



CPUC Public Agenda 3362

Thursday, August 27, 2015 9:30 a.m.

San Francisco, CA



Commissioners:
Michael Picker, President
Michel Peter Florio
Catherine J.K. Sandoval
Carla J. Peterman
Liane M. Randolph

www.cpuc.ca.gov





The Pledge of Allegiance

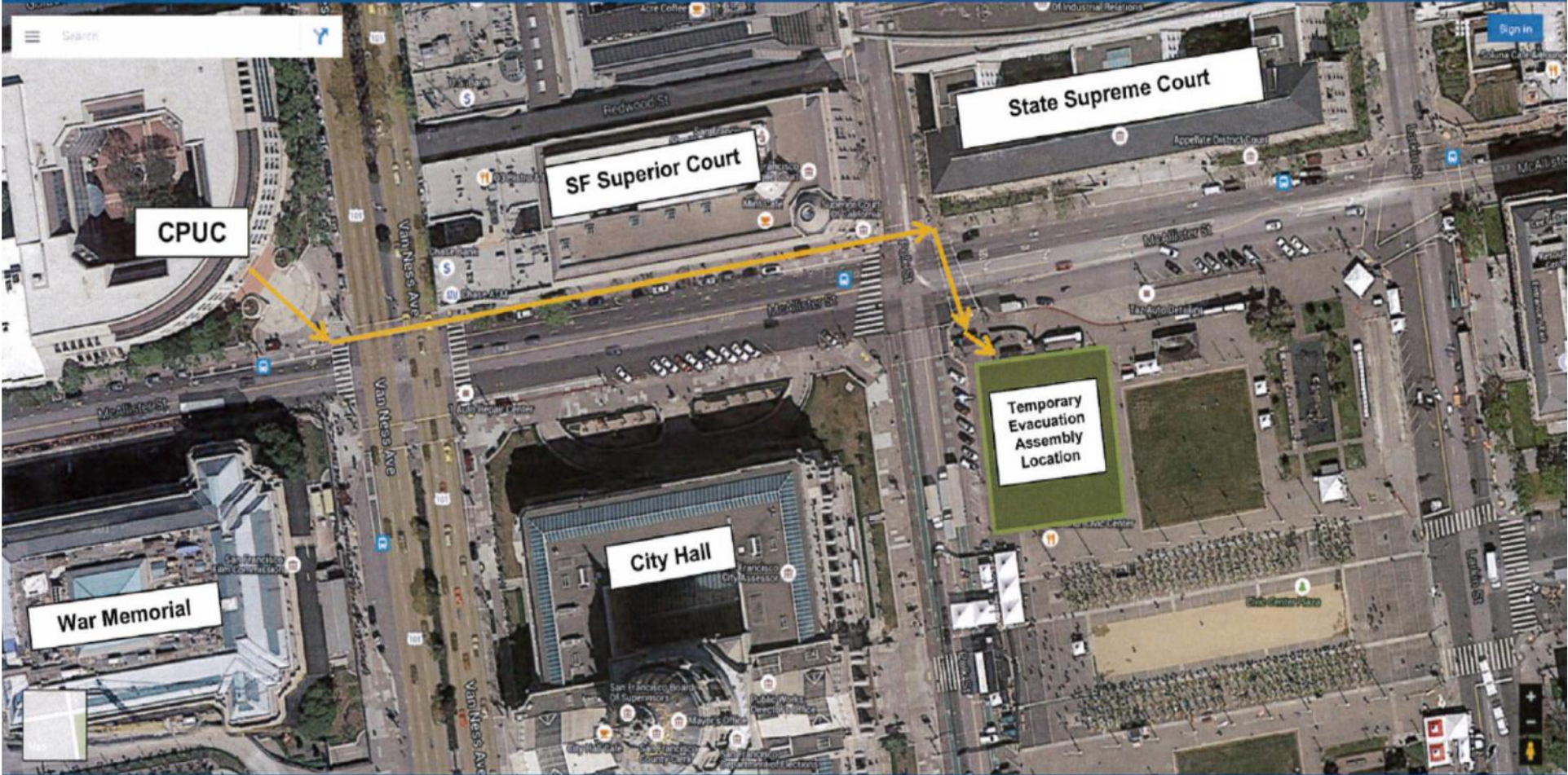


“I pledge allegiance to the Flag of the
United States of America,
and to the Republic for which it stands,
one nation under God,
indivisible,
with liberty and justice for all.”





