

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking To Revise
and Clarify Commission Regulations
Relating to the Safety of Electric Utility
and Communications Infrastructure
Provider Facilities.

FILED
PUBLIC UTILITIES COMMISSION
NOVEMBER 6, 2008
SAN FRANCISCO
R.08-11-005

ORDER INSTITUTING RULEMAKING

I. SUMMARY

This Order Instituting Rulemaking is initiated to consider revising and clarifying the Commission's regulations designed to protect the public from potential hazards, including fires, which may be caused from electric utility transmission or distribution lines or communications infrastructure providers' facilities in proximity to the electric overhead transmission or distribution lines. The Commission's current General Orders 95, 128, and 165 are already designed to promote the safe operation of electric utility and communications infrastructure facilities, and provide the minimum safety requirements which the utilities are supposed to supplement with additional safety precautions when local conditions warrant. Nevertheless, as the devastating fires in Southern California during the last two years have shown, there may be potential problems associated with the electric utilities' and communications infrastructure providers' facilities, which may necessitate additional Commission safeguards.

II. BACKGROUND

Public utility services, such as those provided by electric utilities and communications utilities, are vital to California's economy, our standard of living,

and the health and safety of California citizens.¹ By the same token, under certain circumstances, these services can also pose significant dangers to the public. For this reason, various statutory provisions impose obligations on public utilities and require the Public Utilities Commission (Commission) to ensure that the public utilities' services and facilities are provided in ways that protect the public.

As part of the Commission's efforts to ensure that electric utilities construct, maintain and operate their facilities in a manner so as to promote and safeguard the health and safety of their employees, customers and the general public, the Commission has imposed requirements upon electric utilities in its General Order (GO) 95 "RULES FOR OVERHEAD ELECTRIC LINE CONSTRUCTION," GO 128 "RULES FOR CONSTRUCTION OF UNDERGROUND ELECTRIC SUPPLY AND COMMUNICATION SYSTEMS" and GO 165 "INSPECTION CYCLES FOR ELECTRIC DISTRIBUTION FACILITIES."

Consistent with federal law and in order to promote communications infrastructure, communications utilities and cable companies (collectively "Communications Infrastructure Providers") have been provided access to the electric utilities' poles to attach their communications facilities. Therefore, with the facilities of the Communications Infrastructure Providers utilizing the same poles as electric utilities or otherwise near the wires of the electric utilities, certain safety requirements, such as clearance requirements, have been adopted which apply to the electric utilities and Communications Infrastructure Providers. The Commission's GO 95, Rule 31.1 requires that electrical supply and communication systems must be designed and maintained to enable them to furnish safe, proper and adequate service. The specific requirements in GO 95 are minimum safety requirements, and Rule 31.1 also requires that those responsible

¹ As used herein, the term "electric utilities" are California electrical corporations. The term "communications utilities" are California telephone corporations, such as local exchange carriers and wireless providers.

for the design, construction or maintenance of the communication or supply line equipment must take additional steps in accordance with accepted good practice for the given local conditions known at the time.

In GO 95, Rule 31.2, the Commission has also required that the overhead lines must be inspected frequently and thoroughly for the purpose of ensuring that they are in good condition so as to conform to the Commission's rules.

In Decision (D.) 07-02-030 the Commission adopted revisions to GO 95 establishing clearance and signage requirements on joint-use facilities for wireless antennas installed on jointly used poles. In D.08-10-017 (issued October 3, 2008), the Commission adopted revisions to GO 95 establishing uniform construction standards for attaching wireless antennas to jointly used poles and towers above the electric supply lines (pole-top antennas).

The Commission is charged with ensuring that electric utilities and Communications Infrastructure Providers operating in California comply with the safety requirements in provisions of the Public Utilities Code and relevant laws and regulations, such as GOs 95 and 128. In addition, GO 165 also requires specific schedules for electric utilities to inspect their distribution facilities with patrol inspections every one to two years, and very detailed inspections every five years. In D.98-03-036, rehearing denied, D.98-10-059, the Commission applied the safety requirements in GOs 95, 128 and 165 to municipalities providing electric services, although it allowed certain exemptions. GO 165 does not currently apply to Communications Infrastructure Providers.

