

**CPUC Public Agenda 3399**  
**Thursday, June 15, 2017 9:30 a.m.**  
**Sacramento, CA**



**Commissioners:**  
**Michael Picker, President**  
**Carla J. Peterman**  
**Liane M. Randolph**  
**Martha Guzman Aceves**  
**Clifford Rechtschaffen**

[www.cpuc.ca.gov](http://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.”

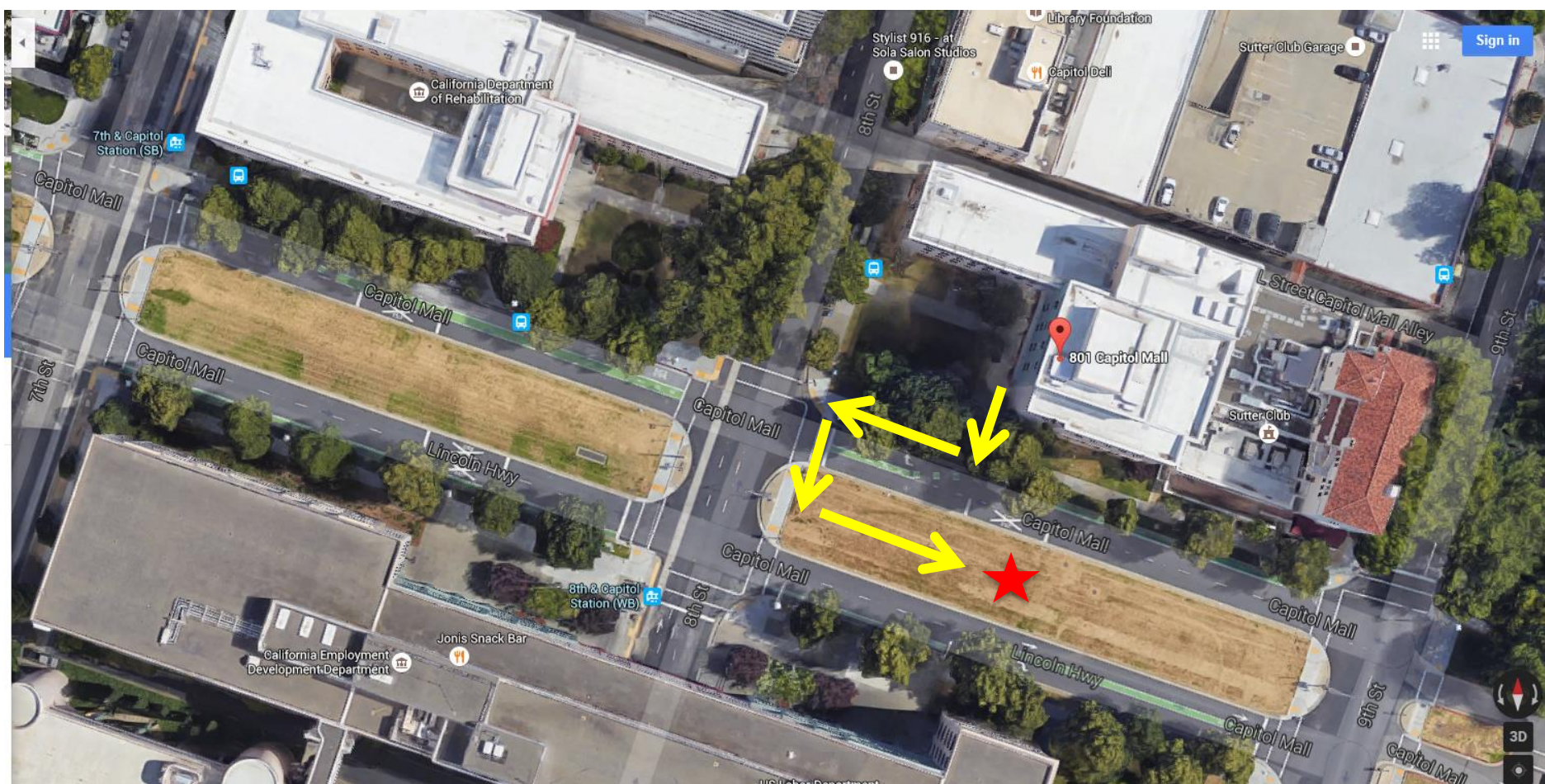


# Emergency Evacuation

Safety is our number one priority:

Please listen to the emergency evacuation instructions for this location.

