

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®**

Brian K. Cherry
Director
Regulatory Relations

77 Beale Street, Room 1087
San Francisco, CA 94105

Mailing Address
Mail Code B10C
Pacific Gas and Electric Company
P.O. Box 770000
San Francisco, CA 94177

September 2, 2005

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

415.973.4977
Internal: 223.4977
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Public Utilities Commission of the State of California

Subject: Revision to Proposed Schedule E-MDL – Municipal Departing Load

Pacific Gas and Electric Company (PG&E) hereby submits for filing revisions to its proposed Schedule E-MDL – *Municipal Departing Load*, as filed on October 29, 2003, in Advice 2433-E and supplemented by Advice 2433-E-A and Advice 2433-E-B. The affected tariff sheets are listed on the enclosed Revised Attachment 1 and supersede the previous versions of Schedule E-MDL in its entirety. Schedule E-MDL supersedes portions of PG&E's electric Preliminary Schedule Part BB--*Competition Transition Charge Responsibility for All Customers and CTC Procedure for Departing Loads (PS Part BB)*, as well as Electric Schedule E-DEPART, insofar as they address the obligations of customer load departing to take service from a publicly-owned utility (POU).

Purpose

By this supplemental advice letter, PG&E requests that the Commission approve Schedule E-MDL with the revisions shown in the attached tariff sheets. In addition, PG&E requests that the Commission grant the requests in Advice 2433-E, 2433-E-A, and 2433-E-B to make the tariffs effective on July 10, 2003, for purposes of the nonbypassable charges included in the original tariff sheets.

Background

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 described the obligations of customers who depart from an investor-owned utility (IOU) to take service from a local POU and thereby displace usage formerly delivered by the IOU. Under Schedule E-MDL as originally filed, such obligations could include charges for the Department of Water Resources (DWR) Bond Charge, the DWR Power Charge, ongoing competition transition charge (CTC), and other applicable nonbypassable

charges.

On November 4, 2003, PG&E filed Advice 2433-E-A to revise the Rates section of the original advice letter and to make other minor editorial changes.

On January 26, 2004, PG&E filed Advice 2465-E to implement D.03-12-035 and the Modified Settlement Agreement (MSA) adopted therein, as well as the proposed Rate Design Settlement Agreement (RSDA) entered into by various parties. In Advice 2465-E, PG&E provided sample tariffs for two rate schedules and stated that it "will file a complete set of revised rate schedules prior to implementing the rates provided herein."

On February 18, 2004 PG&E filed Advice 2433-E-B to further revise Schedule E-MDL to clarify that departing load customers subject to that rate schedule are responsible for payment of the Regulatory Asset charge.

Decisions 05-07-038 (issued July 21, 2005) and 05-08-035 (issued August 25, 2005) resolved the outstanding petition to modify D. 04-12-059 and related decisions regarding municipal departing load issues.

The Commission has not yet acted on Advice 2433-E, Advice 2433-E-A, or Advice 2433-E-B.

Schedule E-MDL

By this Advice letter, PG&E is incorporating the nonbypassable charge rate component definitions recently approved in Advice 2375-E-C--*Departing Customer Generation, CG* (E-DCG).

In addition, based on conversations with the Energy Division, PG&E will further simplify Schedule E-MDL by referencing provisions of existing PG&E tariffs into Schedule E-MDL. For example, PG&E has relied on the procedures and provisions of current Gas and Electric Rules 6 (for requiring deposits), 7 (amount of deposits), 8 (notices), 9 (rendering and payment of bills), 10 (disputed bills), and 11 (discontinuance of service).

PG&E has eliminated Special Condition 5.c. "Substitution of Metered Data" from Schedule E-MDL in this filing because of a lack of customer interest in this option since its inception 8 years ago. The customer will still have the 12 or 36 month Reference Period Load Profile, which has been amended as follows:

The customer's Reference Period Load Profile will be based upon the lower of the following two options: (1) the customer's demand and energy usage over the 12 month period prior to the customer's submission of notice; or (2) the customer's average 12 month

demand and energy usage, with such average to be as measured over the prior 36 months of usage.

