



# **CPUC Public Agenda 3344**

## **Thursday, October 16, 2014, 9:30 a.m.**

### **San Francisco, CA**



**Commissioners:**  
**Michael R. Peevey**  
**Michel Peter Florio**  
**Catherine J.K. Sandoval**  
**Carla J. Peterman**  
**Michael Picker**

[www.cpuc.ca.gov](http://www.cpuc.ca.gov)





# Safety and Emergency Information

- In the event of an emergency, please calmly proceed out the exits.
- We have four exits: Two in the rear and one on either side of the speakers.
- In the event that we do need to evacuate the building:
- **(For the Rear Exits)** - Head out through the courtyard, and down the front steps. Continue west on McAllister Street. Turn north onto Franklin Street. Turn west onto Turk Street and proceed to Gough Street.
- **(For the Side Exits)** - Go out of the exits and you will be on Golden Gate Avenue. Proceed west to Franklin Street. Turn north onto Franklin Street. Turn west onto Turk Street and proceed to Gough Street.
- Our assembly point is Jefferson Square Park on Turk and Gough Streets.





# 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:**

- Items: 8, 15, 19, 20, and 22.
- 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, 3, 4, 6, 7, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28.
- 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: **None** 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: **None** have been moved to the Regular Agenda.
- Item: **33a and 35** have been withdrawn.
- The following items have been held to future Commission Meetings:
  - Held to 11/06/14: **5, 8, 13, 29, and 32.**
  - Held to 11/20/14: **2 and 30.**





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





## Regular Agenda – Energy Orders

### Item # 31 [13296] – San Diego Gas & Electric Company, Pacific Gas and Electric Company, and Southern California Edison Company 2014-2016 Energy Storage Procurement Framework and Design Program

A14-02-006, A14-02-007, A14-02-009 - Application of San Diego Gas & Electric Company for Approval of its Energy Storage Procurement Framework and Program as Required by Decision 13-10-040.

#### Ratesetting

Comr. Peterman / Judge Kersten

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#### PROPOSED OUTCOME:

- Approves proposed energy storage procurement proposals of San Diego Gas & Electric Company (SDG&E) (16 Megawatts (MW)); Southern California Edison Company (SCE) (16.3 MW); and modifies storage proposal of Pacific Gas and Electric Company (PG&E) to 80.5 MW;
- Clarifies “eligible” technologies including V2G electric vehicle (EV) technologies, eligible storage component of biogas, eligible storage component of solar thermal (CSP-TES), eligible storage component of hybrid thermal generation (Hybrid-TES) but *excluding* V1G, and biogas (without eligible storage component);
- Authorizes the PCIA (Power Charge Indifference Adjustment) mechanism to recover above-market costs associated with departing load for market/”bundled” energy storage services procured via the 2014-2016 solicitation and directs SDG&E, SCE, and PG&E to submit for Commission review and approval a “Joint Investor Owned Utilities (IOU) Protocol” proposal for determining above market stranded cost of bundled service storage (procured in the 2014-2016 solicitation); and
- Approves SDG&E, PG&E, and SCE proposed Consistent Evaluation Protocol (CEP) with two minor adjustments (including weighting of qualitative factors of CEP and revised CEP definition to clarify evaluation of concurrent benefits) for reporting and benchmarking purposes, and proprietary evaluation protocols for bid selection.

#### SAFETY CONSIDERATIONS:

- Allows the Commission to continue to fulfill its duties under Public Utilities 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.





## Regular Agenda – Water/Sewer Orders

### **Item # 33 [13035] – Guidance on Intra-Utility Rate Balancing for Multi-District Water Utilities with High-Cost and/or Affordability Problems**

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**R11-11-008** - Order Instituting Rulemaking on the Commission's Own Motion into Addressing the Commission's Water Action Plan Objective of Setting Rates that Balance Investment, Conservation, and Affordability for the Multi-District Water Utilities of: California-American Water Company, California Water Service Company, Del Oro Water Company, Inc., Golden State Water Company, and San Gabriel Valley Water Company.

**Quasi-Legislative**

**Comr. Sandoval / Judge Vieth - Judge Weatherford**

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#### **PROPOSED OUTCOME:**

Each Commission-regulated multi-district water utilities must:

- Prior to its next general rate case filing, review its own districts for high-cost and affordability problems;
- Report on the review in its next general rate case filing; and
- Where high-cost and affordability problems exist, propose one or more intra-utility solutions, which may include a Rate Support Fund or other cross-subsidization mechanism, some form of additional district consolidation, or other relief, as further discussed in the decision.

