September 22, 2011

Brian Cherry  
Vice President, Regulation and Rates  
Pacific Gas and Electric Company  
Mail Code B10C  
P.O. Box 770000  
San Francisco, CA 94177  

Re: Pacific Gas & Electric (PG&E) Advice Letter (AL) 3833-E – Revisions to Schedule S and Electric Rule 1 to End Standby Exemptions for Distributed Energy Resources

Dear Mr. Cherry:

Pursuant to General Order (GO) 96-B, Rule 7.3.4(2), this letter approves PG&E AL 3833-E and the requested effective date of April 20, 2011

Summary


PG&E’s Proposed Tariff Revisions

The effect of PG&E’s filing will be to end a standby charge exemption for 89 customers that meet the definition of “distributed energy resources” (DER) set out in Pub. Util. Code § 353.1. The exemption will end on June 1, 2011, as ordered in Pub. Util. Code § 353.13(a). The individual DER facilities affected by this change commenced initial operation between May 1, 2001, and December 31, 2004; are located within a single facility; are sized below 5.0 megawatts (MW); serve on-site loads or over-the-fence transactions; are not diesel-powered; and comply with certain emissions standards.¹

¹ Pub. Util. Code § 353.1(a)-(c); see also D.03-04-060 (April 17, 2003), pp. 5, 7 (extending the standby charge exemption to facilities that commenced operation from the statutory June 30, 2003 to December 31, 2004).
Issues Raised by Protestants

Protestants question whether the Commission has complied with certain requirements in Pub. Util. Code §§ 353.3 and 353.13, which Protestants argue are prerequisites to termination of the standby charge exemption. Protestants assert the following as preconditions:

- That the Commission order each utility to modify its tariffs to implement standby rate design that treats DER and non-DER customers equitably (Pub. Util. Code § 353.3(a));
- That the Commission establish new tariffs on or before January 1, 2003 both for DER as defined in Pub. Util. Code § 353.1 and for a broader category of distributed generation customers. (Pub. Util. Code § 353.13(a).) In establishing such new tariffs, the Commission is to “consider coincident peakload, and the reliability of the onsite generation...so that customers with more reliable onsite generation and those that reduce peak demand pay a lower cost-based rate” (Pub. Util. Code § 353.13(c)); and
- That the Commission submit a report to the Legislature on or before June 1, 2002 “describing its proposed methodology for determining the new rates,” (Pub. Util. Code § 353.13(b)).

Protestants argue that these preconditions have not been met, and that as a result, the termination of the standby charge exemption cannot go into effect.

Protestants further raise policy concerns with regard to terminating the standby charge exemption, arguing that reinstituting the standby charge for DER will hinder achievement of Governor Brown’s target 12,000 MW of DER, and that applying standby charges will duplicate the demand charge that DER units pay when they go off-line.

PG&E’s Response to Joint Protest

In its response to the Joint Protest, PG&E argues that the statutory requirements regarding tariff modifications for DER have been fully met. PG&E notes that currently effective standby rate design was addressed by an all-party settlement in PG&E’s 2007 General Rate Case2 (PG&E 2007 GRC), which was approved by the Commission.3 PG&E states that standby rate design is now again under consideration in PG&E’s 2011 GRC (A.10-03-014).

PG&E further disagrees with Protestants’ characterization of D.03-04-060, noting that in that decision the Commission extended the eligibility period in which DER resources eligible for the standby charge exemption could come online, but did not extend the overall ten-year time frame during which the exemption would apply.

2 A.06-03-005 (filed March 2, 2006).
3 D.07-09-004 (September 6, 2007).
PG&E AL 3833-A Disposition
September 22, 2011
Page 3

Last, PG&E argues that the Protestants' concerns regarding policy issues, real-time pricing, and a Commission report to the Legislature are irrelevant to the termination of the standby charge exemption and outside the scope of the advice letter process.

Discussion

The Protestants' assertions that the Public Utilities Code requires additional action by the Commission before approving this Advice Letter are not supported.

First, PG&E has complied with the law and Commission decisions in exempting the DER customers as defined in Pub. Util. Code § 353.1 and D.03-04-060 from standby charges. PG&E's tariff sheets filed in response to SBX1 28 and approved by the Commission identified the statutory definition of DER, thereby placing the eligible DER customers on notice of the termination of the exemption on June 1, 2011, subject to certain actions by the Commission.

Second, the Commission met the requirements of Pub. Util. Code § 353.3(a) in D.01-07-027, where it ordered PG&E to modify its tariff to institute certain fixed-cost and volumetric components of standby charges, and ordered that the rates charged for each component reflect equal treatment of DER and non-DER customers.

Third, PG&E complied with the Commission's D.01-07-027 standby rate design orders in an all-party, uncontested settlement within the 2007 PG&E GRC, which was affirmed by the Commission in D.07-09-004. PG&E's standby rate design must continue to comply with D.01-07-027 in the 2011 GRC, and such compliance will be considered by the Commission in that proceeding, rather than through this advice letter.

Fourth, the Commission met the requirements of Pub. Util. Code § 353.3(b) in AL 2124-E-A, when it approved PG&E's transfer of DER customers to Schedule E-7, a time-of-use rate schedule. Since then, all of PG&E's DER customers have been transferred to other time-of-use schedules, which is further in compliance with Pub. Util. Code § 353.3(b).

Fifth, the statutory mandate in Pub. Util. Code § 353.13(a) ordering the Commission to establish a new tariff for a broader category of distributed generation customers is not a precondition to the termination of the standby charge exemption for the DER customers defined in Pub. Util. Code § 353.1. Termination of the standby charge exemption for DER customers is not dependent on the adoption of such a tariff, and is not relevant to the purpose of this advice letter.