PG&E is also updating Form 79-1006—*Municipal Departing Load Nonbypassable Charge Statement*, as defined in Schedule E-MDL.

Effective Date

By this supplemental advice letter, PG&E requests that the Commission make the tariffs revisions effective on July 10, 2003 which is the requested effective date of the original filing, **with one exception: namely, PG&E requests that the tariff provisions related to CTC recovery be effective April 1, 2002, the date that PG&E's Rate Schedule E-DEPART inadvertently expired¹.** PG&E requests an approval date of no later than November 2, 2005 for a January 1, 2006 implementation date. This will allow sufficient time for the necessary modifications to PG&E's billing systems.

Protest

Anyone wishing to protest this filing may do so by sending a letter by **September 22, 2005**, 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, Room 4002
San Francisco, California 94102
Facsimile: (415) 703-2200
E-mail: jjr@cpuc.ca.gov and ijnj@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.

¹ In Resolution E-3903 (issued Jan. 27, 2005), the Commission agreed with PG&E that Schedule E-DEPART, which held departing load customers responsible for the CTC, PPP, and ND charges, had erroneously expired on March 31, 2001. The Commission permitted PG&E to revise Schedule E-DEPART to "allow billing DL customers for ND and PPP charges" retroactive to the erroneous expiration date "until superseding tariffs for billing nonbypassable charges have been approved." (Res. E-3903, Finding 6.) However, the Commission declined to allow PG&E "to bill DL customers the ongoing CTC or the RA charge through Schedule E-DEPART until issues regarding the CRS have been resolved for each type of DL customer." (*Id.*, Finding 8.) Making the CTC provisions of Schedule E-MDL effective as of April 1, 2002 (rather than July 10, 2003) would effectively "close the gap" between the erroneous expiration date of E-DEPART and the effective date of the remainder of Schedule E-MDL, and is consistent with the Commission's directive in Resolution E-3903 to "consolidate all information applicable to a particular type of DL customer, including all nonbypassable charges into a single tariff covering such customers." (*Id.*, Finding 9.)

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.

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: PGETariffs@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.

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 lists and the service list for R.02-01-011. Address changes should be directed to Rose De La Torre at (415) 973-4716. Advice letter filings can also be accessed electronically at:

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



Director- Regulatory Relations

Attachments

CC: Service List R.02-01-011

CALIFORNIA PUBLIC UTILITIES COMMISSION

ADVICE LETTER FILING SUMMARY ENERGY UTILITY

MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

Company name/CPUC Utility No. **Pacific Gas and Electric Company (ID U39)**

Utility type:

ELC

GAS

PLC

HEAT

WATER

Contact Person: Bernard Lam

Phone #: (415) 973-4878

E-mail: bxlc@pge.com

EXPLANATION OF UTILITY TYPE

(Date Filed/ Received Stamp by CPUC)

ELC = Electric

GAS = Gas

PLC = Pipeline

HEAT = Heat

WATER = Water

Advice Letter (AL) #: **2433-E-C**

Subject of AL: Revision to Proposed Schedule E-MDL – Municipal Departing Load

Keywords (choose from CPUC listing): Forms, Rate Schedule, Supplemental Filing

AL filing type: Monthly Quarterly Annual One-Time Other _____

If AL filed in compliance with a Commission order, indicate relevant Decision/Resolution #:

D.03-07-028, D.03-08-076, D.05-07-038, D.05-08-035, Resolution E-3903

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL: No

Summarize differences between the AL and the prior withdrawn or rejected AL¹: _____

Resolution Required? Yes No

Requested effective date: 7/10/2003, with CTC provisions effective 4/1/2002

No. of tariff sheets: 14

Estimated system annual revenue effect (%): N/A

Estimated system average rate effect (%): N/A

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected: Rate Schedule E-MDL and Sample Forms

Service affected and changes proposed¹: N/A

Pending advice letters that revise the same tariff sheets: 2433-E, 2433-E-A, 2433-E-B

Protests and all other correspondence regarding this AL are due no later than 20 days after the date of this filing, unless otherwise authorized by the Commission, and shall be sent to:

CPUC, Energy Division

Attention: Tariff Unit

505 Van Ness Ave.,

San Francisco, CA 94102

jjr@cpuc.ca.gov and jnj@cpuc.ca.gov

Pacific Gas and Electric Company

Attn: Brian K. Cherry

Director, Regulatory Relations

77 Beale Street, Mail Code B10C

P.O. Box 770000

San Francisco, CA 94177

E-mail: PGETariffs@pge.com

¹ Discuss in AL if more space is needed.