The Commission's staff in its Consumer Protection and Safety Division (CPSD):

- Conduct quality control audits of the utilities' inspections of their overhead and underground electric facilities and ensure compliance with GOs 95, 128 and 165.

- Investigate electric incidents involving public utilities subject to the Commission's jurisdiction to determine the causes, verify compliance with relevant laws and regulations, including GOs 95, 128 and 165, and make recommendations to prevent similar accidents.
- Respond to public and utility inquiries and requests for interpretations of GOs 95, 128 and 165.
- Investigate public complaints related to compliance by public utilities with relevant laws and regulations, including GOs 95, 128 and 165.

While performing these functions, the CPSD staff has determined that certain safety requirements may need modifications and/or clarifications. During the last two years, Southern California has experienced devastating fires. In October, 2007, there were fires in the San Diego area and Los Angeles area where the facilities of electric utilities and/or Communications Infrastructure Providers may have been contributing factors. In October, 2008 in the Los Angeles area, an electric distribution line may have contributed to a fire. Without determining in this proceeding the particular causes of these fires, in this OIR the Commission is proposing to identify some of the potential problems involving the practices and facilities of electric utilities or Communications Infrastructure Providers and to adopt additional requirements and clarifications, which may be necessary in order to further reduce the risk of hazards, including fires.

The Commission and its CPSD staff have pending investigations into whether existing Commission regulations or statutory provisions may have been violated with regard to certain of the Southern California fires. Those issues will not be litigated in this OIR. In the CPSD's September 2, 2008 report concerning the Guejito fire in the San Diego area in October, 2007, CPSD also specifically recommended that the Commission issue an OIR into whether or not

GO 165 requirements or similar maintenance and inspection requirements should be applied to all Communications Infrastructure Providers utilizing electric utility poles.

On October 14, 2008, the Commission convened a public meeting in San Diego, in which members of the public provided information and concerns about the fires that took place, the potential threats of future fires and some of the remedial actions proposed by San Diego Gas and Electric Company.

This OIR is being issued to review the current safety requirements and consider possible rule changes that may further reduce the hazards, particularly fire hazards, associated with the electric transmission and distribution facilities and communications facilities.

A Notice of Availability of this OIR shall be served by mail on California electrical corporations and municipalities providing electric service, Communication Infrastructure Providers and other individuals or entities that have made their interest in the Commission's GO 95 known to date. Therefore, this serves as a notice to all electric utilities, municipalities providing electric service and Communications Infrastructure Providers in California that the Commission may be affecting their interests by revising or clarifying its regulations and requirements.

III. JURISDICTION

GO 95, GO 128 and GO 165 are orders of the Commission setting forth rules and regulations for electric utilities operating and providing service in California. GO 95 and GO 128 also set forth Commission rules for Communications Infrastructure Providers. The rules are designed to protect the safety of the general public, electric utilities' and Communications Infrastructure Providers' customers and their employees. As required by the Public Utilities Code, "[e]very public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities ... as are

necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.” (Pub. Util. Code § 451.) In our broad grant of jurisdiction over public utilities in California, we are authorized to “do all things, whether specifically designated in ... [the Public Utilities Act] or in addition thereto, which are necessary and convenient” to our regulation of public utilities, including, though not limited to, adopting necessary rules and requirements in furtherance of our constitutional and statutory duties to regulate and oversee public utilities operating in California. (*Id.* § 701.)