Temporary Evacuation Assembly Location





Public Comment

- Per Resolution ALJ-252, any member of the public (excluding parties and their representatives) who wishes to address the CPUC about matters before the Commission must sign up with the Public Advisor's Office table before the meeting begins. If an individual has signed up using the electronic system on the Commission's website, they must check in with the Public Advisor's Office on the day of the meeting, by the sign-up deadline.
- Once called, each speaker has up to 3 minutes at the discretion of the Commission President. Depending on the number of speakers, the time limit may be reduced to 1 minute.
- A sign will be posted when 1 minute remains.
- A bell will ring when time has expired.
- At the end of the Public Comment Section, the Commission President will ask if there are any additional individuals who wish to speak. Individuals who wish to speak but did not sign up by the deadline, will be granted a maximum of one minute to make their comments.

The following items are NOT subject to Public Comment:

- 7, 8, 14, 17, 31
- All items on the Closed Session Agenda





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- Once called, each speaker has up to 2 minutes at the discretion of the Commission President. Depending on the number of speakers, the time limit may be reduced to 1 minute.
- A sign will be posted when 1 minute remains.
- A bell will ring when time has expired.
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Public Agenda Changes

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 CPUC meeting.

- Items on Today's Consent Agenda are: **1, 3, 4, 7, 8, 9, 11, 13, 15, 16, 17, 18, 19, 21, 22, 23, and 24.**
- Any Commissioner, with consent of the other Commissioners, may request an item from the Regular Agenda be moved to the Consent Agenda prior to the meeting.
- No items from the Regular Agenda have been added to the Consent Agenda.
- Any Commissioner may request an item be removed from the Consent Agenda for discussion on the Regular Agenda prior to the meeting.
- **Item 10** has been moved to the Regular Agenda.
- **Items 20 and 32** have been withdrawn.
- The following items have been held to future Commission Meetings:
 - Held to 9/17/15: **5, 6, 12, 14, 35, 36, and 37.**
 - Held to 10/1/15: **2, and 26.**





Regular Agenda

- Each item on the Regular Agenda (and its alternate if any) will be introduced by the assigned Commissioner or CPUC staff and discussed before it is moved for a vote.
- For each agenda item, a summary of the proposed action is included on the agenda; the CPUC's final decision may, however, differ from that proposed.
- The complete text of every Proposed Decision or Draft Resolution is available for download on the CPUC's website: www.cpuc.ca.gov.
- Late changes to agenda items are available on the Escutia Table.





Regular Agenda – Resolutions and Written Reports

Item # 10 [14165] – Amending Southern California Edison Company’s Electric Rule 23 Regarding Returning Community Choice Aggregation Customer Stay Requirements, to Conform with Public Utilities Code Section 366.2 (c)(13)

Res E-4730 – Advice Letter No. 3113-E filed on October 7, 2014 – Related matters.

PROPOSED OUTCOME:

- Directs Southern California Edison Company to submit a supplement to Advice Letter 3113-E, which amends Electric Rule 23 L to conform with Public Utilities Code § 366.2 (c)(13), such that a returning Community Choice Aggregation customer is subject to no more than a twelve-month stay requirement with the utility, regardless of any applicable Transitional Bundled Service period.

SAFETY CONSIDERATIONS:

- There is no safety impact on safety.

ESTIMATED COST:

- There is no cost impact.





