

May 5, 2003

**Advice 2375-E-A
(Pacific Gas and Electric Company ID U 39 E)**

Public Utilities Commission of the State of California

**Subject: Submission of Corrected Pages to Schedule E-DCG –
Departing Customer Generation and Associated Agreement
Forms in Compliance with Decision 03-04-030**

On April 17, 2003, Pacific Gas and Electric Company (PG&E) submitted for filing revisions to its electric tariffs in compliance with Decision (D.) 03-04-030.¹ PG&E hereby amends Advice 2375-E and is submitting supplemental filing Advice 2375-E-A, which corrects certain errors and omissions, discovered after filing Advice 2375-E to its electric Rate Schedule E-DCG – *Departing Customer Generation* (Schedule E-DCG).

Net Metered Customers

Special Condition 2d describes exemptions applicable to Customer Generation Departing Load eligible for net metering. By this filing, PG&E amends this provision to clarify that “net metering” should be defined as provided in Public Utilities Code Sections 2827 and 2827.7.

Customer Generation Cap

On April 24, 2003, Southern California Edison Company (SCE) corrected its Advice 1700-E to clarify that the Customer Generation Departing Load Cap for purposes of exemptions from the DWR Power Charge is applicable to **all** utilities under the jurisdiction of the Commission and not only to Customer Generation Departing Load within SCE’s service territory.

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.

By this filing, PG&E amends its definition of the Customer Generation Cap in Special Condition 2g to reflect this same clarification.

Procedures for Customer Generation Departing Load

PG&E proposed to simplify its tariffs relating to Customer Generation Departing Load. PG&E submitted updated forms for Customer Generation Departing Load customers, including two declarations to be submitted by customers to apply for certain exemptions from departing load charges pursuant to Public Utilities Code Sections 372 (cogeneration) and 353.2 (ultra-clean).

By this filing, PG&E also submits the form entitled *Customer Generation Departing Load Nonbypassable Charge Statement* (Form 79-1002), referenced several times in Schedule E-DCG.

PG&E also submits revised tariff language for Special Condition 3b, concerning Customer Notice for Change of Party. PG&E realized that the tariff language was not sufficiently clear (a) about the time frame within which PG&E would respond to any customer claim that its nonbypassable charge liability should terminate; (b) that the new party locating at the premises where there is Customer Generation Departing Load assumes the liability for the applicable nonbypassable charges; or (c) that the customer should have the right to challenge a rejection of the customer's claim of termination of liability in a manner similar to a challenge to the rejection of a claim of exemption.

Replacement Tariff Pages

In footnote 2 of Advice 2375-E, PG&E indicated that it was submitting replacement tariff pages for Electric Preliminary Statement Section BB, electric Rate Schedule E-DEPART, and electric Rate Schedule E-EXEMPT to clarify that those tariffs will henceforth apply only to those departing load customers whose departure is not due to the installation of Customer Generation. The replacement tariff pages for Electric Preliminary Statement Section BB are appended to this filing. Replacement tariff pages for Rate Schedule E-DEPART and E-EXEMPT are not required because those two tariffs have expired. In addition, PG&E hereby clarifies that its Schedule E-DCG does not supercede the portions of Preliminary Statement BB related to the nonbypassable charge obligations of bundled and direct access customers.

Protest

Anyone wishing to protest this amended filing should do so by sending a letter via postal mail and facsimile by **May 25, 2003**, which is 20 days after 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, Room 4002
San Francisco, California 94102
Facsimile: (415) 703-2200
E-mail: jjr@cpuc.ca.gov

Copies should also be mailed to the attention of the Director, Energy Division, Room 4005 and Jerry Royer, Energy Division, 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.

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

The protest shall set forth the grounds upon which it is based and shall be submitted expeditiously. There is no restriction on who may file a protest.

Effective Date

In compliance with D.03-04-030, this advice filing becomes effective on **April 17, 2003**, which is the filing date of Advice 2385-E.