This Commission has comprehensive jurisdiction over questions of public health and safety arising from utility operations. (*San Diego Gas & Electric v. Superior Court* (“Covalt”) (1996), 13 Cal.4th 893, 923-924.) Our jurisdiction to regulate these entities is set forth in the California Constitution and in the Public Utilities Code. (Cal. Const., Art. 12, §§ 3, 6; Pub. Util. Code §§ 216, 701, 768, 1001.) Such utilities are required to “obey and comply with every order, decision, direction, or rule made or prescribed by the [C]ommission” (Pub. Util. Code § 702; *see also, id.* §§ 761, 762, 767.5, 768, 770.) The Commission is obligated to see that the provisions of the Constitution and state statutes affecting public utilities are enforced and obeyed. (Pub. Util. Code § 2101.) In addition, the Commission has specific jurisdiction over the safety of overhead electric transmission and distribution facilities, such as wires and poles, as well as underground transmission and distribution facilities. (Pub. Util. Code §§ 8001, *et seq.*), which includes the overhead and underground electric transmission and distribution facilities of municipalities. (Pub. Util. Code § 8002). To the extent that the Commission were to find that additional safety requirements were necessary, the Commission may adopt such requirements. (Pub. Util. Code §§ 8037, 8056).

Our jurisdiction over questions of public health and safety arising from utility operations has also been specifically preserved, and is not constrained,

by federal law. In 1978, Congress enacted the Pole Attachments Act (47 U.S.C. § 224) which gave the Federal Communications Commission (FCC) jurisdiction to regulate the rates, terms, and conditions of attachments by cable television operators to the poles, ducts, conduits or rights of way (ROW) owned or controlled by utilities. In the Telecommunications Act of 1996 (the “Telecom Act”) Congress expanded the scope of § 224 to include pole attachments by telecommunications carriers. As set forth in § 224(c)(1), however, the FCC does not have “jurisdiction with respect to rates, terms, and conditions, or access to poles, ducts, conduits, and rights-of-way as provided in subsection (f) for pole attachments in any case where such matters are regulated by a State.” The State must certify to the FCC that it regulates such rates, terms, and conditions. (47 U.S.C. § 224(c)(2)(A).) In D.98-10-058, as modified by D.00-04-061, we certified to the FCC that we regulate the rates, terms, and conditions of access to poles, conduits, ducts, and ROW in conformance with §§ 224(c)(2) and (3). (Order Instituting Rulemaking on the Commission's Own Motion Into Competition for Local Exchange Service (1998) 82 CPUC 2d 510, 531, modified by 6 CPUC 3d 1.) The discretion of state and local authorities to regulate in the area of pole attachments is circumscribed by § 253 which invalidates all state or local legal requirements that “prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.” However, this restriction does not prohibit a state from imposing “on a competitively neutral basis and consistent with Section 254, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.” (47 U.S.C. § 253 (b) (emphasis added).)

Likewise, the Cable Communications Policy Act of 1984, which clarified the dual system of jurisdiction over cable companies, does not preclude States from asserting direct jurisdiction over cable services and facilities in public

safety matters. Under this system, the FCC regulates company ownership and control, leased access, local commercial television signal carriage and educational signal carriage, basic service rates, competition and diversity in programming, subscriber privacy, and other matters. State and local franchising authorities regulate, among other things, facilities and equipment, construction, health and safety. The FCC has not preempted the States with regard to issues related to the construction, maintenance, or operations of cable plant and equipment in a safe manner. The Cable Act specifically states that it must not be construed to restrict a State from exercising jurisdiction over cable services, consistent with the Act. (47 U.S.C. § 556 (b).) Furthermore, the Act specifically grants States jurisdiction over cable service in safety matters:

“Nothing in this title shall be construed to affect any authority of any State, political subdivision, or agency thereof, or franchising authority, regarding matters of public health, safety, and welfare, to the extent consistent with the express provisions of this title.” (47 U.S.C. § 556 (a).)

The California Legislature has asserted such jurisdiction. The California Legislature gave the Commission direct authority to regulate cable companies with regard to the safe construction, maintenance and operation of their plant and equipment in Section 768.5 of the Public Utilities Code.

