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July 19, 2004

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

Public Utilities Commission of the State of California

**Subject: Submission of Electric Rate Schedule E-DCG – *Departing Customer Generation, CG* and Associated Agreement Forms in Compliance with Decision 03-04-030 and Resolution E-3831**

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.

**Purpose**

The purpose of this filing is to submit electric Rate Schedule E-DCG – *Departing Customer Generation, CG* (E-DCG) to implement the Commission's April 3, 2003 Decision (D.) 03-04-030, as modified by D. 03-04-041, in the Direct Access Suspension Proceeding, Rulemaking (R.) 02-01-011, and the Commission's July 8, 2004 Resolution E-3831.

Decision 03-04-030 describes the obligations of departing load customers who install distributed generation (DG) units ("Customer Generation Departing Load customers"), and thereby displace usage formerly delivered by PG&E, to pay the Department of Water Resources (DWR) Bond Charge, the DWR Power Charge, and PG&E's competition transition charge (CTC).

**Background**

On March 29, 2002, a ruling by Administrative Law Judge Thomas Pulsifer added issues regarding the obligation of departing load customers for costs associated with DWR's historic costs and ongoing above-market contract costs, as well as the utilities' ongoing CTC costs, to the Direct Access Suspension Proceeding.<sup>1</sup> A subsequent ruling bifurcated the issues related to departing load

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<sup>1</sup> The ALJ Ruling also included Southern California Edison's historic procurement costs in the proceeding.

**REVISED**

customers' obligations into two phases: (a) issues related to Customer Generation Departing Load where, generally, the customer remains directly connected to the electric utilities' grid and displaces a portion of its usage through a non-utility source; and (b) issues related to customers that disconnect from a utility and re-connect to a municipal utility or other public agency providing electric distribution service, where the customer's entire usage departs. Decision 03-04-030 resolved issues related to the former group of issues – namely, the obligations of Customer Generation Departing Load customers. This Advice Letter implements both that decision and Resolution E-3831.<sup>2</sup>

Resolution E-3831, effective July 8, 2004, directs PG&E to modify its tariffs to implement the Customer Generation Cost Responsibility Surcharge (CG-CRS), per D.03-04-030. This resolution attempts to provide clarity regarding CG-CRS exemptions regarding the CTC, the DWR Bond Charge; the DWR Power Charge, and the Regulatory Asset Charge.

As reflected in PG&E's comments on the draft of the resolution, filed June 18, 2004, PG&E believes that the resolution is inconsistent with prior Commission precedent and legally incorrect on certain key points. PG&E intends to file an application for rehearing on these points. If PG&E prevails on such points, PG&E would file an update to this Advice Letter incorporating the future Commission direction. Nonetheless, this Advice Letter fully reflects the direction of Resolution E-3831 and is in conformance therewith.

**Rate Schedule Charges and Component Dates**

In compliance with Resolution E-3831, PG&E will commence billing non-exempt CG customers for CRS charges as of April 3, 2003 (with the exception of the DWR Bond Charge, for which billing can commence June 11, 2003 as discussed below). The approved CRS charges (barring exemptions specifically identified in Schedule E-DCG) are:

- **DWR Bond Charge** – Recovery of DWR bond financing costs. In compliance with Resolution E-3831, PG&E will bill non-exempt customer generation departing load customers and implement this charge commencing September 1, 2004. PG&E will make an amortization proposal to equitably allocate responsibility for unrecovered Bond Charges in a separate advice letter, to be filed by August 9, 2004. The DWR bond charge that will be billed to the non-exempt customer generation departing load customers for the applicable 2003 and 2004 periods will be set equal to

the bond charge determined in the DWR Revenue Requirement proceeding (A.00-11-038), and will equal the 2003 and 2004 bond charge rates paid by the bundled and direct access customers. Pursuant to Ordering Paragraph 15 of Resolution E-3831, PG&E proposal for the 2005 DWR bond charge rate will include non-exempt PG&E customer generation departing load in the statewide bond charge rate calculation.

- DWR Power Charge – Recovery of the uneconomic portion of DWR's prospective power purchase costs. Again, in compliance with Resolution E-3831, PG&E will bill customers and implement this charge commencing April 3, 2003, the date PG&E was authorized to commence billing in D. 03-04-030. The DWR Power Charge shall be set equal to the difference between the Cost Responsibility Surcharge (CRS) cap as set in Direct Access Suspension OIR proceeding (R.02-01-011) and the sum of the DWR Bond Charge, Competition Transition Charge, and the Regulatory Asset Charge.
- Competition Transition Charge (CTC) – Recovery of the cost of qualifying facilities and power purchase agreements that are in excess of a market benchmark determined by the California Public Utilities Commission (Commission), plus employee transition costs. Ordering Paragraph 10 of the Resolution E-3831 orders that the CTC charge should be set equal to the CTC charge adopted for the DA and bundled customers. As discussed above, PG&E disagrees with the resolution as inconsistent with the Commission's previous decisions on this issue, and PG&E therefore intends to file an application for rehearing to correct this error.
- Regulatory Asset Charge – Recovery of costs associated with the Regulatory Asset adopted in D.03-12-035.