# Evacuation Map



*Exit through the auditorium double-doors, go directly outside and take the crosswalk (obeying all light signals) across west bound Capitol Mall and end up in the median grassy area of Capitol Mall.*

# CPUC Mission



The CPUC regulates services and utilities, protects consumers, safeguards the environment, and assures Californians' access to safe and reliable utility infrastructure and services.



# CPUC Core Values



Accountability

Excellence

Integrity

Open Communication

Stewardship



# Commissioner Code of Conduct

- **I. Commissioners should conduct themselves in a manner that demonstrates respect for the public, for fellow Commissioners, and for Commission staff.**
- **II. Commission meetings should be opportunities for a full and respectful exchange of ideas and the responsible execution of Commission duties.**
- **III. Serving on the Commission is an honor and Commissioners should treat their colleagues at the Commission with respect for the varied backgrounds, skills and interests that each one brings.**
- **IV. Commissioners are public officials who should uphold the integrity of their office at all times.**

# 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.

## **Public Comment is not permitted on the following items:**

- **6, 24, 27, 33, and 34.**
- All items on the Closed Session Agenda



# 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 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.
- 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.

## **Public Comment is not permitted on the following items:**

- 6, 24, 27, 33, and 34.
- All items on the Closed Session Agenda

# 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 1 minute to address the Commission.
- 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.

## **Public Comment is not permitted on the following items:**

- 6, 24, 27, 33, and 34.
- All items on the Closed Session Agenda

# 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, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 14, 15, 16, 18, 20, 21, 22, 23, 24, 25, and 27.
- 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 Item from the Regular Agenda has 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 19 has been moved to the Regular Agenda.
- No Item has been withdrawn.
- The following items have been held to future Commission Meetings:
  - Held to 6/29/17: 13, 17, 30, 37, 38, 39, 40, and 41.
  - Held to 7/13/17: 6, 26, and 28.

# 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](http://www.cpuc.ca.gov).
- Late changes to agenda items are available on the Escutia Table.

## **Regular Agenda – Orders and Resolutions**

**Item # 19 [15745] – Approval of LCB Communications LLC/Digital Voice Service Provider, South Valley Internet, Inc., for its Light Saber Broadband Project in the Amount of \$1,076,062 from the California Advanced Services Fund to Provide Service to 150 Underserved Households**

---

**Res T-17545**

---

### **PROPOSED OUTCOME :**

- Approves funding for the grant application of LCB Communications LLC/Digital Voice Service provider, South Valley Internet, Inc., from the California Advanced Services Fund in the amount of \$1,076,062 for the Light Saber Project in Paradise Valley, a portion of the rural unincorporated area of Santa Clara County, in California, to provide service to 150 underserved households.

### **SAFETY CONSIDERATIONS :**

- This project will provide broadband services to 150 households and will provide safety benefits to the community as well as supplying public safety agencies in the area with an interconnected public safety data communications network.

### **ESTIMATED COST :**

- \$1,076,062.

