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

## ***Public Agenda 3310***

***Thursday, February 28, 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 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)
Monday, May 06, 2013 (San Francisco)	Thursday, May 09, 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.
- 18, 24, 25

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**  
[11867]       **Recently Filed Formal Applications**

Res ALJ 176-3310

#### 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.

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Consent Agenda - Orders and Resolutions (continued)

2

**Petition for Modification of Decision 12-02-035**

[11749]

A08-03-015

Application of Southern California Edison Company for Authority to Implement and Recover in Rates the Cost of its Proposed Solar Photovoltaic Program.

**PROPOSED OUTCOME:**

® Denies a petition for modification of Decision 12-02-035 (Solar Photovoltaic Program) filed by Southern California Edison Company.

® 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 Ebke)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=46249446>

*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 20 12/20/2012 (Florio);

Agenda 3307, Item 6 1/10/2013 (Florio);

Agenda 3308, Item 2 1/24/2013 (Ferron)

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Consent Agenda - Orders and Resolutions (continued)

3                    **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=52737992>

*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 3309, Item 8 2/13/2013 (Staff)

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Consent Agenda - Orders and Resolutions (continued)

4 (Rev.)            **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 \$63,175.10 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 \$63,175.10 plus interest.

(Comr Peevey - ALJ Pulsifer)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=51370649>

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

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Agenda 3309, Item 20 2/13/2013 (Staff)

02/26/2013 - This revision was not shown on the Agenda mailed to the public.

Consent Agenda - Orders and Resolutions (continued)

5                    **Sale of Shares of Common Stock of Lake Alpine Water  
[11868]            Company**

A11-04-013

**PROPOSED OUTCOME:**

® Authorizes James L. and Marianne S. Orvis to sell and Aspen Forest Investment Co., LLC to buy 5,000 shares, representing 50% of the Common Stock in Lake Alpine Water Company.

**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 safety, health, comfort, and convenience of its patrons, employees, and the public."

**ESTIMATED COST:**

® None.

(Comr Ferron - ALJ Wilson)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=42156378>

*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)

6                    **Annual Fee to Implement the Digital Infrastructure and Video**  
[11869]            **Competition Act for Fiscal Year 2012-2013**

Res T-17387

**PROPOSED OUTCOME:**

® Approval of Communications Division Resolution for the Digital Infrastructure and Video Competition Act annual fee for Fiscal Year 2012-2013 in the amount of \$950,000.

**SAFETY CONSIDERATIONS:**

® There are no safety considerations associated with this Resolution.

**ESTIMATED COST:**

® The program is funded by the fees collected from providers in the total amount of \$950,000.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=50725863>

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

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Consent Agenda - Orders and Resolutions (continued)

7

## Rejection of Settlement and Denial of Application

[11870]

A12-07-015

Application of Telco Connection LLC for Registration as an Interexchange Carrier Telephone Corporation Pursuant to the Provisions of Public Utilities Code Section 1013.

### PROPOSED OUTCOME:

® Consumer Protection and Safety Division (CPSD) protested the application because Telco Connection LLC's president violated Rule 1 of our Rules of Practice and Procedure by providing false statements concerning its regulatory history.

® CPSD and Applicant settled the protest with a \$6,500 fine to be paid by Applicant.

® Held: Settlement rejected and Application dismissed.

® The false statement was not inadvertent nor minor. It was a deliberate misleading of the Commission.

® Closes the proceeding.

### SAFETY CONSIDERATIONS:

® Denies applicant's request for operating authority as a telephone service provider due to Rule 1 violation.

### ESTIMATED COST:

® None.

(Comr Sandoval - ALJ Barnett)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=52724383>

*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                   **Southern California Edison Company's Power Purchase**  
[11873]           **Agreement With Alta Wind XIII, LLC**

Res E-4564, Advice Letter 2740-E filed on May 29, 2012 - Related matters.

**PROPOSED OUTCOME:**

® Approves cost recovery for the power purchase agreement between Southern California Edison Company and Alta Wind XIII, LLC.

