

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

**Revised**

March 26, 2014

Advice Letter 4229-E and 4229-E-A

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, CA 94177

**Subject: Revisions to Electric Rule 22 – Direct
Access and Electric Rule 22.1 – Direct Access Switching
Exemption Rules, and the Submittal of ESP Financial Security
Requirements in Compliance with D.13-01-021, D.13-02-017,
and D.13-04-001 and Supplemental Filing**

Dear Mr. Cherry:

Advice Letter 4229-E and 4229-E-A are effective March 22, 2014.

Sincerely,

A handwritten signature in cursive script that reads "Edward F. Randolph".

Edward F. Randolph, Director
Energy Division

PUBLIC UTILITIES COMMISSION505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

January 10, 2013

**PG&E AL 4229-E,
SCE AL 2903-E, and
SDG&E AL 2484-E**

Brian K. Cherry, Vice President, Regulation and Rates
Pacific Gas and Electric Company
E-mail: PGETariffs@pge.com

Megan Scott-Kakures, Vice President, Regulatory Operations
Southern California Edison Company
E-mail: AdviceTariffManager@sce.com

Megan Caulson, Regulatory Tariff Manager
San Diego Gas & Electric Company
E-mail: mcaulson@semprautilities.com

**Subject: Establishment of ESP Financial Security Requirements and Modifications to
Direct Access (DA) Tariff Rule in Compliance with D.13-01-021**

Dear Mr. Cherry, Ms. Scott-Kakures, and Ms. Caulson:

Energy Division and the utilities have been working together to reach agreement on tariff language regarding ESP Financial Security Requirements, and we agreed that a nonstandard disposition letter is the means of providing the utilities with tariff language that accurately reflects related CPUC decisions. Accordingly, PG&E, SCE, and SDG&E are hereby directed to change their DA Tariff rules regarding ESP Financial Security Requirements as specified below to comply with Decision (D.) 13-01-021. PG&E AL 4229-E, SCE AL 2903-E, and SDG&E AL 2484-E, once supplemented as specified, shall be effective June 23, 2013.

Utilities filed these advice letters to incorporate the ESP financial security requirements adopted in D.13-01-021 into their tariffs. In particular, D.13-01-021 adopted the method to account for the "re-entry fees" comprised of the administrative and procurement costs incurred when an Electric Service Provider (ESP) involuntarily returns its customers to utility bundled procurement service.

SCE, SDG&E and PG&E proposed language on ESP security deposits which is contained in SCE's and PG&E's Tariff Rule 22 Section Q.3, entitled "Re-Entry Fees For The Involuntary Return Of Customers" and SDG&E's Tariff Rule 25. Per discussions with Energy Division staff, PG&E, SCE and SDG&E are directed to use the tariff language as revised below. The revisions are shown below with deletions stricken and additions underlined:

"The ESP is responsible for all applicable re-entry fees for its customers that are involuntary [sic] returned.

- a. ... The re-entry fee will be a binding estimate of:
- 1) The administrative cost to switch the involuntarily returned large DA customers and their affiliated residential and small commercial service accounts to bundled service, which will be established for each customer service account using the Customer Re-Entry Fee set forth in rate Schedule E-CCA; plus,
 - 2) The administrative cost to switch the involuntarily returned unaffiliated residential and small commercial DA service accounts to bundled service, which will be established for each customer service account using the Customer Re-Entry Fee set forth in rate Schedule E-CCA; plus,
 - 3) The incremental procurement costs for involuntarily returned residential and small commercial service accounts, that are not certified by the ESP as being affiliated with a large customer, for a sixty (60) day safe harbor period, as described in electric Rule 22.1, and then for an additional six-month period for those customers remaining on bundled service as set forth in Appendix 1 of D.13-01-021. ... At no time shall the sum of the administrative cost and the incremental procurement costs for involuntarily returned residential and small commercial service accounts, described in Section Q.3.a(2) and Q.3.a(3), above, customers be less than zero dollars (\$0)."

The administrative cost risk will always be positive, because if the ESP involuntarily returns its customers, then the utility incurs a cost per account to switch customers back to bundled service. However, the procurement cost risk may be positive or negative depending on whether the forecast price of new power is respectively higher or lower than the utility's system average generation rate. The Commission in the discussion section of D.13-01-021 stated, "We shall permit the financial security amount to be calculated by netting any negative procurement costs against incremental administrative costs, with a floor of zero. The IOUs [Investor Own utilities] offers no convincing reason to support their opposition to treating both cost elements on a net basis." See Conclusions of Law 15 and 16.¹ Thus, negative procurement costs should be netted against all administrative costs - not just those administrative costs associated with residential and small commercial customers unaffiliated with large commercial customers.

Sincerely,



Edward Randolph
Director, Energy Division

Cc: Energy Division Tariff Unit, edtariffunit@cpuc.ca.gov

¹ Conclusions of Law 15 and 16 state as follows:

15. Since both administrative costs and procurement costs are incurred in connection with an involuntary return of DA customers to bundled service, it is reasonable to consider the net effect of both elements of costs in determining the amounts, if any, necessary to compensate the IOU and to avoid cost shifting to other customers.

16. Given that the ESP financial security amount is intended to protect against the costs that IOUs incur to service involuntarily returned customers, the netting of incremental procurement costs and administrative costs, such that the net financial security amount is not less than zero, will result in no cost shifting, and will provide fair compensation to the IOU."



Brian K. Cherry
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San Francisco, CA 94177

Fax: 415.973.7226

May 24, 2013

Advice 4229-E

(Pacific Gas and Electric Company ID U 39 E)

Public Utilities Commission of the State of California

Subject: Revisions to Electric Rule 22 – Direct Access and Electric Rule 22.1 – Direct Access Switching Exemption Rules, and the Submittal of ESP Financial Security Requirements in Compliance With D.13-01-021, D.13-02-017, and D.13-04-001

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

In compliance with Ordering Paragraph (OP) 15 of California Public Utilities Commission’s (CPUC or Commission) Decision (D.) 13-01-021*, PG&E is submitting revisions to its Electric Rule 22, *Direct Access*, and Electric Rule 22.1, *Direct Access Switching Exemption Rules*, to incorporate the Electric Service Provider (ESP) financial security provisions and re-entry fee provisions applicable to the involuntary return of direct access (DA) customers, and its calculation of the financial security requirements for the ESPs serving customers within its service territory.

