

July 2, 2003

**Advice 2397-E
(Pacific Gas and Electric Company ID U 39 E)**

Public Utilities Commission of the State of California:

**SUBJECT: Amends the Agreement Between Pacific Gas and Electric Company
and Turlock Irrigation District**

Purpose

As ordered in Decision 03-04-032, dated April 3, 2003, Pacific Gas and Electric Company (the Company) hereby files the two amendments described in Ordering Paragraphs 2 and 5 and the revised statement of methodology described in Ordering Paragraph 16.¹

Amendment Modifications

The two amendments were ordered filed within 60 days of the Decision, whereas the statement of methodology was ordered filed within 90 days of the Decision. On May 22, 2003, the Company and Turlock Irrigation District (TID) requested that the Commission's Executive Director grant a 30-day extension of time for filing the two amendments, so that TID would be able to review the revised statement of methodology before executing the two amendments. The parties suggested that all three items could then be filed together, within 90 days of Decision 03-04-032. On June 3, 2003, William Ahern, the Commission's Executive Director, granted this request. Therefore, all three items are being filed together as part of this Advice filing.

Attachment 2 hereto is the amendment to the Service Area Agreement described in Ordering Paragraph 2 of Decision (D.) 03-04-032, which reads as follows:

2. PG&E shall amend the service area agreement to require advance Commission approval of any amendments, including changes to its service territory, and any

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.

superseding agreements; to delete the provisions regarding Commission adjudication of future disputes; to provide that PG&E, TID, the Patterson Irrigation District, and the Westside Power Authority may provide direct access only as permitted by state law and Commission decisions; and to clarify language related to PG&E's provision of direct access because non-utility electric service providers (ESPs) generally provide direct access. PG&E shall file a copy of the amended service area agreement by advice letter within 60 days of this order.

Attachment 3 hereto is the amendment to the Asset Sale Agreement described in Ordering Paragraph 5 of Decision 03-04-032, which reads as follows:

5. *PG&E and TID shall amend the asset sale agreement to provide that PG&E and TID may provide direct access to customers only as authorized by Commission decisions and state law, to clarify language in Section 4.4 which refers to the provision of direct access by PG&E, and to clarify the obligation of TID and departing customers to pay applicable NBCs or CRS consistent with this decision. PG&E shall file a copy of the amended asset sale agreement by advice letter within 60 days of its [sic] order.*

Attachment 4 hereto is the revised statement of the Company's methodology for calculating Non-Bypassable Charges to be paid by TID on behalf of departing customers, described in Ordering Paragraph 16 of Decision 03-04-032, which reads as follows:

16. *PG&E shall submit a revised statement of its methodology for calculating NBCs to be paid by TID on behalf of departing customers and any additional NBCs or CRS which have been imposed after the closing date to be paid by departing customers, along with revised calculations to the Commission Energy Division by advice letter no later than 90 days after the effective date of this decision.*

Protests

Anyone wishing to protest this filing may do so by sending a letter by **July 22, 2003**, which is 20 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: Brian K. Cherry
Director, Regulatory Relations
77 Beale Street, Mail Code B10C
P.O. Box 770000
San Francisco, California 94177
Facsimile: (415) 973-7226
E-mail: RxDd@pge.com

Effective Date

In accordance with General Order 96-A, PG&E requests that this advice filing become effective on **August 11, 2003**, 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 service list parties for Application (A.) 02-01-012. If you would like a copy of the Service Area Agreement or the Asset Sale Agreement, please contact (415) 973-7572 for a copy. In addition, address changes should be directed to Sandra Ciach at (415) 973-7572. Advice letter filings can also be accessed electronically at:

http://www.pge.com/customer_services/business/tariffs/

Vice President - Regulatory Relations

Attachments (1) Attachment I – Tariff Sheets

(2) Attachment II – Second Amendment to Service Area Agreement

(3) Attachment III – Amendment to Asset Sale Agreement

(4) Attachment IV – Revised Statement of Methodology for Calculation of NonBypassable Charges Calculations for Turlock Irrigation District Sale Area Customers

cc: Roger Masuda, TID
Michael Hindus, Pillsbury Winthrop LLP
Service List A. 02-01-012



LIST OF CONTRACTS AND DEVIATIONS
(Continued)

Name and Location of Customer PG&E Installation Reference No.	Type or Class of Service	Execution and Expiration Dates	Commission Authorization Number and Date	Most Comparable Regular Tariff	
				Schedule or Rule No.	Contract Difference
<u>SAN JOAQUIN VALLEY REGION (Cont'd.)</u>					
<u>Other Public Agencies (Cont'd.)</u>					
Chowchilla Hospital District, Chowchilla	Coml	9-13-78 -	Res. E-1811 1-19-78	Rule 2	Monthly Cost of Ownership Charge
Madera Irrigation District Madera Canal Madera County (Assigned from USDOJ Bureau of Reclamation)	Coml/Ind	3-17-80	-	Rule 15 Sect. E.7	Monthly Cost of Ownership Charge
Tranquillity Public Utility District Tranquillity, Fresno County	Coml	3-25-80 -	-	Rule 15 Sect. E.7	Cost of Ownership Charge
Madera Irrigation District Madera Canal (6.1) Madera County (Assigned from USDOJ Bureau of Reclamation)	Coml	4-19-80	-	Rule 15 Sect. E.7	Monthly Cost of Ownership Charge
Kern County Water Agency	Coml	1-22-81 -	-	Rule 15 D.7	Cost of Ownership Charge
Turlock Irrigation District (TID)	Coml/Ind	Upon Commission Approval	Decision 03-04-032 Application 02-01-012 Advice 2397-E	-	Service Area Agreement and Asset Sale Agreement (N) (N)

(Continued)

Advice Letter No. 2397-E
Decision No. 03-04-032

Issued by
Karen A. Tomcala
Vice President
Regulatory Relations

Date Filed July 2, 2003
Effective _____
Resolution No. _____



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