# Light Saber - LCB Communications LLC/South Valley Internet Inc. CASF Project



**Cynthia Walker**

*Director, Communications Division*

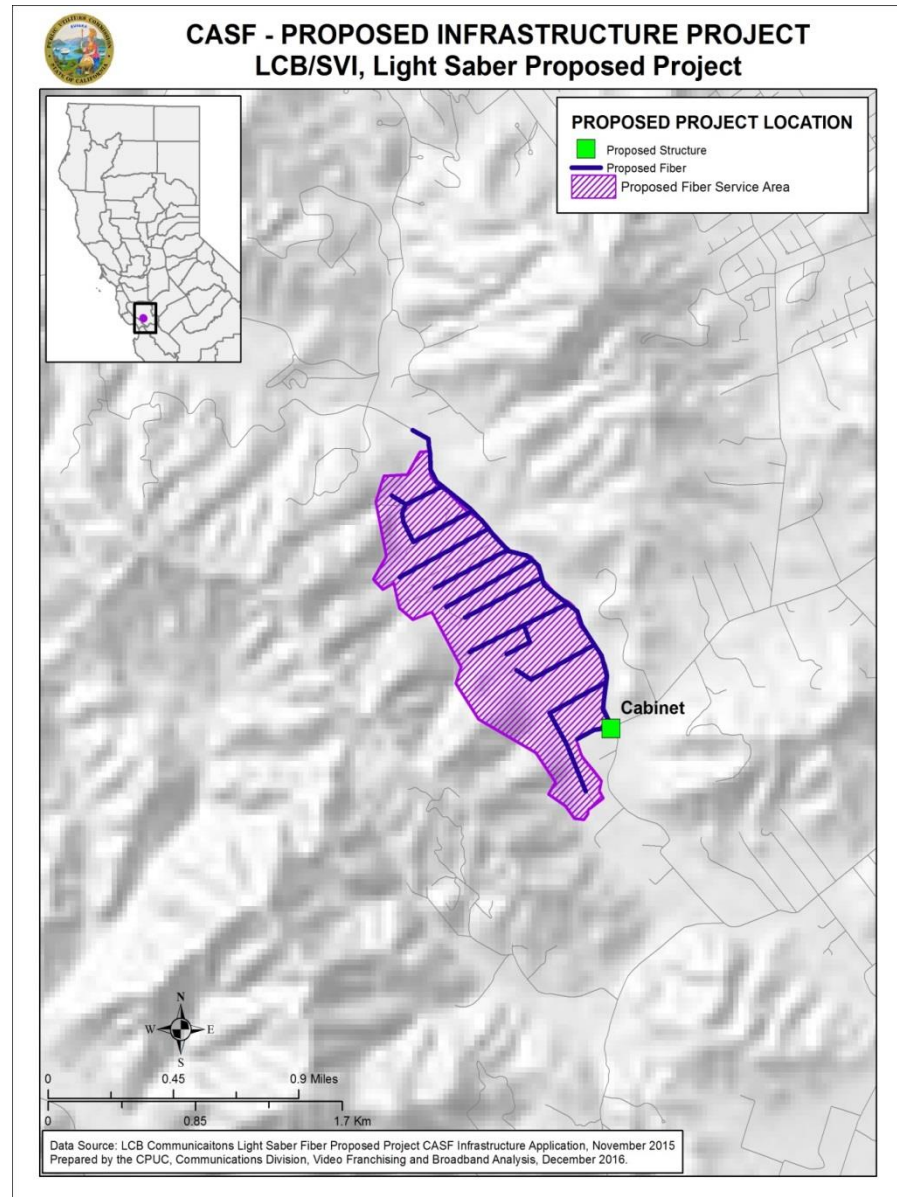
**June 15, 2017**



# Summary

**A completed project would:**

- **Serve Paradise Valley in Santa Clara County**
- **Deploy 17 miles of fiber optic cable**
- **Provide up to 1 Gbps synchronous service (fiber-to-the home)**
- **Serve 150 underserved households**
- **Cost \$1,076,062 to the CASF program; (58% of eligible project costs)**



# **Light Saber Project Review**

- **Safety**
  - Improves home access to e-health services.
  - The VoIP service offered by the applicant will comply with FCC standards for E911 service and battery backup.
- **Project Cost Reductions**
  - Removed areas served by challenger.
  - Pro-rated cost of middle-mile facilities pursuant to CASF rules.
  - Per household cost of \$7,174.

## **Regular Agenda – Orders and Resolutions**

**Item # 19 [15745] – Approval of LCB Communications LLC/Digital Voice Service Provider, South Valley Internet, Inc., for its Light Saber Broadband Project in the Amount of \$1,076,062 from the California Advanced Services Fund to Provide Service to 150 Underserved Households**

---

**Res T-17545**

---

### **PROPOSED OUTCOME :**

- Approves funding for the grant application of LCB Communications LLC/Digital Voice Service provider, South Valley Internet, Inc., from the California Advanced Services Fund in the amount of \$1,076,062 for the Light Saber Project in Paradise Valley, a portion of the rural unincorporated area of Santa Clara County, in California, to provide service to 150 underserved households.

### **SAFETY CONSIDERATIONS :**

- This project will provide broadband services to 150 households and will provide safety benefits to the community as well as supplying public safety agencies in the area with an interconnected public safety data communications network.

### **ESTIMATED COST :**

- \$1,076,062.

