

September 2, 2003

**Advice 2276-E-A**

Public Utilities Commission of the State of California

**Subject: Pricing Options Under Public Utilities Code Section 454.1  
(Schedule E-31)**

Pacific Gas and Electric Company (PG&E) hereby submits for filing revisions to its electric tariffs. In accordance with Resolution (R.) E-3801 dated August 21, 2003, the tariffs in this supplemental filing supersede and replace those filed in Advice 2276-E, dated August 26, 2002. The affected tariff sheets and revised Customer Agreement form are provided in the enclosed Attachment I.<sup>1</sup>

**Purpose**

The purpose of this filing is to implement a flexible pricing option in accordance with Public Utilities (P.U.) Code Section 454.1. Section 454.1 provides PG&E with the right, under certain conditions, to offer flexible pricing options to retain and attract customers within its service territory when an irrigation district provides, or is seeking to provide, similar service.

**Background**

On September 30, 2000, Governor Davis signed Assembly Bill (AB) 2638 into law. Among other things, effective January 1, 2001, AB 2638 added P.U. Code Section 454.1, which authorizes utilities to discount their prices to customers having loads over 20 kW who receive offers for electric service from an irrigation district, subject to certain conditions. Specifically, Section 454.1(a) allows a utility to discount the non-commodity portion of its rate to such a customer as long as the resulting non-commodity rate exceeds the utility's marginal distribution cost of providing service to the customer. Section 454.1(a) further specifies the utility is allowed to recover any difference between tariffed and discounted rates from its remaining customers

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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.

with loads over 20 kW, as long as the discounting does not result in higher rates than otherwise would have occurred had the customer receiving the discounted offer bypassed the utility's service. Finally, Subsections 454.1(b) and (c) prohibit the utility from discounting in Merced Irrigation District's boundaries (including the former Castle Air Force Base) until Merced Irrigation District serves 75 MW of former utility customer load, with the exception that the utility can discount to the load of customers locating in that area after December 31, 2000.

On August 26, 2002, PG&E filed Advice 2276-E to implement pricing options originally proposed in Customized Rates testimony in Phase 2 of PG&E's 1999 General Rate Case.<sup>2</sup> Protests to Advice 2276-E were received from Modesto Irrigation District (Modesto), Merced Irrigation District (Merced ID)/South San Joaquin Irrigation District (SSJID), and Aglet Consumer Alliance (Aglet)/The Utility Reform Network (TURN). PG&E responded to the protests on September 23, 2002. The Commission issued R. E-3801 on August 21, 2003, approving Advice 2276-E with certain modifications, and ordering PG&E to file revised tariffs within ten (10) days of the resolution.

### **Tariff Revisions**

In accordance with R. E-3801, in this supplemental filing PG&E is making the following changes to the proposed tariffs and the Agreement filed in Advice 2276-E:

- In the Eligibility section of Schedule E-31, PG&E is modifying the language to more closely conform to P.U. Code Section 454.1, deleting all of the proposed eligibility criteria except for the 20 kW demand criteria, and adding that customers must demonstrate that they have received a bona fide offer from an irrigation district at rates less than PG&E's tariffed rates and sign an affidavit to that effect.<sup>3</sup>
- Also in the Eligibility section of Schedule E-31, PG&E is clarifying that, for a customer currently served by an irrigation district, PG&E may offer the discounted rate only in situations where the customer's contract with the irrigation district is due to expire and the customer receives a bona fide offer for continued service from that irrigation district at rates less than PG&E's tariffed rates.<sup>4</sup>
- In the Territory section of Schedule E-31, PG&E is adding clarifying language stating that the tariff applies "...everywhere PG&E provides electric distribution service, where an irrigation district electric service option exists."<sup>5</sup>

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<sup>2</sup> D.03-01-012, dated January 16, 2003, terminated and withdrew all marginal cost, revenue allocation, and rate design portions of Phase 2 of PG&E's 1999 GRC. However, D.03-01-012 ordered that disposition of Schedule E-31 be resolved through Advice 2276-E.

<sup>3</sup> Resolution E-3801, Finding of Fact 9; see also p. 6 of the discussion.