**ATTACHMENT 1
Advice 2433-E-C**

Cal P.U.C. Sheet No.	Title of Sheet	Cancelling Cal P.U.C. Sheet No.
23743-E	Schedule E-MDL--Municipal Departing Load	New
23744-E	Schedule E-MDL (Cont.)	New
23745-E	Schedule E-MDL (Cont.)	New
23746-E	Schedule E-MDL (Cont.)	New
23747-E	Schedule E-MDL (Cont.)	New
23748-E	Schedule E-MDL (Cont.)	New
23749-E	Schedule E-MDL (Cont.)	New
23750-E	Schedule E-MDL (Cont.)	New
23751-E	Schedule E-MDL (Cont.)	New
23752-E	Schedule E-MDL (Cont.)	New
23753-E	Sample Form 79-1006--Municipal Departing Load - Nonbypassable Charge Statement	New
23754-E	Table of Contents -- Sample Forms	23606-E
23755-E	Table of Contents -- Rate Schedules	23616-E
23756-E	Table of Contents -- Rate Schedules	23742-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 supersedes 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 or excepted 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 Municipal Departing Load unless sales under the customer's Otherwise Applicable Schedule (OAS) were CARE or medical baseline. The DWR Bond Charge is separately shown in the customer's Otherwise Applicable 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 Municipal Departing Load unless sales under the customer's OAS were CARE or medical baseline.

The DWR Power Charge shall be set equal to the difference between \$0.02700 per kWh and the sum of: (a) the DWR Bond Charge (Section 1, above), (b) the Regulatory Asset Charge (Section 6, below) or its' successor charge, the Energy Cost Recovery Amount (Section 7, below), and (c) the Competition Transition Charge (Section 3, below). If a customer is exempt from any of the charges (a) through (c), the DWR Power Charge shall be set equal to the difference between \$0.02700 per kWh and the sum of just the charges (a) through (c) for which the customer is not exempt.

3. **COMPETITION TRANSITION CHARGE (CTC):** The Ongoing CTC recovers the cost of power purchase agreements, signed prior to December 20, 1995, in excess of a California Public Utilities Commission (Commission) approved proxy of the market price of electricity, plus employee transition costs as defined in Section 367(a) of the California Public Utilities Code. The currently applicable Ongoing CTC rate for Municipal Departing Load is equal to \$0.00703 per kilowatt-hour.
4. **TRUST TRANSFER AMOUNT (TTA) CHARGE:** The TTA Charge funds the cost of bonds used for paying for a 10 percent rate reduction for residential and small commercial customers. The TTA has been transferred to a subsidiary of PG&E and then to a public trust. PG&E is collecting the TTA Charge on behalf of the subsidiary and public trust. The TTA does not belong to PG&E. 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 to restore the site when PG&E's nuclear power plant are removed from service. The ND Charge applies to all Municipal Departing Load. The ND charge is separately shown in the customer's OAS.
6. REGULATORY ASSET (RA) CHARGE: The RA charge recovers the costs associated with the Regulatory Asset adopted by the Commission in Decision 03-12-035. The RA Charge is separately shown in the customer's OAS. On March 1, 2005, the Energy Cost Recovery Amount (ECRA) Charge superceded and replaced the RA Charge such that after March 1, 2005, customers no longer incur additional RA Charges but instead incur ECRA Charges.
7. ENERGY COST RECOVERY AMOUNT (ECRA) CHARGE: The ECRA Charge recovers the costs associated with the Energy Recovery Amount adopted by the Commission in Decision 04-11-015. The ECRA Charge is shown in the customer's OAS. On March 1, 2005, the ECRA Charge superseded and replaced the RA Charge.