## Regular Agenda – Energy Orders

### Item # 29 [15749] – Decision Approving Natural Gas Leak Abatement Program Consistent with Senate Bill 1371

---

R15-01-008

***Quasi-Legislative***

***Comr Rechtschaffen - Judge Kersten***

---

#### **PROPOSED OUTCOME :**

- Establishes best practices and reporting requirements for the California Public Utilities Commission's (CPUC) Natural Gas Leak Abatement Program, developed in consultation with the California Air Resources Board (ARB), pursuant to Senate Bill 1371 (Leno, Chapter 525, Statutes of 2014), as set forth in Pub. Util. Code § 975, 977, 978. In order to minimize natural gas emissions from California's regulated transmission and distribution gas system, this decision implements the following:
- Annual reporting for tracking methane emissions.
- Twenty-six mandatory best practices for minimizing methane emissions pertaining to policies and procedures, recordkeeping, training, experienced trained personnel, leak detection, leak repair, and leak prevention.
- Biennial compliance plan incorporated into the utilities' annual Gas Safety Plans.
- Cost recovery process to facilitate Commission review and approval of incremental expenditures to implement best practices, pilot programs and research & development.
- Actions taken in this decision support California's goal to reduce methane emissions 40 percent below 2013 levels by 2030 (Senate Bill 1383).

#### **SAFETY CONSIDERATIONS :**

- Allows the Commission to continue to fulfill its duties under 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 :**

- Incremental costs and a cost containment framework will be considered via Advice Letter process and subsequent phase of this decision.

## **Regular Agenda – Water/Sewer Orders**

**Item # 31 [15781] – Order Instituting Rulemaking Evaluating the Commission's 2010 Water Action Plan Objective of Achieving Consistency Between the Class A Water Utilities' Low-Income Rate Assistance Programs, Providing Rate Assistance to all Low-Income Customers of Investor-Owned Water Utilities, and Affordability**

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

---

### **PROPOSED OUTCOME :**

- Assess consolidation of water utility low-income rate assistance programs across the Class A water utilities and whether California water bottlers should be regulated as public utilities.

### **SAFETY CONSIDERATIONS :**

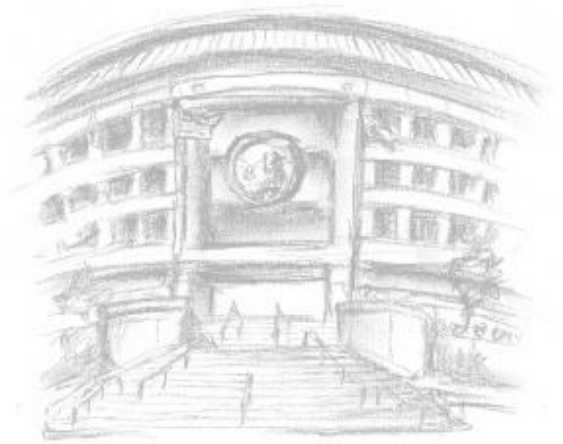
- Unknown at this time.

### **ESTIMATED COST :**

- Unknown at this time.

# **Agenda Item #31**

## **Order Instituting Rulemaking Low-Income Rate Assistance Programs**



**Rami Kahlon, Director  
Water Division  
June 15, 2017**



## OIR Covers Five Areas

1. Differences among Class A water utilities' low-income rate programs.
2. Whether consistency is feasible?
3. If yes, how can consistency be attained?
4. Whether water bottled companies meet the definition of a public utility.
5. Examine affordability for low-income and disadvantaged communities.



Action Item from the 2010 Water Action Plan –  
“Examine Standardized Discounts”

# Comparison of Low-Income Discounts

Utility	Name	Monthly Discount for 5/8" Metered
Liberty (Apple Valley)	<b>CARW</b> California Alternative Rates for Water	\$8.38 credit
California Water	<b>LIRA</b> Low-Income Ratepayer Assistance	- 50% off service charge - Max credit is \$48
California-American	<b>LIRA</b> Low-Income Ratepayer Assistance	20% off service charge & Tier 1 & 2 quantity charges
Golden State	<b>CARW</b> California Alternative Rates for Water	Varied credits (\$6 - \$29) among districts
Great Oaks	<b>LICAP</b> Low-Income Customer Assistance Program	50% off service charge
Liberty (Park)	<b>CARW</b> California Alternative Rates for Water	\$7.40 credit
San Gabriel	<b>CARW</b> California Alternative Rates for Water	\$9.00 credit
San Jose	<b>WRAP</b> Water Rate Assistance Program	15% off total bill
Suburban	<b>LIRA</b> Low-Income Ratepayer Assistance Promoted as: <b>WISH</b> Water Invoice and Statement Help	\$6.50 credit

