March 12, 2009

Advice Letter 2986-G/3398-E

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

Subject: Compliance with Public Utilities Code Section 739.5(h) to Grant Eligibility for CARE Program to Residential Gas and or Electric Customers who are Submetered and Reside in Master-Metered Multi-Family Dwellings

Dear Mr. Cherry:

Advice Letter 2986-G/3398-E is effective March 10, 2009.

Sincerely,

Julie A. Fitch, Director  
Energy Division
January 5, 2008

Advice 2986-G/3398-E
(Pacific Gas and Electric Company ID U 39 M)

Public Utilities Commission of the State of California

Subject: Compliance with Public Utilities Code Section 739.5(h) to grant eligibility for CARE program to residential gas and or electric customers who are submetered and reside in master-metered multi-family dwellings.

Pacific Gas and Electric Company (PG&E) hereby submits for filing its response to Ordering Paragraph (OP) 105 of Decision (D.) 08-11-031, which directs the four major investor-owned utilities (IOUs) to update their tariffs in accordance with Section 739.5(h).

Purpose

This filing responds to OP 105 (and the supporting text at page 197) of D.08-11-031, effective November 6, 2008, which states:

105. We order the IOUs to update their tariffs in order to comply with the amendment to AB 2857 (Lieber) within 60 days of the effective date of this decision.

AB 2857 amended Section 739.5 of the Public Utilities Code by adding an additional Section H to the code, which states:

(h) Notwithstanding any other provision of law or decision of the commission, the commission shall not deny eligibility for the California Alternative Rates for Energy (CARE) program, created pursuant to Section 739.1, for a residential user of gas or electric service who is a submetered resident or tenant served by a master-meter customer on the basis that some residential units in the master-meter customer’s mobilehome park,
apartment building, or similar residential complex do not receive gas or electric service through a submetered system.

Thus the Commission has ordered the IOUs to update their tariffs by January 5, 2009, to grant CARE rates to residential users of gas and or electric service who are submetered and reside in master-metered multi-family dwelling units or mobile home parks in which not all of the individual units are submetered.

**Background**

Residential gas and electric customers are assigned CARE rates in compliance with the qualifications set forth in PG&E’s Rules 19.1, 19.2 or 19.3. In addition, master-meter and master-meter submeter service configurations are governed by PG&E’s Rule18 and the appropriate residential rate schedule applicability statement.

The Commission has a long standing history of not allowing low income program rates to customers which are not billed based on their meter registration.¹

PG&E’s filed tariffs have never allowed the commingling of master-metered tenants with submetered tenants. Should PG&E become aware of such a commingled situation in violation of its tariffs, PG&E would require the customer to come into compliance by rearranging their service and metering facilities.

Therefore, a service configuration as described in D. 08-11-031 and Public Utilities Code Section 739.5 (h) is not allowed by PG&E’s tariffs. Under these circumstances, a tariff modification to grant CARE rates in such a service configuration is not required.

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¹ Ordering Paragraph 4. of Decision d.89-09-044, September 7, 1989, *Re Investigation on the Commission’s Own Motion to Comply with Senate Bill 987 and Realign Residential Rates, Including Baseline Rates, of California Energy Utilities*, modifies Finding of Fact 9 of D. 98-07-062 to state “...Low-income program rates will not be available to unmetered consumers because their energy bills are bundled with their rent and there is no way to enforce a pass through of the program discount to the consumer”. 
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 January 26, 2009 which is 21 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:

Brian K. Cherry
Vice President, Regulatory Relations
Pacific Gas and Electric Company
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 requests that this advice filing become effective on regular notice, February 4, 2009, which is 30 calendar days after the date of filing.

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 should be directed to Rose de la Torre at (415) 973-4716. Send all electronic approvals to PGETariffs@pge.com, Advice letter filings can also be accessed electronically at: http://www.pge.com/tariffs
Vice President, Regulatory Relations

cc: Service List
Company name/CPUC Utility No. Pacific Gas and Electric Company (ID39E)

<table>
<thead>
<tr>
<th>Utility type:</th>
<th>Contact Person: David Poster</th>
</tr>
</thead>
<tbody>
<tr>
<td>☒ ELC</td>
<td>Phone #: (415) 973-1082</td>
</tr>
<tr>
<td>☐ PLC</td>
<td>E-mail: <a href="mailto:dxpu@pge.com">dxpu@pge.com</a></td>
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<tr>
<td>☐ GAS</td>
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<td>☐ HEAT</td>
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**EXPLANATION OF UTILITY TYPE**

ELC = Electric
GAS = Gas
PLC = Pipeline
HEAT = Heat
WATER = Water

Advice Letter (AL) #: 2986-G/3398-E

Tier 2

Subject of AL: Compliance with Public Utilities Code Section 739.5(h) to grant eligibility for CARE program to residential gas and or electric customers who are submetered and reside in master-metered multi-family dwellings.

Keywords (choose from CPUC listing): CARE

AL filing type: ☒ Monthly ☐ Quarterly ☐ Annual ☒ One-Time ☐ Other

If AL filed in compliance with a Commission order, indicate relevant Decision/Resolution: D.08-11-031

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL: N/A

Required? ☑ Yes ☐ No

Requested effective date: 02-04-09

No. of tariff sheets: N/A

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:

Pending advice letters that revise the same tariff sheets: N/A

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

mas@cpuc.ca.gov and jnj@cpuc.ca.gov

**Utility Info (including e-mail)**

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
Aglet
Agnews Developmental Center
Alcantar & Kahl
Ancillary Services Coalition
Anderson & Poole
Arizona Public Service Company
BART
BP Energy Company
Barkovich & Yap, Inc.
Bartle Wells Associates
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California League of Food Processors
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Cerox
Chamberlain, Eric
Chevron Company
Chris, King
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City of San Jose
Clean Energy Fuels
Coast Economic Consulting
Commerce Energy
Commercial Energy
Constellation
Constellation New 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
Division of General Services
Douglas & Liddell
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Downey & Brand
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Duncan, Virgil E.
Dutcher, John
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Los Angeles Dept of Water & Power
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MBMC, Inc.
MRW & Associates
Manatt Phelps Phillips
Matthew V. Brady & Associates
McKenzie & Associates
Meek, Daniel W.
Merced Irrigation District
Mirant
Modesto Irrigation District
Morgan Stanley
Morrison & Foerster

New United Motor Mfg., Inc.
Norris & Wong Associates
North Coast SolarResources

Northern California Power Association
Occidental Energy Marketing, Inc.
OnGrid Solar
PPL EnergyPlus, LLC
Pinnacle CNG Company
Praxair
R. W. Beck & Associates
RCS, Inc.
RMC Lonestar
Recon Research
SCD Energy Solutions
SCE
SESCO
SMUD
SPURR
Santa Fe Jets
Seattle City Light
Sempra Utilities

Sequoia Union HS Dist
Sierra Pacific Power Company
Silicon Valley Power
Smurfit Stone Container Corp
Southern California Edison Company
St. Paul Assoc.
Sunshine Design
Sutherland, Asbill & Brennan
TFS Energy
Tabors Caramanis & Associates
Tecogen, Inc.
Tiger Natural Gas, Inc.
Tioga Energy
TransCanada
Turlock Irrigation District
U S Borax, Inc.
United Cogen
Utility Cost Management
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Vandenberg Air Force
Verizon
Wellhead Electric Company
Western Manufactured Housing
Communities Association (WMA)
White & Case
eMeter Corporation