Resolution E-4730: Background

- **Stay Requirement:** A period of time a customer is required to stay with the utility after returning from a Direct Access (DA) provider or Community Choice Aggregator (CCA).
- D.11-12-018 reduced the stay requirement for returning DA customers from 36 months to 18 months.
- D.11-12-018 maintained the option for a returning DA customer to provide 6-month notice to the utility and remain with the DA provider for those 6 months **OR** return immediately to utility, but be on the Transitional Bundled Service (TBS) rate for 6 month before stay requirement began.
- **HOWEVER** SB 790 (Leno 2012) became P.U. Code 366.2 (c)(13), which reduced the stay requirement to 12 months for CCA customers returning to utility service. It was silent as to whether TBS rate is maintained.





Resolution E-4730:
Returning CCA customer “stay requirements” with utility

- **Issue:** Should P.U. Code 366.2 (c)(13) be interpreted to provide for **a)** a 12-month stay requirement; OR **b)** a 12-month stay requirement with the possibility of an additional 6 months on Transitional Bundled Service (TBS) with the utility, for a total of 18 months with the utility, before being eligible to return to a CCA.





SB 790 (Leno 2012) a.k.a. PU Code 366.2 (c)(13)

“[c]ustomers that return to the electrical corporation for procurement services shall be subject to the same terms and conditions as are applicable to other returning direct access customers from the same class, as determined by the commission, as authorized by the commission pursuant to this code or any other provision of law, **except that those customers shall be subject to no more than a 12-month stay requirement with the electrical corporation.**”





Resolution E-4730: Reasoning

- SB 790 (Leno 2012)/PU Code 366.2 (c)(13) mandates “...no more than a 12-month stay requirement” for CCA customers
- Six-month Transitional Bundled Service (TBS) period should be included in the 12-month stay requirement. Otherwise, in effect, returning CCA customers would be subject to an 18-month stay requirement, in violation of statute. Legislature, in passing SB 790 in 2011, truly wanted a 12-month stay requirement, not an effective 18-month stay requirement





Resolution E-4730: Reasoning cont.

- Energy Division sent Notice to Correct Tariffs to SCE, SDG&E, and PG&E to comply with 12-month stay requirements. SDG&E and PG&E have corrected their tariffs. In the interest of uniform interpretation of P.U. Code, we ask SCE to comply also.
- Non-Bypassable Charges like the Power Charge Indifference Adjustment (PCIA) are still paid by returning CCA customers on the TBS rate; therefore bundled ratepayers remain indifferent.





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SAFETY CONSIDERATIONS:

- There is no safety impact on safety.

ESTIMATED COST:

- There is no cost impact.





Regular Agenda – Energy Orders

Item # 25 [14142] – San Diego Gas & Electric Company for Authority to Update Electric Rate Design Effective on January 1, 2015

A14-01-027 – Application of San Diego Gas & Electric Company for Authority to Update Electric Rate Design Effective on January 1, 2015.

Ratesetting

Comr. Florio / Judge Roscow

PROPOSED OUTCOME:

- Denies without prejudice San Diego Gas & Electric Company's (SDG&E) request to modify its time-of-use periods. SDG&E may introduce such a proposal in its currently-open General Rate Case Phase 2 proceeding, should it choose to do so.
- Denies SDG&E's proposed rate design changes that depend on its proposed time-of-use periods.
- Finds SDG&E to be in compliance with the requirements of Decision 11-07-029 regarding the preparation and submittal of certain rate design proposals and analyses regarding plug-in hybrid and electric vehicles.
- Closes the proceeding.

SAFETY CONSIDERATIONS:

- There are no safety considerations associated with the outcome of this proceeding.

ESTIMATED COST:

- There are no costs associated with the outcome of this proceeding at this time.





Regular Agenda – Energy Orders

Item # 27 [14213] – New Order Instituting Investigation on the Commission’s Own Motion to Determine Whether Pacific Gas and Electric Company and PG&E Corporation’s Organizational Culture and Governance Prioritize Safety

I _____ - Order Instituting Investigation on the Commission’s Own Motion to Determine Whether Pacific Gas and Electric Company and PG&E Corporation’s Organizational Culture and Governance Prioritize Safety.