(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 load at a premises that was served by bundled or direct access electricity service from PG&E and, on or after December 20, 1995, is replaced by 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: Change of Party occurs 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 (NBCs): Nonbypassable Charges are those PG&E charges that may be recovered from Municipal Departing Load pursuant to this rate schedule: the DWR Bond Charge, the DWR Power Charge, the CTC, the TTA Charge, the ND Charge, the RA Charge, and the ECRA Charge.
 - 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.
 - f. Reference Period Load Profile: The customer's Reference Period Load Profile will be based upon the lower of the following two options: (1) the customer's demand and energy usage over the 12 month period prior to the customer's submission of notice that it will depart or reduce its load; or (2) the customer's average 12 month demand and energy usage, with such average to be as measured over the prior 36 months of usage.

(N)

(Continued)



SCHEDULE E-MDL—MUNICIPAL DEPARTING LOAD
(Continued)

SPECIAL
CONDITIONS:
(Cont'd.)

2. EXEMPTIONS AND EXCEPTIONS:

(N)

- a. Load That Departed Prior to 1, 2001. Municipal Departing Load that departed prior to February 1, 2001, is exempt from the DWR Bond Charge and the DWR Power Charge.
- b. Load That Was Forecasted In PG&E's August 2000 Bypass Report (referenced in D.04-11-014). Municipal Departing Load located in the geographic area covered by PG&E's 2000 Bypass Report is excepted from the DWR Power Charge subject to the following annual limits:
 - Modesto Irrigation District – 190,220 megawatt-hours (MWh)
 - Merced irrigation District – 340,844 MWh
 - South San Joaquin Irrigation District Condemnation Area – 21,605 MWh
 - Laguna Irrigation District Condemnation Area – 35,583 MWh
 - Redding, Roseville, Lodi, Davis, and Brentwood Annexation Areas – 151,506 MWh
- c. Load Eligible for Leftover Exceptions (referenced in D.04-11-014). To the extent any of those entities specifically named in Special Condition 2.b, above, does not utilize its allotted annual DWR Power Charge exception, the exception shall be made available on an annual first-come, first-served basis to MDL of POUs that have been in existence on or prior to July 10, 2003, and serving at least 100 customers. The following entities have been found by the Commission to qualify for these Leftover Exceptions:
 - Municipal Utilities: Alameda, Anaheim, Azusa, Banning, Biggs, Burbank, Calaveras, Colton, Glendale, Gridley, Healdsburg, Lodi, Lompoc, Los Angeles, Needles, Palo Alto, Pasadena, Pittsburg, Redding, Riverside, Roseville, Santa Clara, Shasta Lake, Tuolumne, Ukiah, Vernon
 - Municipal Utility Districts: Lassen, Sacramento
 - Public Utility Districts: Trinity, Truckee-Donner
 - Irrigation Districts: Imperial, Merced, Modesto, Turlock

The Commission has not yet established a procedure for administering the allocation of Leftover Exceptions.
- d. RA Charge/ECRA Charge Exemptions. Municipal Departing Load that departed prior to January 1, 2000 is exempt from the RA Charge and ECRA Charge. In addition, Municipal Departing Load is exempt from the RA Charge and ECRA Charge if it departed from a location that subsequently, as of December 19, 2003, was no longer part of PG&E's service area.

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:

(N)

(Continued)



SCHEDULE E-MDL—MUNICIPAL DEPARTING LOAD
(Continued)

SPECIAL
CONDITIONS:
(Cont'd.)

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

(N)

a. Customer Notice to PG&E (Notice of Departure): 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: (Cont'd.)

- 1) The date on which the customer will reduce or discontinue its electric service (Date of Departure);
- 2) A description of the load that will qualify as Municipal Departing Load;
- 3) The PG&E account number assigned to this load;
- 4) The name of the POU from which the customer will take service; and
- 5) An identification of any exemptions that the customer believes are applicable to the load.

