

August 12, 2010

Advice 3715-E

(Pacific Gas and Electric Company ID U 39 E)

Public Utilities Commission of the State of California

Subject: Power Charge Indifference Adjustment Rates Pursuant to D.07-05-013 for Eligible E-NMDL (New Municipal Departing Load) Customers

Pacific Gas and Electric Company (PG&E) hereby submits for filing PCIA rates applicable to E-NMDL customers who qualify for the one-time opportunity to reject the Power Charge Indifference Adjustment Rates (PCIA) exemption authorized in Decision (D.) 07-05-013.

Purpose

In D.07-05-013, the California Public Utilities Commission (Commission or CPUC) authorized a one-time opportunity to accept or reject the PCIA exemption to those Municipal Departing Load (MDL) customers served by publicly-owned utilities (POUs) as “new load” subject to the 80 MW cap.¹

In Advice 3446-E-A and Advice 3446-E-B, PG&E revised the E-NMDL tariff to more explicitly reflect the PCIA exemption option.

In this advice filing, PG&E inserts into the E-NMDL tariff, the PCIA rates applicable to eligible E-NMDL customers who reject the PCIA exemption as authorized by D.07-05-013. The applicable PCIA rate will be based on the vintage year in which the customer’s new MDL will either take or start taking service from a POU. Customers, whose New Municipal Departing Load will take or start taking service from a POU prior to July 1 of any given year, will be assigned a vintage for the prior year. For example, if a New Municipal Departing Load starts taking service from the POU on June 30, 2010, the customer would be defined as a 2009 vintage customer.

PG&E also updates Electric Preliminary Statement I with the rates for Department of Water Resources (DWR) franchise fees corresponding to these PCIA rates. CPUC decision numbers were added to Preliminary Statement I to

¹ Consistent with D.06-07-030 and D.08-09-012, Appendix D, D.07-05-013 identifies the eligible MDL as new MDL of publicly-owned utilities (POUs) not named in PG&E’s Bypass Report but serving at least 100 customers as of July 10, 2003.

support the application of these rates.

Background

As noted in D.06-07-030, “new load” of publicly-owned utilities (POU) not named in PG&E’s Bypass Report but “serving at least 100 customers as of July 10, 2003 are exempt from the DWR Power Charge up to a cap of 80 Megawatts (MW)², as modified by D.07-05-013.”³

In D.07-05-013, the Commission adopted protocols for administering the one-time opportunity to elect to reject the DWR Power Charge exemption that was made available to “new load” of publicly-owned utilities (POUs) not named in PG&E’s Bypass Report but “serving at least 100 customers as of July 10, 2003.” This is referred to in the protocols presented in the Appendix of D.07-05-013 as the “80 MW exemption.” The option to reject the PCIA exemption was not granted to other departing load customers for whom PCIA exemptions had already been determined.⁴ NMDL customers were also not permitted to switch back and forth in their exemption status during future periods after an election had been made.⁵ Similarly, the applicability of the PCIA exemption is not subject to shifting back and forth when there is a turnover in the occupancy of a particular customer’s premise.⁶

Tariff Revisions

E-NMDL (New Municipal Departing Load)

- Insert the following text into E-NMDL, RATES.3. POWER CHARGE INDIFFERENCE ADJUSTMENT (PCIA):

2 D.06-07-030, page 47; D.06-07-030, OP 20: The protocols for administering MDL CRS transferred load exemptions as set forth in Appendix 4 are hereby adopted. D.06-07-030, OP 21: The Commission’s Energy Division shall convene a subsequent meeting of the Working Group within 30 days of the effective date of decision for the purpose of seeking consensus on the calculation of the Market Benchmark for 2007 consistent with the principles of this order, and also to finalize the calculation of MDL CRS accrual charges and obligations consistent with this order, and to develop protocols for new load CRS exemptions.

3 See Appendix to D.07-05-013, footnote 1: These Protocols do not address the level of the cap which is governed by applicable Commission orders, nor do they address the Protocols for Administering CRS Transferred Departing Load Exemptions, attached to D.06-07-030.

4 See D.07-05-013 at p. 6, [The Commission] agree[s] with PG&E, however, that other departing load customers who have already been determined to be exempt from DWR power cost responsibility should not be permitted to elect an option to be subject to the DWR power charge. The principles previously applied concerning departing load customers’ exemption from the DWR power charge has not changed. Accordingly, we decline to grant other departing load customers the option to change their status regarding DWR power charge exemption. (footnote omitted)

5 See D.07-05-013 at COL 6, MDL customers should not be permitted to repeatedly switch back and forth in their exemption status during future periods after an election has been made in an attempt to game the results by shifting costs to other customers based on then-current market conditions

6 See D.07-05-013 at p.7.

For customers who qualify for the one-time opportunity to reject the PCIA exemption as authorized in D.07-05-013, the applicable PCIA rate will be based on the customer's vintage as determined by the date the customer's New Municipal Departing Load will take or started taking service from the POU. The PCIA charge includes only those generation resources contracted for or constructed by PG&E prior to January 1, 2003, and pursuant to D.08-09-012 does not include costs related to fossil fueled and renewable resources contracted for or constructed by PG&E subsequent to January 1, 2003.