Sixth, the Commission met the requirements of Pub. Util. Code § 353.13(b) when it submitted Status Report to the Legislature: SB 28x/Public Utilities Code Section 353.13(a), Methodology for Distributed Energy Resources Tariff in California (March 25, 2004).
PG&E AL 3833-A Disposition
September 22, 2011
Page 4

PG&E has 89 DER customers eligible for the standby charge exemption. The eligibility period initially established by the Legislature (and expanded by the Commission) has provided a significant opportunity to those eligible DER customers to achieve economic stability, and the principle of equitable treatment (with customers taking standby service but not eligible for the exemption) in Pub. Util. Code § 353.3(a) and Commission decisions requires termination of the exemption. Policy issues with respect to the impact of standby rate design on either the DER facilities that have been exempt from standby charges or the installation of new resources meeting the definition of Pub. Util. Code § 353.1 are beyond the scope of this advice letter, and are more appropriately addressed in other Commission proceedings.

Based on the above, Energy Division approves PG&E AL 3833-E and the requested Effective Date of April 20, 2011.

Sincerely,

[Signature]

Julie A. Fitch
Director, Energy Division

cc: Ann L. Trowbridge, Day Carter & Murphy LLP, on behalf of California Clean DG Coalition
    Lynn Haug, Ellison, Schneider & Harris LLP, on behalf of FuelCell Energy, Inc.
April 20, 2011

Advice 3833-E
(Pacific Gas and Electric Company ID U 39 E)

Public Utilities Commission of the State of California

Subject: Revisions to Schedule S and Electric Rule 1 to end Standby Exemptions for Distributed Energy Resources

Pacific Gas and Electric Company (“PG&E”) hereby submits for filing revisions to its electric tariffs. The affected tariff sheets are listed on the enclosed Attachment 1.

Purpose

The purpose of this filing is to incorporate the standby exemption sunset date of June 1, 2011, into Pacific Gas and Electric's (PG&E) electric Schedule S and electric Rule 1 in accordance with Public Utilities (PU) Code Section 353.13.

Background

On May 22, 2001, Governor Davis signed Senate Bill X1 28 (SBX1 28) which, directed the Commission to require each electrical corporation, as of January 1, 2001, to modify its tariffs to ensure that customers installing new “distributed energy resources” (DER), in accordance with the criteria specified in new PU Code Sections 353.1 and 353.3, have the opportunity to be served under rates, rules, and requirements identical to those under which customers who do not install new distributed energy resources are served.


On December 27, 2002, the Commission issued a ruling that proposed a limited extension of availability of tariffs under PU Code Section 353.13 to provide certainty of ratemaking treatment for customers considering the installation of distributed generation after the statutory rates expired, but before the Commission implemented the standby rate design policies adopted in Decision (D.) 01-07-027.
On April 17, 2003, the Commission issued D.03-04-060 in Rulemaking 99-10-025, which in Ordering Paragraph 1 states:

1. Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E) shall modify their tariffs to allow combined heat and power applications and renewable resources, as defined in Decision (D.) 02-10-062, sized 5 megawatts (MW) or smaller, installed between May 2001 and December 31, 2004, that meet all other criteria in § 353.1, to be served under the same rates as customers with similar load profiles that do not install distributed generation. The tariffs shall be in effect until June 1, 2011.

This sunset date was codified in PU Code Section 353.13, which states:

(a) The commission shall require each electrical corporation to establish new tariffs on or before January 1, 2003, for customers using distributed energy resources, including, but not limited to, those that do not meet all of the criteria described in Section 353.1. However, after January 1, 2003, distributed energy resources that meet all of the criteria described in Section 353.1 shall continue to be subject only to those tariffs in existence pursuant to Section 353.3, until June 1, 2011, except that installations that do not operate in a combined heat and power application will be subject to those tariffs in existence pursuant to Section 353.3 only until June 1, 2006. [emphasis added]

Accordingly, PG&E is revising its Schedule S - Standby and its Electric Rule 1 definition of Distributed Energy Resources to comply with the exemption sunset date of June 1, 2011. This treatment is consistent with that of Southern California Edison Company and San Diego Gas and Electric Company’s tariffs.

**Tariff Revisions**

In compliance with OP 1 of D.03-04-060, PG&E is proposing to make the following revisions to its tariffs:

1) Revise Schedule S to add the following Special Condition 10. DISTRIBUTED ENERGY RESOURCES EXEMPTION:

   See Electric Rule 1 for the criteria to be considered a Distributed Energy Resources and for limitations on this standby service exemption.

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1 [http://docs.cpuc.ca.gov/WORD_PDF/FINAL_DECISION/25457.PDF](http://docs.cpuc.ca.gov/WORD_PDF/FINAL_DECISION/25457.PDF)
2) Revise Electric Rule 1 to add the following language to the definition of Distributed Energy Resources:

   A customer who has installed DER will be subject to the same rates, rules, and requirements as those for a customer served under the same rate schedule who has not installed DER only until June 1, 2006, when the DER is not operated in a combined heat and power application, or June 1, 2011, when the DER is operated in a combined heat and power application.

**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 **May 10, 2011**, which is 20 days from 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 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, Regulation and Rates  
Pacific Gas and Electric Company  
77 Beale Street, Mail Code B10C  
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 **April 20, 2011**. This advice letter is submitted with a Tier 1 designation.

