



CPUC Public Agenda 3315
Thursday, May 23, 2013, 9:30 a.m.
San Francisco, CA



Commissioners:
Michael R. Peevey
Michel Peter Florio
Catherine J.K. Sandoval
Mark J. Ferron
Carla J. Peterman

www.cpuc.ca.gov





Safety and Emergency Information

- The restrooms are located at the far end of the lobby outside of the security screening area.
- In the event of an emergency, please calmly proceed out of the exits. There are four exits total. Two exits are in the rear and two exits are on either side of the public speakers area.
- In the event of an emergency and the building needs to be evacuated, if you use the back exit, please head out through the courtyard and down the front stairs across McAllister.
- If you use the side exits you will end up on Golden Gate Ave. Please proceed around the front of the building to Van Ness Ave and continue on down to the assembly point.
- Our assembly point is between the War Memorial Building and the Opera Building (House) which is on Van Ness Ave, located between McAllister and Grove.





Public Comment

- Per Resolution ALJ-252, any member of the public 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:

- Item: 19
- All items on the Closed Session Agenda





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- Once called, each speaker has up to 2 minutes to address the Commission.
- 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.

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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, 2, 3, 4, 5, 9, 11, 12, 13, 15, 16, 17, 19, 20, 21, 22, 23, 24, 26, 27 & 29
- 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.
Items: 38, 39 & 43 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: None have been moved to the Regular Agenda.
- Items: 28 & 37 have been withdrawn.
- The following items have been held to future Commission Meetings:

Held to 6/27/13: 6, 8, 10, 14, 18, 25, 32, 33, 35, 36, 40, 41, 42, 44, 45, 46 & 47

Held to 7/11/13: 7





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 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 – Energy Orders

Item # 30 [11749] 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.

Ratesetting

Comr. Ferron/ Judge Ebke

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.





Regular Agenda – Energy Orders

Item # 30a [12080] ALTERNATE TO ITEM 11749

Ratesetting

Comr. Florio

PROPOSED OUTCOME:

- Partially grants a petition for modification of Decision (D) 12-02-035 (Solar Photovoltaic Program-SPVP) filed by Southern California Edison Company (SCE).
- Authorizes SCE to reduce the utility owned generation (UOG) portion of the SPVP program from 125 megawatts (MW) to 91 MW, with the 34 MW differential to be procured via the Renewable Auction Mechanism (RAM) program.
- Reduces the total amount of reasonable SPVP UOG costs by the same proportion.
- Conforming changes are made to the RAM program by modifying D10-12-048.
- Denies SCE's request for an immediate order staying SCE's UOG obligations.
- 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:

- Unknown.





Regular Agenda – Energy Orders

Item # 31 [12027] Joint Standard Contract and Tariffs for the Section 399.20 Feed-in Tariff Program and Petitions for Modification of Decision 12-05-035

R11-05-005 Order Instituting Rulemaking to Continue Implementation and Administration of California Renewables Portfolio Standard Program.

Ratesetting

Comr. Ferron/ Judge DeAngelis

PROPOSED OUTCOME:

- Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company are ordered to revise their Feed-in Tariff (FiT) programs to include a new streamlined standard contract and revised tariffs.
- The new streamlined standard contract incorporates the FiT program requirements adopted in Decision (D) 12-05-035 as modified.
- Adopts the terms of the standard contract and the provisions of the related tariffs and will be implemented through a Tier 2 advice letter filing.
- The FiT program is established pursuant to Pub. Util. Code § 399.20, as amended, by Senate Bill (SB) 380 (Kehoe, Stats. 2008, ch. 544, § 1), SB 32 (Negrete McLeod, Stats. 2009, ch. 328, § 3.5), and SB 2 of the 2011-2012 First Extraordinary Session (Simitian, Stats. 2011, ch. 1).
- This decision does not address the more recently effective amendments to § 399.20, enacted by SB 1122 (Rubio, Stats. 2012, ch. 612). The Commission will address SB 1122 and the FiT program will be modified accordingly in a subsequent decision.
- This decision also modifies certain FiT program requirements adopted in D12-05-035 in response to two petitions for modification. The modifications include some changes to the process used by the utilities to determine the amount of megawatts available for contracts in the three product types during each bi-monthly period. These modifications and others are further described in the decision.
- This decision also requires a Commission decision to increase the FiT program megawatt (MW) cap set forth in § 399.20.
- This proceeding remains open.

SAFETY CONSIDERATIONS:

- Adopts revisions to the § 399.20 FiT tariff and standard contract that conform to the existing interconnection procedures in Electric Tariff Rule 21 and the federal wholesale tariffs and, thereby maintains the existing safety standards of the electric grid. The safe operation of the three MW and under electric generation facilities to operate under the FiT program is furthered by adopting a requirement that generators maintain a daily log of material operations and maintenance.

ESTIMATED COST:

- Unknown.