IV. PROCEEDING CATEGORY AND NEED FOR HEARING

Rule 7.1(d) of the Commission’s Rules of Practice and Procedure (Rules) specifies that an order instituting rulemaking will preliminarily determine the category of the proceeding and the need for hearing. Pursuant to Rule 7.1(e), we determine that this proceeding is quasi-legislative as defined in Rule 1.3(d). It appears that the issues may be resolved through comments and a workshop without the need for evidentiary hearings. However, we will not make a final

determination regarding the need for hearings until after the workshop has been completed in order to make sure that we have a complete record. The Assigned Commissioner or the Assigned Administrative Law Judge may make this determination in a scoping memo or through a subsequent ruling.

V. SCHEDULE AND COMMENTS

In order to create a public record upon which to base a decision, all interested parties will be provided an opportunity to participate in a public workshop. After the workshop, CPSD will serve all parties with proposed regulations and clarifications for the Commission to consider adopting. All parties will thereafter have the opportunity to submit written initial and reply comments on the proposed regulations and clarifications, which would be issued after the workshop. The proceeding's Assigned Commissioner or Assigned Administrative Law Judge may, if it appears useful, convene a pre-hearing conference prior to the workshop or change, if necessary, the initial procedural schedule listed below.

The initial schedule for this proceeding is stated below in Table 1.

Table 1

November 6, 2008	Issuance of Order Instituting Rulemaking.
November 26, 2008	Request inclusion on service list
December 3, 2008	File opening comments addressing scope, schedule, and other procedural issues
January 14-15, 2009	Workshop
February 13, 2009	CPSD's Proposed Clarifications and Regulations
March 24, 2009	Initial Comments on CPSD's Proposed Clarifications and Regulations
April 30, 2008	Reply Comments on CPSD's Proposed Clarifications and Regulations

VI. PRELIMINARY SCOPING MEMORANDUM

A. Preliminary Determination

This rulemaking is preliminarily determined to be a quasi-legislative proceeding as that term is defined in the Commission's Rules of Practice and Procedure, Rule 1.3(d). It is contemplated that this proceeding shall be conducted through a workshop and a written record and that an order will issue on the merits based on the pleadings timely filed in this docket.

Persons or entities may file opening comments by December 3, 2008 listing any objections they may have regarding the categorization of this proceeding as quasi-legislative, as well as whether there is a need for a hearing and any objections to this preliminary scoping memorandum in this OIR, pursuant to Rule 6.2 and 7.6 of the Commission Rules of Practice and Procedure. Any person or entity that files opening comments in advance of the workshop will automatically become a party to this proceeding. All persons or entities seeking to be added to the service list (as a party, state service or information only) do not need to file opening comments, but may inform the Commission's Process Office by November 26, 2008 via email (Process_Office@cpuc.ca.gov) or by postal mail under the procedures listed below. Interested parties are invited to participate in the workshop. After hearing positions of parties at the workshop, CPSD shall serve parties with proposed regulations and clarifications. Interested parties may thereafter file initial and reply comments on the proposed regulations and clarifications. Parties filing initial comments or reply comments are placed on notice that if hearings are held they may be required to provide testimony to support any assertions of fact.

The Assigned Commissioner's office or Assigned Administrative Law Judge may set a date for a pre-hearing conference in the event that it is determined that one needs to be held.

B. Preliminary Scope of Issues

This rulemaking is instituted for the purpose of considering whether to clarify existing requirements, revise portions of General Order 95, General Order 128 and/or General Order 165, and/or to establish new rules applicable to electrical corporations, municipal electric utilities and Communications Infrastructure Providers operating in California.

The preliminary scope of issues for the upcoming workshop, subsequent proposed clarifications or regulations and comments thereafter involve the following identified issues:

1. Immediate Reporting of Fire Related Incidents and Full Cooperation with Commission Staff

The CPSD is charged with investigating utility-related incidents and accidents pursuant to the mandate of Pub. Util. Code § 315. If utilities fail to promptly report incidents to CPSD, and/or fail to provide meaningful access to information and evidence, then the critical public safety intent of the statute is frustrated. Regardless of pending litigation and other investigations, which may be related to a CPSD investigation, a utility's obligation to cooperate with CPSD under applicable law should be reinforced. *See, e.g.*, Pub. Util. Code §§ 313, 314, 315, 581, 582, 584, 701, 702, 771, 1794, 1795. Similarly, municipalities providing electric services should fully cooperate with CPSD when they are inspecting the municipalities' electric facilities under Pub. Util. Code §§ 8037, 8056.

