



Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

SUBJECT: The Public Record
February 4-11, 2010

DATE: February 12, 2010

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Notification of Application Filing by Pacific Gas and Electric Company to State, County and City Officials dated February 1, 2010 to recover costs associated with renewal of the Diablo Canyon Power Plant Operating Licenses.
- (b) Letter from Santa Clara County Cities Association to Mayor Reed dated February 5, 2010 regarding the reduction of single-use carryout bags.
- (c) Email from San Jose Water Company to Mayor Reed and City Council dated February 8, 2010 regarding Pension Reform needed now.
- (d) Letter from David S. Wall to Mayor Reed and City Council dated February 11, 2010 regarding "The Ghetto Life: Update on the SCEP". (Photos on file in the office of the City Clerk)

Lee Price, MMC
City Clerk

LP/np

- Distribution:
- Mayor/Council
 - City Manager
 - Assistant City Manager
 - Assistant to City Manager
 - Council Liaison
 - Director of Planning
 - City Attorney
 - City Auditor
 - Director of Public Works
 - Director of Finance
 - Public Information Officer
 - San José Mercury News
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**NOTIFICATION OF APPLICATION FILING BY PACIFIC GAS AND ELECTRIC COMPANY
(PG&E) TO RECOVER COSTS ASSOCIATED WITH RENEWAL OF THE DIABLO
CANYON POWER PLANT OPERATING LICENSES**

PUBLIC RECORD

On January 29, 2010, PG&E filed an application with the California Public Utilities Commission (CPUC) requesting that the CPUC find it is cost-effective and in the best interest of PG&E's customers to preserve the option to operate Diablo Canyon Power Plant (DCPP) for an additional 20 years beyond the expiration of its current operating licenses in 2024 and 2025 for Units 1 and 2, respectively.

As part of this application, PG&E requests authority to recover in rates a total of \$85 million in costs associated with obtaining the federal and state approvals required to seek the 20-year license renewal for DCPP. In addition, PG&E is requesting authority to establish a Diablo Canyon License Renewal Environmental Mitigation Balancing Account. This account will enable PG&E to recover the *actual* costs of mitigating environmental impacts that may be imposed by the state and local agencies asserting authority over license renewal.

Background to the filing of this application:

In PG&E's 2007 General Rate Case (A.05-12-002), the CPUC approved funding in Decision (D.) 07-03-044 for PG&E to perform a license renewal feasibility study (LRFS), the results of which would guide PG&E's decision as to whether to file a license renewal application with the United States Nuclear Regulatory Commission. Decision D.07-03-044 also required PG&E to file an application by June 30, 2011, submitting the LRFS to the CPUC and addressing whether Diablo Canyon license renewal is cost-effective and in the best interest of ratepayers. The LRFS was completed in 2009. The conclusion reached by the study was that there are no engineering or environmental impediments to proceeding with license renewal, and there is an economic benefit to continue operating DCPP for an additional 20 years beyond the expiration of its existing licenses. This application meets the filing requirement set forth in D.07-03-044.

Will rates increase as a result of this application?

Yes, approval of this application will increase electric rates for bundled service customers (those who receive electric generation as well as transmission and distribution service from PG&E) by less than one percent. Using the 2015 (highest single year) revenue requirement of \$21.6 million, the bundled system average rate will increase 0.17 percent, relative to current rates, in 2015 and would not have a significant impact on individual customers' rates. **Recovery of the costs associated with this application are not expected to begin until January 1, 2015.**

THE CPUC PROCESS

The CPUC's Division of Ratepayer Advocates (DRA) will review this application. The DRA is an independent arm of the CPUC, created by the Legislature to represent the interests of all utility customers throughout the state and obtain the lowest possible rate for service consistent with reliable and safe service levels. The DRA has a multi-disciplinary staff with expertise in economics, finance, accounting and engineering. The DRA's views do not necessarily reflect those of the CPUC. Other parties of record will also participate.

The CPUC may hold evidentiary hearings where parties of record present their proposals in testimony and are subject to cross-examination before an Administrative Law Judge (ALJ). These hearings are open to the public, but only those who are parties of record can present evidence or cross-examine witnesses during evidentiary hearings. Members of the public may attend, but not participate in, these hearings.

After considering all proposals and evidence presented during the hearing process, the ALJ will issue a draft decision. When the CPUC acts on this application, it may adopt all or part of PG&E's request, amend or modify it, or deny the application. The CPUC's final decision may be different from PG&E's proposed application filing.