The applicable PCIA rates for qualified customers who reject the PCIA exemption and are therefore subject to the PCIA charge are listed below:

PCIA	Customer Vintage	
	2001 - 2008 (per kWh)	2009 – Forward (per kWh)
Residential	(0.00550)	0.00435
Small L&P	(0.00480)	0.00381
Medium L&P	(0.00454)	0.00361
E19	(0.00394)	0.00314
Streetlights	(0.00067)	0.00059
Standby	(0.00128)	0.00107
Agriculture	(0.00472)	0.00375
E20T	(0.00311)	0.00249
E20P	(0.00348)	0.00278
E20S	(0.00367)	0.00293

Preliminary Statement I

- Text changes (Sheet 3):
 - Replaced section headings under "Billed Component"
 - Replaced text under "Applicability"

Protests

Anyone wishing to protest this filing may do so by letter sent via U.S. mail, by facsimile or electronically, any of which must be received no later than **September 1, 2010**, which is 20 days after the date of this filing. 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: jnj@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:

Jane Yura
Vice President, Regulation and Rates
Pacific Gas and Electric Company
77 Beale Street, Mail Code B10B
P.O. Box 770000
San Francisco, California 94177

Facsimile: (415) 973-6520
E-mail: PGETariffs@pge.com

Effective Date

PG&E requests that this advice filing become effective on the filing date of this Advice Letter, **August 12, 2010**. Rates will not be implemented, and customers charged in accordance with these rates, until the Commission approves the rates provided herein.

Notice

In accordance with General Order 96-B, Section IV, a copy of this advice letter is being sent electronically and via U.S. mail to parties shown on the attached list. Address changes to the General Order 96-B service list and all electronic approvals should be directed to email PGETariffs@pge.com. Advice letter filings can also be accessed electronically at: <http://www.pge.com/tariffs>.

A handwritten signature in cursive script that reads "Jane Yura" followed by a stylized "OB" or similar initials.

Vice President, Regulation and Rates

Attachments

cc: Kathryn Auriemma, Energy Division
Service Lists for A.08-06-011, R.03-10-003, and R.07-05-025

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: Olivia Brown

Phone #: 415.973.9312

E-mail: oxb4@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) #: 3715-E

Tier: 2

Subject of AL: Power Charge Indifference Adjustment (PCIA) Rates Pursuant to D.07-05-013 for Eligible E-NMDL (New Municipal Departing Load) Customers

Keywords (choose from CPUC listing): Compliance

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

If AL filed in compliance with a Commission order, indicate relevant Decision/Resolution #: D.07-05-013

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 AL: N/A

Is AL requesting confidential treatment? If so, what information is the utility seeking confidential treatment for: No

Confidential information will be made available to those who have executed a nondisclosure agreement: N/A

Name(s) and contact information of the person(s) who will provide the nondisclosure agreement and access to the confidential information: N/A

Resolution Required? Yes No

Requested effective date: August 12, 2010

No. of tariff sheets: 15

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). N/A

Tariff schedules affected: Electric Schedule E-NMDL and Electric Preliminary Statement Part I

Service affected and changes proposed: N/A

Protests, dispositions, 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
jnj@cpuc.ca.gov and mas@cpuc.ca.gov

Pacific Gas and Electric Company
Attn: Jane K. Yura, Vice President, Regulation and Rates

77 Beale Street, Mail Code B10B
P.O. Box 770000
San Francisco, CA 94177
E-mail: PGETariffs@pge.com

**ATTACHMENT 1
Advice 3715-E**

Cal P.U.C. Sheet No.	Title of Sheet	Cancelling Cal P.U.C. Sheet No.
29573-E	ELECTRIC PRELIMINARY STATEMENT PART I RATE SCHEDULE SUMMARY Sheet 3	29220-E
29574-E	ELECTRIC SCHEDULE E-NMDL NEW MUNICIPAL DEPARTING LOAD Sheet 2	28955-E
29575-E	ELECTRIC SCHEDULE E-NMDL NEW MUNICIPAL DEPARTING LOAD Sheet 3	
29576-E	ELECTRIC SCHEDULE E-NMDL NEW MUNICIPAL DEPARTING LOAD Sheet 4	28956-E
29577-E	ELECTRIC SCHEDULE E-NMDL NEW MUNICIPAL DEPARTING LOAD Sheet 5	28957-E
29578-E	ELECTRIC SCHEDULE E-NMDL NEW MUNICIPAL DEPARTING LOAD Sheet 6	28958-E
29579-E	ELECTRIC SCHEDULE E-NMDL NEW MUNICIPAL DEPARTING LOAD Sheet 7	28959-E
29580-E	ELECTRIC SCHEDULE E-NMDL NEW MUNICIPAL DEPARTING LOAD Sheet 8	26704-E*
29581-E	ELECTRIC SCHEDULE E-NMDL NEW MUNICIPAL DEPARTING LOAD Sheet 9	26705-E
29582-E	ELECTRIC SCHEDULE E-NMDL NEW MUNICIPAL DEPARTING LOAD Sheet 10	26706-E
29583-E	ELECTRIC SCHEDULE E-NMDL NEW MUNICIPAL DEPARTING LOAD Sheet 11	26707-E*
29584-E	ELECTRIC SCHEDULE E-NMDL NEW MUNICIPAL DEPARTING LOAD Sheet 12	26708-E*