More specifically, the Commission may clarify: the need for immediate reporting of any fire related incident to CPSD; the need for preservation of documents; the need for preservation of evidence implicated by a CPSD investigation; the need for prompt, complete and accurate responses to CPSD's inquiries (whether written or oral); and a utility's obligation not to impede the discovery of information from agents of a utility.

2. Applying GO 165 or Similar Maintenance and Inspection Requirements to All Communication Infrastructure Providers and Electric Transmission Facilities

Protecting the public from the dangers that improperly maintained or inspected utility facilities pose may necessitate more safeguards within the maintenance and inspection rules. For example, the proximity between electric lines and communication lines may increase fire risk, if those facilities are not properly maintained or inspected. Risks such as these could be mitigated by requiring Communication Infrastructure Providers to monitor their facilities in a manner similar to those required of electric utilities pursuant to the regular inspections provisions of GO 165, which currently apply only to electric distribution facilities, and not transmission facilities. Municipalities providing electric services are already required to comply with the regular inspection provisions requirements of GO 165 (unless they have received an exemption from the Commission). *See* D.98-03-036, rehearing denied, D.98-10-059. It may therefore be important to apply the regular inspection provisions to the facilities of Communications Infrastructure Providers, whose facilities are located on poles owned by municipal electric utilities, as well. The Commission should also consider whether these regular inspection provisions of GO 165 should apply to electric transmission facilities.

3. Pole Overloading

Having too many facilities on an electric or communications utility pole may compromise the structural integrity of those facilities. The potential for an overloaded pole to break and fall has many public safety implications, both in relation to any electric facilities on that pole, as well as for electric facilities which may be located on nearby poles. In addition, an overloaded pole, which may break due to the weight of facilities on the pole, could pose fire or other safety hazards. The Commission will consider the existing rules concerning pole

overloading and clarifying, refining or developing additional rules to mitigate the potential dangers of pole overloading.

4. Prompt Reporting and Resolution of Violations Discovered by Pole Tenants

Improving communications between pole tenants regarding discovered safety hazards may reduce fire risks. If an electric utility or municipality discovers a safety hazard or other potential violation on a communications line, it may protect public safety to have the electric utility or municipality promptly report that potential hazard or violation to the Communications Infrastructure Provider. Similarly, if a Communications Infrastructure Provider discovers a safety hazard or other potential violation on an electric line, it may protect public safety to have the Communications Infrastructure Provider promptly report that potential hazard or violation to the electric utility or municipality. Having the owner of a given communication line clearly marked may be useful in expediting such contacts. The Commission may examine the benefits of developing rules to improve safety-related communications between pole tenants and the process by which CPSD can determine if the communications have resolved the issues.

5. Vegetation Management in High Fire Risk Areas

With the risk of fires becoming a year-round phenomenon, a re-examination of vegetation management rules may be needed. The possibility of vegetation encroaching on utility facilities may increase the risk of utility-related fires. Specifically, the Commission may examine: increasing the inspection and/or trimming of vegetation near utility facilities, improving flagging systems designed to expedite the trimming of vegetation that has been identified as needing to be trimmed within a given timeframe, or potentially increasing the requisite tree to

line clearances that should be maintained. All of these inquiries will include a consideration of ratepayer impacts and environmental concerns.

6. Mitigating High Speed Wind Dangers

High winds increase the likelihood of wild fires ignited by utility lines. The Commission will explore measures designed to mitigate the risk of wild fire ignition in high wind areas. Such measures may include requiring infrastructure modifications, such as installation of spacers between utility facilities in high wind areas and/or support structures able to withstand higher wind loads. Other measures may require modifications to the inspection requirements in high wind areas, including both the type and frequency of inspections.