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 and the parties on the service list for A.10-03-001. Address changes to the General Order 96-B service list should be directed to PG&E at email address PGETariffs@pge.com. For changes to any other service list, please contact the Commission’s Process Office at (415) 703-2021 or at Process_Office@cpuc.ca.gov. Send all electronic approvals to PGETariffs@pge.com. Advice letter filings can also be accessed electronically at: http://www.pge.com/tariffs

[Signature]

Vice President – Regulation and Rates

cc: Service List A.10-03-001

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

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### EXPLANATION OF UTILITY TYPE

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### Advice Letter (AL) #: **3833-E**

**Tier: 1**  

**Subject of AL:** Revisions to Schedule S and Electric Rule 1 to end Standby Exemptions for Distributed Energy Resources  

**Keywords (choose from CPUC listing):** Rules  

**AL filing type:** ☐ Monthly ☐ Quarterly ☐ Annual ☑ One-Time ☐ Other _____________________________

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

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:  

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: _____________________________

Resolution Required? ☐ Yes ☑ No  

**Requested effective date:** April 20, 2011  

**No. of tariff sheets:** 25  

**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:** Electric Rule 1, Electric Rate Schedule S  

**Service affected and changes proposed:**  

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: Brian Cherry, Vice President, Regulation and Rates  

77 Beale Street, Mail Code B10C  

P.O. Box 770000  

San Francisco, CA 94177  

E-mail: PGETariffs@pge.com
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ELECTRIC SCHEDULE S
STANDBY SERVICE

9. NON-TIME-OF-USE METERING: In those cases where PG&E deems it is not cost-effective to install a time-of-use (TOU) meter, PG&E will estimate the customer’s kWh usage for each TOU period, and apply all TOU charges to the estimated kWh usage by TOU period. PG&E will estimate the customer’s total kWh usage in the billing period to kWh usage within each TOU period based on a percentage breakdown using the ratio of the number of hours in each TOU period to total hours in the billing period.

10. DISTRIBUTED ENERGY RESOURCES EXEMPTION: Public Utilities (PU) Code Sections 353.1, 353.2 and 353.3, provide for certain exemptions of standby reservation charges for qualifying “distributed energy resources.” Customers qualifying for an exemption from standby charges under PU Code Sections 353.1 and 353.3, as described above, must take service on a TOU schedule in order to receive this exemption until a real-time pricing program, as described in PU Code Section 353.3, is made available. Once available, customers qualifying for the distributed energy resources exemption must participate in the real-time program referred to above. Qualification for and receipt of this distributed energy resources exemption does not exempt the customer from metering charges applicable to TOU and real-time pricing, or exempt the customer from reasonable interconnection charges, non-bypassable charges as required in Preliminary Statement BB - Competition Transition Charge Responsibility for All Customers and CTC Procurement, or obligations determined by the Commission to result from participation in the purchase of power through the California Department of Water Resources, as provided in PU Code Section 353.7.

See electric Rule 1 for the criteria to be considered a Distributed Energy Resources and for limitations on this standby service exemption.

11. MULTIPLE TECHNOLOGIES: Customers with generating facilities that are comprised of multiple generating units that apply different technologies, and with at least one generating unit that qualifies for a PG&E net energy metering tariff, and where all of the generating units are served through the same Point of Common Coupling as defined in PG&E’s Rule 21, may be eligible for standby exemption for a portion of their standby requirement. Such exemption will be granted only for the duration allowed by the applicable tariff schedule and in accordance with the California Public Utilities Code. The customer will be billed under its otherwise-applicable rate schedule, and Special Conditions 1 through 7 of this Schedule S will not apply to the eligible generating portion qualifying for standby exemption. For the generating portion not qualifying for standby exemption, Special Conditions 1 through 7 of Schedule S will apply. The Standby reservation capacity will be set at a level not to exceed the nominal rated capacity of the non-eligible generating unit(s). Qualification for and receipt of this exemption does not exempt customers with multiple technologies from metering charges applicable to TOU and real-time pricing, or exempt the customer from reasonable interconnection charges, non-bypassable charges and other applicable tariff obligations.

(Continued)
DIRECT ACCESS SERVICE: Defined in Rule 22.A.3.

DISTRIBUTED ENERGY RESOURCES (DER) means any electric generation technology that meets all of the following criteria:

(a) Commences initial operation between May 1, 2001, and June 1, 2003, except that gas-fired distributed energy resources that are not operated in a combined heat and power application must commence operation no later than September 1, 2002.

(b) Is located within a single facility.

(c) Is five megawatts or smaller in aggregate capacity.

(d) Serves onsite loads or over-the-fence transactions allowed under Sections 216 and 218.

(e) Is powered by any fuel other than diesel.

(f) Complies with emission standards and guidance adopted by the State Air Resources Board pursuant to Sections 41514.9 and 41514.10 of the Health and Safety Code. Prior to the adoption of those standards and guidance, for the purpose of this article, distributed energy resources shall meet emissions levels equivalent to nine parts per million oxides of nitrogen, or the equivalent standard taking into account efficiency as determined by the State Air Resources Board, averaged over a three-hour period, or best available control technology for the applicable air district, whichever is lower, except for distributed generation units that displace and therefore significantly reduce emissions from natural gas flares or reinjection compressors, as determined by the State Air Resources Control Board.

These units shall comply with the applicable best available control technology as determined by the air pollution control district or air quality management district in which they are located. This definition is obtained from Public Utilities Code (PUC) 353.1. The definition of DER may be modified as necessary to be consistent with any changes ordered by the appropriate jurisdiction.

A customer who has installed DER will be subject to the same rates, rules, and requirements as those for a customer served under the same rate schedule who has not installed DER only until June 1, 2006, when the DER is not operated in a combined heat and power application, or June 1, 2011, when the DER is operated in a combined heat and power application.
ELECTRIC RULE NO. 1

DEFINITIONS

DISTRIBUTION SERVICES: The delivery of electrical supply and related services by PG&E to a customer over PG&E’s Distribution System.