### Tariff Revisions

In this filing, PG&E complies with Ordering Paragraphs (O.P.) 1 through 10, and 12 of Resolution E-3831. Contained herein is specific language for modifying PG&E's tariffs. This filing also corrects minor typographical errors found in the previously – proposed tariffs submitted with Advice 2375-E / E-A.

In addition, PG&E submits 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) and customer generation departing load nonbypassable charge statement:

- *Declaration in Support of Claim of Competition Transition Charge Exemptions Under Public Utilities Code Section 372 (Form 79-1000)*
- *Declaration in Support of Claim of Department of Water Resources (DWR) Ongoing Power Charge Exemption Under Public Utilities Code Section 353.2 (Form 79-1001)*
- *Customer Generation Departing Load Nonbypassable Charge Statement (Form 79-1002)*

These agreements provide a framework for identifying customers and load with which to measure qualification for this rate schedule.

### **Protest**

Anyone wishing to protest this filing should do so by sending a letter via postal mail and facsimile by **August 8, 2004**, 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](mailto: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](mailto: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.

July 19, 2004

**Effective Date**

In compliance with Resolution E-3831 and successful approval by the Energy Division, this advice filing becomes effective on **July 19, 2004**, which is 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 service list parties for R. 99-10-025. Address changes should be directed to Rose De La Torre (415) 973-4716. Advice letter filings can also be accessed electronically at:

<http://www.pge.com/tariffs/>

*Brian R. Cherry*  
Director - Regulatory Relations

Attachments

cc: Service List R. 99-10-025

Cal P.U.C. Sheet No.	Title of Sheet	Cancelling Cal P.U.C. Sheet No.
21833-E	Electric Rate Schedule E-DCG – Departing Customer Generation, CG	New
21834-E	Electric Rate Schedule E-DCG (Continued)	New
21835-E	Electric Rate Schedule E-DCG (Continued)	New
21836-E	Electric Rate Schedule E-DCG (Continued)	New
21837-E	Electric Rate Schedule E-DCG (Continued)	New
21838-E	Electric Rate Schedule E-DCG (Continued)	New
21839-E	Electric Rate Schedule E-DCG (Continued)	New
21840-E	Electric Rate Schedule E-DCG (Continued)	New
21841-E	Electric Rate Schedule E-DCG (Continued)	New
21842-E	Sample Form – Declaration in Support of Claim of Competition Transition Charge Exemptions Under Public Utilities Code Section 372 (Form 79-1000)	New
21843-E	Sample Form – Declaration in Support of Claim of Department of Water Resources (DWR) Ongoing Power Charge Exemption Under Public Utilities Code 353.2 (Form 79-1001)	New
21844-E	Sample Form – Customer Generation Departing Load Nonbypassable Charge (Form 79-1002)	New
21845-E	Table of Contents – Sample Forms (Continued)	20509, 20624-E
21846-E	Table of Contents – Rate Schedules (Continued)	21814-E
21847-E	Table of Contents	21817-E



SCHEDULE E—DCG DEPARTING CUSTOMER GENERATION, CG

**APPLICABILITY:** This schedule is applicable to customers that have Customer Generation Departing Load as defined below, including customers who displace all or a portion of their load with Customer Generation and including new load served by Customer Generation as set forth in Special Condition 6 below.

(N)

**TERRITORY:** The entire territory served.

**RATES:** Customers under this schedule are responsible for the following charges unless expressly exempted from such charges under Special Condition 2 below:

1. **DWR BOND CHARGE:** The Department of Water Resources (DWR) Bond Charge recovers DWR's bond financing costs, and is set by dividing the annual revenue requirement for DWR's bond-related costs by an estimate of the annual consumption not excluded from this charge. The DWR Bond Charge is the property of DWR for all purposes under California law. The DWR Bond Charge applies to Customer Generation Departing Load unless sales under the customer's Otherwise Applicable Rate Schedule were CARE or medical baseline or unless exempt under Special Condition 2 below. The DWR Bond Charge is separately shown in the customer's Otherwise Applicable Rate Schedule.
2. **DWR POWER CHARGE:** The DWR Power Charge recovers the uneconomic portion of DWR's prospective power purchase costs. The DWR Power Charge applies to Customer Generation Departing Load unless exempt under Special Condition 2 below. Per Resolution E-3831, the DWR Power Charge shall be set equal to the difference between the Cost Responsibility Surcharge (CRS) cap as set in Direct Access Suspension OIR proceeding (Rulemaking 02-01-011) and the sum of the DWR Bond Charge, Competition Transition Charge, and the Regulatory Asset Charge.
3. **COMPETITION TRANSITION CHARGE (CTC):** The CTC recovers the cost of qualifying facilities and power purchase agreements that are in excess of a market benchmark determined by the California Public Utilities Commission (Commission), plus employee transition costs. The CTC applies to Customer Generation Departing Load unless exempt under Special Condition 2 below. The CTC charge is separately shown in the customer's Otherwise Applicable Rate Schedule.
4. **REGULATORY ASSET (RA) CHARGE:** The RA Charge recovers the costs associated with the Regulatory Asset adopted by the Commission in D. 03-12-035. The Regulatory Asset is separately shown in the customer's Otherwise Applicable Rate Schedule.