Background

On May 24, 2007, the Commission opened an Order Instituting Rulemaking (R.07-05-025) to consider, in three phases, whether, and under what terms and conditions, to reopen the DA market. In its Phase 1 Decision (D.08-02-033), the Commission concluded that it did not have the authority to lift the DA suspension in the absence of further action by the Legislature. Subsequently, the Legislature took up the matter in Senate Bill (SB) 695. On October 11, 2009, SB 695 became law, adding Public Utilities (PU) Code Section 365.1 to provide for a partial and phased re-opening of DA for all non-residential customers, but otherwise maintaining the DA suspension established by Assembly Bill (AB) 1X (Water Code Section 80110). On March 15, 2010, the Commission issued D.10-03-022, the Phase II decision implementing the partial DA re-

* As corrected by D.13-02-017, issued on February 25, 2013, and D.13-04-001, issued on April 2, 2013.

opening under SB 695. This decision addressed only those matters that needed to be immediately resolved in order to partially re-open the DA market and deferred additional issues for resolution in a subsequent decision.

On December 1, 2011, the Commission issued the Phase III Decision, D.11-12-018 which, among other updates and reforms in the rate setting methodologies and rules applicable to DA service, adopted modifications to the financial security requirements for ESPs. Under PU Code Section 394.25(e), an ESP is required to post a bond or demonstrate insurance sufficient to cover the appropriate amount of any re-entry fees applicable to the involuntary return of DA customer to utility procurement service to avoid imposing costs on bundled service customers. In D.11-12-018, the Commission concluded that re-entry fees and rate treatment for large and small customers would differ. For large commercial and industrial customers (and associated smaller accounts associated with a larger DA customer), involuntarily returned DA customers are placed on Transitional Bundled Service (Electric Schedule TBCC), while involuntarily returned residential and small commercial customers are placed directly on Bundled Portfolio Service under their Otherwise Applicable Tariff (OAT). The re-entry fee for large customers includes only an administrative fee of \$3.94 per customer account based upon the comparable customer re-entry fee previously adopted by the Commission for Community Choice Aggregation Service[†] (ref. Electric Schedule E-CCA). The re-entry fee for involuntarily returned residential and small commercial customers would include both the administrative fee of \$3.94 and the incremental procurement costs for a 60-day safe harbor period and then for an additional six-month period for those customers remaining on bundled service. The methodology to be used for the determination of the associated incremental procurement cost portion of the re-entry fee was held by the Commission for a later decision.

On January 24, 2013, the Commission issued D.13-01-021 which revised the frequency for posting financial security updates from once a year to twice a year and adopted a methodology to derive incremental procurement costs for the financial security requirement and re-entry fees for an involuntary return of DA residential and small commercial customers. On February 25, 2013, the Commission issued D.13-02-017 and on April 2, 2013, the Commission issued D.13-04-001. These two decisions corrected inadvertent technical errors in D.13-01-021.

On March 21, 2013, the Executive Director granted Southern California Edison, PG&E and San Diego Gas and Electric Company (Utilities) request for an extension of time to file Tier 2 advice letters pursuant to OP 15 of D.13-01-021. The request was approved on March 21, 2013 and the time was extended to May 24, 2013. The additional time allowed the Utilities to collaborate with the ESPs on an appropriate process for requesting and obtaining certified lists of each ESP's small unaffiliated service accounts.

[†] PG&E electric Schedule E-CCA - Services To Community Choice Aggregators, Item 5.b Customer Re-entry fee

The purpose of this filing is to submit revisions to PG&E's direct access tariffs to incorporate the adopted methodologies for determining the ESP financial security, reentry fees, and related provisions applicable to the involuntary return of DA customers, and to modify the specific amounts of financial security required to be posted by each ESP.

In order to calculate the ESP's financial security requirement, PG&E provided a list to each ESP of their residential and small commercial service accounts, including up to two years of historical usage data for those service accounts. Each ESP then identified which of the service accounts were affiliated with large customers and provided the requisite certifications as to the remaining unaffiliated customer service accounts. The unaffiliated residential and small customer service accounts were then used to determine the ESP financial security amounts associated with the incremental procurement cost exposure per D.13-01-021. Attachment B contains a table showing, by ESP, the calculated financial security amount based upon number of customers served by each ESP multiplied times the Commission approved Schedule E-CCA administrative fee of \$3.94 per customer account plus the incremental procurement cost for involuntarily returned residential and small commercial customer service accounts that were not certified by the ESP as being affiliated with a large DA customer. The table has been redacted of any confidential ESP data utilized in the calculation. An unredacted version with the relevant supporting data and calculation of each respective ESP's financial security amount will be filed under confidential seal to the Energy Division. The version of this advice letter posted at www.pge.com is redacted.

Tariff Revisions

In compliance with D. 13-01-021, D.13-02-017, and D.13-04-001, PG&E proposes the following tariff revisions:

1. Electric Rule 22 -- *Direct Access*:
 - a. Section N, *Involuntary Service Changes*, was renamed *Involuntary Service Changes And Involuntary Returns* and was revised to add a new item 9 to clarify the rate treatment of involuntarily returned DA customers in the event of default by an ESP.
 - b. Section Q, *ESP Financial Security Requirements*, was revised to incorporate the Commission's increased frequency for posting updated financial security updates from once a year to twice a year, and methodology for determining the incremental procurement costs for the financial security requirement and reentry fees applicable to the involuntary return of DA customers.
2. Electric Rule 22.1, *Direct Access Switching Exemption Rules*. Revised Section A.1 to add a citation to Electric Rule 22, Section Q to clarify the treatment of involuntarily returned DA customers.