<sup>4</sup> Resolution E-3801, Finding of Fact 5; see also p. 4 of the discussion.

<sup>5</sup> Resolution E-3801, Finding of Fact 7; see also p. 4 of the discussion.

- In the Discount Period section of Schedule E-31, PG&E is modifying the language regarding the term that PG&E can offer in situations where the irrigation district's offer either has no term associated with it or has a term of six months or less. The section will be replaced with the following language: "The Agreement established by this tariff has a discount period that matches the term of the irrigation district's bona fide offer. In the event the irrigation district's bona fide offer contains no term, the Agreement may have a term not to exceed five years. In the event the irrigation district's bona fide offer contains a term of six months or less, the Agreement may have a term not to exceed one year."<sup>6</sup>
- In the Rates section of Schedule E-31, and also in the Discounted Rate section of the Agreement, PG&E is modifying the language regarding how PG&E is to estimate the generation component of the irrigation district's rate and adding language stating that PG&E may not discount the surcharges adopted by D.01-01-018 and D.01-03-082.<sup>7</sup>
- In electric Preliminary Statement Part CK - *Distribution Bypass Deferral Rate Memorandum Account* (DBDRMA), PG&E is clarifying that the memorandum account does not apply to residential customers or small commercial customers with maximum peak demands not in excess of 20 kW per Section 454.1's firewall language. PG&E is also making other minor changes to this preliminary statement.<sup>8</sup>
- In numerous places, PG&E will delete the terms "uneconomic" and "uneconomically" from Schedule E-31, the Agreement, and Preliminary Statement Part CK, to more accurately reflect the language in P.U. Code Section 454.1.<sup>9</sup>
- In the Eligibility section of Schedule E-31 and in Preliminary Statement Part CK, PG&E is adding the modifier "peak" to "demand"; also, in the Disqualification section of Schedule E-31, PG&E is modifying the first sentence to read "PG&E may, at its sole discretion, disqualify a customer from obtaining the discount under this schedule if: (1) the discounted rate does not exceed the distribution marginal costs of providing service to that customer; or (2) a customer..."<sup>10</sup>
- Finally, to avoid confusion in the Customer Agreement, PG&E has changed the headings in the Discount Amount Worksheet (Exhibit A) to match the terminology used in the Discounted Rates section.

### Protests

Anyone wishing to protest this filing may do so by sending a letter by **September 22, 2003**, which is 20 days from the date of this filing. The protest must state the

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<sup>6</sup> Resolution E-3801, Finding of Fact 10; see also p. 7 of the discussion.

<sup>7</sup> Resolution E-3801, Finding of Fact 13; see also p. 9 of the discussion.

<sup>8</sup> Resolution E-3801, Finding of Fact 16; see also p. 10 (including footnote 3) of the discussion.

<sup>9</sup> Resolution E-3801, Finding of Fact 19; see also p. 11 of the discussion.

<sup>10</sup> Resolution E-3801, Finding of Fact 22; see also p. 13 of the discussion.

grounds upon which it is based, including such items as financial and service impact, and should be submitted expeditiously. Protests should be mailed to:

IMC Branch Chief – Energy Division  
California Public Utilities Commission  
505 Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, California 94102  
Facsimile: (415) 703-2200  
E-mail: [jjr@cpuc.ca.gov](mailto:jjr@cpuc.ca.gov)

Protests also should be sent by e-mail and facsimile to Mr. Jerry Royer, Energy Division, as shown above, and by U.S. mail to Mr. Royer at the above address.

The protest should be sent via both e-mail and facsimile to PG&E on the same date it is mailed or delivered to the Commission at the address shown below.