DISTRIBUTION SYSTEM: Those non-ISO transmission and distribution facilities owned, controlled, and operated by PG&E that are used to provide Distribution Service under these tariffs.
ELECTRONIC BILLING: A billing method whereby at the mutual option of the Customer and PG&E, the Customer elects to receive, view, and pay bills electronically and to no longer receive paper bills.

ELECTRONIC PRESENTMENT: When made available or transmitted electronically to the Customer at an agreed upon location.

ENERGY SUPPLY OR PROCUREMENT SERVICES: Includes, but is not limited to, procurement of electric energy; all scheduling, settlement, and other interactions with Scheduling Coordinators, and the ISO; all ancillary services and congestion management.

ENERGY SERVICE PROVIDER (ESP): An entity who provides electric supply services to Direct Access Customers within PG&E’s service territory. An ESP may also provide certain metering and billing services to its DA Customers as provided for within these tariffs.

FEDERAL ENERGY REGULATORY COMMISSION (FERC): Federal agency with jurisdictional responsibilities over electric transmission service and electric sales for resale.

GENERATION CUSTOMER: Any PG&E (electric customer with electric generation facilities (including back-up generation in parallel with PG&E) on the customer's side of the interconnection point.

HIGH RISE BUILDING: A multi-story, multi-tenant building located on single premises usually comprised of three or more stories and equipped with elevators.

HOURLY PRICING OPTION: This option is suspended.

INDEPENDENT SYSTEM OPERATOR (ISO): The California Independent System Operator Corporation, a state-chartered, non-profit corporation that controls the transmission facilities of all participating transmission owners and dispatches certain generating units and loads. The ISO is responsible for the operation and control of the statewide transmission grid.

(Continued)
INDIVIDUAL METERING: The deployment of a separate service and meter for each individual residence, apartment dwelling unit, mobilehome space, store, office, etc.

INTERRUPTION: Unscheduled disruption of power deliveries to one or more Customers resulting from transmission or distribution capacity shortages.

KILOWATT: 1,000 watts; a watt is a unit of electrical power equal to a current of one ampere under one volt of pressure.

KILOWATT-HOUR: 1,000 watts, or one (1) kilowatt of electricity used for one hour.

LOAD PROFILES: An approximation of a Customer's electric usage pattern as approved by the Commission for certain purposes set forth in PG&E’s tariffs.

LOW INCOME RATE PAYER ASSISTANCE: See California Alternate Rates for Energy.
MAILED: When a communication is sent by electronic data interchange or enclosed in a sealed envelope, properly addressed, and deposited in any U.S. Post Office box, postage prepaid.

MANDATED SAFETY AND LEGAL NOTICES: Mandated notices include notices required to be sent to all PG&E customers by law and include, but are not limited to, notices of the type, and with the frequency, that PG&E has used, and continues to use, to discharge legal obligations, such as quarterly Proposition 65 notices, quarterly notices of rate options applicable to each customer class, notices of rate applications, and notices of public assistance and low income programs.

MASTER-METERING: Where PG&E installs one service and meter to supply more than one residence, apartment dwelling unit, mobilehome space, store, office, etc.

METER: The instrument that is used for measuring the electricity delivered to the Customer.
MOBILEHOME: A structure designed for human habitation and for being moved on a street or highway under permit pursuant to the California Vehicle Code, or a manufactured home as defined in the California Health and Safety Code. A recreational vehicle or a commercial coach as defined in the California Health and Safety Code is not a mobilehome.

MOBILEHOME PARK: An area of land where two or more mobilehome sites are rented, or held out for rent, to accommodate mobilehomes used for human habitation. A recreational vehicle park is not a mobilehome park.

MULTIFAMILY ACCOMMODATION: An apartment building, duplex, court group, residential hotel, or any other group of residential units located upon a single premises, providing the residential units meet the requirements for a residential dwelling unit. Hotels, guest or resort ranches, tourist camps, motels, auto courts, rest homes, rooming houses, boarding houses, dormitories, trailer courts, consisting primarily of guest rooms and/or transient accommodations, are not classed as multifamily accommodations.
ELECTRIC RULE NO. 1
DEFINITIONS

OPTIONAL RATE SCHEDULES: Commission-approved rate schedules for a customer class from which any customer in that class may choose. Optional rate schedules do not include experimental schedules or schedules available at the sole option of PG&E.

PAID OR PAYMENT: Funds received by PG&E through the postal service, PG&E payment office, PG&E authorized agent, or deposited in PG&E’s bank account by electronic data interchange.

PERSON: Any individual, partnership, corporation, public agency, or other organization operating as a single entity.
POWER FACTOR: The percent of total power delivery (kVA) which does useful work. For billing purposes, average power factor is calculated from a trigonometric function of the ratio of reactive kilovolt-ampere-hours to the kilowatt-hours consumed during the billing month.

PREMISES: All of the real property and apparatus employed in a single enterprise on an integral parcel of land undivided, excepting in the case of industrial, agricultural, oil field, resort enterprises, and public or quasi-public institutions, by a dedicated street, highway or public thoroughfare or railway. Automobile parking lots constituting a part of and adjacent to a single enterprise may be separated by an alley from the remainder of the Premises served.
PUBLIC PURPOSE PROGRAMS CHARGES: A non-bypassable surcharge imposed on all retail sales of electricity and electrical services to fund public goods research, development and demonstration, energy efficiency activities, and low income assistance programs.

PUBLIC UTILITIES COMMISSION: The Public Utilities Commission of the State of California.