PROPOSED OUTCOME:

- Commencement of an investigation into whether Pacific Gas and Electric Company (PG&E) and PG&E Corporation’s organizational culture and governance prioritize safety and adequately direct resources and accountability measures to achieve safety goals and standards.
- In the initial phase of this investigation, the Commission’s Safety and Enforcement Division (SED) will be serving as the primary advisory staff. SED is ordered to investigate PG&E’s organizational culture, governance, safety culture, and answer the questions raised in this order. SED’s investigation will be contained in a report, which will be provided to the assigned Commissioner and assigned Administrative Law Judge.
- This initial phase is categorized as ratesetting. After completion of the consultant’s report, the assigned Commissioner may hold a prehearing conference and determine the next steps and phases of this proceeding.

SAFETY CONSIDERATIONS:

- The purpose of this investigation is to investigate whether Pacific Gas and Electric Company and PG&E Corporation’s organizational culture and governance prioritize safety. SED is directed to investigate and produce a consultant’s report. In later phases of this proceeding, the Commission may consider taking action to promote or compel a high-functioning safety culture at PG&E.

ESTIMATED COST:

- PG&E shall reimburse the Commission for a consultant contracted by SED in an amount not to exceed \$2 million, unless otherwise ordered by the assigned Commissioner.





Regular Agenda – Communication Orders

Item # 28 [13913] – Deferring Network Study Requirement

R11-12-001 – Order Instituting Rulemaking to Evaluate Telecommunications Corporations Service Quality Performance and Consider Modification to Service Quality Rules.

Quasi-Legislative

Pres. Picker / Judge Bushey

PROPOSED OUTCOME:

- Defers network study requirement.

SAFETY CONSIDERATIONS:

- AT&T California and California Verizon Inc. remain responsible for safe and reliable operation of their networks.

ESTIMATED COST:

- There are no costs associated with this deferral.





Regular Agenda – Communication Orders

Item # 28a [14111] – COMMISSIONERS FLORIO AND SANDOVAL'S ALTERNATE TO ITEM 13913

R11-12-001 – Order Instituting Rulemaking to Evaluate Telecommunications Corporations Service Quality Performance and Consider Modification to Service Quality Rules.

Quasi-Legislative

Comrs. Florio and Sandoval

PROPOSED OUTCOME:

- Affirms and renews the Commission's order in Decision 13-02-023 for completion of a study of telecommunications carrier network infrastructure, facilities, policies, and practices that was ordered in 2013.

SAFETY CONSIDERATIONS:

- Completion of this study will assist the Commission in ensuring that existing telecommunications network infrastructure, facilities, policies, and practices support a level of service consistent with public safety and customer needs, as required in Public Utilities Code Section 451 and other statutes.

ESTIMATED COST:

- \$1.5 million, already ordered to be provided by the subject telecommunications carriers, AT&T California and Verizon California, Inc.





Regular Agenda – Orders Extending Statutory Deadline

Item # 29 [14190] – Order Extending Statutory Deadline

A13-06-011 – Application of Pacific Gas and Electric Company to Set New Core Interstate Pipeline Capacity Planning Range.

Ratesetting

Comr. Florio / Judge Wong

PROPOSED OUTCOME:

- Extends the statutory deadline for resolving the issues in Application 13-06-011 to November 2, 2015.

SAFETY CONSIDERATIONS:

- None as a result of this decision.

ESTIMATED COST:

- No estimated cost.





Regular Agenda – Orders Extending Statutory Deadline

Item # 30 [14210] – Order Extending Statutory Deadline

A13-09-010 – In the Matter of the Application of Southern California Gas Company For Approval of The Branch Office Optimization Process.

Ratesetting

Comr. Peterman / Judge Halligan

PROPOSED OUTCOME:

- Extends the statutory deadline for completion of this proceeding until to November 5, 2015.

SAFETY CONSIDERATIONS:

- There are no safety considerations implicated with this Order Extending Statutory Deadline.