FOR FURTHER INFORMATION

For more details call PG&E at 1-800-PGE-5000

Para más detalles llame al 1-800-660-6789

詳情請致電 1-800-893-9555

For TDD/TTY (speech-hearing impaired) call 1-800-652-4712

You may request a copy of the application and exhibits by writing to:

Pacific Gas and Electric Company
Diablo Canyon License Renewal Application
P.O. Box 7442, San Francisco, CA 94120.

You may also contact the CPUC's Public Advisor with comments or questions as follows:

Public Advisor's Office
505 Van Ness Avenue, Room 2103
San Francisco, CA 94102

1-415-703-2074 or 1-866-849-8390 (toll free)

TTY 1-415-703-5282, TTY 1-866-836-7825 (toll free)

E-mail to public.advisor@cpuc.ca.gov

If you are writing a letter to the Public Advisor's Office, please include the name of the application to which you are referring. All comments will be circulated to the Commissioners, the assigned Administrative Law Judge and the Energy Division staff.

A copy of PG&E's Diablo Canyon License Renewal application and exhibits are also available for review at the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102, Monday – Friday 8 a.m. – noon.

PACIFIC GAS AND ELECTRIC COMPANY (PG&E) APPLICATION TO RECOVER THE COST OF SEISMIC STUDIES RECOMMENDED BY THE CALIFORNIA ENERGY COMMISSION

On January 15, 2010, PG&E filed an Application with the CPUC, requesting authority from the California Public Utilities Commission (CPUC) to approve a mechanism to allow PG&E to recover costs associated with performing seismic studies at and around Diablo Canyon Power Plant (DCPP) as recommended by the California Energy Commission (CEC) in their Commission Report, "An Assessment of California's Nuclear Power Plants: AB 1632 Report." The CEC recommendations propose to update the seismic studies at and around DCPP using three-dimensional geophysical seismic reflection mapping and other advanced techniques.

This Application asks for CPUC approval to establish a Diablo Canyon Seismic Study Balancing Account (DCSSBA) to record for future recovery all costs resulting from PG&E's efforts to perform the seismic studies. Costs will be recorded to the DCSSBA as they are incurred. Costs to be recorded to the DCSSBA include: (1) survey design; (2) marine 3-D seismic surveys; (3) on-shore 2-D seismic surveys; (4) ocean bottom seismometer deployment; and (5) project management support.

The recovery of costs in rates is expected to begin on January 1, 2011.

Will rates increase as a result of this application?

The Application requests that amounts recorded in the DCSSBA be included in rates after review and approval by the CPUC. However, while requesting approval of the mechanism, this application does not request increases in current rates.

THE CPUC PROCESS

The CPUC's Division of Ratepayer Advocates (DRA) will review this Application. DRA is an independent arm of the CPUC, created by the Legislature to represent the interests of all utility customers throughout the state and obtain the lowest possible rate for service consistent with reliable and safe service levels. DRA has a multi-disciplinary staff with expertise in economics, finance, accounting and engineering. DRA's views do not necessarily reflect those of the CPUC. Other parties of record will also participate.

The CPUC may hold evidentiary hearings where parties of record present their proposals in testimony and are subject to cross-examination before an Administrative Law Judge (ALJ). These hearings are open to the public, but only those who are parties of record can present evidence or cross-examine witnesses during evidentiary hearings. Members of the public may attend, but are not allowed to participate in, these hearings.

After considering all proposals and evidence presented during the hearing process, the ALJ will issue a draft decision. When the CPUC acts on this application, it may adopt all or part of PG&E's request, amend or modify it or deny the application. The CPUC's final decision may be different from PG&E's proposed application filing.

FOR FURTHER INFORMATION

For more details call PG&E at 1-800-PGE-5000

Para más detalles llame al 1-800-660-6789

詳情請致電 1-800-893-9555

For TDD/TTY (speech-hearing impaired) call 1-800-652-4712

If you have questions regarding the proposed project, you may contact PG&E at the phone numbers noted above. If you would like a copy of the application and exhibits, you can write to PG&E at the address listed below:

Pacific Gas and Electric Company
Diablo Canyon Seismic Studies Balancing Account Application
P.O. Box 7442, San Francisco, CA 94120.

You may contact the CPUC's Public Advisor with comments or questions as follows:

Public Advisor's Office
505 Van Ness Avenue, Room 2103
San Francisco, CA 94102

1-415-703-2074 or 1-866-849-8390 (toll free)

TTY 1-415-703-5282, TTY 1-866-836-7825 (toll free)

E-mail to public.advisor@cpuc.ca.gov

If you are writing a letter to the Public Advisor's Office, please include the name of the application to which you are referring. All comments will be circulated to the Commissioners, the assigned Administrative Law Judge and the Energy Division staff.

A copy of PG&E's Seismic Studies application and exhibits are also available for review at the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102.



