

February 5, 2001

ADVICE 2079-E

(Pacific Gas and Electric Company ID U 39 E)

Public Utilities Commission of the State of California

Subject: Suspension of Penalty Provisions For Interruptible Electricity Service Customers

In compliance with Decision (D.) 01-01-056, Pacific Gas and Electric Company (the Company) hereby submits for filing revisions to its electric tariffs. The affected tariff sheets are listed on the enclosed Attachment I.

Purpose

The purpose of this filing is to suspend the penalties, and the tolling of hours and number of curtailment events, for interruptible electricity service customers receiving service under Schedule E-19 -- *Medium General Demand-Metered Time-Of-Use Service*, and Schedule E-20 -- *Service to Customers with Maximum Demands of 1,000 Kilowatts or More*. This filing also establishes Preliminary Statement Part XX -- Interruptible Load Curtailment Penalty Memorandum Account (ILCPMA).

Background

The Company currently offers discounted electric service rates under the non-firm service options of Schedules E-19 and E-20 in exchange for the ability to call upon customers to curtail their load during electric system emergencies. Customers are subject to non-compliance penalties if they fail to curtail their use of electricity to their firm service level when requested to do so during the applicable curtailment time period.

D. 01-01-056 orders the Company to suspend the penalties that customers on interruptible rate programs would incur for failing to curtail when requested, and the tolling of hours and number of curtailment events by utilities against the program maximums effective January 26, 2001, and going forward. The decision further orders the Company to establish a memorandum account to track all noncompliance penalties paid and due for applicable non-firm customers failing to curtail the use of electricity when requested during the period of October 1, 2000, through January 25, 2001. A deviation was also

authorized for two public utility pipeline companies (SFPP, Inc., and GATX) to limit their noncompliance penalties to the period of October 1, 2000, through January 18, 2001.

Memorandum Account

The Company shall maintain the ILCPMA by making entries to track the noncompliance penalties for applicable customers and time periods. A credit entry will be made equal to all noncompliance penalties paid. Separate debit entries will be made equal to all outstanding noncompliance penalties and all noncompliance penalties yet to be billed.

Tariff Changes

In accordance with D. 01-01-056 Schedules E19 and E20 have been revised as follows:

1. Effective January 26, 2001, and going forward all interruptible service noncompliance penalties are suspended and the tolling of operation hours and events is suspended.
2. For the period October 1, 2000, to January 25, 2001, all interruptible service noncompliance penalties will not be billed to customers but will be tracked in the Interruptible Load Curtailment Penalty Memorandum Account.

Billing Considerations

The Company's non-firm rate customers have been protected by a 200 percent annual cap on total non-compliance penalties for approximately the last ten years. This cap is described in the last paragraph of Section 11h of the Schedule E-19 and E-20 tariffs. In order to enforce this cap, the compliance penalties are ordinarily calculated and billed on an annual basis, early in each calendar year for all penalties accrued during the prior calendar year. For this reason, no compliance penalties for the calendar year 2000 operations have been billed or paid for the periods either prior to or after October 1, 2000. Based both on historical compliance rates and on preliminary analysis of load data from the last several months, the Company expects that approximately \$2 million of debit entries to the ILCPMA will be needed in order to account for penalties accrued during the period between October 1, 2000, and December 31, 2000, and no more than an additional \$5 million to account for the curtailments that were called during the period between January 9, 2001, and January 22, 2001.

Protests

Anyone wishing to protest this filing may do so by sending a letter within 20 days of the date of this filing. The protest must state the grounds upon which it is based, including such items as financial and service impact, and should be submitted expeditiously. Protests should be sent by U.S. mail and via facsimile to:

IMC Branch Chief
Energy Division
California Public Utilities Commission
505 Van Ness Avenue, Room 4002
San Francisco, CA 94102
Facsimile: (415) 703-2200

Copies should also be mailed to the attention of the Director, Energy Division, Room 4005 and Jerry Royer, at the address shown above. It is also requested that a copy of the protest be sent via postal mail and facsimile to Pacific Gas and Electric Company on the same date it is mailed or delivered to the Commission (at the address shown below).

