehearing (continued)

38                    **Conference with Legal Counsel - Application for Rehearing**  
[11883]

A10-09-018

Application for Rehearing of Decision (D) 12-06-040, filed by the Division of Ratepayer Advocates. In D12-06-040, the Commission authorized California-America Water Company (Cal-Am) to implement the Carmel River Reroute and San Clemente Dam Removal Project (Project). The decision also authorizes Cal-Am to recover from ratepayers a return on the going forward forecasted expenses of the Project.

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

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**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.*

39

**Conference with Legal Counsel - Initiation of Litigation**

[11794]

I. \_\_\_\_\_

Deliberation on institution of investigation of proceedings or disciplinary actions against persons or entities under the Commission's jurisdiction. (Disclosure of the case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary actions is not commenced.)

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

*Gov. Code § 11126(d)(2), allows this item to be considered in Closed Session.*

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Agenda 3307, Item 40 1/10/2013;

Agenda 3308, Item 52 1/24/2013

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**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*

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**Closed Session - Existing Litigation - Non-Federal**

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## **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*



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## **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.*

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**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.*

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## **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*