(N)

(Continued)



**SCHEDULE E—DCG DEPARTING CUSTOMER GENERATION, CG**  
(Continued)

**SPECIAL  
CONDITIONS:**

1. **DEFINITIONS:** The following terms when used in this tariff have the meanings set forth below:

(N)

a. **Customer Generation:** Customer Generation means cogeneration, renewable technologies, or any other type of generation that: (1) is dedicated wholly or in part to serve all or a portion of a specific customer's load; and (2) relies on non-PG&E or dedicated PG&E distribution wires rather than PG&E's utility grid to serve the customer, the customer's affiliates and/or tenants, and/or not more than two other persons or corporations, provided that those two persons or corporations are located on site or adjacent to the real property on which the generator is located.

b. **Customer Generation Departing Load:** Customer Generation Departing Load is that portion of a PG&E electric customer's load for which the customer, on or after December 20, 1995: (1) discontinues or reduces its purchases of bundled or direct access electricity service from PG&E; (2) purchases or consumes electricity supplied and delivered by Customer Generation to replace the PG&E or direct access purchases; and (3) remains physically located at the same location within PG&E's service area as it existed on April 3, 2003. Reductions in load are classified as Customer Generation Departing Load only to the extent that such load is subsequently served with electricity from a source other than PG&E. New customer load not specifically excluded below shall be deemed Customer Generation Departing Load for purposes of this schedule.

Customer Generation Departing Load specifically excludes:

- (1) Changes in usage occurring in the normal course of business resulting from changes in business cycles, termination of operations, departure from the utility service territory, weather, reduced production, modifications to production equipment or operations, changes in production or manufacturing processes, fuel switching, enhancement or increased efficiency of equipment or performance of existing Customer Generation equipment, replacement of existing Customer Generation equipment with new power generation equipment of similar size, installation of demand-side management equipment or facilities, energy conservation efforts, or other similar factors.
- (2) New customer load or incremental load of an existing customer where the load is being met through a direct transaction with Customer Generation and the transaction does not otherwise require the use of transmission or distribution facilities owned by PG&E.
- (3) Load temporarily taking service from a back-up generation unit during emergency conditions called by PG&E, the California Independent System Operator, or any successor system operator. This exclusion also applies to dispatchable backup generation used in connection with the dispatch of a load management program sponsored by the Commission, California Energy Commission or California Independent System Operator, or any successor system operator.

(N)

(Continued)



**SCHEDULE E—DCG DEPARTING CUSTOMER GENERATION, CG**  
(Continued)

SPECIAL  
CONDITIONS:  
(Cont'd.)

1. DEFINITIONS: (Cont'd.)
  - b. Customer Generation Departing Load: (Cont'd.)
    - (4) Load that physically disconnects from the utility grid.
    - (5) Changes in the distribution of load among accounts as a customer site with multiple accounts, load resulting from the reconfiguration of distribution facilities on the customer site, provided that the changes do not result in a discontinuance or reduction of service from PG&E at that location.
  - c. Otherwise Applicable Rate Schedule: The otherwise applicable rate schedule shall be the last schedule under which the customer took service before load was displaced by Customer Generation. Where the departing load was not previously served by a utility, the otherwise applicable schedule will be the rate schedule by the customer would have taken service under, had the load been served by PG&E.
2. EXEMPTIONS: Customer Generation Departing Load is exempt of some or all of the rates described above to the extent set forth below. Except as exempted in Special Conditions 2a through 2h, all usage taken from the grid is subject to the DWR Bond Charge, the DWR Power Charge, the RA 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, DWR Power Charge, and RA 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 and RA 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, Regulatory Asset Charge, 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, 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, RA Charge and CTC.

(N)

(N)

(Continued)



SCHEDULE E—DCG DEPARTING CUSTOMER GENERATION, CG  
(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 and RA Charge, to the extent that such load falls within the Customer Generation Cap as described in except as described 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 and RA 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 total of Customer Generation Departing Load eligible under Special Conditions 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 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.
- i. Clarification Regarding Continuous Direct Access Customers. If a customer that took direct access service before February 1, 2001, and continued on direct access service through September 20, 2001, and is therefore exempt from the DWR Bond Charge, DWR Power Charge, and RA Charge for its electric load, then that customer shall continue to be exempt regardless of whether or not such customer installs Customer Generation.

(N)

(Continued)



**SCHEDULE E—DCG DEPARTING CUSTOMER GENERATION, CG**  
(Continued)

SPECIAL  
CONDITIONS:  
(Cont'd.)

3. PROCEDURES FOR CUSTOMER GENERATION DEPARTING LOAD:  
Customers are obligated to notify PG&E of their intent to become Customer  
Generation Departing Load in accordance with the following procedure.