ESTIMATED COST:

- There are no costs associated with this Order Extending Statutory Deadline.





Regular Agenda – Orders Extending Statutory Deadline

Item # 31 [14219] – Order Extending Statutory Deadline

I13-09-012 – Order Instituting Investigation on the Commission’s Own Motion into the fatal accident at the San Francisco Municipal Transportation Agency’s Mission Rock Station in the City and County of San Francisco, on December 1, 2012.

Adjudicatory

Pres. Picker / Judge Mason

PROPOSED OUTCOME:

- Extends statutory deadline of this proceeding until to November 13, 2015.

SAFETY CONSIDERATIONS:

- There are no safety considerations implicated with this Order Extending Statutory Deadline.

ESTIMATED COST:

- There are no costs associated with this Order Extending Statutory Deadline.





Regular Agenda – Legal Division Matters

Item # 33 [14196] – Comments Before the Federal Communications Commission on a Number of Fundamental Changes to the Federal Lifeline Program

WC Docket Nos. 11-42, 09-197; and 10-90 (FCC 15-71).

In the Matter of Lifeline and Link Up Reform and Modernization; Telecommunications Carriers Eligible for Universal Support; and Connect America Fund; WC Docket Nos. 11-42, 09-197; and 10-90 (FCC 15-71);

Released: June 22, 2015. Opening Comments due August 31, 2015; Reply Comments due September 30, 2015.

On June 22, 2015, the Federal Communications Commission (FCC) released Second Further Notice of Proposed Rulemaking (FNPRM) in the Lifeline and Link Up Docket. In the FNPRM, the FCC is proposing and seeking comment on a number of fundamental changes to the federal Lifeline program that advances the goals of Section 254 and increases accountability and efficiency of the program.

The FCC is proposing to rebuild the current framework of the Lifeline program and continue its efforts to modernize the program so that all consumers can utilize advanced networks. Staff seeks authority to file Opening Comments and Reply Comments.





Regular Agenda – Legal Division Matters

Item # 34 [14203] – Comments Before the Federal Communications Commission on a Notice of Inquiry

GN Docket No. 15-191; (FCC 15-101); rel. August 7, 2015

Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act; Eleventh Broadband Progress Notice of Inquiry; GN Docket No. 15-191; (FC 15-101); rel. August 7, 2015. Opening Comments due September 15, 2015; Reply Comments due September 30, 2015.

By this Notice of Inquiry, the Federal Communications Commission initiates the next annual assessment of the “availability of advanced telecommunications capability to all Americans (including, in particular, elementary and secondary schools and classrooms)” (47 U.S.C. §1302(b)) and seeks comment on the current state of its deployment and availability. Staff seeks authority to file comments.





Commissioners' Reports





Commissioner Sandoval's Report



Commissioner Catherine Sandoval California Public Utilities Commission

August 27, 2015





Pole Attachments



Ridgecrest Mayor Peggy Breeden discussing the importance of reliable phone and fast Internet service to the Ridgecrest economy & public safety





Snow cat for service calls in snowy region

Microwave backhaul from Mammoth Lakes to Bishop, providing 911 and call route diversity after the Round Fire in February 2015





Round Fire at Swall Meadows in Mono County



https://www.youtube.com/watch?feature=player_embedded&v=kYJjKhJYlr4#t=26





Viewing a remote terminal in Swall Meadows that provides phone and Internet service in area burned during Round Fire, February 2015



Sandy Dodson, Verizon, explaining the telephone network configuration for the area from Bridgeport to Ridgecrest, connecting to Victorville