SANTA CLARA COUNTY
CITIES ASSOCIATION

February 5, 2010

- Campbell
- Cupertino
- Ellroy
- Los Altos
- Los Altos Hills
- Los Gatos
- Milpitas
- Monte Sereno
- Morgan Hill
- Mountain View
- Palo Alto
- San José
- Santa Clara
- Saratoga
- Sunnyvale

Hon. Chuck Reed
 Mayor
 City of San Jose
 200 East Santa Clara Street
 San Jose, CA 95113

Dear Mayor Reed

On behalf of the Santa Clara County Cities Association (SCCCA) Board of Directors, I would like to inform you that on Thursday, January 14, the SCCCA recognized the benefits of and need to implement a regional approach in the reduction of single-use carryout bags. The Board voted to support the Recycling and Waste Reduction Commission's (RWRC) recommendations and forward them to member cities for consideration. Thus, attached you will find the memo addressed to the SCCCA from the RWRC and its Chair, Jamie McLeod of Santa Clara, requesting support of the recommendations in reducing the use of single-use carryout bags.

In addition, per Council Member Sam Liccardo's presentation and request, the Board also voted to support the City of San Jose' policy and framework being considered to ban plastic and paper bags at all retailers with an exemption for "green" paper bags that have a minimum of 40% recyclable content. The minutes indicating the vote of support are attached for your review.

We look forward to continuing to work with you on this important issue and in meeting our environmental goals for a safer and higher quality of life.

Sincerely,

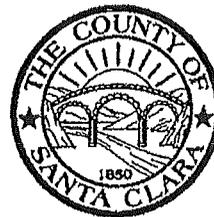
David Casas
 President, Santa Clara County Cities Association
 Mayor, City of Los Altos

Cc: Elizabeth Constantino, Program Manager, RWRC
 Jamie McLeod, Chair, RWRC
 Ken Yeager, President, Santa Clara County Board of Supervisors
 Sam Liccardo, Council Member, City of San Jose

County of Santa Clara

Recycling and Waste Reduction Commission
Integrated Waste Management Division

1553 Berger Drive, Building #1
San Jose, California 95112
(408) 282-3180 FAX (408) 282-3188
www.ReduceWaste.org



DATE: January 5, 2010
TO: Santa Clara Cities Association Board of Directors
FROM: Jamie McLeod, Chair, Recycling and Waste Reduction Commission *JMc*
SUBJECT: Single-Use Carryout Bags

Over the past two years, both the Recycling and Waste Reduction Commission (RWRC) of Santa Clara County and the Cities Association have wanted to address the issue of single-use carryout bags. With the support of the Cities Association, the RWRC had worked to come up with a regional policy that can be adopted by all jurisdictions within Santa Clara County.

As you likely know, the City of Palo Alto enacted an ordinance banning grocery stores from distributing single-use carry out bags effective September 18, 2009. The San Jose City Council directed staff to develop an ordinance that would ban plastic and paper bags at all retailers with an exemption for "green" paper bags that have a minimum of 40% post consumer waste.

In an effort to have a consistent regional approach for managing single-use carryout bags, the Recycling and Waste Reduction Commission respectfully request that the Officers of the Cities Association forward to member jurisdictions the following recommendations for review and consider action:

- Establish a ban on plastic bags and a ban or fee on paper bags at all retailers;
- Exempt non-profit reuse stores (e.g. Goodwill Industries and The Salvation Army) from the ban and/or fee for one year if they have a reusable bag credit program; and
- Adopt such an ordinance with an effective date no sooner than December 31, 2010.

The City of San Jose is in the process of completing a full Environmental Impact Report (EIR) on this issue. Additionally, Green Cities California is preparing a Master Environmental Assessment for use by California jurisdictions. Both of these tools should be completed by March 2010 and will be made available to other jurisdictions to assist them in preparing their own CEQA documents, saving other jurisdictions time and money while providing consistent information.

The RWRC recognizes that each jurisdiction has unique philosophy, demography and priorities. Recommending either a ban or fee provides flexibility to jurisdictions while still providing guidance to jurisdictions for a regional approach. Having an enactment date no earlier than December 31, 2010 allows all jurisdictions time to employ outreach and education efforts and go through CEQA review prior to developing an ordinance. While jurisdictions may want to customize their plan to address their unique qualities, it is important to note that countywide consistency offers the greatest potential to reduce the environmental impacts of single-use carryout bags.

Thank you for requesting that the RWRC develop these recommendations for your consideration.