#### **SAFETY CONSIDERATIONS:**

- Furtherance of the Commission's Water Action Plan's sixth objective: to set rates that balance investment, conservation and affordability.

#### **ESTIMATED COST:**

- Minimal, additional general rate case preparation costs.





## Regular Agenda – Water/Sewer Orders

### Item # 34 [13063] – Southern California Edison Company’s Rate Increase for Santa Catalina Island Water Operations

**A10-11-009** - Application of Southern California Edison Company for Authority to, Among Other Things, Increase its Authorized Revenues for Santa Catalina Island Water Operations, and to Reflect that Increase in Rates.

**Ratesetting**

**Comr. Peevey / Judge Rochester**

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#### **PROPOSED OUTCOME:**

- Adopts all-party settlement agreement on revenue requirement and rate design for Southern California Edison Company’s (SCE) Santa Catalina Water operations.
- Closes the proceeding.

#### **SAFETY CONSIDERATIONS:**

- Allows SCE’s Catalina Water operations to continue to provide safe, reliable water at reasonable rates.

#### **ESTIMATED COST:**

- Average water users will see a 31.37% increase in their monthly rate from \$74.04 to \$97.27. Includes a \$8.895 million rate base transfer to SCE’s electric customers and \$2.485 million capital disallowance borne by SCE shareholders.





## Regular Agenda – Water/Sewer Orders

### Item # 34a [13290] – ALTERNATE TO ITEM 13063

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**A10-11-009** - Application of Southern California Edison Company for Authority to, Among Other Things, Increase its Authorized Revenues for Santa Catalina Island Water Operations, and to Reflect that Increase in Rates.

**Ratesetting**

**Comr. Sandoval**

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#### **PROPOSED OUTCOME:**

- Denies the joint, all-party motion for adoption of a settlement agreement and requires parties to file an alternate proposal to transferring \$8.895 million to Southern California Edison electric customers.

#### **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:**

- None as settlement is rejected.





# Commissioners' Reports





# Management Reports





# Regular Agenda – Management Reports and Resolutions

## Item #36 [13278]

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

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# California Environmental Quality Act (CEQA) and Safety



**Mary Jo Borak**  
**Program and Project Supervisor**  
**California Public Utilities Commission**

October 16, 2014





## What is CEQA?

- Triggered when a public agency must take discretionary action on a proposed project, e.g.
  - Applications for Certificate of Public Convenience and Necessity (CPCN)
  - Applications for Permit to Construct (PTC)
- Requires evaluation and disclosure to the public regarding the environmental impacts of the project; and avoidance and mitigation of impacts, if feasible

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# Environmental Documents

- Negative Declaration (ND)
  - The project creates no significant impacts
- Mitigated Negative Declaration (MND)
  - The project creates significant impacts, but the impacts can be avoided or mitigated
- Environmental Impact Report (EIR)
  - The project may cause significant impacts that cannot be avoided or mitigated to a level that is less than significant
  - Includes alternatives analysis
  - The environmentally superior alternative must be chosen if feasible
  - Cost is not a factor unless economically infeasible

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# CEQA Impact Areas

- Aesthetics
- Agricultural Resources
- Air Quality (GHG)
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/Service Systems

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## Joint Federal/State Documents

- The National Environmental Policy Act (NEPA) applies to Federal agencies
- The CPUC frequently produces joint CEQA/NEPA documents with federal agencies
- Memorandums of Understanding define each agency's duties
- Agencies together produce a joint EIR/EIS but only make decisions for projects within their respective jurisdiction

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# Agency Coordination

- CA Dept. of Fish and Wildlife
- US Fish and Wildlife Service
- US Forest Service
- Bureau of Land Management
- Caltrans
- Air Quality Management Districts
- CA Coastal Commission
- Army Corps Of Engineers
- Department of Water Resources
- State Historic Preservation Office
- Native American Heritage Commission
- State Water Resources Control Board
- State Lands Commission
- Counties and Municipalities

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# CEQA at the CPUC

- The Energy Division does CEQA review for all industries
  - Transmission | Telco | Water/Sewer | Natural Gas Storage and Natural Gas Pipeline| Section 851 Divestitures
- Energy Division typically has 50-60 projects in various stages at any given time
- CEQA Activities
  - Part I: Develop environmental document, including mitigation measures
  - Part II: ALJ formal proceeding results in certification of environmental document and approval/denial of project
  - Part III: Mitigation and monitoring during construction