**SAFETY CONSIDERATIONS:**

® The Alta Wind XIII facility will be operational on January 1, 2019. During the construction of the facility, California Environmental Quality Act review will be performed by Kern County as part of considering the Conditional Use Permit. Prudent Electrical Practices shall be followed by the Seller. Applicable laws including but not limited to industrial safety shall apply.

**ESTIMATED COST:**

® Actual costs are confidential at this time.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=53552822>

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

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Consent Agenda - Orders and Resolutions (continued)

9                    **Order Extending Statutory Deadline**

[11875]

A10-12-005, A10-12-006 - Related matters.

Application of San Diego Gas & Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2012.

**PROPOSED OUTCOME:**

® Extends the statutory deadline for resolving these proceedings to April 30, 2013.

**SAFETY CONSIDERATIONS:**

® Allows the Commission to continue to fulfill 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:**

® None.

(Comr Ferron - ALJ Wong)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=45220614>

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

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Consent Agenda - Orders and Resolutions (continued)

10                    **SB Sedan and Limo Corp.'s Field Citation**  
[11876]

Res ALJ-286

**PROPOSED OUTCOME:**

® Affirming Field Citation-5184 issued to SB Sedan and Limo Corp. doing business as South Bay Sedan and Limo Service.

**SAFETY CONSIDERATIONS:**

® Enforcing compliance with statute and Commission rules, many of which protect the public health and safety.

**ESTIMATED COST:**

® Fine of \$10,000 to be paid by appellant.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=46680961>

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

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Consent Agenda - Orders and Resolutions (continued)

11                   **Closes Rulemaking 11-01-008 Made Moot by Legislation**  
[11877]

R11-01-008

Order Instituting Rulemaking on the Commission's Own Motion to Require Interconnected Voice Over Internet Protocol Service Providers to Contribute to the Support of California's Public Purpose Programs.

**PROPOSED OUTCOME:**

® Closes Rulemaking 11-01-008 as a result of legislation adopted rendering its purpose moot.

**SAFETY CONSIDERATIONS:**

® There are no safety issues from the closure of this proceeding.

**ESTIMATED COST:**

® There are no costs resulting from this decision.

(Comr Peevey - ALJ Hymes)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=53598791>

*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)

12                    **California High Cost Fund-A Calendar Year 2013**  
[11878]

Res T-17385

**PROPOSED OUTCOME:**

® Adopts California High Cost Fund-A support for the 14 small incumbent local exchange carriers for calendar year 2013.

**SAFETY CONSIDERATIONS:**

® Support for the 14 small incumbent local exchange carriers not only assists in making telephone and 9-1-1 service available in rural areas but also provides support to maintain facilities up to current technological standards, withstand harsh weather extremes and the dangers of fire with the undergrounding of most facilities.

**ESTIMATED COST:**

® \$32.628 million.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=53008607>

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

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Consent Agenda - Orders and Resolutions (continued)

13                    **Affirming Provisions of the Scoping Memo and Ruling**  
[11881]

R11-12-001

Order Instituting Rulemaking to Evaluate Telecommunications Corporations Service Quality Performance and Consider Modification to Service Quality Rules.

**PROPOSED OUTCOME:**

- ® Changes preliminary determination to acknowledge that hearings may be needed.
- ® Requires Pacific Bell Telephone Company dba AT&V California and Verizon California Inc. to pay for a study evaluating their network infrastructure, facilities, policies and practices.

**SAFETY CONSIDERATIONS:**

- ® The study directed by this decision will provide information to assess the condition of carrier infrastructure and facilities used in the provision of telecommunications services in California, in order to ensure the facilities support a level of service consistent with public safety and customer needs.

**ESTIMATED COST:**

- ® Up to \$1 million.

(Comr Ferron - ALJ Hecht)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=53318644>

*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)

14                    **2012 Triennial On-Site Safety Review Report of San Diego**  
[11882]            **Trolley, Inc.**

Res ST-148

**PROPOSED OUTCOME:**

® Grants approval of the 2012 Triennial On-Site Safety Review Report of San Diego Trolley, Inc. (SDTI) dated October 10, 2012.