QUALIFICATION FOR AGRICULTURAL RATES:

A. Applicability

1. A customer will be served under an agricultural rate schedule if 70% or more of the annual energy use on the meter is for agricultural end-uses. Agricultural end-uses consist of:
   (a) growing crops;
   (b) raising livestock;
   (c) pumping water for irrigation of crops; or
   (d) other uses which involve production for sale.

2. Only agricultural end-uses performed prior to the First Sale of the agricultural product are agricultural end-uses under this criteria, except for the following activities, which are also agricultural end-uses under this criteria: (a) packing and packaging of the agricultural products following the First Sale and before any subsequent sale, and (b) agricultural end-uses by nonprofit cooperatives.

3. None of the above activities may process the agricultural product. Residential dwelling, office, and retail usage are not agricultural end-uses.

4. Rule 1 specifies additional activities and meters that will also be served on agricultural rates, and guidelines through the following sections: (B) Other Activities and Meters Also Served on Agricultural Rates, (C) Specific Applications of the March 2, 2006 Applicability Criteria, and (D) Guidelines for Applying the Applicability Criteria.
QUALIFICATION FOR AGRICULTURAL RATES: (Cont’d.)

B. Other Activities and Meters Also Served on Agricultural Rates

The specific language in Section B controls over the language of Sections A, C, and D for only those activities and meters listed in Section B and has no precedential effect on other activities and meters not specifically listed in Section B.

1. Activity-Based Qualification

The following activities will be served on agricultural rates provided that 70% or more of the annual energy usage on the meter is for activities listed in Section B(1) below:

(a) Activities specifically adjudicated by the CPUC in its decisions and orders to be agricultural end-uses prior to March 2, 2006 shall remain on PG&E’s agricultural rates. These activities are: milk processing, cotton ginning, almond hulling and shelling, and a feed mill integral to the operation of an agricultural end-use.

(b) The following activities determined by PG&E to be agricultural end-uses shall be served on agricultural rates: sun-dried raisin packing, pistachio hulling and shelling, rice drying, hulling and milling necessary to produce white rice, and packing of brown and white rice, but no grinding, crushing, parboiling, cooking, or gelatinizing of rice.

2. Meter-Based Qualification

Any meter (other than meters qualifying in Section B(1) above) on agricultural rates prior to March 2, 2006 shall remain on agricultural rates provided that (1) energy usage on the meter continues to meet the Applicability Statement in effect at that time; and (2) metered usage remains, without interruption, in the name of the present account holder or to anyone who states by declaration that:

(a) they have had a legal or financial interest in the agricultural endeavor for at least two (2) years prior to the change in ownership and have not compensated others or been compensated as a result of the transfer of ownership; or

(b) they have been a bona fide employee, working at least 25 hours per week during the active operating season of the agricultural endeavor, for the last two (2) calendar years prior to the transfer of ownership; or

(Continued)
B. Other Activities and Meters Also Served on Agricultural Rates (Cont'd.)

2. Meter-Based Qualification (Cont'd.)

   (c) they are the lineal descendants of one of the owners of the agricultural endeavor; or

   (d) they are the spouse or former spouse of an owner of the agricultural endeavor.

3. All activities or meters qualifying for an agricultural rate under Sections B(1) or B(2) above shall not serve as precedent or be considered in any other way in determining eligibility under the Agricultural Applicability Statement except as provided in Section B.

C. Specific Applications of the March 2, 2006 Applicability Criteria

Activities identified as agricultural end-uses in this section must also meet the criteria set forth in Section A, with the exception of the processing limitation in Section A(3). Where an actual or perceived conflict exists between Section A and an activity expressly identified as an agricultural end-use in Section C, the specific language of Section C will control over the processing limitation in Section A(3). Any activity not expressly identified as an agricultural end-use in Section C must meet the criteria in Section A in order to be served on agricultural rates.

1. Activities involved in growing crops up to the conclusion of the harvest operation on the premises where the crop was grown are agricultural end-uses.

2. Raising livestock, poultry and fish up to, but not including, the point that the animal is slaughtered or its life terminated in any other operation is an agricultural end-use.

3. Pumping water for irrigation or frost protection of crops, or for reclamation of agricultural land is an agricultural end-use.
ELECTRIC RULE NO. 1
DEFINITIONS

QUALIFICATION FOR AGRICULTURAL RATES: (Cont’d.)

C. Specific Applications of the March 2, 2006 Applicability Criteria (Cont’d.)

4. Drying, hulling, and shelling of grains, legumes, and nuts are agricultural end-uses but not the following:
   (a) Other processing or ensiling grain, grain corn, hay, or any other agricultural product;
   (b) Activities whose purpose is to change or enhance the flavor of the agricultural product including, but not limited to, roasting, cooking, blanching, salting, curing, and brining;
   (c) Oil pressing, processing, and manufacturing to produce oil from corn, safflower, cottonseed, sunflower, and peanut;
   (d) Separation or processing of seed from agricultural, vegetable, or flower seed crops, including alfalfa, Bermuda grass, and clover;

5. Waxing, fumigation, irradiation, cleaning, sorting, grading, packing and storage of whole fresh grapes, berries, and other fruits and vegetables are agricultural end-uses, but not the following:
   (a) Activities which separate the harvested product into more than one constituent agricultural product, as listed by California Agricultural Statistics Service in their most recent California Statistics Report.
   (b) Activities which are part of processes whose purpose is to change or enhance the flavor of the agricultural product, including roasting, cooking, blanching, salting, curing, brining, and any other flavor altering processes.
   (c) Pitting or dehydrating of fruits including, but not limited to, plums, grapes, and apricots;
   (d) Post-harvest husking or removal of fresh sweet corn kernels from the cob;
   (e) Crushing or juicing of fruits and vegetables, including but not limited to grapes, apples, and carrots;

(Continued)
QUALIFICATION FOR AGRICULTURAL RATES: (Cont’d.) (L)

C. Specific Applications of the March 2, 2006 Applicability Criteria (Cont’d.)

5. (Cont’d.)
   