Commissioners: Jamie McLeod, Chair; Ronit Bryant, Kansen Chu, Patrick Kwok, Evan Low, Cat Tucker, Kris Wang, Curtis Wright, Ken Yeager

From: john_tang@sjwater.com

Sent: Monday, February 08, 2010 9:42 AM

To: Reed, Chuck; pete@peteconstant.com; Kalra, Ash; Liccardo, Sam; District4; District5; District7; Oliverio, Pierluigi; Herrera, Rose; Chirco, Judy; Office of Councilmember Nancy Pyle; City Clerk

Subject: Pension Reform Needed Now

To Honorable Mayor Reed and Councilmembers Constant, Kalra, Liccardo, Chu, Campos, Oliverio, Nguyen, Herrera, Chirco, and Pyle:

The City of San Jose's billion dollar pension program is long overdue for changes that will allow it to be better managed, solvent, and sustainable. To that end, San Jose Water Company supports the following revisions to the governance structure of the City's retirement plans:

1. Replacing the two City Council Board members and Civil Service Commission Board member with three public members in addition to the one existing public board member for the Federated City Employees' Retirement System.
2. Replacing the two City Council Board members, the Civil Service Commission Board member and City Administration Board member with four public board members for the Police and Fire Department Retirement Board/
3. Establishing qualification criteria, term, stipend, appointment process, selection process and removal process for the public board members for both retirement plans.

With San Jose facing another \$100 million deficit in FY 2010-2011, and additional deficits projected in future years, I urge you to support the changes at tomorrow's Council meeting as the alternative will only result in greater harm to the City, employees, businesses, and residents.

John B. Tang, P.E.
Manager, Government Relations
& Corporate Communications
San Jose Water Company

<http://www.sjwater.com>

David S. Wall
P.O. Box 7621
San José, California 95150

PUBLIC RECORD d

RECEIVED
San Jose City Clerk

February 11, 2010

2010 FEB 11 P 3:10

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: THE GHETTO LIFE: UPDATE ON THE SCEP

Manuel's Garden is targeted by Code Enforcement for destruction. Potted lemon tree is "Blight"!

Manuel's pets slated for extermination as a result of Code Enforcement.

Has Code Enforcement's actions made a mockery of Mayor Reed's "Green Vision"?

On Tuesday, (02.09.10) shortly before the City Council afternoon meeting, which I had no intention of intending, I ventured over to North Tenth Street @ Horning Street to "take the pulse" of the SCEP (Shopping Cart Entitlement Program). I arrived on station at approximately 1225 hours and found seventeen (17) stolen and abandoned shopping carts. *A 5% decrease as to the number of stolen and abandoned shopping carts from last week is hereby recorded.*

The perennial garbage pile (herein PGP) has become, a nuisance to the public's health, again.

However, Code Enforcement Management, a bastion of incompetent decision makers (in my opinion), has decided to focus on destroying Manuel's garden; including ordering the removal of all "potted plants including a nice lemon tree in a pot", order his pets to be removed and the projection of other assorted "administrative plagues" upon Manuel and the comfortable and reasonable use of his property.

Can an argument be reasonably made that Code Enforcement's decisions, In Re Manuel, be considered; "retaliation, unwarranted governmental intrusion" and or other assorted torts, assorted attacks on civil liberties flow from the inability to remedy the chronic theft of shopping carts, their abandonment and garbage accumulation surrounding Manuel's property which is adjacent to North Tenth Street @ Horning Street, in which Manuel is a victim of said crimes? "Every picture tells a story".

Manuel introduced me to his pit bull dogs. In Manuel's presence these dogs are very friendly. These dogs don't even eat Manuel's chickens, which he also does not eat. The chickens are his pets. The geraniums, that took "years to grow" along Manuel's fence line, were "ordered removed" by Code Enforcement and have been destroyed. Check out the photographs for yourself concerning the geraniums.

Ownership of the stolen and abandoned shopping carts is as follows;

Target (4), Safeway (3), FoodMaxx (1), SaveMart (1), 99ct Only (1), Petsmart (1), Longs Drugs (1), Cosentinos (1), Office Depot (1), Mi Pueblo (1), "Unmarked" (1) and WalMart (1).

*"Unmarked stolen and abandoned shopping carts have been "purposefully altered" to shield true identity.
special note the overall cleanliness of shopping carts picked up off the streets and returned to stores should be addressed by some governmental agency. Unsuspecting customers may use excrement coated shopping carts without their knowledge. Shopping carts picked up off the street are "filthy" and are potential reservoirs of microbial agents waiting to spread contagion(s).

Railroad property continues to be a dumping ground of garbage and habitat for the criminal element.
Photographs are on file with the Offices of the Honorable City Attorney and City Clerk.

Respectfully submitted,

David S. Wall
02.11.10

Cc: City Attorney / City Auditor / City Manager / DBA / SJSVCC