**ATTACHMENT 1
Advice 3715-E**

Cal P.U.C. Sheet No.	Title of Sheet	Cancelling Cal P.U.C. Sheet No.
29595-E	ELECTRIC TABLE OF CONTENTS Sheet 1	29514-E
29596-E	ELECTRIC TABLE OF CONTENTS RATE SCHEDULES Sheet 4	29495-E
29597-E	ELECTRIC TABLE OF CONTENTS PRELIMINARY STATEMENT Sheet 6	29496-E



ELECTRIC PRELIMINARY STATEMENT PART I
RATE SCHEDULE SUMMARY

Sheet 3

I. Rate Summary (Cont'd.)

The following rates are used to separate billed revenue for accounting purposes. (Cont'd.)

Billed Component	Subcomponent	Applicability	Rate (per kWh)	
2001 – 2008 Power Charge Indifference Adjustment (PCIA)	DWR Franchise Fees	Consumers subject to the one-time PCIA exemption set forth in the Rates Section, paragraph 3, of Schedule E-NMDL.	\$0.00004	(N)
2009 PCIA	DWR Franchise Fees	Consumers subject to the one-time PCIA exemption set forth in the Rates Section, paragraph 3, of Schedule E-NMDL		
	Residential		\$0.00007	
	Small L&P		\$0.00007	
	Medium L&P		\$0.00007	
	E-19		\$0.00006	
	Streetlights		\$0.00004	
	Standby		\$0.00005	
	Agriculture		\$0.00007	
	E-20T		\$0.00006	
	E-20P		\$0.00006	
	E-20S		\$0.00006	
2010 PCIA	DWR Franchise Fees	Consumers subject to the one-time PCIA exemption set forth in the Rates Section, paragraph 3, of Schedule E-NMDL		
	Residential		\$0.00007	
	Small L&P		\$0.00007	
	Medium L&P		\$0.00007	
	E-19		\$0.00006	
	Streetlights		\$0.00004	
	Standby		\$0.00005	
	Agriculture		\$0.00007	
	E-20T		\$0.00006	
	E-20P		\$0.00006	
	E-20S		\$0.00006	(N)

(Continued)



**ELECTRIC SCHEDULE E-NMDL
 NEW MUNICIPAL DEPARTING LOAD**

Sheet 2

RATES: (Cont'd.)

3. POWER CHARGE INDIFFERENCE ADJUSTMENT (PCIA) (Cont'd.): As noted in (D.) 06-07-030, new load of publicly-owned utilities (POU) not named in PG&E's Bypass Report but serving at least 100 customers as of July 10, 2003 are exempt from the PCIA up to a cap of 80 Megawatts (MW). D.07-05-013 authorizes NMDL customers subject to the 80 MW cap a one-time opportunity to accept or reject the PCIA exemption. Note that NMDL customers rejecting the PCIA exemption are subject to the pre-2009 D.06-07-030 PCIA, as well as the ECRA charge per D.05-08-035, Ordering Paragraph 1. The applicability of the exemption is not subject to change, even with turnover in the occupancy of a particular customer's premises.

For customers who qualify for the one-time opportunity to reject the PCIA exemption as authorized in D.07-05-013, the applicable PCIA rate will be based on the customer's vintage as determined by the date the customer's New Municipal Departing Load will take or started taking service from the POU. The PCIA charge includes only those generation resources contracted for or constructed by PG&E prior to January 1, 2003 and pursuant to D.08-09-012 does not include costs related to fossil fueled and renewable resources contracted for or constructed by PG&E subsequent to January 1, 2003.

The applicable PCIA rates for qualified customers who reject the PCIA exemption and are therefore subject to the PCIA charge are listed below:

PCIA	Customer Vintage	
	2001 - 2008 (per kWh)	2009 – Forward (per kWh)
Residential	(0.00550)	0.00435
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Standby	(0.00128)	0.00107
Agriculture	(0.00472)	0.00375
E20T	(0.00311)	0.00249
E20P	(0.00348)	0.00278
E20S	(0.00367)	0.00293

(N)

(N)

(L)

(Continued)



**ELECTRIC SCHEDULE E-NMDL
 NEW MUNICIPAL DEPARTING LOAD**

Sheet 3

RATES: (Cont'd.)