   (f) Peeling of garlic and onions and post-harvest processing of multiple baby carrots from individual, harvested, mature carrots;
   
   (g) Olive oil pressing, processing, or manufacturing;
   
   (h) Post-harvest chopping or leafing of lettuce heads or other vegetables and fruits; and
   
   (i) The processing of milk into cheese, yogurt, lactose-free milk, chocolate milk or any other products which do not have the appearance and physical characteristics of fluid milk.

6. Manufacturing of ice used by the manufacturer for the immediate cooling of whole fresh fruits and vegetables is an agricultural end-use, but not manufacturing of ice for sale.

7. Cleaning, packing, grading, sorting, and storage of fresh eggs are agricultural end-uses.

8. Raising crops or live plants in a greenhouse is an agricultural end-use.

9. Raising plants or fish through aquaculture is an agricultural end-use.

10. Cold storage, but not freezing, and other controlled environment storage which merely retards or accelerates the natural ripening of whole unaltered fresh fruits and vegetables is an agricultural end-use.

D. Guidelines for Applying the Applicability Criteria

   The following guidelines shall be used to determine whether a customer shall be served under agricultural rates under the Applicability Criteria in Sections A and C. (L)
D. GUIDELINES FOR APPLYING THE APPLICABILITY CRITERIA (Cont'd.)

1. PRODUCTION FOR SALE

All agricultural products or a subsequent product derived therefrom must be produced for sale to qualify under this criteria. If an activity is primarily for the provision of an agricultural service, and not the production of an agricultural product for sale, it is not an agricultural end-use. Examples of activities that are agricultural services include animal boarding and training, agricultural research, brokering or resale of agricultural products, farming at correctional facilities, experimental or educational farming, and fish hatcheries for wild release. Other activities which do not involve the production of an agricultural product for sale include cemetery, golf course, and park landscaping, wildlife habitat flooding, and zoo activities.

2. PACKING AND PACKAGING

Qualifying packing and packaging are defined herein as otherwise qualifying activities performed by the first entity or individual to pack or package the agricultural product, following the first sale and before any subsequent sale, transfer of control of, or title to the agricultural product.

3. QUALIFYING ACTIVITIES PERFORMED BY NONPROFIT COOPERATIVES

This applicability criteria treats all otherwise qualifying activities performed by cooperatives as though they were performed before the first sale, transfer of control of, or title to the agricultural product. Cooperatives may engage in any qualifying activity that would be permitted by the producer of the agricultural product. In order to be a qualifying cooperative, the association must be a nonprofit cooperative association organized and functioning under, and in compliance with, the California Food & Agriculture Code.

4. “FIRST SALE” DEFINED

The first sale of, transfer of control of, or title to the agricultural product and refers to the demarcation between agricultural and non-agricultural end-uses. It applies to all activities other than qualifying packing and packaging activities described above in Section D(2) and activities performed by qualifying nonprofit cooperatives described above in Section D(3).
QUALIFICATION FOR AGRICULTURAL RATES: (Cont’d.)

D. Guidelines for Applying the Applicability Criteria (Cont’d.)

5. Processing

Any activity that qualifies the customer as a Processor as defined in the California Food & Agriculture Code § 55407 and any activity defined as Processing under the California Food & Agriculture Code § 42519 shall not qualify as an agricultural end-use under this applicability criteria, unless the specific product and process is identified as an agricultural end-use in Section C above.

Food & Agriculture Code § 55407 – “Processor” means any person that is engaged in the business of processing or manufacturing any farm product, that solicits, buys, contracts to buy, or otherwise takes title to, or possession or control of, any farm product from the producer of the farm product for the purpose of processing or manufacturing it and selling, reselling, or redelivering it in any dried, canned, extracted, fermented, distilled, frozen, eviscerated, or other preserved or processed form. It does not, however, include any retail merchant that has a fixed or established place of business in this state and does not sell at wholesale any farm product which is processed or manufactured by him.

Food & Agriculture Code § 42519 – “Processing” means canning, preserving, or fermenting, which materially alters the flavor, keeping quality, or any other property, the extracting of juices or other substances, or the making of any substantial change of form. It does not include refrigeration at temperatures which are above the freezing point nor any other treatment which merely retards or accelerates the natural processes of ripening or decomposition.

6. Processing operation

If any part of an operation processes an agricultural product, no portion of the operation will qualify as an agricultural end-use under this applicability statement. In addition, no activity or operation performed after processing of the agricultural product has occurred may qualify as an agricultural end-use.

7. Agricultural product

An agricultural product is defined as the crop yielded at the conclusion of the harvest operation. If the first primary wholesale product produced following the harvest operation is a processed item, such as oil, juice, seeds, or similar product, such processing is not an agricultural end-use under this Applicability Criteria.
QUALIFICATION FOR AGRICULTURAL RATES: (Cont’d.)

D. Guidelines for Applying the Applicability Criteria (Cont’d.)

8. Harvest operation

Harvest operation includes those activities most commonly performed in the field to yield the crop in PG&E service territory, as measured on a per tonnage basis.

E. Requests for Agricultural Rates and Complaints before the CPUC Regarding Agricultural Rate Applicability

1. If, after March 2, 2006, a customer submits a written claim to PG&E for agricultural rates, any applicable Rule 17.1 adjustments will be determined on the basis of this applicability statement.

2. If, on or before March 2, 2006, a customer submitted a written claim to PG&E for agricultural rates, any applicable Rule 17.1 adjustments will be determined as follows:

   (a) For the pre-March 2, 2006 time period, on the basis of the previous agricultural applicability statement.