3. Attachment B - ESP FINANCIAL SECURITY REQUIREMENT provides, by ESP, the specific financial security amounts required to be posed by ESPs pursuant to D.13-01-021 in a redacted format which excludes any confidential ESP data. An unredacted version of Attachment B and the relevant supporting data and calculation of each respective ESP's financial security amount will be filed under confidential seal to the Energy Division.

Protests

Anyone wishing to protest this filing may do so by letter sent via U.S. mail, facsimile or E-mail, no later than June 13, 2013, which is 20 days from the date of this filing. Protests should be submitted to:

CPUC Energy Division
ED Tariff Unit
505 Van Ness Avenue, 4th Floor
San Francisco, California 94102

Facsimile: (415) 703-2200
E-mail: EDTariffUnit@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 E-mail or U.S. Mail (and by facsimile, 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

Any person (including individuals, groups, or organizations) may protest or respond to an advice letter (General Order 96-B, Section 7.4). The protest shall contain the following information: specification of the advice letter protested; grounds for the protest; supporting factual information or legal argument; name, telephone number, postal address, and (where appropriate) e-mail address of the protestant; and statement that the protest was sent to the utility no later than the day on which the protest was submitted to the reviewing Industry Division (General Order 96-B, Section 3.11).

Effective Date

PG&E requests that this Tier 2 advice filing become effective on regular notice, **June 23, 2013**, 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 and the service list for Rulemaking ("R.") 07-05-025. 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>.



Vice President – Regulatory Relations

cc: Service List R. 07-05-025

Attachments:

Attachment 1– List of Revised Tariff Sheets

Attachment A – Declaration of Ronald Jang supporting confidential treatment

Confidential Attachment B – ESP Financial Security Requirement

(Redacted copy provided in public version)

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 E)**

Utility type:

ELC GAS
 PLC HEAT WATER

Contact Person: Kimberly Chang

Phone #: (415) 972-5472

E-mail: kwcc@pge.com and PGETariffs@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) #: **4229-E**

Tier: **2**

Subject of AL: **Revisions to Electric Rule 22 – Direct Access and Electric Rule 22.1 – Direct Access Switching Exemption Rules, and the Submittal of ESP Financial Security Requirements in Compliance With D.13-01-021, D.13-02-017, and D.13-04-001**

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

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

If AL filed in compliance with a Commission order, indicate relevant Decision/Resolution #: D.13-01-021, D.13-02-017, and D.13-04-001

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: Yes. Attachment B - ESP Financial Security Requirement

Confidential information will be made available to those who have executed a nondisclosure agreement: Yes No

Name(s) and contact information of the person(s) who will provide the nondisclosure agreement and access to the confidential information: Ronald Jang (415)973-2973

Resolution Required? Yes No

Requested effective date: **June 23, 2013**

No. of tariff sheets: 16

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 22 – Direct Access, Electric Rule 22.1 – Direct Access Switching Exemption Rules

Service affected and changes proposed: Modify ESP Financial Security Requirements

Pending advice letters that revise the same tariff sheets: 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:

California Public Utilities Commission

Energy Division

EDTariffUnit

505 Van Ness Ave., 4th Flr.

San Francisco, CA 94102

E-mail: EDTariffUnit@cpuc.ca.gov

Pacific Gas and Electric Company

Attn: Brian Cherry

Vice President, Regulatory Relations

77 Beale Street, Mail Code B10C

P.O. Box 770000

San Francisco, CA 94177

E-mail: PGETariffs@pge.com

**ATTACHMENT 1
Advice 4229-E**

Cal P.U.C. Sheet No.	Title of Sheet	Cancelling Cal P.U.C. Sheet No.
32707-E	ELECTRIC RULE NO. 22 DIRECT ACCESS Sheet 1	30871-E
32708-E	ELECTRIC RULE NO. 22 DIRECT ACCESS Sheet 54	30916-E
32709-E	ELECTRIC RULE NO. 22 DIRECT ACCESS Sheet 55	30917-E
32710-E	ELECTRIC RULE NO. 22 DIRECT ACCESS Sheet 56	30918-E
32711-E	ELECTRIC RULE NO. 22 DIRECT ACCESS Sheet 57	30919-E
32712-E	ELECTRIC RULE NO. 22 DIRECT ACCESS Sheet 58	30920-E
32713-E	ELECTRIC RULE NO. 22 DIRECT ACCESS Sheet 59	30921-E
32714-E	ELECTRIC RULE NO. 22 DIRECT ACCESS Sheet 60	30922-E
32715-E	ELECTRIC RULE NO. 22 DIRECT ACCESS Sheet 65	30927*-E
32716-E	ELECTRIC RULE NO. 22 DIRECT ACCESS Sheet 66	30928-E
32717-E	ELECTRIC RULE NO. 22 DIRECT ACCESS Sheet 67	30929-E
32718-E	ELECTRIC RULE NO. 22 DIRECT ACCESS Sheet 68	30930-E

**ATTACHMENT 1
Advice 4229-E**

Cal P.U.C. Sheet No.	Title of Sheet	Cancelling Cal P.U.C. Sheet No.
32719-E	ELECTRIC RULE NO. 22 DIRECT ACCESS Sheet 69	
32720-E	ELECTRIC RULE NO. 22.1 DIRECT ACCESS SERVICE SWITCHING EXEMPTION RULES Sheet 1	32403-E
32721-E	ELECTRIC TABLE OF CONTENTS Sheet 1	32704-E
32722-E	ELECTRIC TABLE OF CONTENTS RULES Sheet 21	32652-E