Pacific Gas and Electric Company
Attn: Les Guliasi
Director, Regulatory Relations
77 Beale Street, Mailcode B10C
P.O. Box 770000
San Francisco, CA 94177
Facsimile: (415) 973-7226

EFFECTIVE DATE

In accordance with D. 97-09-055, the changes proposed in this advice filing will be effective January 26, 2001.

NOTICE

In accordance with Section III, Paragraph G, of General Order 96-A, a copy of this advice letter is being sent electronically and via U.S. mail to parties shown on the attached list, and to the service list for R. 00-10-002. Address changes should be directed to Nelia Avendano at (415) 973-3529.

Vice President – Regulatory Relations

cc: Service list for R.00-10-002



PRELIMINARY STATEMENT

(Continued)

- W. INTERRUPTIBLE LOAD CURTAILMENT PENALTY MEMORANDUM ACCOUNT (ILCPMA) (N)
1. PURPOSE: The purpose of the ILCPMA is to track all noncompliance penalties paid and due under PG&E's interruptible tariffs for applicable non-firm service customers failing to curtail the use of electricity when PG&E requested them to do so during the period of October 1, 2000, through January 25, 2001, as established in Decision (D.) 01-01-056 (Interim Opinion in Rulemaking 00-10-002). A deviation was also authorized for two public utility pipeline companies (SFPP, Inc., and GATX) to track their noncompliance penalties for the period of October 1, 2000, through January 18, 2001. (N)
 2. APPLICABILITY: The ILCPMA shall apply to all non-firm service customers under Schedules E-19 and E-20 who failed to curtail the use of electricity when PG&E requested them to do so during the applicable time period.
 3. REVISION DATE: Disposition of amounts in this account shall be determined in the proceeding addressing the reassessment of the interruptible program, pursuant to D.01-01-056.
 4. RATE: This memorandum account does not currently have a rate component.
 5. ACCOUNTING PROCEDURE: PG&E shall maintain the ILCPMA by making entries at the end of each month to track the noncompliance penalties for applicable customers and time periods as follows:
 - a. A credit entry equal to all noncompliance penalties already billed and paid.
 - b. A debit entry equal to all outstanding noncompliance penalties already billed but not yet paid.
 - c. A credit entry equal to all noncompliance penalties yet to be billed.
 - d. An entry equal to the interest on the average balance in the account at the beginning of the month and the balance after the above entries, at a rate equal to one-twelfth of the interest rate on three-month Commercial Paper for the previous month, as reported in the Federal Reserve Statistical Release, G. 13 or its successor. (N)

(Continued)



COMMERCIAL/INDUSTRIAL/GENERAL
SCHEDULE E-19—MEDIUM GENERAL DEMAND-METERED TIME-OF-USE SERVICE
(Continued)

11. NON-FIRM
SERVICE
PROGRAM:
(Cont'd.)

Pursuant to the terms and conditions of the non-firm contract, PG&E hereby gives notice that on March 31, 2002, the current non-firm pricing incentive discount is terminated. The current level of non-firm pricing incentives is frozen through March 31, 2002, pursuant to Public Utilities Code Section 743.1. The California Public Utilities Commission has determined in PG&E's 1997 Electric Design Window proceeding (D.97-06-024) that PG&E's non-firm customers should be made aware that at the conclusion of the statutory period the current non-firm pricing incentive will be terminated.

After March 31, 2002, non-firm pricing incentives are likely to be based primarily on market conditions and can be expected to change significantly. This notice is not intended to give non-firm customers the impression that non-firm service will be of no value after March 31, 2002. Instead, this notice is intended to make clear that after March 31, 2002, the value of non-firm service will likely be evaluated based on market principles, and will most likely differ from non-firm incentives in effect at present.