4. **ONGOING COMPETITION TRANSITION CHARGE (CTC):** The Ongoing CTC recovers the cost of power purchase agreements that are in excess of a market benchmark determined by the California Public Utilities Commission (Commission), plus employee transition costs, and is determined in the annual Energy Resource Recovery Account proceeding. The Ongoing CTC Charge is effective April 1, 2002, and applies to consumers in the service territory in which PG&E provided electricity services as of December 20, 1995. There is no applicable Ongoing CTC rate in 2002 or 2003. For the following periods, the CTC equaled: \$0.00703 per kilowatt-hour from January 1, 2004 through February 23, 2005; \$0.00515 per kilowatt-hour from February 24, 2005 through December 31, 2005; \$0.00431 per kilowatt-hour for January 1, 2006 through December 31, 2006; \$0.00013 per kilowatt-hour from January 1, 2007 through December 31, 2007. Effective January 1, 2008 through April 30, 2008, CTC equaled \$.00395 per kilowatt-hour. Effective May 1, 2008, the CTC rate is separately shown in the customer's OAS. For those consumers who are obligated to pay both the DWR Power Charge (superseded by the PCIA effective July 1, 2006) and the Ongoing CTC, the Ongoing CTC charge is completely offset due to the negative indifference during the period of January 1, 2005 through June 30, 2006. The amount of the Ongoing CTC is subject to change pending any different outcome resulting from judicial review.

5. **NUCLEAR DECOMMISSIONING (ND) CHARGE:** The ND Charge collects the funds required to restore the site when PG&E's nuclear power plants are removed from service, and applies to consumers in the service territory in which PG&E provided electricity services as of December 20, 1995. The ND Charge applies to all New Municipal Departing Load. The ND charge is separately shown in the consumer's OAS.

6. **REGULATORY ASSET (RA) CHARGE:** The RA charge recovers the costs associated with the Regulatory Asset adopted by the Commission in Decision (D.) 03-12-035. The RA Charge is separately shown in the Consumer's OAS. On March 1, 2005, the Energy Cost Recovery Amount (ECRA) Charge superseded and replaced the RA Charge such that after March 1, 2005, consumers no longer incur additional RA Charges but instead incur ECRA Charges.

(L)

 (L)

(Continued)



**ELECTRIC SCHEDULE E-NMDL
 NEW MUNICIPAL DEPARTING LOAD**

Sheet 4

- RATES (Cont'd.): 7. ENERGY COST RECOVERY AMOUNT (ECRA) CHARGE: The ECRA Charge recovers the costs associated with the Energy Recovery Amount adopted by the Commission in D.04-11-015. The ECRA Charge is shown in the consumer's OAS. On March 1, 2005, the ECRA Charge superseded and replaced the RA Charge. (L)
- SPECIAL CONDITIONS: 1. DEFINITIONS: The following terms when used in this tariff have the meanings set forth below:
- a. New Municipal Departing Load: New Municipal Departing Load is electric load that has never been served by PG&E but locates within PG&E's service area as it existed on February 1, 2001, and is served by a Publicly Owned Utility (POU).
 - b. New Municipal Departing Load Consumer (Consumer): The party or entity that contracts with a POU for service at premises with New Municipal Departing Load.
 - c. Nonbypassable Charges (NBCs): NBCs are those PG&E charges that may be recovered from New Municipal Departing Load pursuant to this rate schedule: the DWR Bond Charge, the pre-2009 D.06-07-030 PCIA, the ongoing CTC, the ND Charge, the RA Charge, and the ECRA Charge.
 - d. Otherwise-Applicable Schedule (OAS): The OAS shall be the PG&E schedule under which a Consumer would have taken service if the New Municipal Departing Load had been served by PG&E.
 - e. Publicly Owned Utility (POU): A POU is any entity that qualifies as a local publicly owned electric utility under Public Utilities Code Section 9604.
 - f. Change of Party: Change of Party occurs when a person or entity with New Municipal Departing Load leaves the premises with the New Municipal Departing Load and another person or entity (New Party) assumes liability for the New Municipal Departing Load at the same premises.
 - g. New Party: A New Party is either: (1) a subsequent entity which occupies, and will begin to consume electricity at, existing NMDL premises; or (2) a subsequent entity which assumes liability for the charges at existing NMDL premises. (L)

(Continued)



**ELECTRIC SCHEDULE E-NMDL
 NEW MUNICIPAL DEPARTING LOAD**

Sheet 5

SPECIAL
 CONDITIONS:
 (Cont'd.)