(N)

a. Customer Notice to PG&E: Customers shall notify PG&E, in writing or by  
reasonable means through a designated PG&E representative authorized to  
receive such notification, of their intention to take steps that will qualify their  
load or some portion thereof as Customer Generation Departing Load at  
least 30 days in advance of discontinuation or reduction of electric service  
from PG&E. The customer shall specify in its notice the following:

- (1) The date of the departure or reduction of load (Date of Departure);
- (2) A description of the load that will depart or be reduced;
- (3) The PG&E account number assigned to this load;
- (4) The type of Customer Generation technology; and
- (5) An identification of any exemptions that the customer believes are  
applicable to the load. A customer claiming an exemption under  
Special Conditions 2e or 2h shall submit an affidavit to PG&E attesting  
to the facts supporting the claimed exemption. These affidavits —  
*Affidavit in Support of Claim of Competition Transition Charge  
Exemptions Under Public Utilities Code Section 372 (Form 79-1000)*  
and *Affidavit in Support of Claim of DWR Power Charge Exemption  
Under Public Utilities Code Section 353.2 (Form 79-1001)* — shall be  
on file with the Commission. Net metering customers shall not be  
required to complete Form 79-1001.

Failure to provide notice will constitute a violation of this tariff and breach of  
the customer's obligations to PG&E.

(N)

(Continued)



**SCHEDULE E—DCG DEPARTING CUSTOMER GENERATION, CG**  
(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.

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.

(N)

(Continued)



**SCHEDULE E—DCG DEPARTING CUSTOMER GENERATION, CG**  
(Continued)

SPECIAL  
CONDITIONS:  
(Cont'd)

3. PROCEDURES FOR CUSTOMER GENERATION DEPARTING LOAD: (Cont'd)
  - 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.
  - 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.
4. SERVICE VOLTAGE OR SCHEDULE CHANGES: The Customer Generation Departing Load Nonbypassable Charge Statement will be based on the customer's final applicable rate schedule and service voltage. Where customer's applicable rate schedule changes after the Date of Departure, the customer shall be responsible for requesting a change in the applicable rate schedule. Upon acceptance by PG&E of customer's requested rate schedule change, PG&E shall base customer's future monthly nonbypassable charges on the customer's new rate schedule election.
5. MEASUREMENT OF CUSTOMER GENERATION DEPARTING LOAD. Load shall be measured or estimated by PG&E in accordance with PG&E's Electric Preliminary Statement Part BB.

(N)

(N)

(Continued)



SCHEDULE E—DCG DEPARTING CUSTOMER GENERATION, CG  
(Continued)

SPECIAL  
CONDITIONS:  
(Cont'd)

6. **NEW LOAD SERVED BY CUSTOMER GENERATION:** In accordance with Public Utilities Code Section 369, a new electric consumer, which locates in PG&E's service area as it existed on December 20, 1995 (and any incremental load of an existing PG&E customer) shall be responsible for paying non-bypassable charges as applicable, except where such consumer's new or incremental load is being met through a direct transaction that does not make any use of transmission or distribution (T&D) facilities owned by PG&E.

(N)

a. General: Any party claiming that nonbypassable charges do not apply under this provision shall demonstrate through a physical test that such direct transaction can start and fully operate on an ongoing basis, without any of the parties involved in the direct transaction (i.e., the new or incremental customer load is able to be "islanded" to demonstrate that the direct transaction does not require the use of PG&E's T&D systems). Once this standard is met, connection to the system is allowed without invalidating the exemption. Where PG&E determines that the physical test requirement has not been satisfied, it will so notify the owner/operator of the new or incremental load in writing. Any disagreement with respect to that utility determination will be subject to the Dispute Resolution provisions applying to disagreements with Customer Generation Departing Load Nonbypassable Charge Statements.

b. Standby Relationships:

1) For customers interconnected with PG&E's T&D facilities for standby service, PG&E shall deem that new or incremental load can be served through a direct transaction while isolated from the power grid when a physical test of the generator providing electric power to the load demonstrates the following:

- a) The generator is a synchronous generator with black start capabilities, i.e., the synchronous generator starts without being connected to PG&E's T&D facilities; and,
- b) The ongoing physical flow of power for the direct transaction can be provided with no connection to PG&E's T&D facilities.

(N)

(Continued)



SCHEDULE E—DCG DEPARTING CUSTOMER GENERATION, CG  
(Continued)

SPECIAL  
CONDITIONS:  
(Cont'd)

6. NEW LOAD SERVED BY CUSTOMER GENERATION: (Cont'd)

(N)

b. Standby Relationship: (Cont'd)

2) A physical test for customers interconnected with PG&E's T&D facilities for standby service will be performed within three (3) weeks of an exemption being claimed by an owner/operator. The owner/operator shall permit PG&E to inspect the installation and operation of the generator. Failure of the physical test or failure to permit the initial test on the date scheduled by PG&E, or on a mutually agreeable alternative date, will result in the loss of the exemption from the date that the exemption was claimed and received, billing for the exempted Customer Generation Departing Load for the period in which the exemption was received, and continued billing for the Customer Generation Departing Load until a physical test is successfully completed. If a physical test is failed, the customer claiming that nonbypassable costs do not apply may request another opportunity to demonstrate that it can pass the physical test, which PG&E shall schedule within three (3) weeks of the request or at a mutually agreeable date. A customer that fails a physical test twice within a two (2) month period is not entitled to request another physical test for twelve (12) months from the date of the latter of the failed test. To provide for ongoing compliance with D.98-12-067, PG&E may conduct subsequent physical tests no more frequently than once every eighteen (18) months. The results of a subsequent physical test shall not affect a customer's exemption status determined pursuant to the results of any prior physical test conducted not less than eighteen (18) months before the subsequent test.