ELECTRIC RULE NO. 22
DIRECT ACCESS

Sheet 1

TABLE OF CONTENTS

- A. CUSTOMER SERVICE ELECTIONS
- B. GENERAL TERMS
- C. CUSTOMER INQUIRIES AND DATA ACCESSIBILITY
- D. ESP SERVICE ESTABLISHMENT
- E. DIRECT ACCESS SERVICE REQUEST (DASR)
- F. INDEPENDENT VERIFICATION
- G. METERING SERVICES
- H. UTILITY METER SERVICE OPTIONS AND OBLIGATIONS
- I. GENERAL TERMS AND CONDITIONS FOR DIRECT ACCESS METERS AND METERING SERVICES
- J. METER READING DATA OBLIGATIONS
- K. BILLING SERVICE OPTIONS AND OBLIGATIONS
- L. PAYMENT AND COLLECTION TERMS
- M. LATE OR PARTIAL PAYMENTS AND UNPAID BILLS
- N. INVOLUNTARY SERVICE CHANGES AND INVOLUNTARY RETURNS (T)
- O. SERVICE DISCONNECTIONS AND RECONNECTIONS
- P. CREDIT REQUIREMENTS
- Q. ESP FINANCIAL SECURITY REQUIREMENTS

(Continued)



ELECTRIC RULE NO. 22
DIRECT ACCESS

Sheet 54

M. LATE OR PARTIAL PAYMENTS AND UNPAID BILLS (Cont'd.)

3. Under Separate PG&E/ESP Billing

- a. PG&E and the ESP are responsible for collecting their respective unpaid balances, sending notices to customers informing them of the unpaid balance, and taking appropriate actions to recover their respective unpaid balances. Customer disputes with ESP charges must be directed to the ESP, and customer disputes with PG&E charges must be directed to PG&E. Late fees and fees for collections may be charged by PG&E as approved by the CPUC.
- b. Late payment of PG&E charges by customers will be handled in accordance with applicable CPUC rules.

N. INVOLUNTARY SERVICE CHANGES AND INVOLUNTARY RETURNS

(T)

1. Service Changes

The customer may have service of electricity, billing, or metering from an ESP changed involuntarily in the following circumstances:

- a. The ESP Has Been Decertified by the CPUC or receives a CPUC order that otherwise prohibits the ESP from serving that customer;
- b. The ESP has materially failed to meet its obligations under the terms of the ESP Service Agreement (including applicable tariffs) so as to constitute an event of default and PG&E exercises a contractual right to terminate the agreement;
- c. The ESP has materially failed to meet its obligations under the terms of the ESP Service Agreement (including applicable tariffs) so as to constitute an event of default and PG&E exercises a contractual right to change billing options;
- d. The ESP has materially failed to meet its obligations under the terms of the ESP Service Agreement (including applicable tariffs) so as to constitute an event of default and PG&E exercises a contractual right to change metering options;

(Continued)



ELECTRIC RULE NO. 22
DIRECT ACCESS

Sheet 55

N. INVOLUNTARY SERVICE CHANGES AND INVOLUNTARY RETURNS (Cont'd.) (T)

1. Service Changes (Cont'd.)

- e. The ESP ceases to perform by failing to provide schedules through a Scheduling Coordinator wherever such schedules are required.
- f. The customer fails to meet its direct access requirements and obligations under the utility's rules and tariffs.
- g. Notices of involuntary service changes or termination in Direct Access will be sent to the ESP, the MDMA if different from the ESP, and to each customer under contract as described in this section N, and to the CPUC.

2. Change of Service Election In Exigent Circumstances

In the event PG&E finds that an ESP or the customer has materially failed to meet its obligations under this tariff or ESP Service Agreement such that PG&E seeks to invoke its remedies under this Section N (other than a termination of ESP consolidated billing under Section N.4. or metering under Section N.5.), and the failure constitutes an emergency (i.e., the failure poses a substantial threat to the reliability of the electric system or to public health and safety or the failure poses a substantial threat of irreparable economic or other harm to PG&E or the customer), or the failure relates to ESP's unauthorized energy use, then PG&E may initiate a change, or, in some cases, terminate a customer's service election, or an ESP's ability to provide certain services under Direct Access. In such case, PG&E shall initiate the change or termination by preparing a DASR, but the change or termination may be made immediately notwithstanding the applicable DASR processing times set forth in this tariff. PG&E shall provide such notice and/or opportunity to cure the problem to the ESP and/or the affected customer as is reasonable under the circumstances of this section, if any is reasonable. The ESP or the affected customer shall have the right to seek an order from the CPUC restoring the customer's service election and/or the ESP's ability to provide services. Unless expressly ordered by the CPUC, these provisions do not disconnect electric service provided to the customer.

(Continued)



ELECTRIC RULE NO. 22
DIRECT ACCESS

Sheet 56

N. INVOLUNTARY SERVICE CHANGES AND INVOLUNTARY RETURNS (Cont'd.) (T)

3. Change of Service Election Absent Exigent Circumstances

In the event PG&E finds that an ESP has materially failed to meet its obligations under this tariff or the ESP Service Agreement such that PG&E seeks to invoke its remedies under this Section N (other than a termination of ESP Consolidated Billing under Section N.4. or metering under Section N.5.), but the failure does not constitute an emergency (as defined in Section N.2) or involve ESP's unauthorized energy use, PG&E shall notify the ESP and the affected customer of such finding in writing stating specifically:

- a. The nature of the alleged non-performance;
- b. The actions necessary to cure it;
- c. The consequences of failure to cure it and the remedy PG&E proposes to invoke in the event of a failure to cure; and
- d. The name, address and telephone number of a contact person at PG&E authorized to discuss resolution of the problem.

The ESP shall have thirty (30) days from receipt of such notice to cure the alleged non-performance or reach an agreement regarding it with PG&E. If the problem is not cured or an agreement is not reached following this thirty (30) day period, PG&E may initiate the DASR process set forth in this tariff to accomplish the remedy set forth in the notice; provided that PG&E shall suspend the exercise of such remedy if, before the end of the cure period, the ESP has filed an application with the CPUC requesting an order from the CPUC that the ESP is entitled to continue the ESP Service Agreement and PG&E is not entitled to exercise the remedy it has identified in its notice. The status of the ESP shall not change pending the CPUC's review of PG&E's request provided that an emergency, as described in Section N.2. does not arise. Unless expressly ordered by the CPUC, these provisions do not disconnect electric service provided to the customer. PG&E's action to defer the exercise of its remedies in accordance with this section does not constitute a waiver of any rights.