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# Mitigation Monitoring

- Mitigation Monitoring, Compliance and Reporting Program (MMCRP) is adopted with certification of the EIR, includes:
  - Mitigation measures imposed by CPUC
  - Applicant proposed mitigation measures
  - Communication and reporting protocols
- CPUC staff role insures compliance with all permits, plans, mitigation measures
  - Issues Notice to Proceed for each stage of construction
  - Can Issue Stop Work Orders if utility is not in compliance
  - Staff manages construction monitoring through Environmental Monitoring consultants onsite

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# Three Case Studies on Safety Issues in Developing CEQA Documents and Construction Monitoring Experience

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# Sunrise Powerlink

- In 2006, SDG&E proposed the 150 mile Sunrise Powerlink
  - Imperial County to San Diego County through Anza Borrego Desert State Park
- CPUC developed an 11,000 page joint EIR/EIS with BLM
  - EIR/EIS included extensive public engagement process
  - 27 fully analyzed alternatives, including non-park routes & non-wires
  - The approved project created 52 unmitigated significant impacts and required 127 mitigation measures
- After approval in 2008, staff monitored construction thru 2012
  - Issued 77 notices to proceed, 67 variances
  - Cited SDG&E 11 times for non-Compliance
  - 2 Stop Work Orders Issued – 1 by CPUC and 1 by USFS

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# Helicopter Safety Construction Challenges

- Construction in steep terrain
- Helicopter construction for 237 out of 443 towers was required by U S Forest Service
- 15-33 helicopters operating daily –over 30,000 flight segments
- SDG&E operated a helicopter control center
- Two helicopter drop incidents – stop work order issued and renewed training and reporting measures imposed



Sunrise Construction by  
Helicopter Video:

<http://www.youtube.com/watch?v=GBWHUdPQCH8>

Dropped tower outside of Plaster City  
Construction Yard during tower erection  
activities in Imperial County

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# Environmental Construction Challenges

- Construction around cultural sites
- Eagle nesting
- Bighorn sheep lambing season



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# Wire Installation Construction Activities



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# Conventional Tower Assembly in the Desert



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# ExteNet State Route 35 Distributed Antenna System Project

- Telecommunications project with an MND that was constructed in 2013 in San Mateo County
- Types of Safety Training required by MND
  - Spill Prevention Contingency Plan
  - Health and Safety Plan
  - Worker Environmental Training Program
- Summary of Safety Incidents
  - **Traffic Control.** Traffic control flaggers miscommunicated during a lane closure and allowed traffic to proceed from both directions in the same lane. No injuries or accidents occurred. In response, communication procedures were corrected and no further issues occurred.

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# ExteNet Safety Related Mitigation Measures

- Sample Hazardous Materials, Releases, and Response Measure
  - **APM Hazards-1:** The applicant shall perform the following tasks in order to minimize the potential for hazardous materials contamination through the transport, use, or disposal of hazardous materials:
    - Prepare a Spill Prevention and Control Plan that includes standard operating procedures for spill prevention, hazard assessment, spill prevention and containment, emergency response procedures, and closing the spill incident.
    - Before construction begins, train site workers
    - Construction crews will have an emergency spill kit containing absorbent booms and pads, personal protective equipment, and emergency response guidance.
    - Construction equipment will be maintained and kept in operating condition to reduce the likelihood of line breaks and leakage.
    - Absorbent material or drip pans will be placed underneath vehicles during equipment maintenance or refueling.
    - Refueling will take place only in designated areas. Any fluids drained from equipment will be collected in leak proof containers and taken to an appropriate disposal or recycling facility.

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# ExteNet Safety Related Mitigation Measures

- Sample Traffic Control Related Measures
  - The applicant shall take the following measures to reduce the risk of accidental fires, vehicle collisions, and other hazardous situations and events
  - Project traffic control measures will conform to the specifications of Caltrans and San Mateo County. The contractors retained for project construction will follow Caltrans' Standard Plan T13 ("Traffic Control System for Lane Closure On Two-Lane Conventional Highways") to manage traffic during the construction of the Project and to ensure that construction activity will not create unsafe traffic conditions. The Plan will include the use of portable warning signs, flaggers, and cones/barricades that will separate the construction activities from traffic.
  - In the event of an emergency, project activities will be suspended in order to allow through access on SR 35 for emergency vehicles and operations.