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 service list parties for Rulemaking (R.) 99-10-025. Address changes should be directed to Sandra Ciach (415) 973-7572. 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 R. 99-10-025



PRELIMINARY STATEMENT

BB. COMPETITION TRANSITION CHARGE RESPONSIBILITY FOR ALL CUSTOMERS AND CTC
PROCEDURE FOR DEPARTING LOADS

1. PURPOSE: The purpose of this section is to describe the Competition Transition Charge (CTC) and other nonbypassable charge responsibilities of PG&E's retail electric customers (including Bundled Service, Direct Access, Virtual Direct Access and Departing Load customers) and new electric loads, and to establish specific procedures pertaining to the payment of CTC and other nonbypassable charges. To the extent that electric Rate Schedule E-DCG addresses the nonbypassable charge responsibilities of customers with Customer Generation Departing Load as defined in that rate schedule, this section of the electric Preliminary Statement will henceforth apply only to bundled service, direct access service and customers with departing load where departure is not due to the installation of Customer Generation.

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(N)

On December 20, 1995, the Commission issued Decision 95-12-063 (as modified by Decision 96-01-009) which, among other things, authorized PG&E to collect retail transition costs associated with electric restructuring. On September 23, 1996, Governor Wilson signed into law Assembly Bill (AB) 1890 (Statutes 1996, Ch. 854, codified primarily in various sections of the Public Utilities Code), which also affected the restructuring of the electric industry in California, including the collection of retail transition costs and other nonbypassable charges. Among other things, AB 1890 establishes:

- a) a nonbypassable CTC (Public Utilities Code Sections 367-368, 375-376);
- b) certain exemptions to the CTC (Sections 372, 374);
- c) nonbypassable charges for nuclear decommissioning (Section 379), recovery of Rate Reduction Bond principal, interest, and ongoing costs (Section 840(d)), and public purpose program costs (Sections 381-383) (hereinafter referred to as "other nonbypassable charges"); and
- d) CTC responsibility for existing retail customers and for new electric consumers or loads located in PG&E's service territory as it existed on December 20, 1995 (hereinafter referred to as "new electric loads"), except for those new or incremental loads that might be met through a direct transaction and the transaction does not require the use of transmission or distribution facilities owned by PG&E (Section 369).

The procedures described here for the payment of CTC and other nonbypassable charges by existing customers and new electric loads implements CPUC Decision 97-06-060 in Phase 1 of PG&E's Application 96-08-001, supersedes the Interim CTC Procedure authorized by the Commission in Decisions 96-04-054 and 96-10-041, and are consistent with PG&E's proposals in the Direct Access, Unbundling, and Rate Reduction Bond proceedings.

2. APPLICABILITY, METERING AND BILLING:
 - a. Applicability: CTC and other nonbypassable charge responsibility attaches to and shall be recovered from all existing PG&E bundled service customers, future PG&E bundled service customers, direct access customers, and departing load customers who take or took retail service from PG&E on or after December 20, 1995, and remain in the service territory in which PG&E provided service as of December 20, 1995, except as specifically provided for in State of California Public Utilities Code (PU Code) Sections 369 and 371 to 374. Application of certain exceptions and exemptions established in the PU Code is clarified by Decision 97-06-060, Decision 97-12-039, and Decision 98-12-067. Remaining issues may be addressed in dispute resolution procedures for bundled service customers and direct access customers in Rule 10, and Departing Load customers in Sections BB.4.b.2 and BB.4.f.



SCHEDULE E—DCG DEPARTING CUSTOMER GENERATION
(Continued)

SPECIAL
CONDITIONS:
(Cont'd.)