Pacific Gas and Electric Company  
Attention: Brian K. Cherry  
Director, Regulatory Relations  
77 Beale Street, Mail Code B10C  
P.O. Box 770000  
San Francisco, California 94177  
Facsimile: (415) 973-7226  
E-mail: [RxDd@pge.com](mailto:RxDd@pge.com)

### **Effective Date**

In accordance with R. E-3801, PG&E requests that this advice filing become effective September 2, 2003, which is the date of this supplemental advice 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. Address changes should be directed to Sandra Ciach at (415) 973-7572. 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



PRELIMINARY STATEMENT  
(Continued)

CK. DISTRIBUTION BYPASS DEFFERAL RATE MEMORANDUM ACCOUNT (DBDRMA)

(N)

1. **PURPOSE:** The purpose of the DBDRMA is to record the amount of any net discounted revenue resulting from electric rate Schedule E-31. The net discounted revenue is calculated by combining: (a) debit entries in situations where Schedule E-31 is used to retain customers that otherwise would bypass PG&E's system; and (b) credit entries in situations where Schedule E-31 is used to attract customers that otherwise would not take service from PG&E. The debit and credit entries are described more fully in Section 5, below. This account is established pursuant to Assembly Bill 2638, which added Public Utilities Code Section 454.1, authorizing utilities to discount prices to customers with loads over 20 kW peak demand who have received bona fide offers for electric service from an irrigation districts at rates less than PG&E's tariffed rates and to recover the discount from customers with loads over 20 kW peak demand.
2. **APPLICABILITY:** The DBDRMA shall apply to all customer classes, except residential and small commercial customers with a maximum peak demand not in excess of 20 kW.
3. **REVISION DATE:** Disposition of the amounts in this account shall be determined in the Revenue Adjustment Proceeding (RAP), or any other proceeding as authorized by the Commission.
4. **DBDRMA RATES:** The DBDRMA does not currently have a rate component.
5. **ACCOUNTING PROCEDURE:** PG&E shall maintain the DBDRMA by making entries at the end of each month as follows:
  - a. For all situations where Schedule E-31 is used to retain customers, a debit entry equal to the difference between the otherwise-applicable tariff full revenue amount and the amount of revenue received under rate Schedule E-31.
  - b. For all situations where Schedule E-31 is used to attract customers, a credit entry equal to the difference between the amount of revenue received under rate Schedule E-31 and the marginal cost of serving attracted customers (calculated based upon the Commission's most recently adopted marginal costs for PG&E).
  - c. An entry equal to the interest on the average of the balance at the beginning of the month and the balance after the entries above at a rate equal to one-twelfth the interest rate on three-month Commercial Paper for the previous month, as reported in the Federal Reserve Statistical Release, H.15 or its successor.

(N)



SCHEDULE E-31—DISTRIBUTION BYPASS DEFERRAL RATE

APPLICABILITY: Schedule E-31 is for the purpose of retaining existing load that otherwise would not remain on PG&E's retail electric distribution system, or to attract load located, or about to locate, within PG&E's service territory that is currently served, or might choose to be served, by an irrigation district. This voluntary schedule is available to qualified customers, at PG&E's discretion.

(N)

Customers taking service on Schedule E-31 must sign Form 79-995—Agreement for Customers Taking Service on Schedule E-31 (Agreement).

ELIGIBILITY: For existing PG&E customers to be eligible to take service under Schedule E-31, they must: (1) have at least 20 kW peak demand at their premises on PG&E's system; (2) demonstrate that they have received a bona fide offer from an irrigation district for service at rates less than PG&E's tariffed rates; and (3) sign an affidavit stating that the availability of Schedule E-31 is a material factor in its decision to remain with PG&E instead of taking service from an irrigation district.

For new customers to be eligible to take service under Schedule E-31, they must: (1) have at least 20 kW peak demand at their premises that could be served by an irrigation district; (2) demonstrate that they have received a bona fide offer from an irrigation district for service at rates less than PG&E's tariffed rates; and (3) sign an affidavit stating that the availability of Schedule E-31 is a material factor in their decision to take distribution service from PG&E.

For existing irrigation district customers to be eligible to take service under Schedule E-31, they must: (1) have at least 20 kW peak demand at their premises that is currently served by an irrigation district; (2) demonstrate that they have a contract with an irrigation district that is due to expire and have received a bona fide offer from an irrigation district for service at rates less than PG&E's tariffed rates; and (3) sign an affidavit stating that the availability of Schedule E-31 is a material factor in its decision to switch to PG&E instead of taking continued service from an irrigation district.