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# ExteNet Safety Related Mitigation Measures

- Sample Health and Safety Measure
  - The construction contractor will develop and implement a Health and Safety Plan consistent with 29 CFR 1910 (OSHA Standards) and 29 CFR 1926 (OSHA Safety and Health Regulations for Construction). The Health and Safety Plan will identify physical and chemical hazards that could result from proposed operations.
- Sample Safety Training Requirement Measure
  - ExteNet shall require all contractors to train their construction crews in the following safety measures: trenching and excavation safety, work zone safety, cardiopulmonary resuscitation (CPR), spill prevention and control, and driving safety.

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## ExteNet Safety Related Mitigation Measures

- Sample Utility Infrastructure Avoidance Safety Measure
  - The applicant shall identify all utility lines within the project alignment prior to any construction activities to reduce the possibility of rupturing, severing, or damaging gas, electric, or sewer lines located in the project region.
- Sample Worker Smoking Measure
  - Project personnel will be required to smoke only in their vehicles and dispose of cigarette butts properly.

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# PG&E Crazy Horse Canyon Switching Station

- Switching Station in Prunedale, in foothills of Monterey County (under construction)
- Project approved in 2011 after an MND was prepared
- Types of Safety Training
  - Hazardous Substance Control and Emergency Response Plan
  - Health and Safety Plan
  - Fire Prevention and Response Plan
  - Storm water Pollution and Prevention Plan
  - Erosion Control and Sediment Transport Plan

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# Summary of Safety Incidents and Response on PG&E Crazy Horse Canyon Switching Station

- **1. Gun Shot.** The CPUC mitigation monitor heard a gunshot with a bullet that passed overhead. The shot came from a property adjacent to the project site. No injuries occurred. In response, the monitor reported the event to the police and increased communication protocol with PG&E regarding site visits. PG&E increased outreach and communication with neighboring residents.
- **2. Vehicle Accident.** A private vehicle that was not involved with project personnel or activities ran off the road at a blind turn to avoid hitting a project delivery truck entering the switching station access gate. No injuries occurred. In response, emergency services were notified and the private vehicle driver was determined to be at fault. PG&E initiated traffic controls and flaggers from both directions to the access gate.
- **3. Vehicle Accident.** A project water truck rolled down a steep slope during grading of the switching station pad. No injuries or environmental damage occurred. In response, workers were instructed on practices to avoid a repeat of the incident. The vehicle was removed from the site and the accident area was inspected for hazardous material spills. A minor amount of contaminated soil was removed.

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# Sample Safety Measures in PG&E Crazy Horse Canyon Switching Station MND

- **Hazardous Substance Control and Emergency Response Plan**
- **Site-specific Health and Safety Plan** to ensure that potential safety hazards would be kept at a minimum. The plan will include elements that establish worker training and emergency response procedures relevant to project activities.
- **Fire Prevention and Response Plan** to the CPUC and to local fire protection authorities for notification at least 30 days prior to construction.
- **An Environmental Training Program** will be established to communicate to all field personnel any environmental concerns and appropriate work practices, including spill prevention and response measures and BMPs
  - The training program will emphasize site specific physical conditions to improve hazard prevention (e.g., identification of flow paths to nearest water bodies) and will include a review of all site specific plans, including but not limited to the project's Hazardous Substances Control and Emergency Response Plan, SWPPP, Erosion Control and Sediment Transport Plan, and Health and Safety Plan.

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# Worker Environmental Awareness Program

- Anyone on the project site must first attend a WEAP training.
- Once trained, personnel place stickers on their hard hats to show compliance with WEAP.



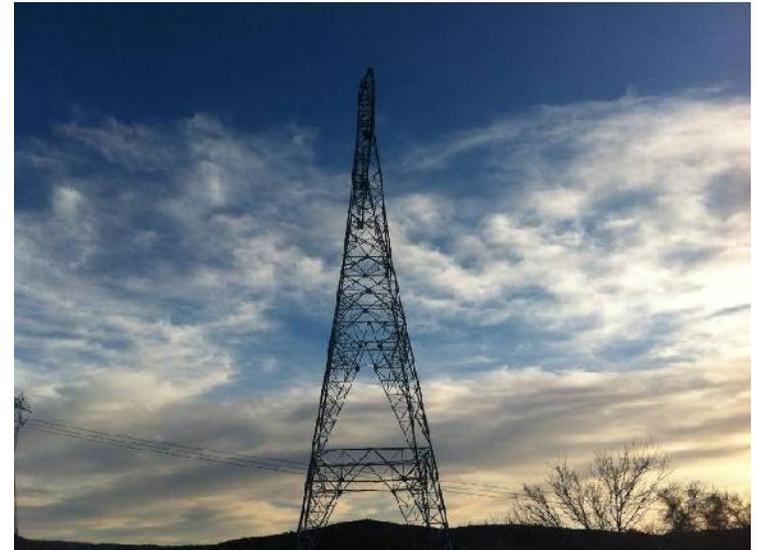
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# Citation Program