3) The physical test shall be conducted as follows:

- a) The generator will be turned off and shown that it is capable of being restarted and brought back to the power level consistent with the associated load while completely isolated from PG&E's T&D facilities;
- b) Several representative resistive and inductive loads of the direct transaction will be cycled off and on to demonstrate the isolated generator is stable through normal cycling of resistive and inductive loads; and
- c) The isolated generator will operate at least one (1) hour while under full and partial loads.

7. This schedule will expire on the date on which all Commission-authorized nonbypassable charges for Customer Generation Departing Load customers have expired.

(N)



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

Original  
Cancelling

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

21842-E\*

PACIFIC GAS AND ELECTRIC COMPANY  
DECLARATION IN SUPPORT OF CLAIM  
OF COMPETITION TRANSITION CHARGE EXEMPTIONS  
UNDER PUBLIC UTILITIES CODE SECTION 372  
FORM NO. 79-1000 (7/04)  
(ATTACHED)

(N)  
|  
(N)

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

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

Date Filed July 19, 2004  
Effective \_\_\_\_\_  
Resolution No. E-3831

52365



**Affidavit in Support of Claim of Competition Transition Charge  
Exemptions  
Under Public Utilities Code Section 372**

This affidavit documents assertions by \_\_\_\_\_ (“Customer”) that the Customer’s facilities and operations qualify for an exemption from Competition Transition Charges (“CTC”) as authorized by Public Utilities Code Section 372. Customer understands that the information provided below has a direct and material bearing on meeting legal requirements for the CTC exemption as set forth in Sections 218, 218.5, and 372 of the Public Utilities Code. Customer agrees to inform PG&E at the address specified below within 30 days should any of the information contained herein become outdated or inaccurate at any time during the cogeneration facility’s operation.

If the information requested within this affidavit has already been provided in PG&E’s “APPLICATION FOR CUSTOMER GENERATION COST RESPONSIBILITY SURCHARGE TARIFF EXEMPTION” (Application), Customer may attach the Application in lieu of completing this affidavit. **Customer’s signature is still required on this affidavit.**

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**Exemption Qualification Information**

(Initial all that apply.)

- \_\_\_\_\_ The Customer owns and/or operates the cogeneration facility.
- \_\_\_\_\_ The generation facility, described in more detail in Attachment A, meets cogeneration efficiency standards as required under Public Utilities Code Section 218.5. Calculation of cogeneration efficiency is provided in Attachment B.
- \_\_\_\_\_ The cogeneration facility is / will be operated on the same parcel of land on which the electric and thermal loads it delivers energy to are located.
- \_\_\_\_\_ Delivery of electric energy to all load is / will be consistent with the requirements set forth in Public Utilities Code Section 218 for exclusion of the generation facility from being defined as an “electric corporation.”
- \_\_\_\_\_ The cogeneration unit is non-mobile.

## **Cogeneration Facility Operational Information**

(Initial all that apply and complete applicable information fields.)

### Displaced Utility Customer Class

- \_\_\_\_\_ The cogeneration facility will supply electric energy to Customer loads identified in Attachment C.
- \_\_\_\_\_ The cogeneration facility will supply electric energy to other parties' electric loads as identified in Attachment C.
- \_\_\_\_\_ Customer is not the owner or operator of the cogeneration facility and has no knowledge of energy deliveries other than to the Customer. (Note: Qualification for CTC exemptions requires information that may only be available with the cooperation of the cogeneration facility owner or operator. Customer's failure to obtain and continuously verify such warranted information may disqualify the Customer from receiving a CTC exemption now or in the future.)

### Generation / Displaced Energy Profile

- \_\_\_\_\_ The cogeneration unit will be "base-loaded" and operate continuously except for maintenance and unplanned outages.
- \_\_\_\_\_ The cogeneration unit will be "base-loaded" and operate continuously during normal facility operational hours which are:
- \_\_\_ to \_\_\_ Monday
  - \_\_\_ to \_\_\_ Tuesday
  - \_\_\_ to \_\_\_ Wednesday
  - \_\_\_ to \_\_\_ Thursday
  - \_\_\_ to \_\_\_ Friday
  - \_\_\_ to \_\_\_ Saturday
  - \_\_\_ to \_\_\_ Sunday

Holiday hours are: \_\_\_ closed; \_\_\_ no change from above;  
or \_\_\_ to \_\_\_ (operational hours).

\_\_\_\_\_ The cogeneration unit will operate according to the following electric energy output load profile using time-of-use definitions consistent with PG&E's applicable tariffs:

Summer	Winter
____ % on-peak	
____ % partial-peak	____ % partial peak
____ % off-peak	____ % off-peak
=====	=====
100 %	100 %

\_\_\_\_\_ The cogeneration unit's electric output will be measured by a time-of-use meter acceptable to PG&E.