2. EXEMPTIONS: Customer Generation Departing Load is exempt of some or all of the rates described above to the extent set forth below. Notwithstanding Special Conditions 2a through 2h, all usage taken from the grid is subject to the DWR Bond Charge, the DWR Power Charge, and CTC.
- a. Load That Departed As Of February 1, 2001. Customer Generation Departing Load that began to receive service from Customer Generation on or before February 1, 2001, except during any period and to the extent that the Customer Generation Departing Load thereafter receives bundled or direct access service, is exempt from the DWR Bond Charge and DWR Power Charge.
 - b. Grandfathered Load. Customer Generation Departing Load, not otherwise exempted under Special Condition 2a above, or Special Condition 2c, 2d, 2e, or 2h below, that commenced commercial operation on or before January 1, 2003, or for which (a) an application for authority to construct was submitted to the lead agency under the California Environmental Quality Act, not later than August 29, 2001, and (b) commercial operation commenced not later than January 1, 2004, is exempt from the DWR Power Charge.
 - c. Biogas Digesters. Customer Generation Departing Load served by an eligible biogas digester customer-generator, as defined in Public Utilities Code Section 2827.9, is exempt from the DWR Bond Charge, DWR Power Charge, ND, PPP, TTA, and CTC.
 - d. Clean Customer Generation Systems Under 1 MW. Customer Generation Departing Load under 1 megawatt (MW) in size that is eligible for (i) net metering pursuant to Public Utilities Code Section 2827 or 2827.7, or (ii) financial incentives from the Commission's self-generation program, or (iii) financial incentives from the California Energy Commission, is exempt from the DWR Bond Charge, DWR Power Charge, and CTC. This exemption does not apply to any portion of Customer Generation Departing Load where the Customer Generation Departing Load equals or exceeds 1 MW. Pursuant to Public Utilities Code Sections 2827 and 2827.7, net metered customers who have all local and state permits required to commence construction of their generating facilities on or before December 31, 2002, and have completed construction on or before September 30, 2003, shall also be exempt from the PPP, TTA, and ND charges. All other net metered customers under Public Utilities Code Section 2827 shall be exempt from the TTA and ND charges, but per Public Utilities Code Section 2827 (k), shall not be exempt from the PPP charge. All other non-net metered customers in this category shall be responsible for the PPP, TTA, and ND charges.

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SCHEDULE E—DCG DEPARTING CUSTOMER GENERATION
(Continued)

SPECIAL
CONDITIONS:
(Cont'd.)

2. CUSTOMER GENERATION DEPARTING LOAD: (Cont'd.)

(N)

e. Ultra-Clean and Low-Emission Customer Generation Systems over 1 MW. Customer Generation Departing Load that is over 1 MW in size but that otherwise meets all criteria in Public Utilities Code Section 353.2 as "ultra-clean and low-emissions" is exempt from the DWR Power Charge, except as set forth in Special Condition 2g below.

f. Other Customer Generation Systems. Customer Generation Departing Load that employs best available control technology standards set by local air quality management districts and/or the California Air Resources Board, as applicable, and is not (a) back-up generation, (b) diesel-fired generation, or (c) discussed in Special Conditions 2a through 2e above, is exempt from the DWR Power Charge to the extent that such load falls within the Customer Generation Cap described in Special Condition 2g below.

g. Customer Generation Cap. The exemption from the DWR Power Charge described in Special Conditions 2e and 2f above shall expire when the cumulative, statewide total of Customer Generation Departing Load eligible under Special Conditions 2c, 2d, 2e, and 2f (and the corresponding tariff sections for other electric utilities under the Commission's jurisdiction) exceeds 3,000 MW, as determined on a first-come, first-served basis by the California Energy Commission. In addition, the exemption from the DWR Power Charge described in Special Condition 2f above shall be limited to 1,500 MW (of the total 3,000 MW) with no more than 600 MW by the end of 2004, an additional 500 MW by July 1, 2008, and a final 400 MW thereafter.