For PG&E customers located within the boundaries of Merced Irrigation District (as those boundaries existed on December 20, 1995), together with the territory of the former Castle Air Force Base, who have received electric service offers from Merced Irrigation District, this schedule is available at such time as Merced Irrigation District has served 75 megawatts (cumulative) of former PG&E load at the time the customer signs the affidavit. Former PG&E load is defined as load served by PG&E prior to December 31, 2000, which subsequently is served by Merced Irrigation District. However, customers who move to the area defined by the boundaries of Merced Irrigation District, together with the territory of the former Castle Air Force Base, after December 31, 2000, are immediately eligible for service under this schedule if they have received a service offer from Merced Irrigation District. The load definition adopted by the California Energy Resource Conservation and Development Commission in Docket No. 96-IRR-1890 will be used to calculate the amount of former PG&E customer load that is served by Merced Irrigation District.

TERRITORY: Schedule E-31 applies everywhere PG&E provides electric distribution service where an irrigation district electric service option exists.

(N)

(Continued)



SCHEDULE E-31—DISTRIBUTION BYPASS DEFERRAL RATE  
(Continued)

**RATES:** An eligible customer's non-commodity rates (excluding non-bypassable charges owed by the customer) will be discounted from the customer's otherwise-applicable rate schedule so that the total non-commodity rate (net of taxes and surcharges) is competitive with the total non-commodity rate (net of any applicable taxes and surcharges) that is, or would be, received by the customer taking transmission and/or distribution service from an irrigation district. In calculating the non-commodity rate of the irrigation district, PG&E shall include all applicable out-of-pocket competitive transition and other non-by-passable charges that the customer is currently paying, or would be obligated to and would itself pay PG&E and/or the irrigation district, upon departure of the respective system. PG&E will estimate the customer's annual commodity cost based on the generation component in PG&E's own respective tariff as a proxy for what the Competitor would pay for its generation. After April 1, 2003, the generation rate in PG&E's rate schedules will be reduced by the energy surcharges provided in Schedule E-EPS to determine the generation portion of the rates. In addition, PG&E may not discount the energy surcharges adopted by the Commission in Decision 01-01-018 and Decision 01-03-082 (as implemented by D.01-05-064). The customer's discounted rate will be subject to an annual review, with potential additional lump-sum charges due to PG&E, to ensure that the rate does not fall below the price floor described below. In no case, however, shall the rate exceed that of the customer's otherwise-applicable schedule. (N)

The calculation of the customer's rates, and annual adjustments thereto, are specifically described in the customer's Agreement.

**BILLING DETERMINANTS:** To calculate the discount, the customer's annual usage will be determined using PG&E's billing data for the twelve (12) months immediately preceding the date the customer requests to be considered for service under this schedule. If such billing data is not available, or if the customer's operation is expected to significantly change within the next year, PG&E's estimate of the customer's upcoming twelve (12) months of usage will be used for purposes of calculating the discount.

**REQUIREMENTS OF DELIVERY OF ELECTRICITY THROUGH PG&E'S SYSTEM:** Customers shall use PG&E-delivered electricity for their total electrical load requirement throughout the term of the Agreement. A customer shall not use any electricity that is not delivered by PG&E unless the customer is: (1) utilizing emergency generation in the event of an outage; (2) testing emergency generation facilities (not to exceed 10 hours per month); or (3) given prior written permission by PG&E for similar operational events. If a customer utilizes any electricity not delivered by PG&E other than as provided above, PG&E may terminate the Agreement as specified in Section 9 ("Cancellation and Termination"). This requirement does not preclude a customer from taking commodity service from any supplier chosen via a direct access arrangement in accordance with Rule 22 and applicable tariffs.