# OIR Asks Seven Questions

1. Program Name.
2. Effectiveness of Assistance Programs.
3. Monthly Discounts.
4. Program Cost Recovery.
5. Commission Jurisdiction over Bottled Water Companies.
6. Consolidation in Support of LIRA.
7. Implementation of Any Changes.



30 questions in all.

# OIR Service List & Schedule

1. Served on;
  - Class B,C & D water utilities
  - ORA and TURN and the California Water Association
  - California Bottled Water Association
  - LIOB
  - California Environmental Justice Alliance / Community Water Center
2. Initial and Reply Comments; Due day 35 and day 55
3. Pre-Hearing Conference; Held on day 60
4. Scoping Memo; Issued on day 95

## **Regular Agenda – Water/Sewer Orders**

**Item # 31 [15781] – Order Instituting Rulemaking Evaluating the Commission's 2010 Water Action Plan Objective of Achieving Consistency Between the Class A Water Utilities' Low-Income Rate Assistance Programs, Providing Rate Assistance to all Low-Income Customers of Investor-Owned Water Utilities, and Affordability**

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

---

### **PROPOSED OUTCOME :**

- Assess consolidation of water utility low-income rate assistance programs across the Class A water utilities and whether California water bottlers should be regulated as public utilities.

### **SAFETY CONSIDERATIONS :**

- Unknown at this time.

### **ESTIMATED COST :**

- Unknown at this time.

## **Regular Agenda – Orders Extending Statutory Deadline**

### **Item # 32 [15757] – Order Extending Statutory Deadline**

---

R13-12-011

Order Instituting Rulemaking into Policies to Promote a Partnership Framework between Energy Investor Owned Utilities and the Water Sector to Promote Water-Energy Nexus Programs.

**Quasi-Legislative**

**Comr Guzman Aceves - Judge Cooke**

---

#### **PROPOSED OUTCOME :**

- Extends the statutory deadline for completion of this proceeding until August 24, 2017.

#### **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 (continued)**

### **Item # 33 [15760] – Order Extending Statutory Deadline**

---

C16-06-011

Otay Landfill Gas, LLC vs. San Diego Gas & Electric Company.

**Adjudicatory**

**Comr Peterman - Judge Mason**

---

#### **PROPOSED OUTCOME :**

- Extends the statutory deadline for completion of this proceeding until December 29, 2017.

#### **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 (continued)**

### **Item # 34 [15762] – Order Extending Statutory Deadline**

---

116-06-010

Order Instituting Investigation on the Commission's Own Motion into the Fatal Accident on the Bay Area Rapid Transit District's Line between the Walnut Creek and Pleasant Hill Stations in the County of Contra Costa, California on October 19, 2013.

**Adjudicatory**

**Comr Randolph - Judge Kim**

---

#### **PROPOSED OUTCOME :**

- Extends the statutory deadline for completion of this proceeding until December 23, 2017.

#### **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 (continued)**

### **Item # 35 [15776] – Order Extending Statutory Deadline**

---

R11-03-013

Order Instituting Rulemaking Regarding Revisions to the California Universal Telephone Service (LifeLine) Program.

**Quasi-Legislative**

**Comr Guzman Aceves - Comr Picker - Judge MacDonald**

---

#### **PROPOSED OUTCOME :**

- Extends the statutory deadline for completion of this proceeding until August 23, 2017.

#### **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 # 36 [15780] – California Public Utilities Commission Comments in two Federal Communications Commission Proceedings Concerning Wireline and Wireless Infrastructure

---

WC Docket No. 17-84, FCC 17-37; WT Docket No. 17-79; FCC 17-38

Federal Communications Commission (FCC) *Notice of Proposed Rulemaking (NPRM) in the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*;

FCC *NPRM in the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*.