Regular Agenda – Energy Orders

Item # 31a [12028] ALTERNATE TO ITEM 12027

R11-05-005 Order Instituting Rulemaking to Continue Implementation and Administration of California Renewables Portfolio Standard Program.

Ratesetting

Comr. Ferron

PROPOSED OUTCOME:

- Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company are ordered to revise their Feed-in Tariff (FiT) programs to include a new streamlined standard contract and revised tariffs.
- The new streamlined standard contract incorporates the FiT program requirements adopted in Decision (D) 12-05-035 as modified.
- The terms of the standard contract and the provisions of the related tariff are adopted herein and will be implemented through a Tier 2 advice letter filing.
- The FiT program is established pursuant to Pub. Util. Code § 399.20, as amended, by Senate Bill (SB) 380 (Kehoe, Stats. 2008, ch. 544, § 1), SB 32 (Negrete McLeod, Stats. 2009, ch. 328, § 3.5), and SB 2 of the 2011-2012 First Extraordinary Session (Simitian, Stats. 2011, ch. 1).
- This decision does not address the recently effective amendments to Pub. Util. Code § 399.20, enacted by SB 1122 (Rubio, Stats. 2012, ch. 612). We will address SB 1122, and modify the FiT program accordingly, in a subsequent decision.
- This decision also modifies certain FiT program requirements adopted in D12-05-035 in response to two petitions for modification. The modifications include some changes to the process used by the utilities to determine the amount of megawatts available for subscription for the three product types during each bi-monthly period. This modification and others are further described in the decision.
- This proceeding remains open.

SAFETY CONSIDERATIONS:

- Adopts revisions to the Pub. Util. Code § 399.20 FiT tariff and standard contract that conform to the existing interconnection procedures in Electric Tariff Rule 21 and the federal wholesale tariffs and, thereby maintains the existing safety standards of the electric grid. The safe operation of the three megawatt and under electric generation facilities to operate under the FiT program is furthered by adopting a requirement that generators maintain a daily log of material operations and maintenance.

ESTIMATED COST:

- Unknown.





Regular Agenda – Communication Orders

Item # 34 [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.

Quasi-Legislative

Comr. Sandoval/ Judge MacDonald

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.





Commissioners' Reports





Management Reports





Regular Agenda – Management Reports and Resolutions

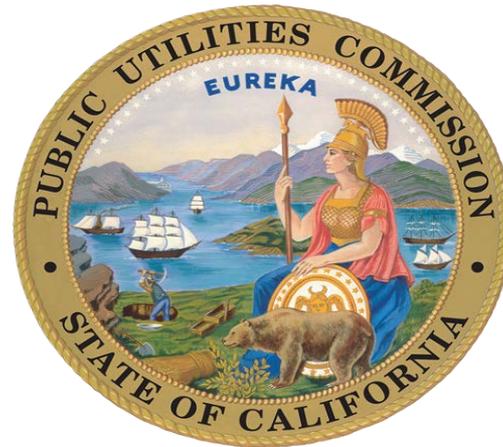
Item #48 [12100]

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





Hazardous Materials (HM) Inspections - Ports



Roger Clugston, Program Manager
Railroad Operations and Safety Branch
Safety and Enforcement Division

May 23, 2013





Port Inspections - Presentation Overview

- Statistics
- Applicable codes
- Port inspection protocol
- Inspection procedure
- Defective conditions
- Remedial action
- Inspection closeout





Statistics

Example: Port of Los Angeles (POLA):

- Container volume ranking: 1st in US; 16th in world.
- 41.4% market share of West Coast loaded containers.
- POLA – 43 coast miles, 7,500 acres, 16 marinas.
- 270 ship berths, 85 cranes.
- Tax revenue for CA: \$6 Billion annually.
- Approximately 700,000 containers handled monthly (import / export).
- Approximately 1600 – 2000 handled each month contain **HM**.





Applicable Code of Federal Regulations (CFR)

- CFR Title 49, Parts 100-177 for HM.
- Specifically - Part 172.101.
- 172.101 references the HM identification table.
- HM table:
 - Identifies the commodity **class**.
 - Provides the proper commodity shipping **name**.
 - Provides specifics for **labeling**, **packaging** and **storage** of HMN commodities.





Inspection Teams

- Staff conducts Port HM inspections independently.
- Staff also often teams with:
 - US Coast Guard (USCG).
 - Federal Railroad Administration (FRA).
 - Transportation Security Administration (TSA).





HM Identification Table

Class 1 – Explosives.

Class 2 – Non-Flammable Gas, Flammable Gas, Oxygen Inhalation Hazards.

Class 3 – Flammable, Combustible.

Class 4 – Flammable Solid, Spontaneous Combustible, Dangerous.

Class 5 – Oxidizing Agents.

Class 5.2 – Organic Peroxide.





HM Identification Table

Class 6 – Poison, Inhalation Hazard.

Class 7 – Radioactive.