The University of California and California State University (UC/CSU) are granted a statewide set-aside within the overall Customer Generation Cap as follows: 10 MW by the end of 2004, an additional 80 MW by the end of 2008, and an additional 75 MW thereafter.

h. CTC Exemptions for Cogeneration. The following Customer Generation Departing Load is exempt from CTCs:

- (1) Load served by an on-site or over-the-fence non-mobile self-cogeneration or cogeneration facility, per Public Utilities Code Section 372(a)(4).
- (2) Load served by existing, new, or portable emergency generation equipment that is used during periods when service from PG&E is unavailable, per Public Utilities Code Section 372(a)(3), provided such equipment is not operated in parallel with PG&E's power grid other than on a momentary basis.

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SCHEDULE E—DCG DEPARTING CUSTOMER GENERATION
(Continued)

SPECIAL
CONDITIONS:
(Cont'd)

3. PROCEDURES FOR CUSTOMER GENERATION DEPARTING LOAD: (Cont'd)

(N)

b. Customer Notice to PG&E for Change of Party:

1. Termination of Liability:

Customers with Customer Generation Departing Load that intend to take action such that they will no longer be deemed to be Customer Generation Departing Load, such as vacating the premises or ceasing the consumption of electricity supplied or delivered by Customer Generation, shall give PG&E not less than two days notice of the proposed action if the customer contends that such action would terminate the customer's liability, in whole or in part, for the nonbypassable charges at Customer's premises. The customer must state the date on which the termination of liability becomes effective, and reason for termination of liability, subject to approval by PG&E. Reasons for termination of liability may include vacating the property, change of ownership, change of party or cessation of the consumption of Customer Generation. PG&E shall respond within twenty (20) days of receipt of the notice of termination if PG&E does not approve the customer's notice of termination. If a customer does not agree with PG&E's response to the notice of termination, the customer may invoke the dispute resolution provisions of Special Condition 3.e.

2. Liability of New Customers at Existing Premises:

New customers taking service at premises where customer generation serves or served Customer Generation Departing Load are obligated to notify a PG&E representative authorized to accept such notification of their assumption of responsibility for the payment of non-bypassable charges for the Customer Generation Departing Load at the premises. New customers taking service at such premises are obligated to pay non-bypassable charges for Customer Generation Departing Load, commencing no later than the date on which the customer is responsible for energy service payments related to electric usage on the site.

c. PG&E Providing Departing Load Statement: By no later than 20 days after receipt from a customer of notice, PG&E shall mail or otherwise provide the customer with a Customer Generation Departing Load Nonbypassable Charge Statement containing any applicable confirmation of the customer's exemption claim. If the Customer Generation Departing Load Nonbypassable Charge Statement does not confirm the customer's claimed exemption, it will set forth the reason for rejecting the claimed exemption.

If PG&E fails to provide a customer with a Customer Generation Departing Load Nonbypassable Charge Statement within 20 days of PG&E's receipt of the notice from the customer containing all of the information required, then the customer's obligation to pay the Customer Generation Departing Load Nonbypassable Charge Statement shall not commence until the later of the Date of Departure or 30 days from the customer's receipt of PG&E's Customer Generation Departing Load Nonbypassable Charge Statement.

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SCHEDULE E—DCG DEPARTING CUSTOMER GENERATION
(Continued)

SPECIAL
CONDITIONS:
(Cont'd)

3. PROCEDURES FOR CUSTOMER GENERATION DEPARTING LOAD: (Cont'd)

(N)

d. Customer Obligation To Make Customer Generation Departing Load Payments: PG&E will issue monthly bills in accordance with the provisions of this Schedule. Customer Generation Departing Load shall pay to PG&E the monthly charge within 20 days of receipt of the bill.