A customer who elects to receive non-firm service under Schedule E-19 must participate in PG&E's Emergency Curtailment Program. A non-firm service customer may also elect to participate in PG&E's Underfrequency Relay (UFR) program.

EMERGENCY CURTAILMENT PROGRAM: Under the Emergency Curtailment Program, a non-firm service customer may be requested to reduce demand to a designated number of kilowatts, referred to as the customer's contractual "firm service level." PG&E will make requests for such curtailments from its non-firm service customers upon notification from the California Independent System Operator (ISO) that a systemwide or local operating condition exists which will impair the ability of the ISO to meet the demands of PG&E's other customers. The ISO is expected to issue load curtailment directives to PG&E in those instances where load reductions are necessary in order to maintain systemwide operating reserves above the 5 percent level throughout the next operating hour, or if such load reductions are the sole remaining measure available in order to mitigate transmission overloads in the PG&E area.

(T)

(Continued)



COMMERCIAL/INDUSTRIAL/GENERAL
SCHEDULE E-19—MEDIUM GENERAL DEMAND-METERED TIME-OF-USE SERVICE
(Continued)

11. NON-FIRM SERVICE PROGRAM: (Cont'd.)

- UNDERFREQUENCY RELAY PROGRAM: Under this program, the customer agrees to be subject at all times to automatic interruptions of service caused by an underfrequency relay device that may be installed by PG&E.

See Section 13 of this rate schedule for a discussion of contractual length-of-service requirements that may be applied to customers enrolling in the Non-firm Service Program. Please note that PG&E may require up to three years' written notice for a change from non-firm to firm service, or for termination of participation in the Underfrequency Relay Program.

- a. ELIGIBILITY CRITERIA FOR NON-FIRM SERVICE: To qualify for non-firm service, the customer must have had an average peak-period demand of at least 500 kilowatts during each of the last six summer billing months prior to the customer's application for non-firm service. (Average peak-period demand is the total number of kWh used during the peak-period hours of a billing month divided by the total number of peak-period hours in the month.) Customers who have not yet had six months of summer service must demonstrate to PG&E's satisfaction that they will maintain an average monthly-peak-period demand of 500 kW or more to qualify for non-firm service.
- b. DESIGNATION OF FIRM SERVICE LEVEL: If a customer takes non-firm service, the designated number of kilowatts to which the customer must reduce demand during emergency curtailments is the customer's contractual "firm service level." This designated firm service level must be at least 500 kilowatts less than the smallest of the customer's average peak-period demands during the last six summer billing months prior to the designation.
- c. PRE-EMERGENCY CURTAILMENT REQUIREMENTS: A customer may be requested to curtail, on a pre-emergency basis, up to five times per year. Each pre-emergency curtailment will last no more than five hours. Customers will be given at least 30 minutes notice before each curtailment. PG&E will request at least six pre-emergency curtailments during any rolling three-year period. The pre-emergency curtailments will be requested subject to the criteria listed in Section 11.d below, and PG&E's discretion.

Annual UFR operations shall not be included in the annual pre-emergency or emergency curtailment limit.

Effective January 26, 2001, and in accordance with CPUC Decision 01-01-056, the tracking of the number of curtailments and the number of curtailment hours will be suspended going forward. The suspension will continue until and unless lifted by the CPUC.