Cogeneration Efficiency Verification

\_\_\_\_\_ The cogeneration unit has no means of "dumping" waste heat and recovers all unit thermal output for useful purposes.

\_\_\_\_\_ The cogeneration unit has the ability to discharge heat via \_\_\_\_\_ (describe equipment).  
Operational efficiency will be verified by measuring heat discharged with no useful purpose and subtracting this amount from unit thermal output.  
Discharged heat will be measured by: \_\_\_\_ hour meter on heat exchange unit; \_\_\_\_ Btu meter; or \_\_\_\_ other.

\_\_\_\_\_ Heat recovered for useful purposes will be directly measured by a Btu meter.

---

**PG&E Notification Address**

All changes to matters covered by this declaration must be communicated in writing to:  
Pacific Gas and Electric Company  
Director – Rates and Tariffs  
B8M  
P.O. Box 770000  
San Francisco, CA 94177

---

I, \_\_\_\_\_ declare under penalty of perjury that all the information provided above and in the Attachments are true and correct to the best of my knowledge.

\_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)

\_\_\_\_\_ (Place)

**Attachment A  
Description of Cogeneration Unit  
CTC Exemption Application**

<b>PG&amp;E Use Only</b> Application # _____
-------------------------------------------------

Installation Location: \_\_\_\_\_

**Equipment Description:**

Manufacturer: \_\_\_\_\_

Model: \_\_\_\_\_

Nameplate Rating: \_\_\_\_\_ kW

Fuel: \_\_\_\_\_

**Operational Date:**

Actual: \_\_\_\_\_ (already in operation)

Estimated: \_\_\_\_\_

**General Description of Planned Operation (Baseload, etc.):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**General Description of Planned Metering:**

Generator Out: \_\_\_\_\_

Thermal Out: \_\_\_\_\_

**Design Engineer:**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

This form completed by \_\_\_\_\_ (name),  
\_\_\_\_\_ (company), \_\_\_\_\_ (telephone), on \_\_\_\_\_ (date).

**Attachment B  
Cogeneration Efficiency Calculation  
CTC Exemption Application**

**PG&E Use Only**  
Application # \_\_\_\_\_

Use calculation format below or attach separate calculations concerning expected calendar year operations.

Calculations must be consistent with Public Utilities Code Section 218.5.

$$\frac{\text{Electric Output} + \frac{1}{2} \text{ Used Thermal Output}}{\text{Fuel Input}} \geq 42.5\%$$

Generator Nameplate:	_____ kW
- Parasitic Losses:	_____ kW
= Net Electric Output	_____ kW
	x 3412 Btu / hr / kW
= Electric Output	_____ Btu/hr

Unit Thermal Output	_____ Btu/hr
- Adj. For Wasted Thermal	_____ Btu/hr
= Net Used Thermal	_____ Btu/hr

Fuel Input [LHV]	_____ Btu/hr
x [AO]	
= Total Fuel Input [TFI]	_____ Btu/yr

$$\frac{[( \text{ TNEO } ) + \frac{1}{2} ( \text{ TNUT } )] \times 100\%}{( \text{ TFI } )} \geq 42.5 \%$$

$$\frac{( \text{ TNUT } ) \times 100\%}{( \text{ TNUT } ) + ( \text{ TNEO } )} \geq 5 \%$$

This calculation prepared by \_\_\_\_\_ (name),

\_\_\_\_\_ (company), \_\_\_\_\_ (telephone), on \_\_\_\_\_ (date).

**Attachment C**  
**Loads Served by Cogeneration System**  
**CTC Exemption Application**

<b>PG&amp;E Use Only</b> Application # _____
-------------------------------------------------

**Customer Loads**

Business or Facility Name: \_\_\_\_\_

Service Address: \_\_\_\_\_

PG&E Electric Account(s): \_\_\_\_\_

Is total account demand greater than 20 kW.     yes     no

Estimated Total Facility Energy Usage: \_\_\_\_\_ kWh \_\_\_\_\_ kW  
(includes all on-site generation)

**OPTIONAL LOADS BELOW**

**a) Third Party Loads Served by Same Cogen Unit**

Business or Facility Name: \_\_\_\_\_

Service Address: \_\_\_\_\_

PG&E Electric Account(s): \_\_\_\_\_

**b) Third Party Loads Served by Same Cogen Unit**

Business or Facility Name: \_\_\_\_\_

Service Address: \_\_\_\_\_

PG&E Electric Account(s): \_\_\_\_\_

**c) Third Party Loads Served by Same Cogen Unit**

Business or Facility Name: \_\_\_\_\_

Service Address: \_\_\_\_\_

PG&E Electric Account(s): \_\_\_\_\_

\_\_\_\_\_



Pacific Gas and Electric Company  
San Francisco, California

Original  
Cancelling

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

21843-E\*

PACIFIC GAS AND ELECTRIC COMPANY  
DECLARATION IN SUPPORT OF CLAIM OF  
DEPARTMENT OF WATER RESOURCES (DWR)  
ONGOING POWER CHARGE EXEMPTION  
UNDER PUBLIC UTILITIES CODE SECTION 353.2  
FORM NO. 79-1001 (7/04)  
(ATTACHED)