(Continued)



ELECTRIC RULE NO. 22
DIRECT ACCESS

Sheet 57

N. INVOLUNTARY SERVICE CHANGES AND INVOLUNTARY RETURNS (Cont'd.) (T)

4. Termination of Consolidated ESP Billing

Consolidated ESP billing services will be terminated under the following circumstances. (Among other things, this section describes the notice and opportunity to cure provisions applicable to defaults that permit a remedy of terminating ESP Consolidated Billing):

- a. If PG&E finds that the information provided by the ESP in ESP Service Agreement is materially false, incomplete, or inaccurate; the ESP attempts to avoid payment of CPUC-authorized PG&E charges; or the ESP files for bankruptcy, fails to have a bankruptcy proceeding filed against it dismissed within sixty (60) calendar days, admits insolvency, makes a general assignment for the benefit of creditors, or is unable to pay its debts as they mature, or has a trustee or receiver appointed over all or a substantial portion of its assets, customers will be notified that consolidated ESP billing services will be terminated, and will be switched to Separate PG&E Billing as promptly as possible.
- b. If the ESP does not pay PG&E (or dispute payment pursuant to the procedures set forth herein) the full amount of all PG&E and TTA charges by the applicable past due date, PG&E shall notify the ESP of the past due amount within two (2) days of the applicable past due date. If the full amount has not been received by PG&E (or properly disputed) within seven (7) days of the applicable past due date, the ESP's customers and the ESP will be notified on approximately the twenty-fourth (24th) day following the date the bill was rendered to the ESP that Consolidated ESP Billing services will be terminated, and that they will be switched to separate PG&E billing on the first regular scheduled meter reading date for each customer approximately thirty (30) days after the bill was rendered.
- c. If the ESP fails to comply within fifteen (15) calendar days of the transmittal of a written notice from PG&E of any additional or increased credit requirements as set forth in Section P, the ESP's customers and the ESP will be notified on approximately the twenty-fourth (24th) day following the date of transmittal that Consolidated ESP Billing services will be terminated, and that they will be switched to separate PG&E billing on the first regular scheduled meter reading date for each customer.

(Continued)



ELECTRIC RULE NO. 22
DIRECT ACCESS

Sheet 58

N. INVOLUNTARY SERVICE CHANGES AND INVOLUNTARY RETURNS (Cont'd.) (T)

4. Termination of Consolidated ESP Billing (Cont'd.)

- d. Upon termination of consolidated ESP billing pursuant to this Section N, PG&E may deliver a separate bill for all PG&E charges which were not previously billed by the ESP. The ESP or the affected customer shall have the right to seek an order from the CPUC restoring the ESP's eligibility to engage in Consolidated ESP Billing.
- e. At any time not less than six (6) months after termination of Consolidated ESP Billing pursuant to this section N, the ESP's eligibility to engage in consolidated billing services shall be reinstated upon a reasonable showing by the ESP that the problems causing revocation of its consolidated billing right have been cured, including payment of any late charges and re-establishment of compliance with credit requirements under Section P.

5. Termination of ESP Metering Services

PG&E will terminate an ESP's eligibility to provide metering services in PG&E's service territory if the ESP fails to comply with industry-accepted standards approved for PG&E by the CPUC for metering services. PG&E shall provide the ESP with fifteen (15) days written notice prior to such termination. ESP failure to comply is defined in Section G, Metering. The ESP or the affected customer shall have the right to seek an order from the CPUC restoring the ESP's eligibility to provide metering services.

6. Burden of Proof Before CPUC

In any case before the CPUC the party bearing the burden of going forward and the party bearing the burden of proof shall be established in the manner normally established at the CPUC.

7. Action in the Event of Termination

Upon termination of ESP Direct Access services pursuant to this Section N, the customer will be returned to PG&E Bundled services, unless the customer has previously selected another ESP under the procedures set forth in Section E. The customer shall thereafter have the right at any time to select another ESP pursuant to Section E.

(Continued)



ELECTRIC RULE NO. 22
DIRECT ACCESS

Sheet 59

N. INVOLUNTARY SERVICE CHANGES AND INVOLUNTARY RETURNS (Cont'd.) (T)

8. Prohibition

PG&E is prohibited from using any of the involuntary service changes in an anti-competitive manner.

9. Involuntary Returns

a. An Involuntary Return is defined in Section B.18 herein.

b. Action in the Event of Involuntary Return

Upon the involuntary return of a DA customer, the customer will be returned to default PG&E bundled service on a transitional basis pursuant to Section Q.3 and Rule 22.1, unless the customer has previously selected another ESP under the procedures set forth in Section E.

(N)
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 (N)

O. SERVICE DISCONNECTIONS AND RECONNECTIONS

1. Consolidated PG&E Billing

a. PG&E will notify the customer of PG&E's right to disconnect electric service for the non-payment of PG&E charges pursuant to electric Rule 8 and 11. The customer, and not PG&E, is responsible for contacting the ESP in the event it receives notice of late payment or service termination from PG&E for any of its DA Service Accounts. If a customer has been disconnected, and is not reconnected within two (2) days, PG&E will promptly notify the ESP. To the extent authorized by the CPUC, a service charge will be imposed on the customer if a field call is performed to disconnect electric service.

b. PG&E will not disconnect electric service to the customer for the non-payment of ESP charges. In the event of non-payment of ESP charges by the customer, the ESP may submit a DASR requesting transfer of the service account to PG&E Bundled service according to Section E.

c. PG&E will reconnect electric service for a CPUC-authorized service fee when the criteria for reconnection, as specified in Rule 11, Discontinuance of Service, have been met.