2. EXEMPTIONS AND EXCEPTIONS

(L)

- a. New Municipal Departing Load that departed prior to February 1, 2001, is exempt from the DWR Bond Charge, the DWR Power Charge, and the PCIA.
- b. New Municipal Departing Load that began taking service from a POU prior to January 1, 2000, is exempt from the RA Charge, and the ECRA Charge. In addition, New Municipal Departing Load is exempt from the RA Charge and the ECRA Charge if it is taking service at a location that, as of December 19, 2003, was no longer part of PG&E's service area.
- c. New Municipal Departing Load located in the geographic area covered by PG&E's 2000 Bypass Report (referenced in D.04-11-014) is excepted from the DWR Power Charge, the PCIA, the RA Charge, and the ECRA Charge. PG&E's 2000 Bypass Report included areas served by the following POUs:
 - Modesto Irrigation District
 - Merced irrigation District
 - South San Joaquin Irrigation District Condemnation Area
 - Laguna Irrigation District Condemnation Area
 - Redding, Roseville, Lodi, Davis, and Brentwood Annexation Areas

- d. In addition to the unlimited exemption described in 2.c, New Municipal Departing Load that is served by POUs that were in existence on or prior to July 10, 2003, and serving at least 100 consumers, may be eligible to be excepted from the DWR Power Charge, the PCIA, the RA Charge, and the ECRA Charge. The following entities have been found by the Commission to meet these two criteria:

Municipal Utilities: Alameda, Anaheim, Azusa, Banning, Biggs, Burbank, Calaveras, Colton, Corona, Glendale, Gridley, Healdsburg, Hercules, Lodi, Lompoc, Los Angeles, Needles, Palo Alto, Pasadena, Pittsburg, Port of Stockton, Redding, Riverside, Roseville, Santa Clara, Shasta Lake, Tuolumne, Ukiah, Vernon
 Municipal Utility Districts: Lassen, Sacramento, San Francisco
 Public Utility Districts: Trinity, Truckee-Donner
 Irrigation Districts: Imperial, Merced, Modesto, Turlock

The exemptions described in this section are capped at a total of 80 MW for the combined service areas of PG&E and Southern California Edison, and will be administered pursuant to the protocols adopted in D.07-05-013.

- e. New Municipal Departing Load taking service from a POU without the use of transmission and distribution facilities owned by PG&E, is exempt from ongoing CTC.
- f. Pursuant to D. 08-09-012, OP 2, and Resolution E-4226, any customer taking service on this schedule will not be responsible for paying the new world generation D.04-12-048 or D.06-07-029 nonbypassable charges (NBC), with the exception of large municipalizations as defined in D.08-09-012. Pursuant to D.08-09-012, Appendix C, new generation includes generation from both fossil fueled and renewable resources contracted for or constructed by the investor-owned utilities subsequent to January 1, 2003.

(L)

(Continued)

Advice Letter No: 3715-E
 Decision No. D.07-05-013

Issued by
Jane K. Yura
 Vice President
 Regulation and Rates

Date Filed August 12, 2010
 Effective _____
 Resolution No. _____



**ELECTRIC SCHEDULE E-NMDL
 NEW MUNICIPAL DEPARTING LOAD**

Sheet 6

SPECIAL
 CONDITIONS:
 (Cont'd.)

2. EXEMPTIONS AND EXCEPTIONS (Cont'd.)

A large municipalization is defined as any portion of an investor owned utility's (IOU) service territory that has been taken control of or annexed by a POU where the amount of load departing the IOU's service territories due to the municipalization is of such a large magnitude that it cannot reasonably be assumed to have been reflected as part of the historical NMDL trends used in developing the adopted long term procurement plan (LTPP) load forecasts. PG&E will be required to file a separate application with the Commission for the collection of D.04-12-048 charges from customers departing due to a large municipalization.

3. PROCEDURES FOR NEW MUNICIPAL DEPARTING LOAD: Consumers are obligated to notify PG&E of their intent to begin taking electric service from a POU in a manner that would qualify their load as New Municipal Departing Load in accordance with the following procedures:

- a. PG&E Notice to Consumer (PG&E Notice) and Consumer Notice to PG&E (Notice of Departure or NOD): PG&E shall send a written notice of the obligations imposed under this tariff to all consumers subject to this tariff. The PG&E Notice will be mailed to the consumer's service address.

Consumer Notice to PG&E: Consumers 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 New Municipal Departing Load within 30 days of receipt of PG&E's Notice to consumer or as soon as the consumer contracts with the POU for service, whichever is later. The Consumer shall specify in its notice the following:

- 1) The date on which the Consumer will take or started taking electric service from the POU;
- 2) A description of the load that will or does qualify as New Municipal Departing Load;
- 3) The service address for this load;
- 4) The name of the POU from which the Consumer will take or is currently taking service; and
- 5) Whether or not the Consumer is, or will be, taking natural gas service from PG&E.

Failure to provide notice including all the elements specified above will constitute a violation of this tariff and a breach of the Consumer'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 Consumer on a lump sum basis. With the consumer's permission, notice or required information may be provided by the POU.

(L)
 (T)
 (L)

(Continued)



**ELECTRIC SCHEDULE E-NMDL
 NEW MUNICIPAL DEPARTING LOAD**

Sheet 7

SPECIAL
 CONDITIONS:
 (Cont'd.)