(N)  
---  
(N)

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

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

Date Filed July 19, 2004  
Effective \_\_\_\_\_  
Resolution No. E-3831



**Affidavit in Support of Claim of DWR Power Charge Exemption  
Under Public Utilities Code Section 353.2**

This affidavit documents assertions by \_\_\_\_\_ (“Customer”) that the Customer’s facilities and operations qualify for an exemption from the Department of Water Resources (DWR) Power Charge pursuant to Decision 03-04-030 as authorized by Public Utilities Code Section 353.2. Customer understands that the information provided below has a direct and material bearing on meeting legal requirements for the DWR Power Charge exemption. Customer agrees to inform PG&E at the address specified below within 30 days should any of the information contained herein become outdated or inaccurate at any time during the generation facility’s operation.

If the information requested within this affidavit has already been provided in PG&E’s “APPLICATION FOR CUSTOMER GENERATION COST RESPONSIBILITY SURCHARGE TARIFF EXEMPTION” (Application), Customer may attach the Application in lieu of completing this affidavit. **Customer’s signature is still required on this affidavit.**

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**Exemption Qualification Information**

(Initial all that apply.)

- \_\_\_\_\_ The Customer owns and/or operates a generation facility that commenced initial operation between January 1, 2003 and December 31, 2005.
- \_\_\_\_\_ The generation facility, described in more detail in Attachment A, produces zero emissions during its operation or produces emissions during its operation that area equal to or less than the 2007 State Air Resources Board emission limits for distributed generation, except that technologies operating by combustion must operate in a combined heat and power application with a 60-percent system efficiency on a higher heating value. Calculation of generation efficiency is provided in Attachment B.

**Generation Facility Operational Information**

(Initial all that apply and complete applicable information fields.)

Displaced Utility Customer Class

- \_\_\_\_\_ The generation facility will supply electric energy to Customer loads identified in Attachment C.
- \_\_\_\_\_ The generation facility will supply electric energy to other parties’ electric loads as identified in Attachment C.

\_\_\_\_\_ Customer is not the owner or operator of the generation facility and has no knowledge of energy deliveries other than to the Customer. (Note: Qualification for DWR Power Charge exemption requires information that may only be available with the cooperation of the generation facility owner or operator. Customer's failure to obtain and continuously verify such warranted information may disqualify the Customer from receiving a DWR Power Charge exemption now or in the future.

Generation / Displaced Energy Profile

\_\_\_\_\_ The generation unit will be "base-loaded" and operate continuously except for maintenance and unplanned outages.

\_\_\_\_\_ The generation unit will be "base-loaded" and operate continuously during normal facility operational hours which are:

- \_\_\_\_\_ to \_\_\_\_\_ Monday
- \_\_\_\_\_ to \_\_\_\_\_ Tuesday
- \_\_\_\_\_ to \_\_\_\_\_ Wednesday
- \_\_\_\_\_ to \_\_\_\_\_ Thursday
- \_\_\_\_\_ to \_\_\_\_\_ Friday
- \_\_\_\_\_ to \_\_\_\_\_ Saturday
- \_\_\_\_\_ to \_\_\_\_\_ Sunday

Holiday hours are: \_\_\_\_\_ closed; \_\_\_\_\_ no change from above;  
or \_\_\_\_\_ to \_\_\_\_\_ (operational hours).

\_\_\_\_\_ The generation unit will operate according to the following electric energy output load profile using time-of-use definitions consistent with PG&E's applicable tariffs:

Summer	Winter
____ % on-peak	
____ % partial-peak	____ % partial peak
____ % off-peak	____ % off-peak
=====	=====
100 %	100 %

\_\_\_\_\_ The generation unit's electric output will be measured by a time-of-use meter acceptable to PG&E.

#### Generation Efficiency Verification

\_\_\_\_\_ The generation unit has no means of "dumping" waste heat and recovers all unit thermal output for useful purposes.

\_\_\_\_\_ The generation unit has the ability to discharge heat via \_\_\_\_\_ (describe equipment).  
Operational efficiency will be verified by measuring heat discharged with no useful purpose and subtracting this amount from unit thermal output.  
Discharged heat will be measured by: \_\_\_\_\_ hour meter on heat exchange unit; \_\_\_\_\_ Btu meter; or \_\_\_\_\_ other.

\_\_\_\_\_ Heat recovered for useful purposes will be directly measured by a Btu meter.

---

**PG&E Notification Address**

All changes to matters covered by this declaration must be communicated in writing to:

Pacific Gas and Electric Company

Director – Rates and Tariffs

B8M

P.O. Box 770000

San Francisco, CA 94177

---

I, \_\_\_\_\_ declare under penalty of perjury that all the information provided above and in the Attachments are true and correct to the best of my knowledge.

