

September 16, 2002

**Advice 2285-E**

(Pacific Gas and Electric Company ID U 39 E)

Public Utilities Commission of the State of California

**Subject: Notification of Two Irrevocable License Agreements with IP Networks, Inc.**

**Purpose**

In accordance with Ordering Paragraph 2 of Decision (D.) 02-07-026, dated July 17, 2002, Pacific Gas and Electric Company (PG&E) hereby submits a copy of the final agreement that limits the scope of activities performed by PG&E and IP Networks, Inc. (IP Net) to those permitted under D. 02-07-026. The attached final agreement modifies the two master license and irrevocable right to use (IRU) agreements that were filed in Application (A.) 01-12-033.<sup>1</sup>

**Background**

Pursuant to Public Utilities Code Section 851, PG&E filed A. 01-12-033 on December 21, 2001, and requested Commission approval to enter into two master license and IRU agreements to permit use of utility support structures, optical fiber and equipment sites by IP Net. The Commission approved in part the request in D. 02-07-026, dated July 17, 2002, and found that PG&E's conveyance of the irrevocable licenses to IP Net would serve the public interest. Commission approval of the agreements is limited to permit IP Net to perform only those activities authorized by its limited-facilities based certificate of public convenience and necessity, until the Commission has approved IP Net's application for full-facilities based authority, A. 01-03-006, and has completed environmental review of that application. To efficiently address the issues related to the full scope of IP Net's proposed construction activities, D. 02-07-026 also consolidated A. 01-12-033 with A. 01-03-006.

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<sup>1</sup> PG&E reserves all legal rights to challenge the decisions or statutes under which it has been required to make this advice filing, and nothing in this advice filing constitutes a waiver of such rights. Also, PG&E reserves any additional legal rights to challenge the requirement to make this advice filing by reason of its status as a debtor under Chapter 11 of the Bankruptcy Code, and nothing in this advice filing constitutes a waiver of such rights.

Decision 02-07-026 included an order to submit final agreements to the Commission upon execution of the documents and within 60 days of the order. Ordering Paragraph 2 states:

“When the final agreements are executed, PG&E shall submit a copy by advice letter filing within sixty (60) days of this order.”

This filing will not increase any rate or charge, cause the withdrawal of service, nor conflict with any rate schedule or rule.

### **Effective Date**

PG&E requests that this advice filing become effective on regular notice, **October 26, 2002**, which is 40 days after the date of filing.

### **Notice**

In accordance with General Order 96-A, Section III, Paragraph G, a copy of this advice letter is being sent electronically and via U.S. mail to parties shown on the attached list and the parties on the service list for A. 01-12-033 and A. 01-03-006. The attached agreement was not mailed to parties on the electronic service list; however, copies are available upon request. Address changes should be directed to Rose Abao at (415) 973-2218. Advice letter filings can also be accessed electronically at:

[http://www.pge.com/customer\\_services/business/tariffs/](http://www.pge.com/customer_services/business/tariffs/)

Vice President - Regulatory Relations

Attachments

cc: Service List – A. 01-12-033 and A. 01-03-006