Failure to provide notice including all the elements specified above will constitute a violation of this tariff and a breach of the customer's obligations to PG&E, entitling PG&E (subject to the provisions of Special Condition 3.e., "Dispute Resolution," and 3.f., "Opportunity to Cure") to collect the applicable Nonbypassable Charges from the customer on a lump sum basis.

b. Municipal Departing Load Nonbypassable Charge Statement:

By no later than 20 days after receipt of customer's notice (provided pursuant to Special Condition 3.a.), PG&E shall mail or otherwise provide the customer with a Municipal Departing Load Nonbypassable Charge Statement containing any applicable confirmation of the customer's exemption claim. If the Municipal 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 Municipal Departing Load Nonbypassable Charge Statement within 20 days of PG&E's receipt of the customer's notice containing all of the information required under Special Condition 3.a., the customer's obligation to pay Municipal Departing Load Nonbypassable Charges shall not commence until the later of the Date of Departure or 30 days from the customer's receipt of PG&E's Municipal Departing Load Nonbypassable Charge Statement.

(N)

(Continued)



SCHEDULE E-MDL—MUNICIPAL DEPARTING LOAD
(Continued)

SPECIAL
CONDITIONS:
(Cont'd.)

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

(N)

c. Notice to PG&E for Change of Party:

- 1) Notice and Procedure for Customer with Municipal Departing Load:
Customers with Municipal Departing Load that intend to take action such that they will no longer be responsible for Nonbypassable Charges for Municipal Departing Load, in whole or in part, at the customer's premises shall give PG&E not less than 30 days notice of the proposed action.
 - a) The customer must state the date on which the termination of liability is intended to become effective, and the reason for termination of liability, subject to approval by PG&E. Reasons for termination of liability may include vacating the property, change of ownership or Change of Party.
 - b) If the notice of termination is approved by PG&E, PG&E will stop billing the customer for Nonbypassable Charges on the effective date of the termination of liability.
 - c) If the notice of termination is not approved by PG&E, PG&E will advise the customer in writing and state the reason(s) for such disapproval.
 - d) 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.
 - e) PG&E will utilize the existing customer's Reference Period Load Profile as the Reference Period Load Profile for the New Party at the same premises, or, if the existing customer requests at the time of termination of liability that its Reference Period Load Profile not be released, PG&E's estimate of the New Party's usage.

(N)

(Continued)



SCHEDULE E-MDL—MUNICIPAL DEPARTING LOAD

(Continued)

SPECIAL
CONDITIONS:
(Cont'd.)

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

(N)

c. Notice to PG&E for Change of Party: (Cont'd.)

2) Notice to PG&E from New Party at the Existing Premises: At least two days in advance of taking electric service from a Publicly Owned Utility at a premises with Municipal Departing Load, the New Party shall notify PG&E, in writing or by reasonable means through a designated PG&E representative authorized to receive such notification, of its intention to occupy those premises and assume responsibility for the Municipal Departing Load.

a) The New Party shall specify in its notice the date the person or agency will begin, or already began, consuming electricity at the premises, and, if known, the name of the prior Municipal Departing Load customer or the relevant PG&E account number(s).

b) PG&E will send the New Party a notice specifying that the billing will be based upon: (1) the previous customer's Reference Period Load Profile, or, (2) if the previous customer requested that its Reference Period Load Profile not be released, PG&E's estimate of the New Party's usage at the existing premises.

c) PG&E will issue a bill for the time period beginning with the date the New Party began to consume electricity at the premises.

d. Customer Obligation To Make Municipal Departing Load Payments: PG&E will prepare and issue bills for Municipal Departing Load Charges at regular intervals. All bills will be based on the customer's Reference Period Load Profile. Rendering and payment of bills shall be handled in accordance with the provisions of PG&E's Electric Rule 9.E., 9.H., and 9.L. for the Municipal Departing Load payments, and Municipal Departing Load Charges will be included in any allocation of partial payments. Bills will be considered past due if payment is not received by PG&E within 19 days (for residential customers) or 15 days (for non-residential customers) after the bill is transmitted by mail or through electronic presentment to the customer. If PG&E opts to discontinue any service that it is providing to the customer based on the customer's nonpayment of Municipal Departing Load Charge, PG&E will follow the notice procedures and provisions of Gas or Electric Rule 8.

(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:

Disputed bills shall be handled in accordance with provisions from PG&E's Electric Rule 10.A. and 10.B.

f. Opportunity to Cure: If a customer fails to provide the notice specified in Special Condition 3.a. or 3.c., 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. If the breach was a failure to pay, to cure, the customer must pay to PG&E all payments that are at or past their due date in accordance with Gas and Electric Rules 8 and 11.