**SAFETY CONSIDERATIONS:**

® Considers the safety of the public and employees who might be affected by the SDTI's rail transit operations.

® Presents a review required every three years to comprehensively review, evaluate, and improve the safety of a rail transit system.

® SDTI is responsible 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:**

® Not within scope of this resolution.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=50960225>

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

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Consent Agenda - Orders and Resolutions (continued)

15                    **Virgin Mobile, USA L.P.'s dba Assurance Wireless to Offer**  
[11884]                **New Wireless Federal Lifeline Service Plans**

Res T-17388, Advice Letter (AL) No. 3A filed on October 2, 2012 and AL No. 3B filed on October 26, 2012 - Related matters.

**PROPOSED OUTCOME:**

® Approves Virgin Mobile, USA, L.P.'s (Virgin) request to offer new wireless federal Lifeline service plans to eligible California customers. Virgin shall provide adequate information to its customers about the potential coverage, service quality and safety issues a customer may encounter when selecting a wireless federal Lifeline plan versus a state wireline Lifeline plan.

**SAFETY CONSIDERATIONS:**

® In accordance with Pub.Util. Code §451, every public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities, as defined in §54.1 of the Civil Code, as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.

**ESTIMATED COST:**

® None.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=50724714>

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

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Consent Agenda - Orders and Resolutions (continued)

16                    **Nexus Communications, Inc. to Offer New Wireless Federal**  
[11885]                **Lifeline Services Plans**

Res T-17389, Advice Letter (AL) No. 7 filed on December 11, 2012, AL No. 7A filed on January 18, 2013 and AL No. 7B filed on January 23, 2013 - Related matters.

**PROPOSED OUTCOME:**

® Approves Nexus Communications, Inc.'s request to offer new wireless federal Lifeline service plans to eligible consumers in Verizon and AT&V service areas in California. Nexus shall provide adequate information to its customers about the potential coverage, service quality and safety issues a customer may encounter when selecting a wireless federal Lifeline plan versus a state wireline Lifeline plan.

**SAFETY CONSIDERATIONS:**

® In accordance with Pub.Util. Code §451, every public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities, as defined in §54.1 of the Civil Code, as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.

**ESTIMATED COST:**

® None.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=51332338>

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

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Consent Agenda - Orders and Resolutions (continued)

17                    **Southern California Edison Company's Power Purchase**  
[11887]                **Agreement With Berry Petroleum Company for Procurement**  
                             **of Energy and Capacity**

Res E-4553, Advice Letter 2770-E Filed on August 31, 2012 - Related matters.

**PROPOSED OUTCOME:**

® Approves the Combined Heat and Power (CHP) Power Purchase Agreement (PPA) between Southern California Edison Company and Berry Petroleum Company pursuant to the terms of the Qualifying Facility and CHP Program Settlement Agreement.

**SAFETY CONSIDERATIONS:**

® Approves a PPA for an Existing CHP Facility that will not alter operations. Because facility operations will remain unchanged there are no incremental safety implications associated with approval of this contract beyond the status quo.

**ESTIMATED COST:**

® Capacity, energy, and variable cost components of the Berry CHP PPA are confidential at this time due to its selection through the CHP Request For Offers process, which is a competitive solicitation process.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=54706347>

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

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Consent Agenda - Orders and Resolutions (continued)

18                    **Complaint Alleging Unlawful Obstruction of Legitimate**  
[11898]                **Business Transactions**

(ECP) C12-10-015

Barbara Vlamis vs. MCI Communications Services, Inc., dba Verizon Business Services.

**PROPOSED OUTCOME:**

- ® Dismissal for failure to make a cognizable claim before the Commission.
- ® Closes the proceeding.

**SAFETY CONSIDERATIONS:**

- ® The actions of Defendant's third party credit card fraud detection unit were reasonable.

**ESTIMATED COST:**

- ® None.