e. Dispute Resolution: If a customer believe that its Customer Generation Nonbypassable Charge Statement does not comply with the terms and conditions provided for in this Schedule, the customer must notify PG&E of the basis for this disagreement in writing, within 20 days after receipt of the Customer Generation Nonbypassable Charge Statement provided by PG&E. If PG&E does not accept the customer's position, it will respond in writing within 5 days after receipt of such notice. If the customer is not satisfied with PG&E's response, within 14 days of receiving PG&E's response the customer shall notify PG&E in writing through a designated PG&E representative authorized to receive such notification that the customer wishes to pursue informal dispute resolution. If the customer makes a timely request for informal dispute resolution, PG&E and the customer shall promptly seek assistance in reaching informal dispute resolution from the Commission's Energy Division, or shall seek mediation of the dispute from the Commission's Administrative Law Judge Division. If the dispute is not resolved within 60 days of the customer's request to pursue informal dispute resolution, the customer may file a complaint with the Commission within the next 20 days. (PG&E and the customer may also agree to extend this 20 days period, in order to allow for further negotiations or other resolution techniques.) In such events, the customer shall continue to be responsible for making the monthly nonbypassable charge payments on a timely basis, with such payments subject to future refund or other adjustment as appropriate if the Commission establishes that different information should have been used as the basis for the customer's Customer Generation Departing Load Nonbypassable Charge Statement.

Failure to file a complaint with the Commission within the specified period shall constitute agreement with and acceptance of such Customer Generation Departing Load Nonbypassable Charge.

f. Opportunity to Cure: If a customer fails to provide the notice specified above or fails to make payments required under this Schedule, then PG&E shall send the customer a notice specifying its failure to comply with this tariff and providing the customer with not less than 20 days from the date of the notice within which to take action curing its breach of its obligations to PG&E. If the breach was a failure to provide notice, to cure the breach the customer must provide the notice required above, and pay any amounts that would have been assessed had the customer provided PG&E with a timely notice.

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Pacific Gas and Electric Company
San Francisco, California

Cancelling

Original

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

20204-E

PACIFIC GAS AND ELECTRIC COMPANY
CUSTOMER GENERATION DEPARTING LOAD
NONBYPASSABLE CHARGE
FORM NO. 79-1002
(ATTACHED)

(N)
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(N)

Advice Letter No. 2375-E-A
Decision No. 03-04-030

Issued by
Karen A. Tomcala
Vice President
Regulatory Relations

Date Filed May 5, 2003
Effective _____
Resolution No. _____

48387



TABLE OF CONTENTS—SAMPLE FORMS
(Continued)

FORM NO.	DATE SHOWN ON FORM	AGREEMENT/CONTRACT TITLE	CPUC SHEET NO.
<u>MISCELLANEOUS</u>			
62-0562	11/97	Gas and Electric Facilities Transfer Agreement	14806-E
62-0579	6/02	Construction Change Order.....	18931-E
62-4501		Absolving Service Agreement	3190-E
62-4527	1/91	Agreement to Perform Tariff Schedule Related Work	11598-E
62-4778	12/89	Cancellation of Contract	11047-E
--		Electric Service Contract—Central Camp, Madera County, CA	3157-E
--		Agreement for Extending Electric Line and Supplying Electric Service Under Guarantee of Operations for Central Camp, Madera County, CA	3158-E
79-847	11/95	Transmission Load Operating Agreement.....	13863-E
79-848	11/95	Generation Operating Agreement	13864-E
79-861	9/96	Electric Data Interchange Trading Partner Agreement.....	14148-E
79-862	12/96	Interim Competition Transition Charge Agreement	14233-E
79-865	REV 1/99	Electric and Gas Monitoring Meter Pulse Agreement.....	16192-E
79-936	9/90	Deed of Conveyance	11566-E
79-937	8/90	Assignment Agreement	11567-E
79-954	12/97	Departing Load Competition Transition Charge Agreement.....	14974-E
79-955	12/97	Amendment to Pacific Gas and Electric Company's Departing Load Competition Transition Charge Agreement for Subsequently Obtained CTC Exemption	14975-E
79-957	10/98	Electric Distribution Service Line Lease Agreement.....	16074-E
79-959	1/99	Meter Retrofit Agreement	16193-E
79-960	1/99	Meter Replacement Agreement.....	16194-E
79-961	1/99	Dual Socket Metering Agreement.....	16195-E
79-964	5/99	Enabling Agreement for "Surplus Sale" QF Supplies	16376-E
79-965	5/99	Pro-forma PPA Amendment and Enabling Agreement for "Net Sale" Interim Standard Offer 4 PPAs	16377-E
79-966	REV 5/02	Agreement for Schedule E-OBMC.....	18845-E
79-976	REV 7/02	Interruptible Program Agreement	18988-E
79-984	9/01	Interval Meter Installation Service Agreement.....	18693-E
79-993	5/02	Agreement for Schedule E-POBMC	18910-E
79-1000	4/03	Declaration in Support of Claim of Competition Transition Charge Exemptions Under Public Utilities Code Section 372.....	20165-E
79-1001	4/03	Declaration in Support of Claim of Department of Water Resources (DWR) Ongoing Power Charge Exemption Under Public Utilities Code Section 353.2	20166-E
79-1002	4/03	Customer Generation Departing Load Nonbypassable Charge	20204-E