3. PROCEDURES FOR NEW MUNICIPAL DEPARTING LOAD: (Cont'd.) (L)
- a. PG&E Notice to Consumer (PG&E Notice) and Consumer Notice to PG&E (Notice of Departure or NOD): (Cont'd.)
- If, at the time the consumer Notice is due, PG&E has entered into, or agreed to enter into, bilateral discussions with a POU or a POU customer, then the notice requirements for the new MDL consumer(s) taking service from that POU may be suspended until such time as PG&E and the POU, or POU customer, reach agreement on the CRS and other Nonbypassable Charges or PG&E determines that a bilateral agreement will not be feasible. If a
- b. New Municipal Departing Load Nonbypassable Charge Statement
- By no later than 20 days after receipt of Consumer's notice (provided pursuant to Special Condition 3.a.), PG&E shall mail or otherwise provide the Consumer with a New Municipal Departing Load Nonbypassable Charge Statement containing any of the Consumer's applicable exemption(s) identified by PG&E.
- If PG&E fails to provide a Consumer with a New Municipal Departing Load Nonbypassable Charge Statement within 20 days of PG&E's receipt of the Consumer's notice containing all of the information required under Special Condition 3.a., the Consumer's obligation to pay New Municipal Departing Load Nonbypassable Charges shall not commence until the later of the date on which the Consumer began taking electric service from the POU or 30 days from the Consumer's receipt of PG&E's New Municipal Departing Load Nonbypassable Charge Statement.
- c. Notice to PG&E for Change of Party
- 1) Notice and Procedure for Consumer with New Municipal Departing Load: Consumers with New Municipal Departing Load that intend to take action such that they will no longer be responsible for Nonbypassable Charges for New Municipal Departing Load, in whole or in part, at the Consumer's premises shall give notice to PG&E as soon as practicable. With the consumer's permission, notice may also be given by the POU. New Municipal Departing Load consumers shall be liable for applicable CRS and other NBC charges until PG&E receives notice from the consumer or until PG&E has actual notice that the consumer vacates the premises or another entity becomes liable for the New Municipal Departing Load charges at the premises.
- a) The Consumer must state the date on which the termination of liability is to become effective, and the reason for termination of liability. Reasons for termination of liability may include vacating the property, change of ownership or Change of Party. (L)

(Continued)



**ELECTRIC SCHEDULE E-NMDL
 NEW MUNICIPAL DEPARTING LOAD**

Sheet 8

SPECIAL
 CONDITIONS:
 (Cont'd.)

3. PROCEDURES FOR NEW MUNICIPAL DEPARTING LOAD: (Cont'd.) (L)
- c. Notice to PG&E for Change of Party: (Cont'd.)
- 1) Notice and Procedure for Consumer with New Municipal Departing Load: (Cont'd.)
- b) PG&E will stop billing the Consumer for Nonbypassable Charges on the effective date of the termination of liability.
- c) If PG&E disputes the notice of termination, PG&E will advise the Consumer in writing and state the reason(s) for such dispute.
- 2) Notice to PG&E from New Party at the Existing Premises: At least two days in advance of taking electric service from a POU at a premises with New 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 New Municipal Departing Load. With the consumer's permission, notice or required information may be provided by the POU.
- 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 New Municipal Departing Load Consumer 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, at the consumer's election,
- 1) PG&E's estimate of the New Party's usage utilizing (a) the existing consumer's metered usage data for the New Party at the same premises, (b) a system average method, (c) an average utilizing similar consumer types, or (d) some other procedure if it would yield a more accurate assessment of the New Party's usage; or,
- 2) Metered consumption data as specified in Special Condition 4.b. below.
- 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.
- (L)

(Continued)



**ELECTRIC SCHEDULE E-NMDL
 NEW MUNICIPAL DEPARTING LOAD**

Sheet 9

SPECIAL
 CONDITIONS:
 (Cont'd.)

3. PROCEDURES FOR NEW MUNICIPAL DEPARTING LOAD: (Cont'd.) (L)
- d. Consumer Obligation To Make New Municipal Departing Load Payments, PG&E Periodic Reminders, and Payment Plans: PG&E will issue bills in accordance with the provisions of this Schedule. All bills will be based on PG&E's measurement of usage as described below in Special Condition 4. New Municipal Departing Load Charges will be included in any allocation of partial payments. New Municipal Departing Load Consumers shall pay Nonbypassable Charges in full to PG&E within 20 days of receipt of the bill. PG&E shall periodically remind New Municipal Departing Load Consumers of their notice and/or payment obligations under this tariff and of the substantial penalties that could result from failure to comply with the requirements of this tariff. PG&E will arrange for payment plans for any New Municipal Departing Load Consumer who indicates that it would otherwise have difficulty paying the amount owed.
- e. Dispute Resolution: If a consumer believes that its New Municipal Departing Load Nonbypassable Charge Statement does not comply with the terms and conditions provided for in this Schedule, the consumer must notify PG&E of the basis for this disagreement in writing, within 20 days after receipt of the New Municipal Departing Load Nonbypassable Charge Statement provided by PG&E. If PG&E does not accept the consumer's position, it will respond in writing within 5 days after receipt of such notice. If the consumer is not satisfied with PG&E's response, within 14 days of receiving PG&E's response, the consumer shall notify PG&E in writing or by reasonable means through a designated PG&E account representative authorized to receive such notification that the consumer wishes to pursue informal dispute resolution. If the consumer makes a timely request for informal dispute resolution, PG&E and the consumer 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 consumer's request to pursue informal dispute resolution, the consumer may file a complaint with the Commission within the next 20 days. (PG&E and the consumer may also agree to extend this 20-day period, in order to allow for further negotiations or other resolution techniques.) In such events, the consumer shall continue to be responsible for making the monthly CRS and other nonbypassable charge payments described in the Rates Section above 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 consumer's New Municipal Departing Load Nonbypassable Charge Statement.
- Failure to file a complaint with the Commission within the specified period shall constitute agreement with and acceptance of such New Municipal Departing Load Nonbypassable Charge Statement. (L)