**DISQUALIFICATION:** PG&E may, at its sole discretion, disqualify a customer from obtaining the discount under this schedule if: (1) the discounted rate does not exceed the distribution marginal costs of providing service to that customer; or (2) a customer severely constrains, or would constrain in the case of a new customer, the existing distribution system in such a way that the customer's marginal costs in the future are expected to be above the price that would otherwise result from this schedule. (N)

(Continued)



SCHEDULE E-31—DISTRIBUTION BYPASS DEFERRAL RATE  
(Continued)

DISCOUNT PERIOD:	The Agreement established by this tariff has a discount period that matches the term of the irrigation district's bona fide offer. In the event the irrigation district's bona fide offer contains no term, the Agreement may have a term not to exceed five years. In the event the irrigation district's bona fide offer contains a term of six months or less, the Agreement may have a term not to exceed one year.	(N)
COMMENCEMENT DATE:	The commencement date of the discount rate period shall be designated by PG&E and, for an existing customer, shall be no earlier than the date at which, in PG&E's judgment, the customer would have begun taking service from the irrigation district. For a new customer, the commencement date shall be the date on which the customer begins taking service. The customer will be billed at the Schedule E-31 rate on the customer's first regular scheduled meter read date after the commencement date.	
FLOOR PRICE:	During the term of the Agreement, the sum of the non-commodity charges collected by PG&E from the customer, exclusive of any additional applicable taxes and surcharges, and expressed in units of dollars per kilowatt-hour, shall not fall below a floor price equal to PG&E's total distribution planning area-specific, marginal transmission and distribution cost, also expressed in units of dollars per kilowatt-hour (or, if the Customer is located in the area described in P.U. Code Section 9610(b), 120 percent thereof). The floor price is further defined in the Agreement.	
RATES AND RULES:	All applicable PG&E rules and tariffs shall remain in force for a customer who signs the Agreement. All other provisions of the customer's otherwise-applicable rate schedule shall remain in force.	(N)



**Pacific Gas and Electric Company**  
San Francisco, California

*Canceling*

Original

Cal. P.U.C. Sheet No.  
Cal. P.U.C. Sheet No.

20623-E

PACIFIC GAS AND ELECTRIC COMPANY  
AGREEMENT FOR CUSTOMERS TAKING SERVICE ON SCHEDULE E-31  
FORM NO. 79-995 (9/03)  
(ATTACHED)

(N)  
|  
(N)

Advice Letter No. 2276-E-A  
Decision No.

Issued by  
**Karen A. Tomcala**  
Vice President  
Regulatory Relations

Date Filed September 2, 2003  
Effective September 2, 2003  
Resolution No. E-3801



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ETL	Mobilehome Park CARE Program Service .....	20539,19967,19968,19969,19970-E
EL-7	Residential CARE Program Time-of-Use Service.....	19990,20540,19781,19972-E
EL-A7	Experimental Residential CARE Program Alternate Peak Time-of-Use Service .....	19192,20541,19783,19974-E
EL-8	Residential Seasonal CARE Program Service Option.....	20542,19976,19977-E
<b>COMMERCIAL/INDUSTRIAL</b>		
A-1	Small General Service.....	20543,19979,19980,19981-E
A-6	Small General Time-of-Use Service .....	19790,20544,19791,19983,19984-E
A-10	Medium General Demand-Metered Service .	19794,20545,20546,19987,19988,19989,19990-E
A-T	Nondomestic Interruptible Service.....	11862-E
A-RTP	Experimental Real-Time-Pricing Service .....	19991-E
A-15	Direct-Current General Service .....	20547,19993-E
E-19	Medium General Demand-Metered Time-of-Use Service... 20550,19996,19603,19696,19319,18037,18864,18039,18040,18865,17900,16414,15330, 20551,20552,20553,20003,20004,19800,19801,19802,20005,19804,19805,19806,20006-E	19797,17092,17093,20548,20549, 19209,17254,20554, 20555,20556,20010,20011,19314,20012,18866,18044,18045,18867,15356,16430,15358, 20557,20558,20559,20016,20017,16434,16435,16436,20018,17100,17101,20019-E
E-20	Service to Customers with Maximum Demands of 1,000 Kilowatts or More .....	19209,17254,20554, 20555,20556,20010,20011,19314,20012,18866,18044,18045,18867,15356,16430,15358, 20557,20558,20559,20016,20017,16434,16435,16436,20018,17100,17101,20019-E

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