*The FCC has issued two NPRMS. Because they deal with overlapping subjects, Legal Division proposes to submit omnibus comments to both.*

*The first, concerning wireline deployment, seeks comment on pole and conduit issues, including speeding access to poles, rules for make-ready work, pole and conduit databases, utility "shot clock" rules, and reciprocal access; the copper retirement process; and how carriers discontinue legacy services. The wireline NPRM also inquires whether the FCC should preempt state or local laws that "inhibit" broadband deployment—by which they mean, broadly, laws that promote customer confidence and safety.*

*The second, concerning wireless deployment, seeks comment on similar issues related to wireless, including municipal "shot clocks." The FCC again inquires whether it should preempt state or local laws that "prohibit or have the effect of prohibiting" the ability of any entity to provide telecommunications service, or that unreasonably discriminate against telecommunications service generally, or certain types of telecommunications service.*

*Comments on the wireline deployment petition are due June 15, 2017; reply comments are due July 17, 2017; the wireless deadlines are somewhat earlier, and the CPUC would request permission for late-filed comments.*

# Commissioners' Reports



# Management Reports



# **Regular Agenda – Management Reports and Resolutions**

**Item # 42 [15766]**

**Report and Discussion on Recent Consumer Protection  
and  
Safety Activities**

---

---

# Federal Transit Administration Role- CPUC Rail Transit State Safety Oversight of Fixed-Guideway Systems



**Presentation to the Commission**

by

Daren Gilbert, Manager  
Rail Transit Safety Branch

Office of Rail Safety  
Safety and Enforcement Division  
June 15, 2017



# Overview

Changes in federal law and new regulations  
adopted by the Federal Transit  
Administration necessitating changes in the  
Commission General Orders and the Rail  
Transit Safety Branch Program Standard  
(procedures manual)

# Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21)

- Signed into law by President Obama on July 6, 2012, became effective October 1, 2012.
- Revised Federal Transit Administration's the Rail Transit and Fixed Guideway State Safety Oversight (SSO) Program.

# Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21)

- Provides formula grant funds to states to cover 80% SSO Program up to maximum allocation for each individual state.
- States are mandated to develop State Safety Oversight Agencies (SSOAs) to oversee rail transit safety
- Directed FTA to certify SSOAs and get more involved in Safety.

# **FTA Involvement Prior to MAP-21 and Recent Rulemaking**

- 49 CFR Part 659 had few specific requirements;
- Limited FTA involvement in safety oversight;

# **FTA Involvement Prior to MAP-21 and Recent Rulemaking**

- FTA (through its contractor) audited SSO programs every three years to requirements of 49 CFR Part 659
- No funding to support SSO development, staff training, or oversight activities.

## **After MAP-21**

# **SSOA Certification Requirements**

- Must be financially and legally independent from any transportation agencies they oversee;
- Must have the authority to review, approve, oversee and enforce implementation of adopted safety plans the by rail transit agency or other fixed guideway system;

## **After MAP-21**

# **SSOA Certification Requirements**

- Must have investigative and enforcement authority over rail fixed guideway systems;
- Must Conducts at a minimum triennial audits of the rail fixed guideway system implementation of agency safety plan;
- Ensure adequately qualified and trained/certified employees to staff the SSO program

# Pre-Certification by FTA

- FTA developed pre-certification requirements and States were required to submit documents by September 6, 2013.
- Only California and Massachusetts demonstrated the resources, staff qualifications, enforcement and investigative authority, and requisite financial and legal independence to obtain pre-certification.



# FTA SSOA Grant Program

- We completed and submitted grant application that was approved and CPUC became a qualified grantee of FTA on Oct 28, 2014.
- Since that date we have received a little over \$4.7 Million.

# FTA SSOA Grant Program

- Grant funds pay for up to 80% of costs of safety oversight of the FTA funded public transit systems:
  - BART, SF Muni, SCVTA, SacRT, LA Metro, San Diego Trolley, NCTD Sprinter, OC Streetcar

# FTA SSOA Grant Program

- The grant reimburses states for expenses AFTER state makes expenditures
- 20% match and safety oversight activities of other non-FTA funded fixed guideway systems from existing funding source - State Public Transportation Account.

# FTA Rulemaking Activities

- Over the past nearly 5 years FTA has undertaken a number of rulemakings to carry out congressional mandates to strengthen rail transit safety oversight.
- Adopted 49 CFR 674—the new SSOA certification and safety program rule to replace Part 659.