(N)

(Continued)



SCHEDULE E-MDL—MUNICIPAL DEPARTING LOAD
(Continued)

SPECIAL
CONDITIONS:
(Cont'd.)

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

(N)

g. Demand for Deposit: For Deposits, PG&E will follow the procedures of PG&E's Electric Rule 6 and Electric Rule 7. Deposits shall be handled in accordance with the applicable provisions of PG&E's Electric Rule 7.A., 7.B., and 7.C.

h. Demand for Lump Sum Payment: PG&E may issue a Demand for Lump Sum Payment of Default Departing Load Nonbypassable Charge Responsibility to a customer under any one of the following four conditions: (1) failure to provide notice and subsequent failure to cure as specified; (2) failure to establish a deposit; (3) failure, after having established a deposit, to make monthly payments, to such an extent that the account has once again become at least two months in arrears; or (4) after having received the return of a prior deposit, failure to make subsequent future monthly payments to such an extent that the account has once again become at least two months in arrears.

Default Lump Sum Nonbypassable Charge Payment Responsibility shall be, for each rate component, an amount equal to 102 percent of the bill associated with that rate component for the period from when the customer's account began being in arrears and PG&E's estimated date of the expiration of the customer's obligation to pay that rate component.

(N)

(Continued)



SCHEDULE E-MDL—MUNICIPAL DEPARTING LOAD
(Continued)

SPECIAL
CONDITIONS:
(Cont'd.)

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

(N)

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.

6. EXPIRATION:

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

(N)

(Continued)



Pacific Gas and Electric Company
San Francisco, California

Original
Cancelling

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

23753-E

PACIFIC GAS AND ELECTRIC COMPANY
MUNICIPAL DEPARTING LOAD
NONBYPASSABLE CHARGE STATEMENT
FORM NO. 79-1006 (09/05)
(ATTACHED)

(N)
|
(N)

Advice Letter No. 2433-E-C
Decision No.

Issued by
Karen A. Tomcala
Vice President
Regulatory Relations

Date Filed September 2, 2005
Effective _____
Resolution No. _____



**MUNICIPAL DEPARTING LOAD
NONBYPASSABLE CHARGE STATEMENT**

Customer Name: _____

Service Address: _____

PG&E Electric Service ID number(s): _____

The customer identified above (Customer) has load that qualifies as Municipal Departing Load as defined in Pacific Gas and Electric Company's (PG&E's) Schedule E-MDL. This Municipal Departing Load Nonbypassable Charge Statement contains: (1) Customer's reference period billing determinants (the "Reference Period Load Profile"); (2) Customer's applicable rate schedule and service voltage; (3) whether PG&E has confirmed or rejected (and reasons for doing so) any claim made by the Customer for an exemption from any nonbypassable charges; and (4) a summary of applicable nonbypassable charge payment obligations.

Date notice received by PG&E, or in the case of no notice from Customer, date of departure:
_____.

(1) Consumer's Billing Determinants:

The customer's Reference Period Load Profile will be based upon the lower of the following two options: (1) the customer's demand and energy usage over the 12 month period prior to the customer's submission of notice that it will depart or reduce its load; or (2) the customer's average 12 month demand and energy usage, with such average to be as measured over the prior 36 months of usage.

Customer's Billing Determinants

- A. Customer's demand and energy usage over the 12 month period prior to the customer's submission of notice that it will depart or reduce its load
- B. Customer's average 12 month demand and energy usage, with such average to be measured over the prior 36 months of usage prior to the customer's submission of notice that it will depart or reduce its load

(2) Applicable PG&E electric rate schedule and service voltage level: _____



MUNICIPAL DEPARTING LOAD NONBYPASSABLE CHARGE STATEMENT (Continued)
--

(3) Where Customer has claimed an exemption:

Exemption(s) asserted by Customer:

Check one:

PG&E accepts and agrees with Customer's claimed exemption(s),

OR

PG&E does not agree with Customer's claimed exemption(s).