(Comr Sandoval - ALJ Clark)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=48401958>

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

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Consent Agenda - Orders and Resolutions (continued)

19                    **New Order Instituting Rulemaking**  
[11899]

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

Order Instituting Rulemaking to Consider the Annual Revenue Requirement Determination of the California Department of Water Resources and Related Issues.

**PROPOSED OUTCOME:**

® Open Rulemaking (R) to replace R11-03-006.

**SAFETY CONSIDERATIONS:**

® Opens proceeding to allow the Commission to fulfill its duties under the Pub. Util. Code § 451, including to take all actions necessary to promote the safety, health, comfort and convenience of utility patrons, employees and the public.

**ESTIMATED COST:**

® Unknown.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=50374303>

Consent Agenda - Orders and Resolutions (continued)

20                    **Richard Coffey to Acquire Additional Stock and Transfer of**  
[11900]                **Control**

A12-10-021

In the Matter of the Joint Application of The Jack Fennie, Jr. Irrevocable Trust and Richard Coffey, an individual, for Authorization to Acquire Additional Stock of and to Transfer Control of Vessel Carrier Catalina Freight Line.

**PROPOSED OUTCOME:**

- ® Grants the application of Richard Coffey to acquire additional shares of stock and to transfer control of Catalina Freight Line, a vessel common carrier, from The Jack Fennie, Jr. Irrevocable Trust to Richard Coffey.
- ® Closes the proceeding.

**SAFETY CONSIDERATIONS:**

- ® Considers the safety of the public who will be using vessel common carriers. Catalina Freight Line is responsible to adhere to all Commission rules, decisions, General Orders and statues necessary to promote the safety, health, comfort and convenience of its patrons, employees, and the public.

**ESTIMATED COST:**

- ® None.

(Exam Hagan)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=40495704>

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

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Consent Agenda - Orders and Resolutions (continued)

21                    **Pacific Gas and Electric Company's Electric Rate Schedule**  
[11905]

Res E-4547, Pacific Gas and Electric Company's Advice Letter 3975-E dated December 21, 2011 - Related matters.

**PROPOSED OUTCOME:**

- ® Grants the requests and authorizes Pacific Gas and Electric Company (PG&E) to:
- ® Revise Special Condition 4 of Electric Rate Schedule LS-1.
- ® Credit 804 customers on approximately 31,728 streetlight poles for \$1.5 million.
- ® Correct the facilities charges on approximately 6,607 lights on streetlight-only poles by reassigning them from Schedules LS-1A and LS-1B to Schedules LS-1D, E, and F.

**SAFETY CONSIDERATIONS:**

- ® Corrects tariff language, facilities charges, and billing errors. Utilities are expected to comply with all federal and state safety regulations, including Public Utilities Code Section 451.

**ESTIMATED COST:**

- ® Customers who are now paying incorrect facilities charges will be credited approximately \$1.5 million. Going forward, there will also be an increase in PG&E's revenue of approximately \$5,667.00 per month from reassigning lights to correct schedules.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=48745862>

Consent Agenda - Orders and Resolutions (continued)

22                    **Southern California Edison Company's Renewable Energy**  
[11908]                **Sales Contract With Energy America LLC**

Res E-4572, Advice Letter 2757-E filed on July 6, 2012 - Related matters.

**PROPOSED OUTCOME:**

- ® Approves Southern California Edison Company's request to enter into a renewable energy sales contract with Energy America LLC.
- ® Approves the contract without modification.

**SAFETY CONSIDERATIONS:**

- ® Approves a contract for the sale of renewable energy that will not alter existing contracts or any facility operations. Because this sales contract does not require a change in facility operations there are no incremental safety implications associated with approval of this contract beyond the status quo.

