

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



January 19, 2007

Advice Letter 2943-E

Rose de la Torre
Pacific Gas & Electric
77 Beale Street, Room 1088
Mail Code B10C
San Francisco, CA 94105

Subject: Direct Access Eligibility for Non-Profit Charitable Organizations in Compliance with Senate Bill 423

Dear Ms. de la Torre:

Advice Letter 2943-E is effective January 1, 2007. A copy of the advice letter is returned herewith for your records.

Sincerely,

Sean H. Gallagher, Director
Energy Division

REGULATORY RELATIONS	
M Brown	Tariffs Section
R Dela Torre	D Poster
B Lam	S Ramaiya
JAN 23 2007	
Return to _____	Records _____
cc to _____	File _____



Brian K. Cherry
Vice President
Regulatory Relations

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December 08, 2006

Advice 2943-E

(Pacific Gas and Electric Company ID U 39 E)

Public Utilities Commission of the State of California

Subject: Direct Access Eligibility for Non-profit Charitable Organizations in Compliance with Senate Bill 423

Purpose

Pacific Gas and Electric Company (PG&E) hereby submits to the California Public Utilities Commission (CPUC) a new tariff specifying Direct Access eligibility requirements and other provisions for non-profit charitable organizations in compliance with Senate Bill (SB) 423.

Background

On September 29, 2006, SB 423 was passed into law, providing that "a non-profit charitable organization may acquire electric commodity service through a direct transaction with an electric service provider (ESP) if electric commodity service is donated free of charge without compensation." The bill adds Section 395.5 to the California Public Utilities Code (PUC) setting eligibility requirements for non-profit charitable organizations to receive direct access service. Currently, Direct Access service is suspended for new customers. However, PUC Section 395.5 makes a specific customer class eligible for DA service until the section is repealed on January 1, 2010, unless provided otherwise.

Tariff Revisions

PG&E hereby submits new Electric Rule 22.2 -- DIRECT ACCESS SERVICE FOR QUALIFIED NONPROFIT CHARITABLE ORGANIZATIONS to incorporate the changes necessary to implement requirements of SB 423. Rule 22.2 provides customer eligibility requirements including that the customer is an organization under Internal Revenue Code 501(c)(3) primarily serving the elderly or poor, that the customer is receiving electric commodity service from the ESP free of charge, and that a declaration form must be submitted attesting to the

eligibility requirements. In addition, Rule 22.2 states all general terms and provisions that the customer will be subject to for receiving Direct Access service.

Finally, PG&E is proposing modifications to its Schedules DA CRS and CCA CRS to clarify the obligations of the customers qualifying for DA service under the provisions of SB 423.

Accordingly, PG&E requests the CPUC accept Electric Rule 22.2 and modifications to Schedules DA CRS and CCA CRS.

Protest Period

Anyone wishing to protest this filing may do so by sending a letter by **December 28, 2006**, 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:

CPUC Energy Division
Tariff Files, Room 4005
DMS Branch 505 Van Ness Avenue
San Francisco, California 94102
Facsimile: (415) 703-2200
E-mail: jjj@cpuc.ca.gov and mas@cpuc.ca.gov

Copies of protests also should be mailed to the attention of the Director, Energy Division, Room 4004, at the address shown above.

The protest also should be sent via U.S. mail (and by facsimile and electronically, if possible) to PG&E at the address shown below on the same date it is mailed or delivered to the Commission:

Pacific Gas and Electric Company
Attention: Brian Cherry
Vice President, Regulatory Relations
77 Beale Street, Mail Code B10C
P.O. Box 770000
San Francisco, California 94177
Facsimile: (415) 973-7226
E-mail: PGETariffs@pge.com

Effective Date

PG&E respectfully requests this filing become effective **January 1, 2007**, but that the Energy Division provides approval no later than January 8, 2007, which is the regular notice period – 30 days from the date of this filing, in order to facilitate the implementation of the new form.

Notice

In accordance with General Order 96-A, Section III, Paragraph G, a copy of this Advice Letter is being sent electronically or via U.S. mail to parties shown on the attached list and to the service lists as shown below. 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>

Brian K. Cherry / TEM

Vice President - Regulatory Relations

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 M)**

Utility type:

ELC

GAS

PLC

HEAT

WATER

Contact Person: Ted Maguire

Phone #: (415) 973-0888

E-mail: TEMN@pge.com

EXPLANATION OF UTILITY TYPE

ELC = Electric

GAS = Gas

PLC = Pipeline

HEAT = Heat

WATER = Water

(Date Filed/ Received Stamp by CPUC)

Advice Letter (AL) #: **2943-E**

Subject of AL: Direct Access Eligibility for Non-profit Charitable Organizations in Compliance with Senate Bill 423

Keywords (choose from CPUC listing): Direct Access, Compliance

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

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

N/A

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: **January 1, 2007**

No. of tariff sheets: 6

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: Rule 22.2, Electric Rate Schedules DA CRS & CCA CRS