   (b) For the post-March 2, 2006 time period, on the basis of this applicability statement.

QUALIFIED CONTRACTOR/SUBCONTRACTOR (QC/S): An applicant's contractor or subcontractor who:

1) Is licensed in California for the appropriate type of work such as, but not limited to, electrical and general;

2) Employs electric workmen properly qualified (Qualified Electrical Worker, Qualified Person, etc.) as defined in State of California High Voltage Safety Orders (Title 8, Chapter 4, Subchapter 5, Group 2); and

3) Complies with applicable laws such as, but not limited to, Equal Opportunity Regulations, OSHA and EPA.
RATE SCHEDULE: One or more tariff sheets(s) setting forth the charges and conditions for a particular class or type of service in a given area or location. A rate schedule includes all the wording on the applicable tariff sheet(s), such as Schedule number, title, class of service, applicability, territory, rates, conditions, and references to rules.

RECREATIONAL VEHICLE (RV): As defined in the California Health and Safety Code, a motor home, slide-in camper, park trailer, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy.

RECREATIONAL VEHICLE (RV) PARK: An area or tract of land or a separate designated section within a mobile home park where one or more lots are occupied by owners or users of recreational vehicles.
RESIDENTIAL CUSTOMER: Class of customers whose dwellings are single-family units, multi-family units, mobilehomes or other similar living establishments (see Residential Dwelling Unit and Residential Hotel).

RESIDENTIAL DWELLING UNIT: A room or group of rooms, such as a house, a flat, or an apartment, which provides complete family living facilities in which the occupant(s) normally cooks meals, eats, sleeps, and carries on the household operations incidental to domestic life.

RESIDENTIAL HOTEL: A hotel establishment which provides lodging as a primary or permanent residence and has at least 50 percent of the units or rooms leased for a minimum period of one month and said units are occupied for nine months of the year. Residential hotels do not include establishments such as guest or resort hotels, resort motels or resort ranches, tourist camps, recreational vehicle parks, half-way houses, rooming houses, boarding houses, dormitories, rest homes, military barracks, or a house, apartment, flat or any residential unit which is used as a residence by a single family or group of persons.

RULES: Tariff sheets which cover the application of all rates, charges, and services, when such applicability is not set forth in and as part of the rate schedules.
ELECTRIC RULE NO. 1
DEFINITIONS

SCHEDULED METER READING DATE: The date PG&E has scheduled a Customer’s meter to be read for the purposes of ending the current billing cycle and beginning a new one. PG&E’s meter reading schedule is published annually, but is subject to periodic change.

SCHEDULING COORDINATOR: An entity meeting requirements as set forth by the Commission, FERC, and these tariffs.

SERVICE ACCOUNT: Same as “Account.”

SINGLE-CUSTOMER SUBSTATION: A substation owned by PG&E and dedicated to serve a specific customer. Substations transform electricity from transmission to distribution voltage.

SMALL BUSINESS CUSTOMER: A non-residential Customer who: (1) has a maximum billing demand of 20 kW, or less, per meter during the most recent 12 month period, or (2) has an annual usage of 40,000 kWh, or less, during the most recent 12 month period, or (3) meets the definition of a “micro-business” under California Government Code 14837. This definition does not include non-residential Customers who are on a fixed usage or unmetered usage rate schedule.

SMALL CUSTOMER: Customers on demand-metered schedules (A-10 and E-19V), with less than 20 kW maximum billing demand per meter for at least 9 billing periods during the most recent 12 month period; or (2) any customer on a non-demand metered schedule (A-1 and A-6); or (3) any customer on a residential rate schedule.
ELECTRIC RULE NO. 1
DEFINITIONS

SMARTMETER™: Trademark used by PG&E with permission of trademark owner for use in conjunction with PG&E’s Advanced Metering Infrastructure (AMI) project (approved by the Commission in D.06-07-027) and in conjunction with the marketing of any or all related goods and services of PG&E associated with AMI.

SUBMETERING: Where the master-metered customer installs, owns, maintains, and reads the meters for billing the tenants in accordance with Rule 18.

TARIFFS: The entire body of effective rates, rentals, charges, and rules, collectively, of PG&E, including title page, preliminary statement, rate schedules, rules, sample forms, service area maps, and list of contracts and deviations.

TARIFF SHEET: An individual sheet of the tariff schedules.

TIME-OF-USE (TOU): Rate option that prices electricity according to the season or time of day that it is used. Such usage is aggregated into discrete time periods called TOU periods and are as specified within PG&E rate schedules.

TRANSITIONAL BUNDLED SERVICE: Customers who return to Bundled Service on a transitional basis as prescribed in Rule 22.1 and 23, or take Bundled Service prior to the end of six (6) month advance notice period required to elect bundled portfolio service as prescribed in Rule 22.1 and 23.

(Continued)
### ELECTRIC RULE NO. 1

#### DEFINITIONS

**TRANSMISSION LOAD CUSTOMER:** A PG&E electric customer, interconnected to PG&E’s power system at a transmission level voltage, who has no generation of its own paralleled with the PG&E system and is not interconnected with any generation source other than PG&E.