**ESTIMATED COST:**

- ® Costs of this contract are confidential at this time.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=53010587>

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Consent Agenda - Orders and Resolutions (continued)

23                    **The Division of Ratepayer Advocates and the California**  
[11914]                **Water Service Company's Settlement Agreement**

A08-05-019

Application of California Water Service Company for an order confirming its discontinuance of the ESP program as provided in D.07-12-055, Ordering Paragraph 19, approving accounting for the residual affiliate transaction, and confirming under D.07-12-055, Ordering Paragraph 16 that Applicant's residual services to its affiliate CWS Utility Services comply with applicable law.

**PROPOSED OUTCOME:**

- ® Adopts an all-party settlement.
- ® Closes the proceeding.

**SAFETY CONSIDERATIONS:**

- ® The arrangement for California Water Service Company (Cal Water) to provide billing service for HomeServe USA Corp. (HomeServe) when Cal Water's customers elect to use HomeServe's extended service protection program for customer-owned waterlines will not jeopardize Cal Water's ability to comply with the safety requirements of Public Utilities Code Section 451.

**ESTIMATED COST:**

- ® None.

(Comr Florio - ALJ McKinney)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=53606800>

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

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Consent Agenda - Orders and Resolutions (continued)

24                    **Modified Presiding Officer's Decision to Dismiss Complaint**  
[11915]                **of Maria V. Lawrence**

C10-02-026

Maria V. Lawrence vs. Pacific Gas and Electric Company.

**PROPOSED OUTCOME:**

- ® Dismisses complaint.
- ® Denies appeal of Presiding Officer's Decision.

**SAFETY CONSIDERATIONS:**

- ® Finds that, as addressed at hearing, Pacific Gas and Electric Company's gas and electric line have been moved in accordance with Tariff rules.

**ESTIMATED COST:**

- ® Complainant should be responsible for \$14,567.39 for relocation of utility lines.

(Comr Peevey - ALJ Colbert)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=47877771>

*Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.*

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

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Consent Agenda - Orders and Resolutions (continued)

25                    **Order Extending Statutory Deadline**  
[11916]

C12-03-017

Fred Coleman, Steven Wallace, Larry L. Vaughn and Ruth Dargitz vs. Odd Fellows Sierra Recreation Association.

**PROPOSED OUTCOME:**

® Extends statutory deadline to December 20, 2013 to allow for processing of proceeding.

**SAFETY CONSIDERATIONS:**

® Ensures water will continue to be provided during pendency of proceeding.

**ESTIMATED COST:**

® Unknown.

(Comr Sandoval - ALJ Minkin)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=47668890>

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

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Consent Agenda - Orders and Resolutions (continued)

26                    **Kerman Telephone Company to Issue New Debt**  
[11917]

A12-11-019

Application of Kerman Telephone Co. for an Order Authorizing the Issuance of Notes in an Amount Not Exceeding \$10,057,000 and Execution of a Related Agreement and Supplemental Security Agreements.

**PROPOSED OUTCOME:**

® Authority to:

® Enter into a loan agreement with the United States Department of Agriculture, Rural Utilities Service (RUS) and to issue notes in an amount not exceeding \$10.057 million.

® Enter into the loan agreement and supplemental security agreements associated with the RUS notes approved in this decision.

® Encumber its utility property to secure its loan from the RUS for proper regulated utility purposes.

® Be exempt from the New Financing Rule; and

® File under seal the confidential version of Application 12-11-019, and its December 21, 2012 and January 16, 2013 responses.

® Closes the proceeding.

**SAFETY CONSIDERATIONS:**

® The financing authorization will allow the utility to replace and upgrade facilities. It is the utility's responsibility to adhere to all Commission rules, decisions, General Orders and statutes including Public Utilities Code Section 451, and to take all actions "... necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and public."

**ESTIMATED COST:**

® None.

(Comr Sandoval - ALJ Wilson)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=45101674>

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

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Consent Agenda - Orders and Resolutions (continued)

27                    **Foresthill Telephone Company to Issue New Debt**  
[11918]

A12-11-020

Application of Foresthill Telephone Co. for an Order Authorizing the Issuance of Notes in an Amount not Exceeding \$6,560,000 and Execution of a Related Agreement and Supplemental Security Agreements.