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(N)

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COMMERCIAL/INDUSTRIAL/GENERAL
SCHEDULE E-19—MEDIUM GENERAL DEMAND-METERED TIME-OF-USE SERVICE
(Continued)

11. NON-FIRM
SERVICE
PROGRAM:
(Cont'd.)

- d. PRE-EMERGENCY CURTAILMENT PROCEDURE: PG&E will notify the customer by telephone, electronic mail, or other reliable means of communication. This notification will designate the time by which the customer's kW demand is requested to reduce to the customer's contractual firm service level. The notification will also designate the time when the customer may resume use of full power. (T)

PG&E may call a pre-emergency curtailment if one of the following criteria are met:

 - 1) The 9:00 a.m. forecast of temperatures in the Central Valley (the average of the forecasted temperature in Fresno and Sacramento) exceeds 100 degrees Fahrenheit; and PG&E has been informed by the ISO that an adjusted 10:00 a.m. forecast of two-hour reserves for that afternoon's peak is 12 percent or less; or
 - 2) The 9:00 a.m. forecast of temperatures in the Central Valley exceeds 105 degrees F.
- e. EMERGENCY CURTAILMENT PROCEDURE: When it becomes necessary for PG&E to request a curtailment, PG&E will notify the customer by telephone, electronic mail, or other reliable means of communication. This notification will designate the time by which the customer's kW demand is requested to be reduced to the customer's contractual firm service level. (T)

The customer is requested to not resume the use of curtailed power until notified by PG&E that it may do so or until the customer has curtailed its service for six hours. (T)
- f. LIMIT ON EMERGENCY CURTAILMENTS: Effective January 26, 2001, and in accordance with CPUC Decision 01-01-056 (Interim Opinion in Rulemaking 00-10-002) the tracking of the number of curtailments and the number of curtailment hours will be suspended going forward. The suspension will continue until and unless lifted by the CPUC. (N)

Prior to January 26, 2001, a customer will be requested to curtail demand, under the emergency curtailment program, no more than 30 times per year and will be given at least 30 minutes notice before each curtailment. Curtailments will not exceed six hours for any individual interruption or 100 hours for the entire year. (T)
- g. EMERGENCY-NOTICE PROVISION: If there is an emergency on the PG&E system, PG&E may ask the customer to curtail the use of electricity on less than the 30 minutes notice allowed for the Non-firm Service Option. The customer will be asked to make its best effort to comply. The customer will not be assessed the noncompliance penalty for failing to comply within the shorter notice period. (T)

Prior to October 1, 2000, the customer will be assessed a noncompliance penalty if the regular notice period for the operation passes and the customer still has not curtailed use. (T)

For the period October 1, 2000, to January 25, 2001, a noncompliance penalty will be calculated and tracked in the Interruptible Load Curtailment Penalty Memorandum Account (ILCPMA) in accordance with CPUC Decision 01-01-056 if the regular notice period for the operation passes and the customer has not curtailed. (N)

Effective January 26, 2001, and going forward all noncompliance penalties are suspended in accordance with CPUC Decision 01-01-056. There will be no noncompliance penalty assessed if the regular notice period for the operation passes and the customer has not curtailed. (N)

(Continued)



COMMERCIAL/INDUSTRIAL/GENERAL
SCHEDULE E-20—SERVICE TO CUSTOMERS WITH MAXIMUM DEMANDS OF 1,000 KILOWATTS OR MORE
(Continued)

11. NON-FIRM
SERVICE
PROGRAM:

As noted, the rates in the chart in Section 3 of this rate schedule apply to firm service only. ("Firm" means service where PG&E provides a "continuous and sufficient supply of electricity," as described in Rule 14.) A customer may also elect to receive non-firm service under Schedule E-20. Customers participating in the Nonfirm Pilot Bidding Program should refer to Section 17. Customers participating in the Local Nonfirm Pilot Bidding Program should refer to Section 18.

The Non-firm Service Program is closed to existing customers as of January 1, 1993. However, if a new customer enters PG&E's service territory or an existing customer adds load at an existing premises after December 31, 1992, the customer may elect to participate in the Non-firm Service program when (1) first taking service with PG&E (new customers) or (2) the additional load first is operational (existing customers). The new or existing customer's total load must meet the eligibility criteria in 11.a in order to participate in the Non-firm Service Program. Customers being served, as of December 31, 1992, under the Non-firm Service Program may continue to participate in the Non-firm Service Program.