(L)

(Continued)



ELECTRIC RULE NO. 22
DIRECT ACCESS

Sheet 65

Q. ESP FINANCIAL SECURITY REQUIREMENTS

As described in Section D.3, all new and existing ESPs are required to post a bond or demonstrate insurance (collectively, "financial security") sufficient to cover the re-entry fees associated with the involuntary return of its DA customers to PG&E's bundled service. The calculated financial security amount shall be the higher of the calculated financial security amount described in Section Q, or the minimum deposit of twenty-five thousand dollars (\$25,000) required for ESP registration pursuant to PU Code Section 394(b)(9). Pursuant to the methodology adopted in Appendix 1 of D.13-01-021 and corrected by D.13-02-017 and D.13-04-001, the calculated financial security amount will include the administrative costs related to switching a customer back to bundled service and pursuant to the methodology set forth in Appendix 1 of D.13-01-021, the incremental procurement costs for involuntarily returned residential and small commercial service accounts that are not affiliated with a large DA customer for a sixty (60) day safe harbor period and then for an additional six-month period. The incremental administrative costs shall be calculated for each involuntarily returned customer service account using the Customer Re-Entry Fee set forth in rate Schedule E-CCA, in effect at the time the financial security is calculated. As described in Sections Q.1.b and Q.2, below, the ESP is responsible for the identification and certification of the residential and small commercial service accounts that are affiliated with a large customer. Residential and small commercial service accounts that are not timely certified by the ESP as being affiliated with a large customer will be deemed to be an unaffiliated residential or small commercial service account for purposes of determining the financial security amount. (T)

1. The initial financial security for existing and new ESPs will be established as follows: (N)

a. For existing ESPs, pursuant to D.11-12-018, PG&E will perform the initial financial security calculation based upon the administrative costs of switching an ESP's customer back to bundled service and submit the proposed financial security amount in separate Tier 2 advice letter filings for each applicable ESP for CPUC approval. Any confidential data relating to an ESP utilized in the calculation shall be redacted. An unredacted version of each advice letter will be filed under confidential seal to the Energy Division. Concurrent with submitting the advice letter to the Energy Division, PG&E will serve by electronic means on each applicable ESP a copy of the advice letter, with the relevant supporting data and calculations of each respective ESP's financial security amount provided confidentially only to that specific ESP in complete and unredacted form. Financial security amounts must be posted by June 30, 2012, subject to approval by the CPUC's Energy Division. (T)

(Continued)



ELECTRIC RULE NO. 22
DIRECT ACCESS

Sheet 66

Q. ESP FINANCIAL SECURITY REQUIREMENTS (Cont'd)

1. The initial financial security for existing and new ESPs will be established as follows: (Cont'd) (T)
 - b. Per D.13-01-021, D.13-02-017, and D.13-04-001, for a new ESP that begins service in Month M + 2 (where M denotes the month when PG&E will calculate the financial security amount), the financial security calculation will be performed using Month M-1 data, and the financial security will be for the period from the start date through the next semi-annual calculation. Customers that have submitted Direct Access Service Requests (DASRs) to switch to DA service may be included in the calculation of the respective ESP's financial security amount. PG&E will submit the proposed financial security amount for each ESP in separate Tier 2 advice letter filings for each applicable ESP for CPUC approval. Upon CPUC approval of the relevant ESP financial security amounts, the Energy Division will notify each ESP of the final financial security amounts due on an aggregate statewide basis. The ESP's financial security amount must be posted with the CPUC before the ESP may begin serving customers. It is the responsibility of the ESP to provide PG&E with an accurate forecast of the expected number of customers and associated loads, including a break-down by unaffiliated residential and small commercial service accounts, by the date specified by PG&E. (N)
 2. Semi-annual Financial Security Calculation: (T)

On an annual basis, the ESP shall provide PG&E with a certified list of the residential and small commercial service accounts that are affiliated with a large DA customer for use in the semi-annual financial security calculations. Upon request, PG&E will provide the ESP with a list of residential and small commercial service accounts for use in the certification process. Residential and small commercial service accounts not certified by the ESP as being affiliated with a large DA customer will be deemed to be an unaffiliated residential or small commercial service account. If PG&E does not receive the information from the ESP by no later than thirty (30) calendar days before the date PG&E's semi-annual update filing is due to the CPUC, PG&E may proceed with the semi-annual update based upon the assumption that none of the ESP's residential and small commercial service accounts are affiliated with a large DA customer. (N)

(Continued)



ELECTRIC RULE NO. 22
DIRECT ACCESS

Sheet 67

Q. ESP FINANCIAL SECURITY REQUIREMENTS (Cont'd)

2. Semi-annual Financial Security Bond Calculation: (Cont'd) (T)

PG&E will update the amount of an ESP's financial security requirement semi-annually, and submit the updated calculation to the Energy Division by May 10 and November 10 of each year, and any adjustments to the financial security amount would be implemented on the following July 1 or January 1, respectively. Updated financial security amounts for each ESP will be submitted as a Tier 2 advice letter to the Energy Division. (L)

The ESP shall adjust the required posted financial security amount if and when it is more than ten percent (10%) above or below the ESP's current posted financial security amount. Upon CPUC approval of the relevant ESP financial security amounts, the Energy Division will notify each ESP of the final financial security amounts due on an aggregate statewide basis. (T)

An ESP is required to post the financial security amounts in the advice letter(s) within thirty (30) days of notification by the Energy Division, subject to correction for any errors. If an ESP believes that its financial security amount has been calculated inaccurately or in conflict with the adopted processes, the ESP shall confer with PG&E to resolve the inaccuracies, and may file comments with the Energy Division, and served upon PG&E, indicating any appropriate corrections with relevant supporting explanation and detail within twenty (20) days of the advice letter filing. (T)

The posted financial security may be in the form of a third-party guarantee from an investment grade guarantor, a surety bond, letter of credit, cash or cash equivalent financial instrument or security, or other financial instrument or security reasonably acceptable to PG&E and should be payable directly to PG&E in the event an ESP fails to timely pay the re-entry fees demanded by PG&E pursuant to Section Q.3, below. (T)