**PROPOSED OUTCOME:**

® Authority to:

® Enter into a loan agreement with the United States Dept. of Agriculture, Rural Utilities Service (RUS), and to issue notes in an amount not exceeding \$6.56 million.

® Enter into the loan agreement and supplemental security agreements associated with the RUS notes.

® Encumber its utility property to secure its loan from the RUS for proper regulated utilities purposes.

® Be exempt from the New Financing Rule; and

® File under seal the confidential version of Application 12-11-020, and its December 21, 2012 and January 16, 2013 responses.

**SAFETY CONSIDERATIONS:**

® The financing authorization will allow the utility to replace and upgrade its facilities. It is the utility's responsibility to adhere to all Commission rules, decisions, General Orders, and statutes including Public Utilities Code 451, and to take all actions ". . . necessary to promote safety, health comfort, and convenience of its patrons, employees, and the public."

**ESTIMATED COST:**

® None.

(Comr Sandoval - ALJ Wilson)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=46450876>

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

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Consent Agenda - Orders and Resolutions (continued)

28                    **Authority to Construct Telecommunications Facilities on the**  
[11920]                **Channel Islands**

A10-02-009

In the Matter of the application of Channel Islands Telephone Company to expand its existing certificate of public convenience and necessity to include full facilities-based authority to construct telecommunications facilities to serve certain previously-unserved Channel Islands.

**PROPOSED OUTCOME:**

- ® Grants a Certificate of Public Convenience and Necessary to provide facilities-based local and interexchange service to and within the Channel Island.
- ® Opens a Phase 2 to consider whether applicant violated Rule 1.1 of the Commission's Rules of Practice and Procedure.

**SAFETY CONSIDERATIONS:**

- ® Will increase telephone service in and around Channel Islands improving safety.

**ESTIMATED COST:**

- ® \$2,342,865 for construction provided by Rural Telecommunications infrastructure grant and \$125,000 from company founder.

(Comr Peevey - ALJ MacDonald)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=53636693>

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

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Consent Agenda - Orders and Resolutions (continued)

29                    **Modification of Decision 11-12-022**  
[11921]

A11-01-003  
Application for Rehearing of Resolution T-17266.

**PROPOSED OUTCOME:**

- ® Modifies Decision 11-12-022 regarding effective date of Cricket Communications, Inc. status as an eligible telecommunications carrier for Federal Lifeline Support.
- ® Closes the proceeding.

**SAFETY CONSIDERATIONS:**

- ® Nothing in this order modifies applicant's duty to comply with all Commission rules, decisions, orders and statutes as a certificated telephone corporation.

**ESTIMATED COST:**

- ® Not Applicable, as Applicant only seeks federal Lifeline and link-up support for low-income customers.

(Comr Sandoval - ALJ Duda)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=53603194>

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

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**Consent Agenda - Intervenor Compensation Orders**

30                    **Compensation to The Utility Reform Network**  
[11871]

A10-01-022

Application of Pacific Gas & Electric Company to Recover the Costs Associated with Renewal of the Diablo Canyon Power Plant Operating Licenses.

**PROPOSED OUTCOME:**

® Awards The Utility Reform Network \$47,719.00 for substantial contribution to Decision 12-02-004.

**SAFETY CONSIDERATIONS:**

® Substantial contribution by intervenors, as found here, enhances the Commission’s ability to resolve safety and other issues under Pub. Util. Code § 451 to take all actions” . . . 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 \$47,719.00, plus interest.

(Comr Florio - ALJ Barnett)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=44260365>

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

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Consent Agenda - Intervenor Compensation Orders (continued)

31                    **Compensation to California Small Business Roundtable**  
[11903]

A09-02-022

Application of Pacific Gas and Electric Company for Approval of its 2009 Rate Design Window Proposals for Dynamic Pricing and Recovery of Incremental Expenditures Required for Implementation.

**PROPOSED OUTCOME:**

® Awards California Small Business Roundtable \$32,368 for substantial contribution to Decision 11-11-008.