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(Continued)



TABLE OF CONTENTS
(Continued)

PRELIMINARY STATEMENTS

SCHEDULE	TITLE OF SHEET	CAL P.U.C. SHEET NO.
Part AL	Not Being Used	
Part AM	Emergency Procurement Surcharge Balancing Account.....	19390-E
Part AN	Diablo Canyon Property Tax Balancing Account	14432-E
Part AO	Not Being Used	
Part AP	Not Being Used	
Part AQ	Reduced Return on Equity Memorandum Account.....	14449-E
Part AR	1997 Rate Design Window Shareholder Participation Memorandum Account.....	14723-E
Part AS	Fixed Transition Amount Charge	14794,19365-E
Part AT	Rate Reduction Bond Memorandum Account.....	14796,14797-E
Part AU	Direct Access Discretionary Cost/Revenue Memorandum Account	14837-E
Part AV	Transition Cost Balancing Account	14983 to 14990,16177, 18178,16618,16619,16620,14995,15723,15724,15725,14998 to 15001,16621,16622,16623-E
Part AW	Rate Group Transition Cost Obligation Memorandum Account ...	16635,15005,18715,18716-E
Part AX	Must-Run Fossil Plant Memorandum Account.....	15726,15009-E
Part AY	Non-Must-Run Fossil Plant Memorandum Account.....	15727,15011-E
Part AZ	Non-Must-Run Hydroelectric/Geothermal Memorandum Account	15728,16804,16805-E
Part BA	Not Being Used	
Part BB	Competition Transition Charge Responsibility for All Customers and CTC Procedure for Departing Loads	20199,19906,19907,16400,14960, 14961,16229,16230,16231,14963,14964,14965,14966,14967,14968,14969,16401,16402-E
Part BC	PU Code Section 376-Restructuring Implementation Tracking Account.....	16520,16521-E
Part BD	PU Code Section 381(d)-Renewable Program Costs Tracking Account	15018-E
Part BE	Must-Run Hydroelectric/Geothermal Plant Memorandum Account	16510,16181,16806,16807-E
Part BF	Streamlining Residual Account	15101-E
Part BG	Generation Facility Operations and Maintenance Account	16225,16226-E
Part BH	Not Being Used	
Part BI	Not Being Used	
Part BK	Transmission Revenue Requirement Reclassification Memorandum Account.....	16761-E
Part BL	Not Being Used	
Part BM	Applicant Installation Trench Inspection Memorandum Account	16607-E
Part BN	Vegetation Management Quality Assurance Balancing Account	16979-E
Part BO	Real Property Gain/Loss on Sale Memorandum Account.....	16651-E
Part BP	PX Credit Audit Memorandum Account	16647-E
Part BQ	Interim PX-Based Price Tracking Account (IPXPTA)	16695-E
Part BR	Applicant Installation Trench Inspection Deferred Account	16606-E
Part BS	Schedule E-BID Memorandum Account	16991,16992-E
Part BT	Electric Supply Cost Memorandum Account.....	16813-E
Part BU	Vegetation Management Balancing Account	16887-E
Part BV	Allocation of Residual Costs Memorandum Account	17003,17004-E
Part BW	Power Exchange Bilateral Option Memorandum Account	17843-E
Part BX	Interruptible Load Programs Memorandum Account	18902,18855-E
Part BY	Self-Generation Program Memorandum Account	18777-E
Part BZ	Demand-Responsiveness Program Memorandum Account	18778-E