VII. SERVICE OF THIS RULING; ELIGIBILITY TO PARTICIPATE IN THE WORKSHOP AND FILE COMMENTS

The clarifications and modification to GOs 95, 128 and 165 and/or adoption of new rules could, if implemented in whole or in part, affect the electrical corporations, municipalities providing electric service, and Communications Infrastructure Providers with instrumentalities, equipment and facilities in California. There have been two previous rulemaking dockets associated with GO 95 (R.05-02-023, and R.07-12-001) with existing service lists, which include the electrical corporations, municipal electric providers and Communications Infrastructure Providers, as well as other lists of California electrical corporations, municipal electric providers and Communications Infrastructure Providers. We will, therefore, direct that a Notice of Availability will be served on all California electrical corporations, municipalities providing electric service and Communications Infrastructure Providers. Such service does not confer party status in this proceeding upon any person or entity, and does not result in that person or entity being placed on the service list for this proceeding.

The following procedures regarding party status and inclusion on the service list shall be followed. While all California electrical corporations, municipalities providing electrical service and Communications Infrastructure Providers may be bound by the outcome of this proceeding, only those who notify us that they wish to be on the service list will be accorded service by others until final rules are proposed and/or a final decision issued.

We invite broad participation in this proceeding. All persons or entities seeking to be added to the service list should inform the Commission's Process Office no later than November 26, 2008 via email (Process_Office@cpuc.ca.gov) or by postal mail (Process Office, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, California 94102). To be included on the service list for this proceeding, the request to the Process Office must include pertinent information such as:

- Name and party represented, if any
- Address
- Telephone number
- Email address
- Request for party, state service or information only status.²

The initial service list will be posted on the Commission's website at www.cpuc.ca.gov. Parties should ensure they are using the most up-to-date service list by checking the Commission's website prior to each service/filing date.³

² Party status is for those planning to actively participate in this rulemaking through, at a minimum, participation at the workshop or submission of written comments on the proposed regulations after the workshop. State service status is for employees of the State of California who will not be submitting comments. Information Only status is for those who wish to follow the proceeding and receive documents associated with it, but who will not be actively participating.

³ In addition, pursuant to Rule 1.4 (a), persons and entities seeking party status may (a) file opening comments on this rulemaking; or (b) file a motion to become a party at a later date.

Those seeking party status through filing opening comments by December 3, 2008 or subsequent motion shall comply with Rule 1.4 (b).⁴

We encourage electronic filing in this proceeding. Electronic filings should be made according to Rule 1.10 and Resolution ALJ-188. Consistent with those rules, a hard copy of all pleadings shall be concurrently served on the assigned Administrative Law Judge.

All comments on CPSD's proposed regulations and clarifications subsequent to the workshop must be filed in this proceeding, and served on the current service list for this proceeding, as of the date service is undertaken. Commission service lists, updated on an ongoing basis, are available from the Commission's website: www.cpuc.ca.gov.

VIII. PUBLIC ADVISOR

Any person or entity interested in participating in this rulemaking who is unfamiliar with the Commission's procedures should contact the Commission's Public Advisor in San Francisco at (415) 703-2074 or (866) 849-8390 or e-mail public.advisor@cpuc.ca.gov; or in Los Angeles at (213) 576-7055 or (866) 849-8391, or e-mail public.advisor.la@cpuc.ca.gov. The TYY number is (866) 836-7825.

IX. INTERVENOR COMPENSATION

Any party that expects to claim intervenor compensation for its participation in this rulemaking shall file its notice of intent to claim intervenor compensation no later than 30 days after the workshop.

X. EX PARTE COMMUNICATIONS

Pursuant to Rule 8.2(a) *ex parte* communications in this investigation are allowed without restriction or reporting requirement.

⁴Rule 1.4(b) states that those seeking party status shall "(1) fully disclose the persons or entities in whose behalf the filing, appearance or motion is made, and the interest of such persons or entities in the proceeding; and (2) show that the contentions will be reasonably pertinent to the issues already presented."