\_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)  
\_\_\_\_\_ (Place)

**Attachment A**  
**Description of Generation Unit**  
**DWR Power Charge Exemption Application**

**PG&E Use Only**  
Application # \_\_\_\_\_

Installation Location: \_\_\_\_\_

Equipment Description:

Manufacturer: \_\_\_\_\_

Model: \_\_\_\_\_

Nameplate Rating: \_\_\_\_\_ kW

Fuel: \_\_\_\_\_

Operational Date:

Actual: \_\_\_\_\_ (already in operation)

Estimated: \_\_\_\_\_

General Description of Planned Operation (Baseload, etc.):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

General Description of Planned Metering:

Generator Out: \_\_\_\_\_

Thermal Out: \_\_\_\_\_

Design Engineer:

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

This form completed by \_\_\_\_\_ (name),  
\_\_\_\_\_ (company), \_\_\_\_\_ (telephone), on \_\_\_\_\_ (date).

**Attachment B  
Generation Efficiency Calculation  
DWR Power Charge Exemption Application**

**PG&E Use Only**  
Application # \_\_\_\_\_

Use calculation format below or attach separate calculations concerning expected calendar year operations.

Calculations must be consistent with Public Utilities Code Section 353.2.

$$\frac{\text{Electric Output} + \text{Used Thermal Output}}{\text{Fuel Input}} \geq 60\%$$

Generator Nameplate:	_____ kW
- Parasitic Losses:	_____ kW
= Net Electric Output	_____ kW
	x 3412 Btu / hr / kW
= Electric Output	_____ Btu/hr

Unit Thermal Output	_____ Btu/hr
- Adj. For Wasted Thermal	_____ Btu/hr
= Net Used Thermal	_____ Btu/hr

Fuel Input [HHV]	_____ Btu/hr
	x [AO]
= Total Fuel Input [TFI]	_____ Btu/yr

$$\frac{[( \text{ TNEO } ) + ( \text{ TNUT } )]}{( \text{ TFI } )} \times 100\% \geq 60\%$$

This calculation prepared by \_\_\_\_\_ (name),  
\_\_\_\_\_ (Company), \_\_\_\_\_ (telephone), on \_\_\_\_\_ (date).

**Attachment C**  
**Loads Served by Generation System**  
**DWR Power Charge Exemption Application**

<b>PG&amp;E Use Only</b> Application # _____
-------------------------------------------------

**Customer Loads**

Business or Facility Name: \_\_\_\_\_

Service Address: \_\_\_\_\_

PG&E Electric Account(s): \_\_\_\_\_

Is total account demand greater than 20 kW.    \_\_\_ yes    \_\_\_ no

Estimated Total Facility Energy Usage: \_\_\_\_\_ kWh \_\_\_\_\_ kW  
(includes all on-site generation)

**OPTIONAL LOADS BELOW**

**a) Third Party Loads Served by Same Cogen Unit**

Business or Facility Name: \_\_\_\_\_

Service Address: \_\_\_\_\_

PG&E Electric Account(s): \_\_\_\_\_

**b) Third Party Loads Served by Same Cogen Unit**

Business or Facility Name: \_\_\_\_\_

Service Address: \_\_\_\_\_

PG&E Electric Account(s): \_\_\_\_\_

**c) Third Party Loads Served by Same Cogen Unit**

Business or Facility Name: \_\_\_\_\_

Service Address: \_\_\_\_\_

PG&E Electric Account(s): \_\_\_\_\_

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62-4527	1/91	Agreement to Perform Tariff Schedule Related Work .....	11598-E
62-4778	12/89	Cancellation of Contract .....	11047-E
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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
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E-36	Small General Service to Oil and Gas Extraction Customers .....	21390 to 21393-E
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ES	Multifamily Service .....	21724,21725,21253,21254,21255,21256-E
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**PG&E Electric Advice Filing List  
General Order 96-A, Section III(G)**

ABAG Power Pool  
Aglet Consumer Alliance  
Agnews Developmental Center  
Ahmed, Ali  
Alcantar & Elsesser  
Anderson Donovan & Poole P.C.  
Applied Power Technologies  
APS Energy Services Co Inc  
Arter & Hadden LLP  
Avista Corp  
Barkovich & Yap, Inc.  
BART  
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California Farm Bureau Federation  
California ISO  
Calpine  
Calpine Corp  
Calpine Gilroy Cogen  
Cambridge Energy Research Assoc  
Cameron McKenna  
Cardinal Cogen  
Cellnet Data Systems  
Childress, David A.  
City of Glendale  
City of Healdsburg  
City of Palo Alto  
City of Redding  
CLECA Law Office  
Constellation New Energy  
CPUC  
Creative Technology  
Crossborder Inc  
CSC Energy Services  
Davis, Wright Tremaine LLP  
Davis, Wright, Tremaine, LLP  
Defense Fuel Support Center  
Department of the Army  
Department of Water & Power City  
Dept of the Air Force  
DGS Natural Gas Services  
DMM Customer Services  
Downey, Brand, Seymour & Rohwer  
Duke Energy  
Duke Energy North America

Duncan, Virgil E.  
Dutcher, John  
Dynergy Inc.  
Ellison Schneider  
Energy Law Group LLP  
Enron Energy Services  
Exeter Associates  
Foster, Wheeler, Martinez  
Franciscan Mobilehome  
Future Resources Associates, Inc  
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Goodin, MacBride, Squeri, Schlotz &  
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