**UTILITY:** Pacific Gas and Electric Company (PG&E).

**UTILITY USERS TAX:** A tax imposed by local governments on PG&E’s customers. PG&E is required to bill customers within the city or county for the taxes due, collect the taxes from customers, and then pay the taxes to the city or county. The tax is calculated as a percentage of the charges billed by PG&E for energy use.
ELECTRIC TABLE OF CONTENTS

TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>SCHEDULE</th>
<th>TITLE OF SHEET</th>
<th>CAL P.U.C. SHEET NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title Page</td>
<td></td>
<td>30313-E (T)</td>
</tr>
<tr>
<td>Rate Schedules</td>
<td></td>
<td>30062, 30063, 30097, 30065, 30314, 30098, 29896, 29897, 29966-E (T)</td>
</tr>
<tr>
<td>Preliminary Statements</td>
<td></td>
<td>30068, 29900, 29901, 30078, 29903, 29949, 29905-E (T)</td>
</tr>
<tr>
<td>Rules</td>
<td></td>
<td>30315, 29958, 29908-E (T)</td>
</tr>
<tr>
<td>Maps, Contracts and Deviations</td>
<td></td>
<td>29909-E (T)</td>
</tr>
<tr>
<td>Sample Forms</td>
<td></td>
<td>29910, 29911, 29912, 29913, 29914, 29915, 29916, 29917, 30099, 29919, 29920, 29921-E (T)</td>
</tr>
</tbody>
</table>

(Continued)
## ELECTRIC TABLE OF CONTENTS

### RATE SCHEDULES

<table>
<thead>
<tr>
<th>SCHEDULE</th>
<th>TITLE OF SHEET</th>
<th>CAL P.U.C. SHEET NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>S</td>
<td>Standby Service</td>
<td>28399, 28400, 30059, 29885, 28238, 28239, 29240-28245, 30291, 29886, 28401-28404-E</td>
</tr>
<tr>
<td>E-DCG</td>
<td>DCG Departing Customer Generation, CG</td>
<td>30168*, 30169*, 23667, 28858, 27054, 28954, 28607, 23252, 23253, 28405, 23255-E</td>
</tr>
<tr>
<td>E-DEPART</td>
<td>Departing Customers</td>
<td>28859-E</td>
</tr>
<tr>
<td>E-NWDL</td>
<td>New WAPA Departing Load</td>
<td>28858, 28581, 28582, 28862, 28863, 27448-27452-E</td>
</tr>
<tr>
<td>E-NMDL</td>
<td>New Municipal Departing Load</td>
<td>27453, 28955, 28956, 28957, 28958, 28959, 26704, 26705, 26706, 26707, 26708-E</td>
</tr>
<tr>
<td>E-LORMS</td>
<td>Limited Optional Remote Metering Services</td>
<td>20194-E</td>
</tr>
<tr>
<td>E-SDL</td>
<td>Split-Wheeling Departing Load</td>
<td>28859-E</td>
</tr>
<tr>
<td>E-TMDL</td>
<td>Transferred Municipal Departing Load</td>
<td>27465, 28869, 28870, 25863, 28961, 28589, 28608, 25887, 25888, 25889, 25890, 25891-E</td>
</tr>
<tr>
<td>NEM</td>
<td>Net Energy Metering Service</td>
<td>30484, 30485, 30486, 27238-27241, 30487, 27243, 29690, 30488, 27246, 26128, 2129, 27247, 30490, 30491, 30492, 30493-E</td>
</tr>
<tr>
<td>NEMFC</td>
<td>Net Energy Metering Service For Fuel Cell Customer-Generators</td>
<td>28566, 28567, 27250, 27251, 26134, 26135, 26136, 27252-E</td>
</tr>
<tr>
<td>NEMBIO</td>
<td>Net Energy Metering Service for Biogas Customer-Generators</td>
<td>27253-27255, 26140, 27256, 26142, 27257, 26144, 27258-E</td>
</tr>
<tr>
<td>NEMCCSF</td>
<td>Net Energy Metering Service for City and County of San Francisco</td>
<td>28176, 28177, 28178, 28179-E</td>
</tr>
<tr>
<td>E-ERA</td>
<td>Energy Rate Adjustments</td>
<td>30019, 30020, 30021, 30022-E</td>
</tr>
<tr>
<td>E-OBF</td>
<td>On-Bill Financing Balance Account (OBFBA)</td>
<td>29490-29492-E</td>
</tr>
</tbody>
</table>

(Continued)
## ELECTRIC TABLE OF CONTENTS

### RULES

<table>
<thead>
<tr>
<th>RULE</th>
<th>TITLE OF SHEET</th>
<th>CAL P.U.C. SHEET NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rule 01</td>
<td>Definitions</td>
<td>25914,16368,14857,28321,27070,23006,14861,30292 - 30312-E (T)</td>
</tr>
<tr>
<td>Rule 02</td>
<td>Description of Service</td>
<td>11257,11896,11611,14079,11261-11263,27763-27767,11269-11272,27768,11274-75,27769,27770,11278,27071,27771-27774-E</td>
</tr>
<tr>
<td>Rule 03</td>
<td>Application for Service</td>
<td>27798,27799-E</td>
</tr>
<tr>
<td>Rule 04</td>
<td>Contracts</td>
<td>13612-E</td>
</tr>
<tr>
<td>Rule 05</td>
<td>Special Information Required on Forms</td>
<td>11287,14192,11289-E</td>
</tr>
<tr>
<td>Rule 06</td>
<td>Establishment and Reestablishment of Credit</td>
<td>21155-21155,29721-E</td>
</tr>
<tr>
<td>Rule 07</td>
<td>Deposits</td>
<td>29722,27800-E</td>
</tr>
<tr>
<td>Rule 08</td>
<td>Notices</td>
<td>20965,14145,20966,14146,13139,29673-E</td>
</tr>
<tr>
<td>Rule 09</td>
<td>Rendering and Payment of Bills</td>
<td>25145,25146,28692,27801,26311,27862,27863-E</td>
</tr>
<tr>
<td>Rule 10</td>
<td>Disputed Bills</td>
<td>11308,11309,11310-E</td>
</tr>
</tbody>
</table>

(Continued)