**SAFETY CONSIDERATIONS:**

® The award pertains to contribution to a decision focused on rates; only relation to safety is indirect and remote.

**ESTIMATED COST:**

® Pacific Gas and Electric Company will pay \$32,368, plus interest.

(Comr Ferron - ALJ Roscow)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=28219163>

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

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Consent Agenda - Intervenor Compensation Orders (continued)

32                    **Compensation to The Utility Reform Network**  
[11911]

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:**

® Awards The Utility Reform Network \$181,044.41 of the \$194,085.91 claim it made for intervenor compensation for substantial contributions to Decisions (D) 09-08-029 and D12-01-032.

**SAFETY CONSIDERATIONS:**

® The intervenor compensation awarded is for contribution made in a rulemaking that resulted in regulations to reduce power line and communication facilities fire hazards.

**ESTIMATED COST:**

® \$181,044.41 to be paid by the Commission's Intervenor Compensation Fund.

(Comr Florio - ALJ Kenney)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=54981345>

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

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## Regular Agenda

### Regular Agenda - Energy Orders

33                    **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=50499576>

*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);  
 Agenda 3309, Item 24 2/13/2013 (Peterman)

Regular Agenda - Energy Orders (continued)

33a/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=47688800>

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

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

- 
- Agenda 3306, Item 58a 12/20/2012 (Ferron);
  - Agenda 3307, Item 29a 1/10/2013 (Ferron);
  - Agenda 3308, Item 29a 1/24/2013 (Florio);
  - Agenda 3309, Item 24a 2/13/2013 (Peterman)

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Regular Agenda - Energy Orders (continued)

34                    **Interim Decision on Rate Recovery of Reasonable Costs**  
[11886]                **Associated With Specified Preliminary Activities**

A07-06-031

In the Matter of the Application of Southern California Edison Company for a Certificate of Public Convenience and Necessity Concerning the Tehachapi Renewable Transmission Project (Segments 4 through 11).

**PROPOSED OUTCOME:**

® This interim decision concludes, on balance, that it is in the public interest for Southern California Edison Company (SCE) to undertake certain preconstruction activities associated with the potential undergrounding of Segment 8A of the Tehachapi Renewable Transmission Project (TRTP) and to incur the reasonable costs of those activities.

® These activities must occur in the next few months – prior to the Commission's determination on the merits whether to underground Segment 8A -- if the TRTP is to begin commercial operation in late 2015, as scheduled.

® This interim decision does not alter the Commission's stay of Segment 8A.

**SAFETY CONSIDERATIONS:**

® While timely completion of the TRTP is predominately an electricity reliability issue, with associated economic consequences, electric reliability is inherently a safety issue and if the Commission wishes to review undergrounding of Segment 8A on the merits, this interim decision is critical to maintaining the previously set schedule for TRTP.

**ESTIMATED COST:**

® The Federal Energy Regulatory Commission has jurisdictional authority over TRTP transmission rates. This interim decision could increase ratepayer costs by as much as \$32.95 million, including estimated contracting termination charges of as much as \$28 million (if undergrounding of Segment 8A does not occur). If undergrounding of Segment 8A goes forward, contracting termination charges will not be incurred.

(Comr Peevey - ALJ Vieth)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=54687354>

*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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Regular Agenda - Energy Orders (continued)

35 (Rev.)            **Pacific Gas and Electric Company's Power Purchase  
[11922]            Agreement With Nevada Irrigation District**

A12-06-014

Application of Pacific Gas and Electric Company for Expedited Approval of the Power Purchase Agreement with Nevada Irrigation District and for Authority to Recover the Costs of the Agreement In Rates.

**PROPOSED OUTCOME:**

- ® Grants Pacific Gas and Electric Company (PG&E) authority to recover the costs of Power Purchase Agreement in rates.
- ® Closes the proceeding.

**SAFETY CONSIDERATIONS:**

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

**ESTIMATED COST:**

- ® Confidential.