Service affected and changes proposed¹: Direct Access for Non-profit Charitable Organizations

Pending advice letters that revise the same tariff sheets: 2784-E

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

Tariff Files, Room 4005

DMS Branch

505 Van Ness Ave.,

San Francisco, CA 94102

ijnj@cpuc.ca.gov and mas@cpuc.ca.gov

Pacific Gas and Electric Company

Attn: Brian K. Cherry

Vice President, 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 2943-E**

Cal P.U.C. Sheet No.	Title of Sheet	Cancelling Cal P.U.C. Sheet No.
25616-E	Schedule DA-CRS--Direct Access Cost Responsibility Surcharge	25134-E
25617-E	Schedule CCA CRS--Community Choice Aggregation Cost Responsibility Surcharge (Interim)	24952-E
25618-E	Rule 22.2--Direct Access Service for Qualified Nonprofit Charitable Organizations	New
25619-E	Table of Contents -- Rate Schedules	24755-E
25636-E	Table of Contents -- Rules	25588-E
25635-E	Table of Contents -- Rate Schedules	25607-E



SCHEDULE DA CRS—DIRECT ACCESS COST RESPONSIBILITY SURCHARGE
(Continued)

SPECIAL
CONDITIONS:
(Cont'd.)

- 6. Pursuant to Resolution E-3843, effective December 4, 2003, a customer who was on DA service prior to February 1, 2001, and returned to bundled service after September 20, 2001, shall be exempt from the DWR Bond Charge and the Power Charge Indifference Adjustment components of DA CRS. These customers are not exempt from the ongoing CTC and will be billed for these charges under their otherwise-applicable rate schedule.

- 7. Prior to September 1, 2006, the CPUC limited (i.e., capped) the DA CRS. Absent this cap, the DA CRS would have been higher. Revenues that are uncollected from DA customers due to the CPUC imposed cap will be collected from these same customers regardless whether these customers are taking DA or bundled service in the future. The utility will begin assessing the DA CRS undercollection charge when the then-current DA CRS revenue requirement is less than the revenue collected by the DA CRS.
 - a. The actual charge for the DA CRS undercollection, as well as any necessary detail, shall be added to this rate schedule before the charge is implemented and will be subject to final CPUC approval.
 - b. The DA CRS undercollection charge shall be a proportion of rate assessed for the undercollection for customers that had been DA for the entire period from September 20, 2001, until DA CRS revenue exceeds the then-current DA CRS revenue requirement (the "DA CRS undercollection period").
 - c. The proportion paid by each customer shall be a function of the period the customer had taken DA service, or had taken bundled service and paid the DA CRS, during the DA CRS undercollection period.
 - d. All customers who took DA service during the DA CRS undercollection period shall pay the DA CRS undercollection charge except to the extent that DA customers did not contribute to the undercollection. Such customers are exempt from the undercollection charge. Customers cannot avoid this charge by election of bundled or DA service.
 - e. Payment of the DA CRS undercollection charge shall continue until the DA CRS undercollection is recovered (the "DA CRS recovery period"). The DA CRS recovery period shall end for all customers at the same time.

- 8. Pursuant to Senate Bill (SB) 423 (California Public Utilities Code section 395.5), qualified nonprofit charitable organizations eligible to enter into an agreement for DA service with an electric Energy Service Provider (ESP) to receive electric commodity service free of charge from the ESP will be subject to the provisions and applicable charges under Schedule CCA CRS.

(N)
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(N)

(Continued)



SCHEDULE CCA CRS—COMMUNITY CHOICE AGGREGATION COST
RESPONSIBILITY SURCHARGE (INTERIM)

APPLICABILITY: This schedule and the applicable components of the Community Choice Aggregation (CCA) Cost Responsibility Surcharge (CRS) apply to all customers who take CCA service, unless otherwise set forth in the Special Conditions, below.

Pursuant to Senate Bill (SB) 423 (California Public Utilities Code section 395.5), qualified nonprofit charitable organizations eligible to enter into an agreement for DA service with an electric Energy Service Provider (ESP) to receive electric commodity service free of charge from the ESP will be subject to the provisions and applicable charges under this schedule.

(N)
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(N)

TERRITORY: Schedule CCA CRS applies everywhere PG&E provides electric service as shown in Preliminary Statement, Part A.

RATES: The CCA CRS consists of the Department of Water Resources (DWR) Bond Charge, the Energy Cost Recovery Amount, Ongoing Competition Transition Charges and the DWR Power Charges, as set forth in each rate schedule.

- SPECIAL CONDITIONS:**
1. California Alternative Rates for Energy (CARE) and medical baseline customers that take CCA service are exempt from paying the DWR Bond Charge and the DWR Power Charge portion of the CCA CRS.
 2. Customers that have taken Direct Access (DA) or CCA service continually since February 1, 2001, are exempt from the DWR Bond Charge and DWR Power Charge portions of the CCA CRS.
 3. Pursuant to Resolution E-3843, effective December 4, 2003, a customer who was on DA service prior to February 1, 2001, and returned to bundled service after September 20, 2001, shall be exempt from the DWR Bond Charge and the DWR Power Charge components of DA CRS if CCA service is elected. These customers are not exempt from the ongoing CTC and regulatory asset, and will be billed for these charges under their otherwise-applicable rate schedule.