The reason for the denial is:

(4) Payment obligations related to applicable nonbypassable charges:

- | | | | | |
|---------------------------------------|--------------------------|------------|--------------------------|-----------|
| Nuclear Decommissioning Charge (ND): | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| Trust Transfer Amount Charge (TTA): | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| Cost Responsibility Surcharge: | | | | |
| Regulatory Asset Charge (RA): | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| Energy Cost Recovery Amount (ECRA): | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| Competition Transition Charge (CTC): | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| DWR Bond Charge: | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| DWR Power Charge: | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |

Signed: _____

Print Name: _____

PG&E Title: _____

Phone : _____

Dated: _____



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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
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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
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79-995	9/02	Agreement for Customers Taking Service on Schedule E-31	19037-E
79-1005	7/03	Technical Assistance Incentive Application	20408-E
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(N)
(N)

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E-37	Medium General Demand-Metered Time-of-Use Service to Oil and Gas Extraction Customers.....	21394,17108,23543,23544,21397,19315,21958,23545 -E
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E-CARE	CARE Program Service for Qualified Nonprofit Group-Living and Qualified Agricultural Employee Housing Facilities.....	22960-E
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**PG&E Gas and Electric Advice
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ABAG Power Pool
Accent Energy
Aglet Consumer Alliance
Agnews Developmental Center
Ahmed, Ali
Aicantar & 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 Gas Acquisition Svcs
California ISO
Calpine
Calpine Corp
Calpine Gilroy Cogen
Cambridge Energy Research Assoc
Cameron McKenna
Cardinal Cogen
Cellnet Data Systems
Chevron USA Production Co.
Childress, David A.
City of Glendale
City of Healdsburg
City of Palo Alto
City of Redding
CLECA Law Office
Constellation New Energy
Cooperative Community Energy
CPUC
Creative Technology
Cross Border Inc
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

DGS Natural Gas Services
DMM Customer Services
Douglass & Liddell
Downey, Brand, Seymour & Rohwer
Duke Energy
Duke Energy North America
Duncan, Virgil E.
Dutchar, John
Dynegy Inc.
Ellison Schneider
Energy Law Group LLP
Energy Management Services, LLC
Enron Energy Services
Exelon Energy Ohio, Inc
Exeter Associates
Foster Farms
Foster, Wheeler, Martinez
Franciscan Mobilehome
Future Resources Associates, Inc
G. A. Krause & Assoc
Gas Transmission Northwest Corporation
GLJ Energy Publications
Goodin, MacBride, Squeri, Schlotz &
Hanna & Morton
Heeg, Peggy A.
Hitachi Global Storage Technologies
Hogan Manufacturing, Inc
House, Lon
Imperial Irrigation District
Integrated Utility Consulting Group
International Power Technology
Interstate Gas Services, Inc.
J. R. Wood, Inc
JTM, Inc
Kaiser Cement Corp
Korea Elec Power Corp
Luce, Forward, Hamilton & Scripps
Marcus, David
Masonite Corporation
Matthew V. Brady & Associates
Maynor, Donald H.
McKenzie & Assoc
McKenzie & Associates
Meek, Daniel W.
Mirant California, LLC
Modesto Irrigation Dist
Morrison & Foerster
Morse Richard Welsenmiller & Assoc.
Navigant Consulting
New United Motor Mfg, Inc
Norris & Wong Associates
North Coast Solar Resources
Northern California Power Agency

Office of Energy Assessments
Palo Alto Muni Utilities
PG&E National Energy Group
Pinnacle CNG Company
PITCO
Plurimi, Inc.
PPL EnergyPlus, LLC
Praxair, Inc.
Price, Roy
Product Development Dept
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
Simpson Paper Company
Smurfit Stone Container Corp
Southern California Edison
SPURR
St. Paul Assoc
Stanford University
Sutherland, Asbill & Brennan
Tabors Caramanis & Associates
Tansev and Associates
Tecogen, Inc
TFS Energy
Transwestern Pipeline Co
Turlock Irrigation District
U S Borax, Inc
United Cogen Inc.
URM Groups
Utility Cost Management LLC
Utility Resource Network
Wellhead Electric Company
Western Hub Properties, LLC
White & Case
WMA