# FTA Rulemaking Activities

- Certification of state programs under the new Part 674 requirements is required by April 2019.
- Big Stick---Failure to do so would result in loss of all FTA grant funds throughout the state--- to all projects and all grantees.

# Impacts to CPUCs Transit Safety Oversight Program

- SED has begun activities to allow for an application for certification of the CPUC rail transit safety program later this year, well in advance of the final due date.
  - Requires revisions to GO-164-D;
  - Some revisions to CPUC RTSB Program Standard (procedures manual);
  - Development of an annual report structure and format;

# **Impacts to CPUCs Transit Safety Oversight Program**

- Participation in emerging SSOA Managers organization to collaboratively work with other state personnel to represent overall state interests to FTA.

# **Regular Agenda – Management Reports and Resolutions**

**Item # 42 [15766]**

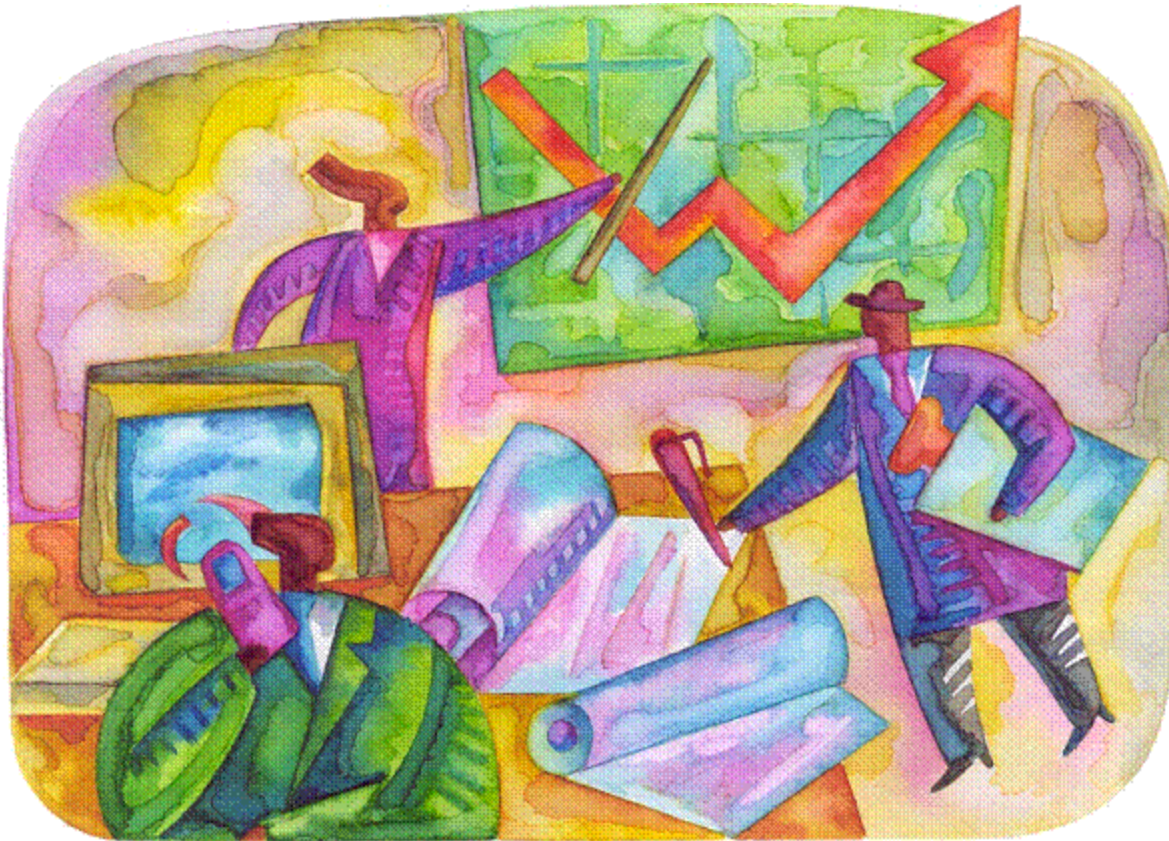
**Report and Discussion on Recent Consumer Protection  
and  
Safety Activities**

---

---



# Management Reports



**The CPUC Thanks You  
For Attending Today's Meeting**

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

**June 29, 2017 at 9:30 a.m.  
in San Francisco, CA**

