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

Scheduled Commission Meetings
505 Van Ness Avenue, San Francisco

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<th>Ratesetting Deliberative Meeting*</th>
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<td>Room 5305  (1:30 p.m.)</td>
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Monday, February 25, 2013 (San Francisco)
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*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
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This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TTY# (415) 703-5282 or toll free # 1-866-836-7825 three business days in advance of the meeting.
PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- 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 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.
Petition for Modification of Decision 12-02-035

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.

Agenda 3306, Item 20 12/20/2012 (Florio);
Agenda 3307, Item 6 1/10/2013 (Florio);
Agenda 3308, Item 2 1/24/2013 (Ferron)
Modification of the California Solar Initiative Thermal 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=49165022

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

Agenda 3309, Item 8 2/13/2013 (Staff)
Compensation to Agricultural Energy Consumers
Association

A10-03-014

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=51370649

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

Agenda 3309, Item 20 2/13/2013 (Staff)
Sale of Shares of Common Stock of Lake Alpine Water Company

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.
Annual Fee to Implement the Digital Infrastructure and Video 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.
Consent Agenda - Orders and Resolutions (continued)

7  Rejection of Settlement and Denial of Application

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=42157146

Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
Southern California Edison Company's Power Purchase Agreement With Alta Wind XIII, LLC


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=45420935

Pub. Util. Code § 311 – This item was mailed for Public Comment.
9  Order Extending Statutory Deadline

Order Extending Statutory Deadline

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

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.
SB Sedan and Limo Corp.’s Field Citation

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=45221379

Pub. Util. Code § 311 – This item was mailed for Public Comment.
Closes Rulemaking 11-01-008 Made Moot by Legislation

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=42155827

Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.
California High Cost Fund-A Calendar Year 2013

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=46444889

Pub. Util. Code § 311 – This item was mailed for Public Comment.
Affirming Provisions of the Scoping Memo and Ruling

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&T 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=42158142

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


Res ST-148

PROPOSED OUTCOME:


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.
Virgin Mobile, USA L.P.’s dba Assurance Wireless to Offer 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.
Nexus Communications, Inc. to Offer New Wireless Federal Lifeline Services Plans


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.
Southern California Edison Company's Power Purchase Agreement With Berry Petroleum Company for Procurement of Energy and Capacity


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=46596505

Pub. Util. Code § 311 – This item was mailed for Public Comment.
Complaint Alleging Unlawful Obstruction of Legitimate 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.
New Order Instituting Rulemaking

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
20 Richard Coffey to Acquire Additional Stock and Transfer of 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.
Pacific Gas and Electric Company’s Electric Rate Schedule


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
Southern California Edison Company's Renewable Energy Sales Contract With Energy America LLC


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=48431428
The Division of Ratepayer Advocates and the California 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)

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

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.
Order Extending Statutory Deadline

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.
Kerman Telephone Company to Issue New Debt

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

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.
Consent Agenda - Orders and Resolutions (continued)

27  Foresthill Telephone Company to Issue New Debt

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

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.
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)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
Modification of Decision 11-12-022

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)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
Consent Agenda - Intervenor Compensation Orders

30 Compensation to The Utility Reform Network

A10-01-022

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.
Compensation to California Small Business Roundtable

A09-02-022

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.
Consent Agenda - Intervenor Compensation Orders (continued)

**Compensation to The Utility Reform Network**

[11911]

R08-11-005

**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=47291171

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

Regular Agenda - Energy Orders

33 San Diego Gas & Electric Company’s Local Capacity Requirement and Power Tolling Agreements
[11757]

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.

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)
PROPOSED OUTCOME:

Determines a local capacity requirement need and directs San Diego Gas & Electric Company (SDG&G) to procure up to 298 megawatts of local generation capacity beginning in 2018.

Grants SDG&G 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=49133593

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)
Interim Decision on Rate Recovery of Reasonable Costs
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=42156271

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

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

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)

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

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

36 Telephone Corporations Seeking Certificates of Public Convenience and Necessity and Wireless Carriers Seeking Registration

[11669]

R11-11-006

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)
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.

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)
Regular Agenda - Communication Resolutions and Reports

37  Rural Telecommunications Infrastructure Grant Program 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 243,000 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=46457041

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

Agenda 3306, Item 17 12/20/2012 (Florio);
Agenda 3307, Item 5 1/10/2013 (Staff);
Agenda 3308, Item 35 1/24/2013 (Florio)
Regular Agenda - Legal Division Matters
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.

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
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

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.

42 Conference with Legal Counsel - Application for Rehearing

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.

Agenda 3308, Item 51 1/24/2013;
Agenda 3309, Item 36 2/13/2013

43 Conference with Legal Counsel - Application for Rehearing

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.
Conference with Legal Counsel - Application for Rehearing

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.

Agenda 3309, Item 37 2/13/2013

Conference with Legal Counsel - Application for Rehearing

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.

Agenda 3309, Item 38 2/13/2013

Conference with Legal Counsel - Application for Rehearing

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.
Conference with Legal Counsel - Application for Rehearing

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.
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.

Conference with Legal Counsel - Initiation of Litigation

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.

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*