

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298



February 13, 2007

Advice Letter 2433-E-D

Brian K. Cherry, Vice President, Regulatory Relations
Pacific Gas & Electric Company
77 Beale Street, Mail Code B10C
P.O. Box 770000
San Francisco, CA 94177

Subject: Staff Disposition of Revised Transferred Municipal Departing Load Tariffs in
Compliance with Resolution E-3999

Dear Mr. Cherry:

The Energy Division has verified that Advice Letter (AL) 2433-E-D, with substitute sheets submitted on January 18th, February 7th, and February 8th, 2007 is in compliance with Resolution E-3999, and shall be effective July 10, 2003, with the exception that the tariff provision regarding ongoing CTC recovery shall be effective April 1, 2002. A complete copy of the advice letter with effective tariff sheets is returned herewith for your records.

The substitute sheets addressed some of the issues raised in the January 12th protests of Merced Irrigation District and Modesto Irrigation District (collectively, "the Districts") and the Northern California Power Agency and Turlock Irrigation District (NCPA/Turlock).

The remaining issues raised in protests by the Districts and NCPA/Turlock, as well as the issue raised in the January 11th protest of the California Municipal Utilities Association (CMUA), are not addressed in the substitute sheets. Those issues are not grounds for denial of the relief requested in the supplemental advice letter because they do not demonstrate that any tariffs submitted in AL 2433-E-D are out of compliance with Resolution E-3999.

The Energy Division's approval of Advice Letter 2433-E-D is a "ministerial" act, as that term is used regarding advice letter review and disposition (See D. 02-02-049), made upon the determination that the filing was in compliance with Resolution E-3999.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean H. Gallagher".

Sean H. Gallagher, Director
Energy Division

cc: Scott Blaising, Braun & Blaising, P.C. (Attorney for CMUA)
Dan L. Carroll, Downey Brand LLP (Attorney for the Districts)
C. Susie Berlin, McCarthy & Berlin, LLP (Attorney for NCPA/Turlock)



**Pacific Gas and
Electric Company**

Karen A. Tomcala
Vice President
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November 4, 2003

Advice 2433-E-A
(Pacific Gas and Electric Company ID U39E)

Public Utilities Commission of the State of California

**Subject: Proposed Schedule E-MDL—Municipal Departing Load
and Form 79-1006 in Compliance with D. 03-07-028.**

Pacific Gas and Electric Company (PG&E) hereby submits this supplemental advice filing for revisions to its electric tariffs. The affected tariff sheets are listed on the enclosed Revised Attachment I.¹ This filing supplements Advice 2433-E, and the tariff sheets in this filing supersede and replace corresponding tariff sheets filed in Advice 2433-E, as shown on Attachment I.

Purpose

On October 29, 2003, PG&E filed Advice 2433-E for the purpose of submitting proposed electric rate Schedule E-MDL – *Municipal Departing Load*, and Form No. 79-1006—*Municipal Departing Load Nonbypassable Charge Statement*, to implement the Commission's July 10, 2003, Decision (D.) 03-07-028, as modified by D. 03-08-076, in the Direct Access Suspension Proceeding, Rulemaking (R.) 02-01-011. D. 03-07-028 describes the obligations of customers who depart from an investor-owned utility (IOU) to take service from a local publicly-owned utility (POU), and thereby displace usage formerly delivered by the IOU.

In this supplemental filing, PG&E proposes changes to the Rates section in Advice 2433-E shown in strike and bold as follows:

1. **DWR BOND CHARGE:** The Department of Water Resources (DWR) Bond Charge recovers DWR's bond financing costs. The DWR Bond Charge is the property of DWR for all purposes under California law. The DWR Bond Charge applies to Municipal Departing Load unless sales under the customer's Otherwise-Applicable Schedule (OAS) were CARE or medical baseline or unless exempt under Special Condition 2, below.

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.



The **currently** applicable DWR Bond Charge for ~~2003, including MDL customers, is \$0.00413~~ is \$0.00444 per kilowatt-hour (kWh).

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 Municipal Departing Load unless sales under the customer's OAS were CARE or medical baseline or exempt under Special Condition 2, below.

The DWR Power Charge shall be set equal to the difference between \$0.02700 per kilowatt-hour (kWh) and the sum of the DWR Bond Charge (Section 1, above) and the Competition Transition Charge (Section 3, below). **The currently applicable DWR Power Charge is \$0.02256 per kWh.** ~~The Commission has not yet been established the applicable DWR Power Charge.~~

PG&E is also making minor corrections to Schedule E-MDL in this filing as follows:

Special Condition 1.c: Revise "the CTC, TTA Charge, and the ND Charge." to "the CTC, ~~the~~ TTA Charge, and the ND Charges."

Special Condition 1.d: Change "displace" to "displaced".

Special Condition 3.e: first paragraph, first sentence, change "Special Conditions 3.a. or 3.c." to "3.b. or 3.c."

Special Condition 5.c: Change "5a" to "5.a." to be consistent with the convention used elsewhere in the tariff.

Finally, the service list for this filing is R. 02-01-011, rather than R. 99-10-025. (Advice 2433-E was served to parties on both service lists.)