Ridgecrest DLC

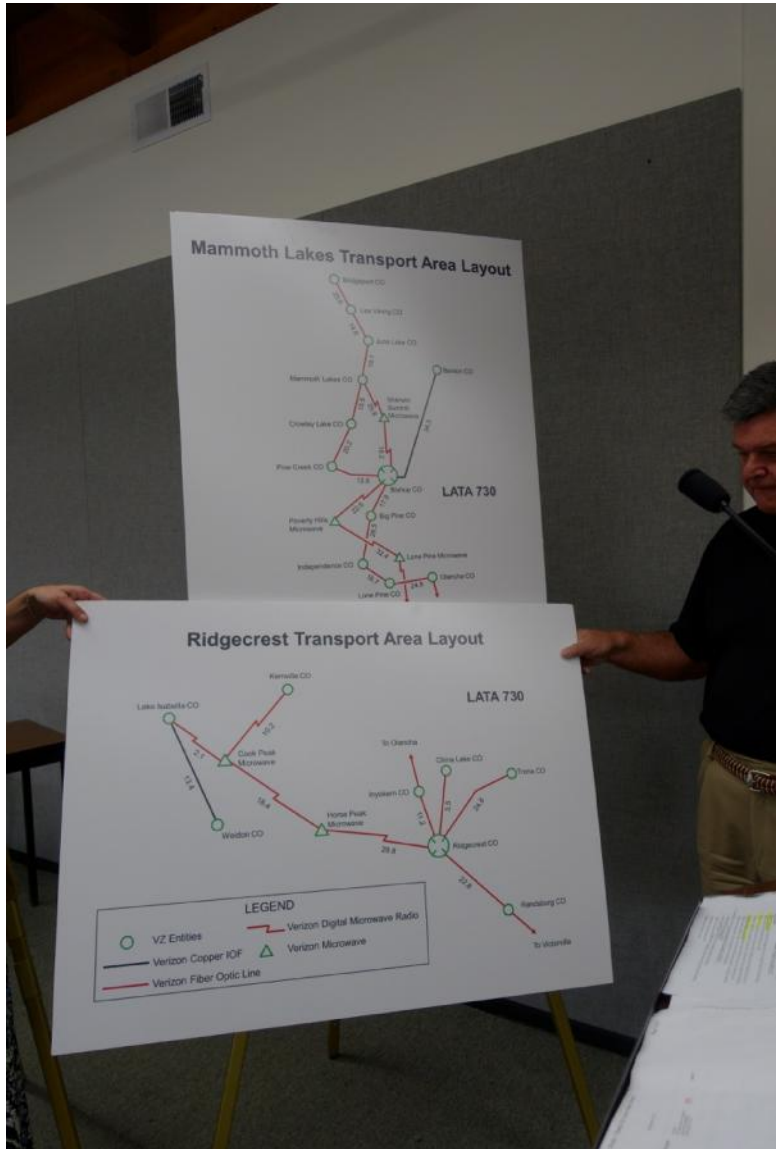
Ridgecrest Digital Loop Carrier (DLC),
Providing plain old telephone service
and dial-up Internet





Ridgecrest DLC







Long Beach Power Outage Town Hall,
August 22, 2015

Photo by NBC 4, Southern California





Water/Energy Nexus
Hackathon, San Francisco,
organized by California
American Water, August
2015, Served on App Judging
Panel





Commissioners' Reports





Management Reports





Regular Agenda – Management Reports and Resolutions

Item #38 [14161]

Report and Discussion by Safety and Enforcement Division on Recent Safety Program Activities





New Federal Transit Administration Role for State Safety Oversight of Rail Transit Systems



Bay Area Rapid Transit "BART"

Daren Gilbert, Program Manager
Rail Transit Safety Branch, Office of Rail Safety
Safety and Enforcement Division
August 27, 2015





Moving Ahead for Progress in the 21st Century (MAP-21)

- Congressional Authority for Federal Transit Administration (FTA) programs for the next few years.
- Signed into law by President Obama on July 6, 2012, effective October 1, 2012.
- Directs FTA to certify and fund State Safety Oversight Agencies (SSOA), and to get more involved in safety.
- Revises the FTA Rail Transit and Fixed Guideway State Safety Oversight (SSO) Program.
- Provides grants to states for up to 80% of the funding for the State's SSO Program.