(Continued)

Advice Letter No: 3715-E
 Decision No. D.07-05-013

Issued by
Jane K. Yura
 Vice President
 Regulation and Rates

Date Filed August 12, 2010
 Effective _____
 Resolution No. _____



**ELECTRIC SCHEDULE E-NMDL
 NEW MUNICIPAL DEPARTING LOAD**

Sheet 10

SPECIAL
 CONDITIONS:
 (Cont'd.)

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

f. Opportunity to Cure: If a Consumer fails to provide the notice specified in Special Condition 3.a. or 3.c., or fails to make New Municipal Departing Load Payments as specified in Special Condition 3.d., then PG&E shall send the Consumer a notice specifying its failure to comply with this tariff, which shall specify the amount due and payable by the consumer, and providing the Consumer 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.

1) If the breach was a failure to provide notice, to cure the breach the consumer must provide the notice required above, and pay any amounts that would have been assessed had the consumer provided PG&E with a timely notice.

2) If the breach was a failure to pay two (2) or more consecutive monthly New Municipal Departing Load Payments as specified in Special Condition 3.d, to cure the breach, the NMDL consumer must pay all such delinquent monthly NMDL payments plus a deposit equal to two (2) times the monthly NMDL payment.

g. Demand for Deposit: If a consumer's outstanding balance for New Municipal Departing Load Payments are at least two months in arrears, and if the consumer has failed to cure this breach after receiving at least one notice of Opportunity to Cure as specified in Special Condition 3.f., then PG&E may issue a Demand for Deposit applying to future New Municipal Departing Load payment responsibility. Such deposit shall be equal to twice the total amount of the last two outstanding unpaid monthly New Municipal Departing Load payment amounts. In order to cure the outstanding breach pursuant to the provisions of this paragraph, the consumer must pay to PG&E the entire amount of its outstanding unpaid account balance, together with either making payment for or supplying a letter of credit in the amount of the aforementioned deposit. These payments and deposit arrangements must all be made within 30 days of the consumer's receipt of Demand for Deposit. Failure to pay the unpaid balance and establish the deposit within the 30-day period shall render the consumer responsible instead for the default lump sum payment responsibility specified in Special Condition 3.i.

The provisions of this Special Condition will not apply in instances where the breach was a failure to provide notice as required under Special Condition 3.a. Moreover the consumer deposit procedure provided for in this Special Condition can only be exercised once; future breaches for nonpayment would be treated under the rules described in Special Condition 3.i. "Demand for Lump Sum Payment."

(L)

(Continued)



**ELECTRIC SCHEDULE E-NMDL
 NEW MUNICIPAL DEPARTING LOAD**

Sheet 11

SPECIAL
 CONDITIONS:
 (Cont'd.)

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

h. Return of Deposit: If a consumer deposit has been paid under the provisions of Special Condition 3.g., or a letter of credit has been supplied in substitution for that deposit, PG&E will review the consumer's account status after the deposit or letter of credit has been held for twelve months. At that time, and if the consumer has made all payments on a timely basis subsequent to the cure of the original breach, PG&E will either refund the deposit or release the letter of credit, or at the consumer's election apply any paid deposit as a credit against future payment requirements. Any amounts returned or credited in accordance with this Schedule shall include interest computed using the same rates as are applicable to all other consumer deposits and utility balancing accounts.

i. Demand for Lump Sum Payment: PG&E may issue a Demand for Lump Sum Payment of default New Municipal Departing Load Payments to a Consumer 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 the Net Present Value of the NMDL consumer's current and future CRS and other NBCs obligations using the most recent Commission adopted value of the IOU's weighted cost of capital as the discount rate for the period from when the Consumer's account began being in arrears and PG&E's estimated date of the expiration of the Consumer's obligation to pay that rate component.