- In 2013, Resolution E-4550 established a citation program to enforce CEQA requirements.
- Staff can issue fines of \$500 per day for the first ten days and \$1,000 per day thereafter, for serious or repeated violations.
- All violations can be appealed through the Commission's standard appeal process.
- Citation Program is an additional tool staff can use to ensure compliance with CEQA requirements and mitigation measures.



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**Thank you!**  
**For Additional Information:**  
**[www.cpuc.ca.gov](http://www.cpuc.ca.gov)**

**All CPUC CEQA Project Documents are available here:**  
**<http://www.cpuc.ca.gov/PUC/energy/Environment/>**





# Regular Agenda – Management Reports and Resolutions

## Item #36 [13278]

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

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# Management Reports





# Regular Agenda – Management Reports and Resolutions

## Item #38 [13209]

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### Director Ryan Dulin and Director Marzia Zafar Report on Telecommunications Guiding Principles

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The Commission's telecommunications policy goals are to promote public safety, consumer protection, universal service, competition, and network reliability. Similar to the Commission's Water Action Plan and Energy Action Plan, this document sets policy direction for the telecommunications industry. This document directs staff to create a comprehensive Action Plan detailing the steps necessary to create a path for achieving our vision and goals based on the guiding principles we have established in this document. This agenda item is before the Commission for discussion. In addition, Commissioner Michel Peter Florio has prepared discussion points to facilitate discussion.





# Telecommunications Guiding Principles

**October 16, 2014**

Ryan Dulin – Communications Director  
Marzia Zafar - Policy & Planning Division  
Director





## Why are we doing this?

The Commission's vision is for all Californians to have access to safe, reliable telecommunications at just and reasonable rates.

TO PROVIDE POLICY DIRECTION FROM  
THE COMMISSION TO STAFF.





## Other Industries Have It

- Energy Action Plan
  - Adopted by the Commission in 2003
  - It created a unified goal and six broad principles
- Water Action Plan
  - Adopted by the Commission in 2005
  - Identified policy objectives and four key principles
- Safety Policy Statement
  - Adopted by the Commission in 2014
  - Identified an overarching goal and eight principles
- Telecommunication
  - Commission does not have any established principles or action plan for this industry division





# Telecommunications Guiding Principles

1. Promote safe, reliable, adequate, and resilient access to California's telecommunications infrastructure and services at just and reasonable rates.
2. Promote access to and deployment of advanced telecommunications capabilities and services on a reasonable and timely basis.
3. Protect consumers from fraud, waste, and abuse.
4. Serve as an independent source of data collection and analysis for policy makers at both State and Federal levels.
5. Promote public safety through reliable access to emergency services.
6. Promote competition, including interconnection.





## Additions from Sept. 11, 2014 Meeting

7. Ensure that any necessary rules are future-proof -- simple, universal rules such as public safety, and prohibitions on fraud and abuse of market power-- that are independent of current market configurations.
8. Protect and maximize consumers' access to innovation and choice through restraint and the least intrusive regulatory options.

Economic development is in Section PUC 709(e) :

- To promote economic growth, job creation, and the substantial social benefits that will result from the rapid implementation of advanced information and communications technologies by adequate long-term investment in the necessary infrastructure.





# NEXT STEPS

1. Commission adopt Telecommunications Guiding Principles
2. Convene a group that will do the staff work on developing an Action Plan
3. Action Plan to be presented to the Commission in 180 days





# Regular Agenda – Management Reports and Resolutions

## Item #38 [13209]

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# Management Reports





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

**The Public Meeting is adjourned.**

**The next Public Meeting will be:**

**November 6, 2014, at 9:30 a.m.**

**In the County of Kern Administrative Center Building  
Board Chambers  
1115 Truxtun Avenue  
Bakersfield, CA 93301**