Class 8 – Corrosives.

Class 9 – Miscellaneous Hazardous materials.





Placard Example

Proper shipping symbol



Name



Class





Port Inspection Protocol





Entering Facilities

- Introduction at facility office.
- Present CPUC I.D., badge and business card.
- Give reason for gaining access to facility.
- Job briefing with Facility Point of Contact.
- Identify shipment areas for rail transport.
- Facility rep to accompany inspection.
- Inspection.





Inspection Procedure

- Select, at random:
 - A container identified by any of these placards, or
 - Any container due to any suspicious issue or identification concern.

 N1  N2  N1  N2	 PA  PL	 RM	<p>May be placed next to Explosives 1.1 or 1.2 (Exception DOT-E9271)</p>  N3  N4  N5  FG  NG  OX  FG  PO  PO  PO <p>DOT 113 TANK CAR</p> <p>Canada or International</p> <p>Anhydrous Ammonia To and From Canada Only</p>  FL  DW  FS  NS  OM  OP  OP  PC <p>Valid through 2010 (U.S. and Canada Only)</p>  PB  CM  DA  DA <p>Canadian</p>	 N6  CL  CL  NF  NF  N9  MA  MA  MA  MA  MA  MA  MA
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Inspection Procedure

- Select randomly.
- Cut locks.





Inspection Procedure

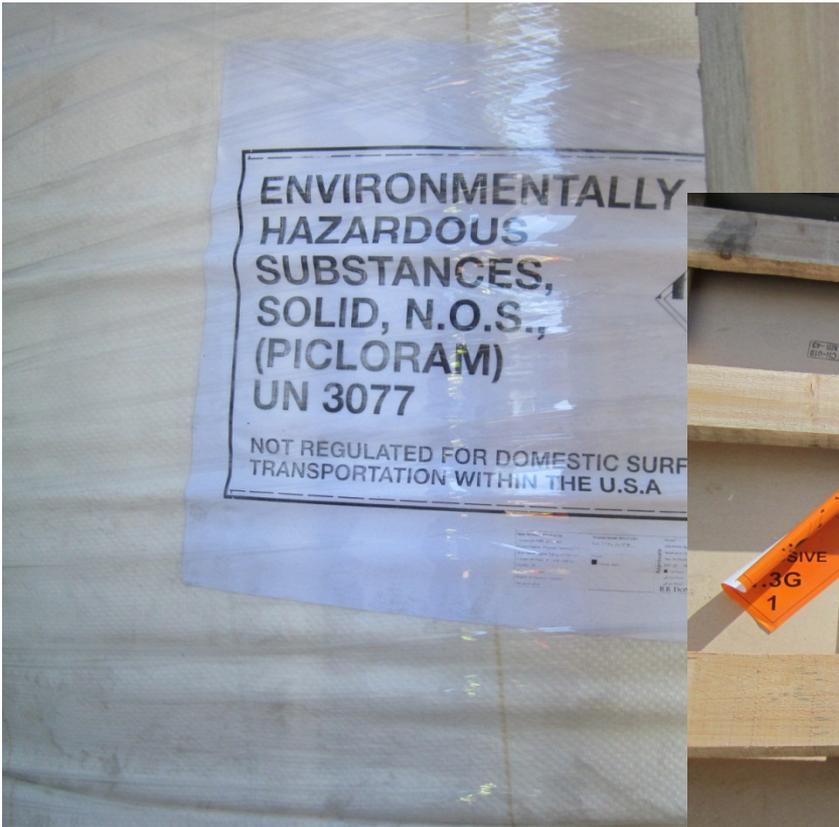
- Inspect contents and bracing.





Inspection Procedure

- Verify contents vs. external placards.





Inspection Procedure

- Verify shipping paperwork vs. container contents.





Defective Conditions

- Look for improper packaging/container. HM can be shipped in a variety of packages:
 - Steel drums
 - Plastic drums
 - Plywood drums
 - Fiber drums
 - Steel box
 - Natural wood box
 - Plywood box
 - Cardboard box





Defective Conditions

- Look for leaks and/or releases.
- Look for proper blocking and bracing of load.
- Look for unclaimed HM.
- Look for smuggled goods, suspicious objects.
- **Look beyond the regulations!**





Remedial Action

Leaking container or package:

- Container is placed on hold and moved to an isolation area.
- Contents are cleaned up by HM team.





Inspection Closeout

- Notify facility managers / law enforcement entities of defective conditions and /or other issues immediately.
- **Work with / stay in communication with:**
 - Port Police Department.
 - Port Security.
 - Department of Homeland Security.
 - Local Sheriffs Department.
 - HM Teams.
- Produce and present:
 - A defect report.
 - Any risk management safety report.
 - Any applicable civil penalty recommendations.





Regular Agenda – Management Reports and Resolutions

Item #48 [12100]

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:

**June 27, 2013, at 9:30 a.m.
in San Francisco, CA**