(Continued)



RULE 22.2—DIRECT ACCESS SERVICE FOR QUALIFIED NONPROFIT CHARITABLE ORGANIZATIONS

The following terms and conditions apply to both PG&E customers who are declared eligible for direct access service under Section A (below) and electric Energy Service Providers (ESP) who participate in Direct Access (DA) service as defined in Rule 22.

(N)

The following rules implement California State Senate Bill (SB) 423 (California Public Utilities Code section 395.5) which authorizes nonprofit charitable organizations whose primary purpose is serving the needs of the poor or elderly to acquire electric commodity service through a direct transaction with an ESP until December 31, 2009. Pursuant to Decision 05-12-041, customers receiving Direct Access Service, Transitional Bundled Service or Bundled Portfolio Service may be automatically enrolled in a Community Choice Aggregation Program as described in Rule 23.

A. Customer Eligibility

1. The customer must be a non-profit charitable organization as described in Section 501(c)(3) of the federal Internal Revenue Code and has as its primary purpose serving the needs of the poor or elderly.
2. Customer must have entered into an agreement for DA service with an ESP and the electric commodity service must be donated free of charge by the ESP without compensation under the terms and condition of that Agreement.
3. The customer and ESP must complete and submit a declaration confirming eligibility under Sections A.1 and A.2, above, in a form acceptable to PG&E.

B. General Terms

1. Customers electing to switch to DA service will be subject to the Direct Access rules and provisions set forth in Rule 22 and 22.1, except as otherwise provided by this Rule.
2. Customers electing to switch to DA service will be subject to the provisions and applicable charges of rate Schedule CCA CRS in lieu of Schedule DA CRS, where applicable.
3. The customer must continue to meet all of the requirements identified above in Section A for any subsequent switches between ESPs.
4. In advance of providing service to the first non-profit charitable organization under this rule, PG&E will require three (3) months after it receives a declaration, as identified in Section A, to implement the required infrastructure changes for this new DA service option.

(N)

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**PG&E Gas and Electric Advice
Filing List
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Accent Energy	Downey, Brand, Seymour & Rohwer	Pinnacle CNG Company
Aglet Consumer Alliance	Duke Energy	PITCO
Agnews Developmental Center	Duke Energy North America	Plurimi, Inc.
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Alcantar & Kahl	Dutcher, John	Praxair, Inc.
Ancillary Services Coalition	Dynegy Inc.	Price, Roy
Anderson Donovan & Poole P.C.	Ellison Schneider	Product Development Dept
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CA Water Service Group	Hogan Manufacturing, Inc	Southern California Edison
California Energy Commission	House, Lon	SPURR
California Farm Bureau Federation	Imperial Irrigation District	St. Paul Assoc
California Gas Acquisition Svcs	Integrated Utility Consulting Group	Stanford University
California ISO	International Power Technology	Sutherland, Asbill & Brennan
Calpine	Interstate Gas Services, Inc.	Tabors Caramanis & Associates
Calpine Corp	IUCG/Sunshine Design LLC	Tecogen, Inc
Calpine Gilroy Cogen	J. R. Wood, Inc	TFS Energy
Cambridge Energy Research Assoc	JTM, Inc	Transcanada
Cameron McKenna	Luce, Forward, Hamilton & Scripps	Turlock Irrigation District
Cardinal Cogen	Manatt, Phelps & Phillips	U S Borax, Inc
Cellnet Data Systems	Marcus, David	United Cogen Inc.
Chevron Texaco	Matthew V. Brady & Associates	URM Groups
Chevron USA Production Co.	Maynor, Donald H.	Utility Cost Management LLC
City of Glendale	MBMC, Inc.	Utility Resource Network
City of Healdsburg	McKenzie & Assoc	Wellhead Electric Company
City of Palo Alto	McKenzie & Associates	Western Hub Properties, LLC
City of Redding	Meek, Daniel W.	White & Case
CLECA Law Office	Mirant California, LLC	WMA
Commerce Energy	Modesto Irrigation Dist	
Constellation New Energy	Morrison & Foerster	
CPUC	Morse Richard Weisenmiller & Assoc.	
Cross Border Inc	Navigant Consulting	
Crossborder Inc	New United Motor Mfg, Inc	
CSC Energy Services	Norris & Wong Associates	
Davis, Wright, Tremaine LLP	North Coast Solar Resources	
Defense Fuel Support Center	Northern California Power Agency	
Department of the Army	Office of Energy Assessments	
Department of Water & Power City	OnGrid Solar	
DGS Natural Gas Services	Palo Alto Muni Utilities	