(Continued)



TABLE OF CONTENTS
(Continued)

RATE SCHEDULES

SCHEDULE	TITLE OF SHEET	CAL P.U.C. SHEET NO.
----------	----------------	----------------------

COMMERCIAL/INDUSTRIAL
(Continued)

E-25	Restricted Variable-Peak-Period Time-of-Use Service to Water Agencies	19211,20020,20021,20022,20023,20024,15378,20025,20026,20027-E
E-36	Small General Service to Oil and Gas Extraction Customers.....	19214,20028,20029-E
E-37	Medium General Demand-Metered Time-of-Use Service to Oil and Gas Extraction Customers	19216,17108,20030,20031,19315,20032,2003-E
ED	Experimental Economic Development Rate	20034,17110-E
E-CARE	CARE Program Service for Qualified Nonprofit Group-Living and Qualified Agricultural Employee Housing Facilities.....	20035-E

LIGHTING RATES

LS-1	PG&E-Owned Street and Highway Lighting	18577,20036,15395,15396,20037-E
LS-2	Customer-Owned Street and Highway Lighting	15398,20038,20039,15401,15402,15403,20040-E
LS-3	Customer-Owned Street and Highway Lighting Electrolier Meter Rate	20041,15406,15407,20042-E
TC-1	Traffic Control Service	20043,15410,20044-E
OL-1	Outdoor Area Lighting Service	20045,15413,15414,20046-E

OTHER

S	Standby Service	19218,20047,20048,20049,19281,16200,15421,16201,16202,15424,19282,16203,16204,16205,20050,19220,20051-E
E-DEPART	Departing Customers.....	15905-E
E-EXEMPT	Competition Transition Charge Exemption	16068,17116,16070,16071,16072,16073-E
E-DGG	Departing Customer Generation	20152 to 20155,20200,20201,20158,20202,20203,20161 to 20164-E
E-TD	Transmission and Distribution Bypass Deferral Rate	15694,19721,19722,19723-E
E-TDI	Incremental Sales Rate for New Customers	15698,19724,19725-E
E-RRB	Rate Reduction Bonds Bill Credit and Fixed Transition Amount Charge.....	20052,14799-E
E-NET	Net Energy Metering Service.....	18711,18712,18313-E
E-EPS	Emergency Procurement Surcharge	20053,18515,18179,18180,18181,19727,18183,18184,20054-E
E-20/20	California 20/20 Rebate Program	18927,18928-E

(N)
(N)

AGRICULTURAL RATES

AG-1	Agricultural Power	20055,20056,15447,15448,20057,19323,19324,19325,20058-E
AG-R	Split-Week Time-of-Use Agricultural Power	17121,20059,20060,15457,15458,20061,20062,19328,19329,20063-E
AG-V	Short-Peak Time-of-Use Agricultural Power	17126,20064,20065,15468,15469,15470,20066,19332,19333,19334,20067-E
AG-4	Time-of-Use Agricultural Power	17131,20068,20069,15479,15480,15481,15482,20070,20071,19338,19339,20072-E
AG-5	Large Time-of-Use Agricultural Power	17136,20073,20074,15492,15493,15494,15495,20075,20076,19343,19344,20077-E
AG-6	Large Agricultural Power	15502,20078,15504,15505,15506,20079-E
AG-7	Experimental Tiered Time-of-Use Agricultural Power	15701,20080,20081,20082,15705,15706,15707,15708,20083-E
AG-8	Deferral of Gas and Diesel Engine-Driven Pumping Facilities ...	15710,19745,19746,20084-E