Protests

Anyone wishing to protest this filing may do so by sending a letter by **November 24, 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



November 4, 2003

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 compliance with D. 03-07-028, PG&E requests that this advice filing become effective on **July 10, 2003**, which is the date of the decision.

Notice

In accordance with General Order 96-A, Section III, Paragraph G, a copy of this advice letter is being sent electronically and via U.S. mail to parties shown on the attached list and the parties on the service list for R. 02-01-011. 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/

Karen A. Tomcala /s/

Vice President - Regulatory Relations

Attachments

cc: Service List - R. 02-01-011

**ATTACHMENT I
ADVICE 2433-E-A**

REVISED

<u>Cal. P.U.C. Sheet No.</u>	<u>Title of Sheet</u>	<u>Canceling Cal P.U.C. Sheet No.</u>
20834-E	Schedule E-MDL—Municipal Departing Load	20818-E
20835-E	Schedule E-MDL (Cont'd.)	20819-E
20820-E	Schedule E-MDL (Cont'd.)	N/A
20821-E	Schedule E-MDL (Cont'd.)	N/A
20822-E	Schedule E-MDL (Cont'd.)	N/A
20836-E	Schedule E-MDL (Cont'd.)	20823-E
20824-E	Schedule E-MDL (Cont'd.)	N/A
20825-E	Schedule E-MDL (Cont'd.)	N/A
20837-E	Schedule E-MDL (Cont'd.)	20826-E
20827-E	Form 79-1006—Municipal Departing Load – Nonbypassable Charge Statement	N/A
20828-E	Table of Contents – Sample Forms (Cont'd.)	18911, 18932, 18989, 18709-E
20838-E	Table of Contents – Rate Schedules (Cont'd.)	20829-E
20839-E	Table of Contents	20830-E



SCHEDULE E-MDL—MUNICIPAL DEPARTING LOAD

APPLICABILITY: This schedule is applicable to customers that have Municipal Departing Load as defined in Special Condition 1.a., below, including customers who displace all or a portion of their load with service from a Publicly Owned Utility (POU) as defined in Special Condition 1.e., below, and customers who assume responsibility for Municipal Departing Load at a previously departed premises. ("New Party" as defined in Special Condition 1.b., below.) This schedule supercedes the portions of Schedules E-DEPART and Electric Preliminary Statement Part BB- *Competition Transition Charge Responsibility for All Customers and CTC Procedure for Departing Load*, that address Nonbypassable Charge obligations that would otherwise pertain to Municipal Departing Load.

(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. The DWR Bond Charge is the property of DWR for all purposes under California law. The DWR Bond Charge applies to Municipal Departing Load unless sales under the customer's Otherwise-Applicable Schedule (OAS) were CARE or medical baseline or unless exempt under Special Condition 2, below.

The currently applicable DWR Bond Charge is \$0.00444 per kilowatt-hour (kWh).

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 Municipal Departing Load unless sales under the customer's OAS were CARE or medical baseline or exempt under Special Condition 2, below.

The DWR Power Charge shall be set equal to the difference between \$0.02700 per kWh and the sum of the DWR Bond Charge (Section 1, above), and the Competition Transition Charge (Section 3, below). The currently applicable DWR Power Charge is \$0.02256 per kWh.

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 Commission has not yet established a CTC rate.

4. TRUST TRANSFER AMOUNT (TTA) CHARGE: The TTA funds the cost of bonds used for paying for a 10 percent rate reduction for residential and small commercial customers. The TTA charge applies to all Municipal Departing Load that would have otherwise been responsible for the TTA, as specified in Schedule E-RRB. The TTA charge is separately shown in the customer's OAS.

(N)

(Continued)



SCHEDULE E-MDL—MUNICIPAL DEPARTING LOAD
(Continued)

RATES:
(Cont'd.)

5. NUCLEAR DECOMMISSIONING (ND) CHARGE: The ND charge collects the funds required for site restoration when a nuclear power plant is removed from service. The ND charge applies to all Municipal Departing Load. The ND charge is separately shown in the customer's OAS. (N)

SPECIAL
CONDITIONS:

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

a. Municipal Departing Load: Municipal Departing Load (or MDL) is that portion of an electric load at a premises, for which a customer, on or after December 20, 1995, discontinues or reduces its purchases of bundled or direct access electricity service from PG&E to take electricity service from a Publicly Owned Utility (POU). For purposes of this rate schedule, MDL does not include "new load," as that term is defined in Decision 03-07-028.

b. Change of Party: When a person or agency with Municipal Departing Load leaves the premises with the Municipal Departing Load and another person or agency (New Party) assumes liability for the Municipal Departing Load at that same premises.

c. Nonbypassable Charges: The DWR Bond Charge, the DWR Power Charge, the CTC, the TTA, and the ND Charges.

d. Otherwise-Applicable Schedule (OAS): The Otherwise-Applicable Schedule shall be the last schedule under which a customer took service before load was displaced by service from a POU.

e. Publicly Owned Utility (POU): A Publicly-Owned Utility (or POU) is any public entity that qualifies as a local publicly owned electric utility under Public Utilities Code Section 9604.

