

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

Tel. No. (415) 703-1691



January 7, 2004

Advice Letter 2451-E

Ms Anita Smith, Rate Analyst
Pacific Gas and Electric Company
77 Beale Street, Mail Code 10B
San Francisco, CA 94177

Subject: Revision to Preliminary Statement Part K – Energy Commission Tax

Dear Ms Smith:

Advice Letter 2451-E is effective January 1, 2004. A copy of the advice letter is returned herewith for your records.

Sincerely,

A handwritten signature in cursive script that reads "Paul Clanon".

Paul Clanon, Director
Energy Division



**Pacific Gas and
Electric Company**

Karen A. Tomcala
Vice President
Regulatory Relations

77 Beale Street, Room 1065
San Francisco, CA 94105

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December 17, 2003

**Advice 2451-E
(Pacific Gas and Electric Company ID U 39 E)**

Public Utilities Commission of the State of California

**Subject: Revisions to Electric Preliminary Statement Part K – Energy
Commission Tax**

Pacific Gas and Electric Company (PG&E) submit for approval revisions to its electric tariffs. The affected tariff sheets are listed on the enclosed Attachment I.¹

I. Background

The California Energy Commission tax was established by the California legislature in 1975, and is administered by the California State Board of Equalization. The purpose of this tax is to provide additional funding for the California Energy Commission (CEC). PG&E is required to collect the Energy Resources Surcharge Tax pursuant to Part 19 of Division 2 of the California Revenue and Taxation Code.

This tax was established pursuant to Section 40031 of the California Revenue and Taxation Code. However, in 1983, this section number was repealed and the contents absorbed into Section 40025.

PG&E is modifying its Energy Resources Surcharge Tax from the current rate of \$0.00020 per kWh to \$0.00030 per kWh, effective January 1, 2004, per the California Energy Commission's Resolution 03-1105-10, dated November 5, 2003. As a result, PG&E is modifying its Electric Preliminary Statement Part K – *Energy Commission Tax*, to indicate the adjusted tax amount.

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 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.

Protest

Anyone wishing to protest this filing should do so by sending a letter via postal mail and facsimile by, **January 5, 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

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.

Pacific Gas and Electric Company
Attention: Brian 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

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.

This filing will not increase any rate or charge, cause the withdrawal of service, or conflict with any other rate schedule or rule.

Effective Date

PG&E requests that this advice filing become effective on **January 1, 2004**, per the California Energy Commission's Resolution 03-1105-10, dated November 5, 2003.

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. Address changes should be directed to Sandra Ciach (415) 973-7572. Advice letter filings can also be accessed electronically at:

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

Karen Tomcala

Vice President - Regulatory Relations

Attachments

**Attachment I
Advice 2451-E**

Cal P.U.C. Sheet No.	Title of Sheet	Cancelling Cal P.U.C. Sheet No.
21012-E	Preliminary Statement, Part K – Energy Commission Tax	19566-E
21013-E	Table of Contents – Preliminary Statements	20088-E
21014-E	Table of Contents	20983-E



PRELIMINARY STATEMENT
(Continued)

K. ENERGY COMMISSION TAX:

The California legislature established the Energy Commission tax in 1975. The State Board of Equalization administers the tax, pursuant to current Sections 40001 et seq., of the Revenue and Taxation Code of the State of California. The tax provides additional funding for the California Energy Commission.

PG&E is required to collect the Energy Resources Surcharge Tax pursuant to Part 19 of Division 2 of the California Revenue and Taxation Code. The tax will be stated as a separate item on the billing statement. It is currently fixed at three-tenths of a mil (\$0.0003) per kilowatthour. This tax rate is subject to revision from time to time by the Energy Commission, subject to a statutory maximum. The tax does not apply to the federal government and certain other agencies as described in the above section of the Revenue and Taxation Code.

(T) (I)



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

ABAG Power Pool
Accent Energy
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 Gas Acquisition Svcs
California ISO
Calpine
Calpine Corp
Calpine Gilroy Cogen
Cambridge Energy Research Assoc
Cameron McKenna
Cardinal Cogen
Cellnet Data Systems
Chevron Texaco
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
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
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
Dynegy Inc.
Ellison Schneider
Energy Law Group LLP
Enron Energy Services
Exelon Energy Ohio, Inc
Exeter Associates
Foster Farms
Foster, Wheeler, Martinez
Franciscan Mobilehome
Future Resources Associates, Inc
G. A. Krause & Assoc
GLJ Energy Publications
Goodin, MacBride, Squeri, Schlotz &
Grueenich Resource Advocates
Hanna & Morton
Heeg, Peggy A.
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.
Meyer, Joseph
Mirant California, LLC
Modesto Irrigation Dist
Morrison & Foerster
Morse Richard Weisenmiller & Assoc.
Navigant Consulting
New United Motor Mfg, Inc
Norris & Wong Associates
North Coast Solar Resources
Northern California Power Agency