(Continued)



ELECTRIC RULE NO. 22
DIRECT ACCESS

Sheet 69

- Q. ESP FINANCIAL SECURITY REQUIREMENTS (Cont'd) (N)
- b. PG&E's demand to the ESP for payment of the re-entry fees shall be made no later than sixty (60) days after the start of the involuntary return of DA customers to bundled service. (L) (T)
 - c. Re-entry fees are due and payable to PG&E within fifteen (15) days after issuance of the demand for payment. An involuntary return by an ESP and the failure of the ESP to make payment within fifteen (15) days of PG&E's demand shall be an event of default under the ESP's financial security instrument, entitling PG&E to immediately draw upon the financial security posted by the ESP under Sections Q.1 or Q.2 to cover the re-entry fees. (N) (N)
 - d. The ESP is responsible for covering all applicable re-entry fees for its customers that are involuntarily returned. Only if, or to the extent, the ESP is unable to cover all of the applicable re-entry fees any unreimbursed fees from the ESP must be covered by the involuntarily returned DA customers. Any re-entry fees not recovered from the ESP shall be paid by the involuntarily returned DA customers over a time period specified by PG&E, but not to exceed the bundled service commitment period. If PG&E subsequently recovers additional re-entry fees from the ESP, a refund up to the recovered amount will be provided to the involuntarily returned DA customers in proportion to the amount collected by PG&E. (N) (L)
 - e. Service changes for the ESP's involuntarily returned customers will be as follows:
 - i. Unaffiliated residential and small commercial service accounts will be switched to Bundled Portfolio Service, but are otherwise subject to the same rights and obligations of other DA customer with respect to Transitional Bundled Service, advance notices required for switching, and the minimum stay provisions in PG&E's authorized direct access tariffs.
 - ii. Large customers and their affiliated residential and small commercial service accounts will be switched to Transitional Bundled Service and be subject to the then current Switching Exemption Rules. (N)



ELECTRIC RULE NO. 22.1
DIRECT ACCESS SERVICE SWITCHING EXEMPTION RULES

Sheet 1

The following terms and conditions apply to both PG&E customers and electric service providers (ESPs) who participate in Direct Access (DA) as defined in Rule 22.

The following rules implement the Switching Exemption Decision (D.) 03-05-034, which adopted guidelines regarding the rights and obligations of DA customers who return to Bundled Service and subsequently switch back to DA service, Decision Regarding Increased Limits For Direct Access Transactions D.10-03-022, which adopted guidelines regarding the rights and obligations of non-residential bundled service customers to switch to DA service, D.11-12-018, which reduced the minimum commitment on Bundled Portfolio Service from three (3) years to eighteen (18) months and D.12-12-026, which adopted a lottery process in lieu of a first-come/first-served process. D.03-05-034, D.10-03-022, D.11-12-018 and D.12-12-026 established provisions for eligible DA customers regarding: (1) Transitional Bundled Service; (2) Bundled Portfolio Service; (3) Phase-In Period and (4) Post-Phase-In Period. Pursuant to D.05-12-041, customers receiving Direct Access Service, Transitional Bundled Service or Bundled Portfolio Service may be automatically enrolled in a Community Choice Aggregation Program as described in Rule 23.

Effective March 11, 2010, the right to transfer to Direct Access service is closed to residential customers. However, a residential customer previously classified as DA-eligible that submitted a six-month notice to transfer to DA service prior to March 11, 2010, retains a one-time right to transfer to DA service pursuant to D.10-03-022 and the conditions set forth in Section B, below.

Customers switching to or from bundled service (with the exception of Transitional Bundled Service described in Section A of this Rule) shall notify PG&E six (6) months in advance of their intent to switch.

A. Transitional Bundled Service

1. Transitional Bundled Service (TBS) is effective February 19, 2004, and allows DA customers to return to Bundled Service on a transitional basis while switching from one ESP to another, or for similar or related reasons where TBS is needed in this Rule or Rule 22, Section Q. (N)
2. The TBS provision is limited to a sixty (60) day period. The sixty (60) day period begins on the day the DA service is disconnected, which is the day PG&E starts supplying power to the service account (Day 1). By no later than the end of the sixty (60) day period (Day 60 of PG&E supplying power), PG&E must be in receipt of a Direct Access Service Request (DASR) from the customer's new ESP to switch the service account to DA service. In addition to meeting the DASR provisions set forth in Rule 22, Section E, DASRs to switch the service account back to DA service must comply with the following special conditions:

(Continued)



ELECTRIC TABLE OF CONTENTS

Sheet 1

TABLE OF CONTENTS

SCHEDULE	TITLE OF SHEET	CAL P.U.C. SHEET NO.	
	Title Page.....	32721-E	(T)
	Rate Schedules.....	32390, 32391, 32392, 32393, 32394, 32402, 32705, 31541, 32396-E	
	Preliminary Statements.....	32397, 32706, 30376, 32544, 32398, 30846, 32215, 32645-E	
	Rules.....	32424, 32425, 32722-E	(T)
	Maps, Contracts and Deviations.....	32427-E	
	Sample Forms.....	32503, 32429, 32430, 32431, 32504, 32433, 32505-32506, 32648, 32437, 32508, 32439-E	

(Continued)