2. EXEMPTION: Municipal Departing Load that departed prior to February 1, 2001, is exempt from the DWR Bond Charge and DWR Power Charge.

3. PROCEDURES FOR MUNICIPAL DEPARTING LOAD: Customers are obligated to notify PG&E of their intent to discontinue or reduce electric service in a manner that would qualify their load as Municipal Departing Load in accordance with the following procedures:

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 as Municipal 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: (N)

(Continued)



SCHEDULE E-MDL—MUNICIPAL DEPARTING LOAD
(Continued)

SPECIAL
CONDITIONS:
(Cont'd.)

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

(N)

e. Dispute Resolution:

If a customer believes that its Nonbypassable Charges as presented by PG&E pursuant to Special Conditions 3.b. or 3.c. do 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 notice provided by PG&E. If PG&E does not accept the customer's position, it will respond in writing within five 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-day period, in order to allow for further negotiations or other resolution techniques.) In such event, the customer shall continue to be responsible for making the monthly Municipal Departing Load 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 notice.

Failure to file a complaint with the Commission within the specified period shall constitute agreement with and acceptance of such notice.

f. Opportunity to Cure: If a customer fails to provide the notice specified in Special Condition 3.a. or 3.c. 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. Such amounts shall include interest computed in accordance with electric Rule 7.

(N)

(Continued)



SCHEDULE E-MDL—MUNICIPAL DEPARTING LOAD
(Continued)

SPECIAL
CONDITIONS:
(Cont'd.)

5. MEASUREMENT OF MUNICIPAL DEPARTING LOAD: (Cont'd.)

(N)

a. Reference Period Load Profile: (Cont'd.)

If the customer has elected to provide reliable current metered information to PG&E for Nonbypassable Charge billing purposes (pursuant to the provisions in Special Condition 5.c.), the Reference Period Load Profile information will be used only for the purpose of calculating the Reference Period Annual Bill (as described under Special Condition 5.b. needed in the event that a Default Lump Sum payment amount must be enforced pursuant to the provisions of Special Condition 3.i.

b. Reference Period Annual Bill: The customer's Reference Period Annual Bill will be calculated by multiplying the customer's applicable reference period billing determinants (as determined according to Special Condition 5.a.) by the Nonbypassable Charge rates under the customer's Otherwise Applicable Schedule and service voltage options.

c. Substitution Of Metered Data: At the customer's election, metered data can be substituted on a prospective basis rather than using the historical billing determinants described in Special Condition 5.a. Subject to verification procedures sufficient to ensure the reliability of such consumption information, such metering arrangements may include reliance upon third-party metering. Under such an arrangement, each party would be responsible for bearing its own costs associated with the agreed upon verification process. The metering reliability standards required under such arrangements would be as determined by PG&E's electric Rule 17 or such other standards as might eventually be adopted by the Commission. If such metering agreement is reached, and the requisite metering data continues to be supplied on a timely basis, PG&E shall replace the customer's reference period billing determinants with current metered usage information in order to calculate all subsequent Municipal Departing Load Nonbypassable Charge payments.

6. EXPIRATION:

This schedule will expire on the date on which all Commission-authorized charges for Municipal Departing Load Customers have expired.

(N)

(Continued)



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(T)

RATE SCHEDULES

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**PG&E Electric Advice Filing List
General Order 96-A, Section III(G)**

ABAG Power Pool
ACN Energy, Inc.
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
Bartle Wells Associates
Blue Ridge Gas
Bohannon Development Co
BP Energy Company
Braun & Associates
C & H Sugar Co.
CA Bldg Industry Association
CA Cotton Ginners & Growers Assoc.
CA League of Food Processors
CA Water Service Group
California Energy Commission
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.
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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
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Heeg, Peggy A.
Hogan Manufacturing, Inc
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Integrated Utility Consulting Group
International Power Technology
J. R. Wood, Inc
JTM, Inc
Kaiser Cement Corp.
Korea Elec Power Corp
Marcus, David
Masonite Corporation
Matthew V. Brady & Associates
Maynor, Donald H.
McKenzie & Assoc
McKenzie & Associates
Meek, Daniel W.
Meyer, Joseph
Mirant California, LLC
Modesto Irrigation Dist
Morrison & Foerster
Morse Richard Weisenmiller & Assoc.
New United Motor Mfg, Inc
Norris & Wong Associates
North Coast Solar Resources
Northern California Power Agency
PG&E National Energy Group
Pinnacle CNG Company
PPL EnergyPlus, LLC
Price, Roy
Product Development Dept
Provost Pritchard
R. M. Hairston & Company
R. W. Beck & Associates
Recon Research
Regional Cogeneration Service
RMC Lonestar
Sacramento Municipal Utility District
SCD Energy Solutions
Seattle City Light
Sempra
Sempra Energy
Sequoia Union HS Dist
SESCO
Sierra Pacific Power Company
Silicon Valley Power
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St. Paul Assoc
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Utility Cost Management LLC
Utility Resource Network
Wellhead Electric Company
Western Hub Properties, LLC
White & Case
WMA