Occidental Energy Marketing
Office of Energy Assessments
Palo Alto Muni Utilities
PG&E National Energy Group
Pinnacle CNG Company
PITCO
Plurimi, Inc.
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
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
TJ Cross Engineers
Transwestern Pipeline Co
Transwestern Pipeline/Enron
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

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

ABAG Power Pool	Duke Energy	RMC Lonestar
ACN Energy, Inc.	Duke Energy North America	Sacramento Municipal Utility District
Aglet Consumer Alliance	Duncan, Virgil E.	SCD Energy Solutions
Agnews Developmental Center	Dutcher, John	Seattle City Light
Ahmed, Ali	Dynegy Inc.	Sempra
Aicantar & Elsesser	Ellison Schneider	Sempra Energy
Anderson Donovan & Poole P.C.	Energy Law Group LLP	Sequoia Union HS Dist
Applied Power Technologies	Enron Energy Services	SESCO
APS Energy Services Co Inc	Exeter Associates	Sierra Pacific Power Company
Arter & Hadden LLP	Foster, Wheeler, Martinez	Silicon Valley Power
Avista Corp	Franciscan Mobilehome	Simpson Paper Company
Barkovich & Yap, Inc.	Future Resources Associates, Inc	Smurfit Stone Container Corp
BART	GLJ Energy Publications	Southern California Edison
Bartle Wells Associates	Goodin, MacBride, Squeri, Schlotz &	SPURR
Blue Ridge Gas	Grueneich Resource Advocates	St. Paul Assoc
Bohannon Development Co	Hanna & Morton	Stanford University
BP Energy Company	Heeg, Peggy A.	Sutherland, Asbill & Brennan
Braun & Associates	Hogan Manufacturing, Inc	Tabors Caramanis & Associates
C & H Sugar Co.	House, Lon	Tansev and Associates
CA Bldg Industry Association	Imperial Irrigation District	Tecogen, Inc
CA Cotton Ginners & Growers Assoc.	Integrated Utility Consulting Group	TFS Energy
CA League of Food Processors	International Power Technology	TJ Cross Engineers
CA Water Service Group	J. R. Wood, Inc	Transwestern Pipeline Co
California Energy Commission	Jenkins, Larsen & Assoc	Turlock Irrigation District
California Farm Bureau Federation	JTM, Inc	United Cogen Inc.
California ISO	Kaiser Cement Corp	URM Groups
Calpine	Korea Elec Power Corp	Utility Cost Management LLC
Calpine Corp	Marcus, David	Utility Resource Network
Calpine Gilroy Cogen	Masonite Corporation	Wellhead Electric Company
Cambridge Energy Research Assoc	Matthew V. Brady & Associates	Western Hub Properties, LLC
Cameron McKenna	Maynor, Donald H.	White & Case
CanAm Energy	McKenzie & Assoc	WMA
Cardinal Cogen	McKenzie & Associates	
Cellnet Data Systems	Meek, Daniel W.	
Childress, David A.	Meyer, Joseph	
City of Glendale	Mirant California, LLC	
City of Healdsburg	Modesto Irrigation Dist	
City of Palo Alto	Morrison & Foerster	
City of Redding	Morse Richard Weisenmiller & Assoc.	
CLECA Law Office	New United Motor Mfg, Inc	
Constellation New Energy	Norris & Wong Associates	
CPUC	North Coast Solar Resources	
Creative Technology	Northern California Power Agency	
Crossborder Inc	Occidental Energy Marketing	
CSC Energy Services	PG&E National Energy Group	
Davis, Wright Tremaine LLP	Pinnacle CNG Company	
Davis, Wright, Tremaine, LLP	PPL EnergyPlus, LLC	
Defense Fuel Support Center	Price, Roy	
Department of the Army	Product Development Dept	
Department of Water & Power City	Provost Pritchard	
Dept of the Air Force	R. M. Hairston & Company	
DGS Natural Gas Services	R. W. Beck & Associates	
DMM Customer Services	Recon Research	
Downey, Brand, Seymour & Rohwer	Regional Cogeneration Service	