If a lump sum payment for a component is demanded and received, no subsequent consumer at the same premises shall be responsible for that component.

j. Enforceability: Failure to make New Municipal Departing Load Nonbypassable Charge payments or provide notice as specified herein constitute a breach of the Consumer's continuing legal obligations to PG&E and a breach and violation of this tariff. PG&E may enforce the payment obligations specified herein by filing suit to enforce this tariff in any court of competent jurisdiction. If PG&E has elected to issue a Demand for Lump Sum Payment of Default Departing Load Charge Responsibility and the Consumer has not paid within 30 days of issuance, then PG&E may enforce this obligation by filing suit to enforce this tariff in any court of competent jurisdiction.

(L)

(Continued)



**ELECTRIC SCHEDULE E-NMDL
 NEW MUNICIPAL DEPARTING LOAD**

Sheet 12

SPECIAL
 CONDITIONS:
 (Cont'd.)

4. MEASUREMENT OF NEW MUNICIPAL DEPARTING LOAD

(L)

- a. Estimated Usage: PG&E will estimate the New Municipal Departing Load Consumer's monthly usage using the following steps:
 - 1) PG&E will ascertain the Consumer's OAS by considering such items as, but not limited to, Consumer's electric meter panel size, building size and function, or other available and appropriate information about the Consumer's New Municipal Departing Load.
 - 2) PG&E will determine the average annual usage of all PG&E Consumers served under the Consumer's OAS, where the average annual usage is calculated from the most recent calendar year data available preceding the date that Consumer's load qualified as New Municipal Departing Load.
 - 3) PG&E will divide this average annual usage by 12 to arrive at the Estimated Usage to be used to calculate the Consumer's monthly nonbypassable charges.
- b. At the consumer's election, metered consumption data can be substituted on a prospective basis for NMDL charge billing purposes rather than using the estimated billing determinants as described above. Metered consumption data must be provided to PG&E on a timely basis in a format acceptable to PG&E. This data can be provided by either the consumer, or POU with permission of its consumer. If the consumer, or POU with permission of its consumer, does not provide PG&E with the metered consumption data to PG&E by submitting meter-read data to PG&E in a manner acceptable to PG&E, the NMDL consumer's usage for billing the applicable charges will be based upon an estimation methodology that yields the most accurate assessment.

5. BILATERAL AGREEMENTS

Bilateral agreements between PG&E and the respective POUs or POU consumer can be used as an alternative in place of this tariff schedule.

6. EXPIRATION

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

(L)



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Advice Filing List
General Order 96-B, Section IV**

Alcantar & Kahl
Ameresco
Anderson & Poole
Arizona Public Service Company
BART
BP Energy Company
Barkovich & Yap, Inc.
Bartle Wells Associates
Bloomberg New Energy Finance
Boston Properties
Brookfield Renewable Power
C & H Sugar Co.
CA Bldg Industry Association

CAISO
CLECA Law Office
CSC Energy Services
California Cotton Ginners & Growers Assn
California Energy Commission
California League of Food Processors
California Public Utilities Commission
Calpine
Cameron McKenna
Cardinal Cogen
Casner, Steve
Chris, King
City of Glendale
City of Palo Alto
Clean Energy Fuels
Coast Economic Consulting
Commerce Energy
Commercial Energy
Consumer Federation of California
Crossborder Energy

Davis Wright Tremaine LLP
Day Carter Murphy
Defense Energy Support Center

Department of Water Resources
Department of the Army
Dept of General Services
Division of Business Advisory Services
Douglass & Liddell
Downey & Brand
Duke Energy
Dutcher, John
Economic Sciences Corporation
Ellison Schneider & Harris LLP
Foster Farms
G. A. Krause & Assoc.
GLJ Publications
Goodin, MacBride, Squeri, Schlotz & Ritchie
Green Power Institute
Hanna & Morton
Hitachi
International Power Technology
Intestate Gas Services, Inc.
Lawrence Berkeley National Lab
Los Angeles Dept of Water & Power
Luce, Forward, Hamilton & Scripps LLP
MAC Lighting Consulting
MBMC, Inc.
MRW & Associates
Manatt Phelps Phillips
McKenzie & Associates
Merced Irrigation District
Mirant
Modesto Irrigation District
Morgan Stanley
Morrison & Foerster
NRG West
New United Motor Mfg., Inc.

Norris & Wong Associates
North America Power Partners
North Coast SolarResources

Northern California Power Association
Occidental Energy Marketing, Inc.
OnGrid Solar
Praxair
R. W. Beck & Associates
RCS, Inc.
Recon Research
Recurrent Energy
SCD Energy Solutions
SCE
SMUD
SPURR
Santa Fe Jets
Seattle City Light

Sempra Utilities
Sierra Pacific Power Company
Silicon Valley Power
Silo Energy LLC
Southern California Edison Company
Sunshine Design
Sutherland, Asbill & Brennan
Tabors Caramanis & Associates
Tecogen, Inc.
Tiger Natural Gas, Inc.
Tioga Energy
TransCanada
Turlock Irrigation District
U S Borax, Inc.
United Cogen
Utility Cost Management
Utility Specialists
Verizon
Wellhead Electric Company
Western Manufactured Housing
Communities Association (WMA)
eMeter Corporation