IT IS ORDERED that:

1. A rulemaking is instituted for the purpose of considering whether to clarify existing safety requirements, revise portions of General Order 95, General Order 128 and General Order 165 and/or to establish new rules applicable to electric utilities, municipal electric utilities and Communications Infrastructure Providers operating in California.
2. This rulemaking is preliminarily determined to be a quasi-legislative proceeding as that term is defined in the Commission's Rules of Practice and Procedure, Rule 1.3(d).
3. Interested parties are invited to participate in the workshop and to file comments concerning the post-workshop proposed clarifications of existing requirements, revisions of portions of General Order 95, General Order 128 and General Order 165 and/or new rules applicable to electric utilities, municipal electric utilities and Communications Infrastructure Providers operating in California. Comments shall conform to the requirements of the Commission's Rules of Practice and Procedure.
4. The Assigned Commissioner's office or Administrative Law Judge may set a date for a pre-hearing conference in the event that it is determined that one needs to be held and may change the dates of the schedule in this order .
5. Pursuant to Rules 6.2 and 7.6 of the Commission Rules of Practice and Procedure, parties must file any objections they may have regarding the categorization of this proceeding as quasi-legislative by December 3, 2008.
6. The Executive Director shall serve a copy of a Notice of Availability of this OIR on potential parties, including the regulated electrical corporations, municipal electric utilities and Communications Infrastructure Providers operating in California.
7. After service of the Notice of Availability of this OIR, a service list for this proceeding shall be formed following the procedures set forth in the Service List section in the body of this order. The Assigned Commissioner or the

Assigned Administrative Law Judge shall have on-going oversight of the service list and may institute changes to the list or the rules governing it, as needed.

This order is effective today.

Dated November 6, 2008, at San Francisco, California.

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
TIMOTHY ALAN SIMON
Commissioners

**(APPENDIX A)
Service List**

Cellco Partnership
William Kuchler
180 Washington Valley Road
Bedminster, Nj 07921

Gte Mobilnet Of Ca., Ltd. Ptnrshp
William Kuchler
180 Washington Valley Road
Bedminster, Nj 07921

Los Angeles Smsa Limited Partnership
William Kuchler
180 Washington Valley Road
Bedminster, Nj 07921

Sacramento Valley Ltd. Partnership
William Kuchler
180 Washington Valley Road
Bedminster, Nj 07921

Fresno Msa Ltd. Partnership
William Kuchler
180 Washington Valley Road
Bedminster, Nj 07921

Gte Mobilnet Of Santa Barbara
William Kuchler
180 Washington Valley Road
Bedminster, Nj 07921

Visalia Cellular Telephone Co.
George Granger
4420 Rosewood Drive, 4th Flr
Pleasanton, Ca 94588

Santa Barbara Cellular Systems, Ltd.
George Granger
4420 Rosewood Drive, 4th Flr
Pleasanton, Ca 94588

Santa Cruz Cellular Telephone, Inc.
Stacy Koch
1514 W. Caro Road
Caro, Mi 48723

Cagal Cellular Communications Corp
George Granger
4420 Rosewood Drive, 4th Flr
Pleasanton, Ca 94588

Wwc License, Llc
Nathan Glazier
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Phoenix, Az 85044

California Rsa No. 3 Ltd. Partnership
Lynn Forleo
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Oakhurst, Ca 93644

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Contel Cellular Of California Inc.
Holly Henderson
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Alpharetta, Ga 30004

Modoc Rsa Limited Partnership
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Cellular Pacific
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Gte Mobilnet Of Central California_
Holly Henderson
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California Rsa No. 4 Ltd. Partnership
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United States Cellular Corporation
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Slo Cellular, Inc.
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Kern County Cellular Telephone Co., Inc
Nancy Griggs
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El Dorado Hills, Ca 95762

Price Communications Cellular Inc.
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Pleasanton, Ca 94588

Omnipoint Communications, Inc.
Susan Lipper
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Metropcs, Inc.
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Accessible Wireless, Llc.
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Verizon California, Inc.
Margo Ormiston
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Arrival Communications, Inc.
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Mci Metro Access Transmission Services
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Comtel Telcom Assets Lp
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Irving, Tx 75039

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