

August 26, 2002

Advice 2276-E

Public Utilities Commission of the State of California

Subject: Pricing Options Under Public Utilities Code Section 454.1

Pacific Gas and Electric Company (PG&E) hereby submits for filing revisions to its electric tariffs. The affected tariff sheets are listed on the enclosed Attachment I.¹

Purpose

The purpose of this filing is to implement a flexible pricing option in accordance with Public Utilities (P.U.) Code Section 454.1, effective January 1, 2001.² Section 454.1 provides PG&E with the right, under certain conditions, to offer flexible pricing options to retain and attract customers within their service territory when an irrigation district provides, or is seeking to provide, similar service. Such options benefit PG&E's remaining customers by increasing contribution to margin from retained or attracted customers, thus keeping rate levels lower than they would otherwise be, had the bypass of PG&E's system occurred.

Background

On September 30, 2000, Governor Davis signed Assembly Bill (AB) 2638 into law. Among other things, AB 2638 added Public Utilities Code Section 454.1, which authorizes utilities to discount their prices to customers with 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.³

¹ 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.

² A copy of P.U. Code Section 454.1 is included herein as Attachment 2.

³ However, this provision was subject to one limiting exception, per Section 454.1(d), relating to customers located in the four-city area that PG&E proposed to sell to Modesto Irrigation District in

Section 454.1(a) further specifies the utility is allowed to recover any difference between tariffed and discounted rates from its remaining customers 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 discount 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.

As a consequence of this legislation, PG&E filed Supplemental Testimony to its 1999 GRC Phase 2 Customized Rates testimony on October 27, 2000, proposing new Schedule E-31—*Uneconomic Distribution Bypass Deferral Rate Where Competitor Is An Irrigation District*.⁴ However, in December 2000, the CPUC suspended the case, taking off-calendar the evidentiary hearings that were to have been held in early 2001. In late 2001, Administrative Law Judge (ALJ) Burton W. Mattson requested the parties' comments on the disposition of the long-suspended proceeding in PG&E's 1999 GRC Phase 2. In its comments dated December 5, 2001, PG&E requested that proposed Schedule E-31 remain active in that docket in compliance with AB 2638, even though PG&E requested that the standard marginal cost, revenue allocation, and all other rate design proposals except proposed business development Schedule BD be withdrawn.

PG&E anticipated that it would implement Section 454.1 by means of Schedule E-31, as proposed in its 1999 GRC Phase 2. That proceeding remains suspended, with no ruling on its dismissal or other disposition per the parties' comments from late 2001. However, ALJ Mattson has recommended to PG&E's attorney of record, Gail L. Slocum (by telephone on or about May 2, 2002) that PG&E comply with the intent of Section 454.1 and AB 2638 through an advice filing.

Tariff Revisions

PG&E attaches hereto proposed Schedule E-31 as presented previously in its 1999 GRC Phase 2, including proposed ratemaking treatment as also presented therein, and summarized below: PG&E is also attaching Form No. 79-995—Agreement for Customers Taking Service on Schedule E-31, and Preliminary Statement Part CK-- *Uneconomic Distribution Bypass Deferral Rate Memorandum Account (UDBDRMA)*. Revenue Tracking and Allocation under the UDBDRMA is described below.

1997. For these customers, the discounted non-commodity rate must exceed the marginal distribution cost of serving that customer by 20 percent.

⁴ PG&E proposes herein to shorten the title of Schedule E-31 to *Uneconomic Distribution Bypass Deferral Rate*.

Revenue Tracking and Allocation

Consistent with the ratemaking guidelines in Section 454.1(a), PG&E proposes to track the following in a new memorandum account:

- In situations where Schedule E-31 is used to retain existing customers that otherwise would uneconomically bypass PG&E's system, PG&E will record, as a debit entry, the difference between full tariff and Schedule E-31 revenues.
- In situations where Schedule E-31 is used to attract customers that otherwise would not have taken service from PG&E, PG&E will record, as a credit entry, the difference between Schedule E-31 revenues and the marginal cost of providing service to the customer (using the Commission's most recently adopted marginal costs to perform the calculation).

Thus, incremental contribution to margin from attracted customers will be used to offset revenue "shortfalls" (as measured compared to full tariff revenues, which are not actually achievable in situations where competing irrigation districts are pricing below PG&E's tariff rates) in retention situations, providing additional benefits to other ratepayers. When the Commission makes a final determination of the appropriate post-freeze distribution ratemaking mechanism for PG&E, it can decide the best means to reallocate the net revenue "shortfall" resulting from these two entries to customers with loads greater than 20 kW in accordance with the intent of Section 454.1(a).

Protests

Anyone wishing to protest this filing may do so by sending a letter by **September 16, 2002**, which is 21 days from 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 mailed to:

IMC Branch Chief – Energy Division
California Public Utilities Commission
505 Van Ness Avenue, 4th Floor
San Francisco, California 94102

Facsimile: (415) 703-2200
E-mail: 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: Les Guliasi
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

Effective Date

PG&E requests that this advice filing become effective on regular notice, **October 5, 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. 99-03-014. 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/

Vice President - Regulatory Relations

Attachments

cc: Service List – 00-03-014



PRELIMINARY STATEMENT
(Continued)

CK. UNECONOMIC DISTRIBUTION BYPASS DEFFERAL RATE MEMORANDUM ACCOUNT (UDBDRMA)

(N)

1. **PURPOSE:** The purpose of the UDBDRMA 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 uneconomically 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 who receive offers for electric service from an irrigation district and to recover the discount from customers with loads over 20 kW.
2. **APPLICABILITY:** The UDBDRMA shall apply to all customer classes, except for those specifically excluded by the Commission.
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. **UDBDRMA RATES:** The UDBDRMA does not currently have a rate component.
5. **ACCOUNTING PROCEDURE:** PG&E shall maintain the UDBDRMA 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. A debit entry equal to the interest on the average of the balance at the beginning of the month and the balance after entry 5.a, 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.
 - c. 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).
 - d. A credit entry equal to the interest on the average of the balance at the beginning of the month and the balance after entry 5.c, 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—UNECONOMIC DISTRIBUTION BYPASS DEFERRAL RATE

(N)

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.

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 demand at their premises on PG&E's system; (2) demonstrate to PG&E's satisfaction, by providing required documentation, their willingness and ability to receive service from an irrigation district; 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 PG&E customers to be eligible to take service under Schedule E-31, they must: (1) have at least 20 kW demand at their premises that is currently served by, or could be served by, an irrigation district; and (2) 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 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.

(N)

(Continued)



SCHEDULE E-31—UNECONOMIC 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. 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) PG&E believes that the costs to provide adequate distribution facilities makes discounting to a particular customer uneconomic (that is, the discounted rate does not exceed the marginal costs to serve the 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—UNECONOMIC DISTRIBUTION BYPASS DEFERRAL RATE
(Continued)

DISCOUNT PERIOD:	The Agreement established by this tariff has a discount period of five years or may be designed to match the term of the irrigation district's competing offer.	(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.

19037-G

PACIFIC GAS AND ELECTRIC COMPANY
AGREEMENT FOR CUSTOMERS TAKING SERVICE ON SCHEDULE E-31
FORM NO. 79-995 (9/02)
(ATTACHED)

(N)
|
(N)

Advice Letter No. 2276-E
Decision No.

Issued by
Karen A. Tomcala
Vice President
Regulatory Relations

Date Filed August 26, 2002
Effective _____
Resolution No. _____



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