ELECTRIC TABLE OF CONTENTS
RULES

Sheet 21

RULE	TITLE OF SHEET	CAL P.U.C. SHEET NO.
Rules (Cont'd)		
Rule 20	Replacement of Overhead with Underground Electric Facilities	30474, 11240, 11241, 19013, 16665, 15611, 19014-E
Rule 21	Generating Facility Interconnections... 31865*-31871*, 31872, 31873*-31875*, 31876-31877, 31878*, 31879*, 31880-31896, 31897*, 31898-31901, 31902*, 31903, 31904, 31905*-31907*, 31908-31912, 31913*, 31914*, 31915-31919, 31920*-31922*, 31923-31927, 31928*, 31929-31933, 31934*, 31935*, 31936, 31937*, 31938, 31939, 31940*, 31941, 31942*, 31943-31945, 31946*, 31947-31952, 31953*, 31954, 31955*, 31956*, 31957-31962, 31963*-31970*, 31971, 31972, 31973*-31979*, 31980, 31981*, 31982*, 31983-31988, 31989*, 31990-31998, 31999*, 32000-32012, 32013*, 32014-32019, 32020*, 32021-32036-E	
Rule 22	Direct Access Service	32707 , 29165-29171, 14896, 30872, 30873, (T) 32649, 32649, 30875, 32650, 30877-30915, 32708-32714 , 30923-30926, 32715-32719-E (T)
Rule 22.1	Direct Access Service Switching Exemption Rules	32720 -31147, 20999, 31148, (T) 29178, 29179, 29464, 29181, 29182, 29183, 29465, 29466, 29186-29190-E
Rule 23	Community Choice Aggregation	25527-25535, 29202, 25537, 25538, 29471, 25540-25544, 29472, 27268, 29473, 29474, 29475, 2550-2551, 29634, 25553-25574-E
Rule 23.2	Community Choice Aggregation Open Season	25575-25577, 27270, 27271-E

(Continued)

**DECLARATION OF RONALD JANG
SEEKING CONFIDENTIAL TREATMENT
FOR CERTAIN DATA AND INFORMATION
CONTAINED IN ADVICE LETTER 4229-E
(PACIFIC GAS AND ELECTRIC COMPANY - U 39 E)**

I, Ronald Jang, declare:

1. I am presently employed by Pacific Gas and Electric Company (PG&E) and have been an employee at PG&E since 1977. My current title is Principal Account Manager within PG&E's Customer Impact organization. In this position, my responsibilities include maintaining the on-going business relationship with third-party electric service providers (ESPs) participating in PG&E's direct access service program. In carrying out these responsibilities, I have acquired knowledge of the operations of electric service providers in general. Through this experience, I have become familiar with the type of information ESPs' consider confidential and proprietary.

2. Based on my knowledge and experience, I make this declaration seeking confidential treatment of "Attachment B to Advice Letter 4229-E," submitted on May 24, 2013. By this Advice Letter, PG&E is seeking this Commission's approval of its revisions to electric Rule 22, Direct Access, and the submittal of its calculations of the financial security requirements for individual ESPs in compliance with Ordering Paragraph 15 of Decision 13-01-021.

3. PG&E is seeking confidential treatment of the number of customers served by each ESP, historic usage information, forecasted electric pricing information, and the calculated financial security requirement. The material PG&E is seeking to protect constitutes information that should be protected under Public Utilities Code § 583 and General Order 66-C. Finally, PG&E states that: (1) the information is not already public; and (2) the data cannot be aggregated, redacted, summarized or otherwise protected in a way that allows partial disclosure.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed on May 24, 2013 at San Francisco, California.

/s/ Ronald O. Jang
Ronald O. Jang

ATTACHMENT B
Redacted Public Version

ESP FINANCIAL SECURITY REQUIREMENT	
Pacific Gas & Electric	
May 24, 2013	
Electric Service Provider	Total Financial Security Amount
3phases Renewables LLC	
Calpine Power America LLC	
Commerce Energy	
Commercial Energy of Montana, Inc	
Constellation Newenergy, Inc	
Direct Energy Business LLC	
EDF Industrial Power Services (CA), LLC	
Gexa Energy of California Inc	
Glacial Energy of California Inc	
Liberty Power Holdings LLC	
Noble Americas Energy Solutions LLC	
Pilot Power Group Inc	
Shell Energy North America (US) LP	
Tiger, Inc.	

**PG&E Gas and Electric
Advice Filing List
General Order 96-B, Section IV**

1st Light Energy	Downey & Brand	OnGrid Solar
AT&T	Ellison Schneider & Harris LLP	Pacific Gas and Electric Company
Alcantar & Kahl LLP	G. A. Krause & Assoc.	Praxair
Anderson & Poole	GenOn Energy Inc.	Regulatory & Cogeneration Service, Inc.
BART	GenOn Energy, Inc.	SCD Energy Solutions
Barkovich & Yap, Inc.	Goodin, MacBride, Squeri, Schlotz & Ritchie	SCE
Bartle Wells Associates	Green Power Institute	SDG&E and SoCalGas
Bear Valley Electric Service	Hanna & Morton	SPURR
Braun Blaising McLaughlin, P.C.	In House Energy	San Francisco Public Utilities Commission
CENERGY POWER	International Power Technology	Seattle City Light
California Cotton Ginners & Growers Assn	Intestate Gas Services, Inc.	Sempra Utilities
California Energy Commission	Kelly Group	SoCalGas
California Public Utilities Commission	Linde	Southern California Edison Company
Calpine	Los Angeles Dept of Water & Power	Spark Energy
Casner, Steve	MAC Lighting Consulting	Sun Light & Power
Center for Biological Diversity	MRW & Associates	Sunshine Design
City of Palo Alto	Manatt Phelps Phillips	Tecogen, Inc.
City of San Jose	Marin Energy Authority	Tiger Natural Gas, Inc.
Clean Power	McKenna Long & Aldridge LLP	TransCanada
Coast Economic Consulting	McKenzie & Associates	Utility Cost Management
Commercial Energy	Modesto Irrigation District	Utility Power Solutions
Crossborder Energy	Morgan Stanley	Utility Specialists
Davis Wright Tremaine LLP	NLine Energy, Inc.	Verizon
Day Carter Murphy	NRG Solar	Water and Energy Consulting
Defense Energy Support Center	Nexant, Inc.	Wellhead Electric Company
Dept of General Services	North America Power Partners	Western Manufactured Housing Communities Association (WMA)
Douglass & Liddell	Occidental Energy Marketing, Inc.	