(Comr Florio - ALJ Farrar)

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=54981346>

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

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02/19/2013 - This revision was not shown on the Agenda mailed to the public.

## Regular Agenda - Communication Orders

36  
[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=49195149>

*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);

Agenda 3309, Item 27 2/13/2013 (Ferron)

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**Regular Agenda - Communication Resolutions and Reports**

37 (Rev.)            **Rural Telecommunications Infrastructure Grant Program**  
[11746]            **Project**

Res T-17382

**PROPOSED OUTCOME:**

® Brings telephone service to four Channel Islands, off the coast of Ventura, that are currently unserved.

**SAFETY CONSIDERATIONS:**

® The lack of access to 9-1-1 on the Channel Islands is an important consideration in this Resolution T-17382.

® In 2011, there were 61,000 visitors to the Channel Islands National Park. Access to 9-1-1 service for Channel Islands visitors will provide a safer visitor experience.

**ESTIMATED COST:**

® \$2,693,000.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=53636654>

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

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Agenda 3306, Item 17 12/20/2012 (Florio);

Agenda 3307, Item 5 1/10/2013 (Staff);

Agenda 3308, Item 35 1/24/2013 (Florio)

02/26/2013 - This revision was not shown on the Agenda mailed to the public.



**Regular Agenda - Legal Division Matters**

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## Regular Agenda - Legislative and Other Matters

38                    **Electricity: Solar Electricity: Low-Income Households**  
[11906]

AB 217 (Bradford)

This bill would require the California Public Utilities Commission to adopt a program to provide monetary incentives for the installation of solar energy systems on low-income residential housing.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=53598797>

39                    **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);

Agenda 3309, Item 32 2/13/2013 (Staff)

## Regular Agenda - Commissioner Reports

**Regular Agenda - Management Reports and Resolutions**

40  
[11907]

**Report and Discussion by Safety and Enforcement 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

41                    **Conference with Legal Counsel - Application for Rehearing**  
[11824]

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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42                    **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;

Agenda 3309, Item 36 2/13/2013

43                    **Conference with Legal Counsel - Application for Rehearing**  
[11825]

A11-08-004

Disposition of Application for Rehearing of Decision (D) 12-08-028, jointly filed by BNSF Railway Company and National Railroad Passenger Corporation. In D12-08-028, the Commission determined that it had jurisdictional authority to consider the City of San Clemente's Application for approval of the use of an Audible Warning System, instead of train horns, at seven pedestrian-rail crossings.

*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)

44

**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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Agenda 3309, Item 37 2/13/2013

45

**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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Agenda 3309, Item 38 2/13/2013

46

**Conference with Legal Counsel - Application for Rehearing**

[11904]

R11-05-005

Disposition of application for rehearing of Decision (D.) 12-11-016, by Independent Energy Producers Association. Among other things, D.12-11-016 required utility purchasers of generation, Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company, to incorporate terms regarding termination rights and buy-down provisions into their respective future Renewables Portfolio Standards pro forma power purchase agreements with sellers (i.e., generators), in the event the results of any interconnection study or agreement indicate that the transmission network upgrade costs, already agreed upon by the two parties, will exceed the specific amount agreed to. Ratepayers are responsible for the costs of upgrades to the transmission network contracted for between buyers and sellers. However, in the event such costs will exceed the agreed upon costs, the pro forma terms permit the contract to be terminated by the buyer (i.e., utility), or the generator may instead opt to buy-down the excess costs (i.e., buy-down the costs in lieu of contract termination).

*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)

47

**Conference with Legal Counsel - Application for Rehearing**

[11912]

R08-01-025

Disposition of Applications for Rehearing of Decision (D) 09-06-028, filed by Center for Energy Efficiency and Renewable Technologies, and jointly by The Utility Reform Network, California Wind Energy Association, American Wind Energy Association, and Solar Alliance. D09-06-028 established local capacity procurement obligations for 2010 applicable to Commission-jurisdictional electric load-serving entities.

*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.*

48                    **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;

Agenda 3309, Item 39 2/13/2013



**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**

## **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*