(Continued)



TABLE OF CONTENTS

	<u>CAL P.U.C. SHEET NO.</u>	
Title Page	8285-E	
Table of Contents:		
Rate Schedules	20208,20207,19899-E	(T)
Preliminary Statements	20088,20206,19877-E	(T)
Rules, Maps, Contracts and Deviations	19764-E	
Sample Forms	18596,18980,18847,20205,17337,20186-E	(T)

RATE SCHEDULES

<u>SCHEDULE</u>	<u>TITLE OF SHEET</u>	<u>CAL P.U.C. SHEET NO.</u>
RESIDENTIAL RATES		
E-1	Residential Service	19908,19909,19910,19911,19912-E
E-2	Experimental Residential Time-of-Use Service.....	19882 to 19889-E
E-3	Experimental Residential Critical Peak Pricing Service	19890 to 19898-E
EE	Service to Company Employees	18188-E
EM	Master-Metered Multifamily Service	19913,19914,19915,19916,19917-E
ES	Multifamily Service	19918,19919,19920,19921,19922-E
ESR	Residential RV Park and Residential Marina Service	19923,19924,19925,19926,19927-E
ET	Mobilehome Park Service	19928,19929,19930,19931,19932-E
E-7	Residential Time-of-Use Service.....	19170,19933,19934,19935,19936-E
E-A7	Experimental Residential Alternate Peak Time-of-Use Service	19172,19937,19938,19939,19940-E
E-8	Residential Seasonal Service Option.....	19941,19942,19943-E
E-9	Experimental Residential Time-of-Use Service for Low Emission Vehicle Customers	19176,19944,19945,19946,19947,19948,18627,19949-E
EL-1	Residential CARE Program Service.....	19950,19951,19952,19953-E
EML	Master-Metered Multifamily CARE Program Service	19954,19955,19956,19957-E
ESL	Multifamily CARE Program Service.....	19958,19959,19960,19961-E
ESRL	Residential RV Park and Residential Marina CARE Program Service	19962,19963,19964,19965-E
ETL	Mobilehome Park CARE Program Service.....	19966,19967,19968,19969,19970-E
EL-7	Residential CARE Program Time-of-Use Service.....	19990,19971,19781,19972-E
EL-A7	Experimental Residential CARE Program Alternate Peak Time-of-Use Service.....	19192,19973,19783,19974-E
EL-8	Residential Seasonal CARE Program Service Option	19975,19976,19977-E
COMMERCIAL/INDUSTRIAL		
A-1	Small General Service	19978,19979,19980,19981-E
A-6	Small General Time-of-Use Service.....	19790,19982,19791,19983,19984-E
A-10	Medium General Demand-Metered Service. 19794,19985,19986,19987,19988,19989,19990-E	
A-T	Nondomestic Interruptible Service	11862-E
A-RTP	Experimental Real-Time-Pricing Service	19991-E
A-15	Direct-Current General Service.....	19992,19993-E
E-19	Medium General Demand-Metered Time-of-Use Service	19797,17092,17093, 19994, 19995,19996,19603,19696,19319,18037,18864,18039,18040,18865,17900, 16414,15330, 20000,20001,20002,20003,20004,19800,19801,19802,20005,19804,19805,19806,20006-E
E-20	Service to Customers with Maximum Demands of 1,000 Kilowatts or More	19209,17254,20007, 20008,20009,20010,20011,19314,20012,18866,18044,18045,18867,15356,16430,15358, 20013,20014,20015,20016,20017,16434,16435,16436,20018,17100,17101,20019-E

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