Pursuant to the terms and conditions of the non-firm contract, PG&E hereby gives notice that on March 31, 2002, the current non-firm pricing incentive discount is terminated. The current level of non-firm pricing incentives is frozen through March 31, 2002, pursuant to Public Utilities Code Section 743.1 The California Public Utilities Commission has determined in PG&E's Electric Rate Design Window proceeding (D.97-06-024) that PG&E's non-firm customers should be made aware that at the conclusion of the statutory period the current non-firm pricing incentive will be terminated.

After March 31, 2002, non-firm pricing incentives are likely to be based primarily on market conditions and can be expected to be changed significantly. This notice is not intended to give non-firm customers the impression that non-firm service will be of no value after March 31, 2002. Instead, this notice is intended to make clear that after March 31, 2002, the value of non-firm service will likely be evaluated based on market principles, and will most likely differ from non-firm incentives in effect at present.

A customer who elects to receive non-firm service under Schedule E-20 must participate in PG&E's Emergency Curtailment Program. A non-firm service customer may also elect to participate in PG&E's Underfrequency Relay (UFR) Program.

EMERGENCY CURTAILMENT PROGRAM: Under the Emergency Curtailment Program, a non-firm service customer may be requested to reduce demand to a designated number of kilowatts (kW), referred to as the customer's contractual "firm service level." PG&E will make requests for such curtailments from its non-firm service customers upon notification from the California Independent System Operator (ISO) that a systemwide or local operating condition exists which will impair the ability of the ISO to meet the demands of PG&E's other customers. The ISO is expected to issue load curtailment directives to PG&E in those instances where load reductions are necessary in order to maintain systemwide operating reserves above the 5 percent level throughout the next operating hour, or if such load reductions are the sole remaining measure available in order to mitigate transmission overloads in the PG&E area.

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COMMERCIAL/INDUSTRIAL/GENERAL
SCHEDULE E-20—SERVICE TO CUSTOMERS WITH MAXIMUM DEMANDS OF 1,000 KILOWATTS OR MORE
(Continued)

11. NON-FIRM SERVICE PROGRAM: (Cont'd.)

UNDERFREQUENCY RELAY PROGRAM: Under this program, the customer agrees to be subject at all times to automatic interruptions of service caused by an underfrequency relay device that may be installed by PG&E.

See Section 13 of this rate schedule below of this rate schedule for a discussion of contractual length-of-service requirements that may be applied to customers enrolling in the Non-firm Service Program. Please note that PG&E may require up to three years' written notice for a change from non-firm to firm service, or for termination of participation in the Underfrequency Relay Program.

- a. **ELIGIBILITY CRITERIA FOR NON-FIRM SERVICE:** To qualify for non-firm service, the customer must have had an average peak-period demand of at least 500 kW during each of the last six summer billing months prior to the customer's application for non-firm service. (Average peak-period demand is the total number of kWh used during the peak-period hours of a billing month divided by the total number of peak-period hours in the month.) Customers who have not yet had six months of summer service must demonstrate to PG&E's satisfaction that they will maintain an average monthly-peak-period demand of 500 kW or more to qualify for non-firm service.
- b. **DESIGNATION OF FIRM SERVICE LEVEL:** If a customer takes non-firm service, the designated number of kW to which the customer must reduce demand during emergency curtailments is the customer's contractual "firm service level." This designated firm service level must be at least 500 kW less than the smallest of the customer's average peak-period demands during the last six summer billing months prior to the designation.
- c. **PRE-EMERGENCY CURTAILMENT REQUIREMENTS:** A customer may be requested to curtail, on a pre-emergency basis, up to a maximum of two times per year (except that any emergency curtailments will count towards the maximum). Each pre-emergency curtailment will last no more than five hours. Customers will be given at least 30 minutes notice before each curtailment. The pre-emergency curtailments will be requested subject to the criteria listed in Section 11.d below, and PG&E's discretion.