Current FTA and State Safety Oversight of Rail Transit and Fixed Guideway Systems

Until recent rulemakings:

- No specific federal safety regulations.
- Limited FTA involvement in safety oversight.
- SSO program with few specific requirements.
- FTA audits of SSO programs every three years to requirements of 49 CFR Part 659.
- No funding to support SSO development, staff training, or oversight activities.



San Diego Trolley





SSO Agency Certification Requirements

To be certified, an SSO must:

- Have safety oversight responsibilities for rail transit fixed guideway systems from start of engineering.
- Be financially and legally independent from any transportation agency it oversees.
- Not provide any rail transportation services subject to SSO oversight.



San Francisco "Muni"





SSOA Certification Requirements (cont.)

To be certified, an SSO must:

- Not employ any person who also works for a fixed guideway system jurisdictional to SSO.
- Have the authority to review, approve, oversee and enforce implementation of adopted safety plans the by rail transit agency or other fixed guideway system.



Santa Clara "VTA"





FTA SSO Agency Certification

- FTA developed specific certification submittal requirements and States were required to submit documents by September 6, 2013.
- Of 30 total submittals, only California and one other state met the requirements for initial certification, including:
 - Sufficient resources.
 - Staff qualifications.
 - Enforcement and investigative authority.
 - Requisite financial and legal independence.



Los Angeles "Metro"





FTA SSOA Grant Program Implementation

Staff has taken the steps necessary to seek and begin utilizing grant funds, including:

- Completing and submitting grant application for CPUC SSOA program.
- Receiving approval of CPUC as a qualified FTA grantee October 28, 2014.
- Completing subsequent submittals and certifications/exclusions.
- Setting up an account in FTA electronic grant tracking system.



Sacramento Regional Transit





FTA Grant Program (cont.)

- Making internal adjustments to carve out and capture only grant-eligible costs for seeking reimbursement under the grant.
- Responding and participating in FTA rulemakings necessary for FTA to implement Congressional mandate.



North County Transit District "Sprinter"





Impacts to CPUC Safety Oversight Program

- Some revisions to CPUC rail transit oversight Program Standard (procedures).
- Development of an annual report structure and format.
- Expanded opportunities for more specific training on transit equipment, operations and enforcement.
- Participation in emerging SSOA managers' organization to work collaboratively with other states to represent collective state interests to FTA.
- Eventually may require revisions to CPUC General Order 164-D, *Rules And Regulations Governing State Safety Oversight Of Rail Fixed Guideway Systems*
 - Revisions will also affect systems not FTA-funded.





Impacts (cont.)



SF Airport "People Mover"



Angels Flight Railway
Los Angeles



Getty Museum Train
Los Angeles



Grove Farmers Market Trolley
Los Angeles



Port of Los Angeles



Americana at Brand Trolley
Glendale



Oakland Airport Connector



Sacramento Airport "People Mover"



SF Cable Cars





Next Steps

- Several FTA Rulemakings are currently ongoing:
 - SSOA requirements (FTA-2015-0003)---comments filed.
 - FTA rules outlining its authorities, as required by Congress, adopting a Public Transportation Safety Program incorporating the MAP-21 requirements -- Comments being developed.
 - Future rulemaking setting specific requirements for rail transit agencies and adoption of Safety Management System plans.
 - Training plan – due to FTA September 4, outlining agency training requirements and planning.





Next Steps (cont.)

- Transit Rail Advisory Committee for Safety (TRACS) – ongoing FTA stakeholder group to develop consensus advisory reports, standards, regulations.



TRACS meeting, July 28 & 29, 2015, Washington, D.C.





Regular Agenda – Management Reports and Resolutions

Item #38 [14161]

**Report and Discussion by Safety and Enforcement
Division on Recent Safety Program Activities**





Management Reports





The CPUC Thanks You For Attending Today's Meeting

**The Public Meeting is adjourned.
The next Public Meeting will be:**

**September 17, 2015 at 9:30 a.m.
in San Francisco, CA**