Automatic UFR operations shall not be included in the annual pre-emergency or emergency curtailment limit.

Effective January 26, 2001, and in accordance with CPUC Decision 01-01-056, the tracking of the number of curtailments and the number of curtailment hours will be suspended going forward. The suspension will continue until and unless lifted by the CPUC.

- d. **PRE-EMERGENCY CURTAILMENT PROCEDURE:** PG&E will notify the customer by telephone, electronic mail, or other reliable means of communication. This notification will designate the time by which the customer's kW demand is requested to reduce to the customer's contractual firm service level. The notification will also designate the time when the customer may resume use of full power.

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COMMERCIAL/INDUSTRIAL/GENERAL
SCHEDULE E-20—SERVICE TO CUSTOMERS WITH MAXIMUM DEMANDS OF 1,000 KILOWATTS OR MORE
(Continued)

11. NON-FIRM SERVICE PROGRAM: (Cont'd.)

h. NONCOMPLIANCE PENALTY: Effective January 26, 2001, and going forward all applicable noncompliance penalties are suspended in accordance with CPUC Decision 01-01-056. In addition, customers will not be billed for noncompliance penalties incurred during the period October 1, 2000, to January 25, 2001. Noncompliance penalties incurred for the period October 1, 2000, to January 25, 2001, will be calculated and tracked in the Interruptible Load Curtailment Penalty Memorandum Account (ILCPMA).

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Prior to October 1, 2000, if PG&E requests that a non-firm service customer curtail the use of electricity and the customer fails to do so by the time specified, the customer must pay a noncompliance penalty. This penalty will be payable in addition to the regular charges.

The penalty will be calculated by determining the total amount of excess energy taken during the curtailment period (energy taken in excess of the customer's firm service level times the duration of the curtailment) and multiplying this total by the noncompliance penalty (per kWh).

The applicable noncompliance penalties are listed in Section 12. If a customer has curtailed to or below the designated firm service level for all of the requested pre-emergency and emergency curtailments, if any, in the preceding calendar year, the noncompliance penalty for the current year, will be the lower level shown in Section 12.

During 1992 or until such time as PG&E calls either a pre-emergency or emergency curtailment after June 1, 1992, the noncompliance penalty will be the higher noncompliance penalty shown in Section 12. No reduced noncompliance penalties are available in 1992.

Once a customer has complied with all the requested curtailments during the previous year, the customer's noncompliance penalty will remain at the reduced penalty level shown in Section 12 for the next calendar year. If the customer fails to comply with a requested curtailment, the noncompliance penalty for the following year will be the higher value shown in Section 12.

If no emergency or pre-emergency curtailments are called during a given year, the customer's noncompliance penalty for the next year in which curtailments occur shall be based on the customer's level of compliance during the last year curtailments were called. New non-firm customers will be assessed the higher noncompliance penalty during their first year on the program.

During the year, PG&E will record any energy taken in excess of the customer's firm service level during any emergency or pre-emergency curtailments. PG&E will notify the customer of the amount of excess energy taken and the estimated noncompliance penalty. PG&E shall assess the noncompliance penalties, subject to the noncompliance penalty limit described below, at the end of the calendar year. The customer's noncompliance penalty shall be equal to the appropriate noncompliance penalty shown in Section 12 times the total amount of excess energy taken during any pre-emergency and emergency curtailments.

In any given calendar year, the noncompliance penalties may not exceed 200 percent of the annual incentive level. The noncompliance penalty limit is equal to twice the annual incentive paid (the difference between what the customer would have paid on firm service rates less the customer's bill on non-firm rates excluding noncompliance penalties). If a customer's total noncompliance penalties in any given year exceed the noncompliance penalty limit, PG&E shall bill the customer a noncompliance penalty equal to the noncompliance penalty limit.

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