

**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



June 5, 2014

**Advice Letter: 4360-E**

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

**SUBJECT: GRANT OF EASEMENT TO CONTRA COSTA WATER DISTRICT IN THE CITY OF  
CONCORD - REQUEST FOR APPROVAL UNDER SECTION 851**

Dear Mr. Cherry:

Advice Letter 4360-E is withdrawn per Pacific Gas and Electric Withdrawal Letter, dated 5/16/2014.

Sincerely,

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

Edward Randolph  
Director, Energy Division

February 20, 2014

**Advice 4360-E**  
(Pacific Gas and Electric Company ID U 39 E)

Public Utilities Commission of the State of California

**Subject: Grant of Easement to Contra Costa Water District in the City of  
Concord – Request for Approval Under Section 851****Purpose**

Pacific Gas and Electric Company (“PG&E”) submits this advice letter seeking approval, under Public Utilities (P.U.) Code Section 851, of PG&E’s consent to grant Contra Costa Water District (“CCWD” or the “Grantee”) a perpetual easement on a portion of PG&E’s property, which supports PG&E’s Concord Service Center, located in the City of Concord, County of Contra Costa, California (the “Property”). PG&E is currently expanding the Concord Service Center and has requested that CCWD extend water main and fire service for the building expansion project. Upon this request, Contra Costa Water District informed PG&E their codes of regulations require CCWD facilities be located on owned land or in an easement granted to the district. This easement will not interfere with PG&E’s operations or PG&E’s ability to provide utility services to its customers, and will not be adverse to the public interest.

**Background**

PG&E owns land, buildings, and other facilities in connection with the provision of electric and natural gas services to its customers throughout northern and central California. In the provision of these services, PG&E relies on a portfolio of fee properties, rights-of-way, and facilities to support its electric and gas activities. One such fee property is located in the City of Concord which supports PG&E’s local service center. The easement requested of PG&E, if granted, will facilitate the installation, maintenance, and operation of water utility materials and equipment on the service center property. This project, upon completion, will provide water service, including fire hydrant service, to the new portion of the Concord Service Center. The easement agreement (the “Agreement”) defines the allowable uses by CCWD of the easement area and is attached as Attachment 1. The easement to CCWD will permit the Company to complete an expanded service center, which, in turn, will allow the Company to provide additional and

enhanced service to the community. The expanded service center will continue to provide routine and emergency service assistance to customers.

For the above reasons, the Commission should approve this Section 851 request to grant CCWD an easement relating to this PG&E property, and find that doing so is not adverse to the public interest<sup>1</sup> because it will not impair PG&E's provision of utility service. Rather, the easement will facilitate the construction of a water pipeline and other facilities, which upon completion will improve safety in the adjacent area and allow PG&E to enhance the performance of its service obligations.

In accordance with General Order (G.O.) 173, PG&E provides the following information related to the proposed transaction:

**(a) Identity of All Parties to the Proposed Transaction:**

Pacific Gas and Electric Company	Contra Costa Water District
Darren P. Roach	Richard Broad, Engineering Services
Law Department	2411 Bisso Lane
P.O. Box 7442	Concord, CA 94520
San Francisco, CA 94120	Telephone: (925) 688-8013
Telephone: (415) 973-6345	Email: rbroad@ccwater.com
Facsimile: (415) 973-5520	
Email: DPRC@pge.com	

**(b) Complete Description of the Facilities and Property Including Present Location, Condition and Use:**

The Property is located at 1030 Detroit Avenue (the cross street is Shary Circle) in the City of Concord, California, more specifically identified as Contra Costa County Assessor's Parcel No. 129-050-013-9. The property is owned by PG&E and currently serves as PG&E Concord Service Center. The property is currently undergoing a building expansion project which will allow PG&E to enhance the performance of its service obligations. The Legal Description and Drawing of the easement area is attached hereto as Attachment 2.

**(c) Intended Use of the Property and Facilities:**

The Grantee will utilize the easement to install, operate, maintain, repair and replace water utility materials and equipment, including, without

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<sup>1</sup> "The Commission has long recognized that the public interest is served when utility property is used for other productive purposes without inferring with the utility's operations or the provision of utility services to the public." (D.06-07-023, p. 1.)

limitation; pipes, valves, meters, meter boxes, fire hydrants, protecting posts, rectifiers, power line poles and guys, air releases, blow-offs, backflow prevention devices and appurtenances. The proposed easement will be 10-feet wide and approximately 15 feet long, encumbering a total of approximately 150 square feet.

**(d) Complete Description of Financial Terms of the Proposed Transaction:**

Not applicable. PG&E will receive no compensation for the easement grant.

**(e) Description of How Financial Proceeds of the Transaction Will Be Distributed:**

Not applicable. PG&E will receive no compensation for the easement grant.

**(f) Statement on the Impact of the Transaction on Ratebase and Any Effect on the Ability of the Utility to Serve Customers and the Public:**

No PG&E property is being sold or disposed of, and as such, there are no changes to PG&E's rate base as a result of granting the proposed easement.

**(g) The Original Cost, Present Book Value, and Present Fair Market Value for Sales of Real Property and Depreciable Assets, and a Detailed Description of How the Fair Market Value Was Determined (e.g., Appraisal):**

Not Applicable.

**(h) The Fair Market Rental Value for Leases of Real Property, and a Detailed Description of How the Fair Market Rental Value Was Determined:**

Not Applicable.

**(i) For Fair Market Rental Value of the Easement or Right-of-Way and a Detailed Description of How the Fair Market Rental Value Was Determined:**

Not Applicable.

**(j) A Complete Description of any Recent Past (Within the Prior Two Years) or Anticipated Future Transactions that May Appear To Be Related to the Present Transaction:<sup>2</sup>**

Not Applicable.

**(k) Sufficient Information and Documentation (Including Environmental Review Information) to Indicate that All Criteria Set Forth in Rule 3 of General Order (“GO”) 173 are Satisfied:**

PG&E has provided information in this Advice Letter to satisfy the eligibility criteria under GO 173 in that:

- The activity proposed in the transaction will not require environmental review by the CPUC as a Lead Agency;
- The transaction will not have an adverse effect on the public interest or on the ability of PG&E to provide safe and reliable service to its customers at reasonable rates;
- The transaction will not materially impact the rate base of PG&E; and
- The transaction does not warrant a more comprehensive review that would be provided through a formal Section 851 application.

**(l) Additional Information to Assist in the Review of the Advice Letter:**

PG&E is not aware of any additional relevant information other than what is included with this advice letter.

**(m) Environmental Information**

Pursuant to GO 173, the Advice Letter program applies to proposed transactions that will not require environmental review by the CPUC as a lead agency under the California Environmental Quality Act (“CEQA”) either because: (a) a statutory or categorical exemption applies (the applicant must provide a notice of exemption from the Lead Agency or explain by an exemption applies), or (b) because the transaction is not a project under CEQA (the applicant must explain the reasons why it believes that the transaction is not a project), or (c) because another public agency, acting as the Lead Agency under CEQA, has completed environmental review of the project, and the Commission is required to

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<sup>2</sup> During adoption of the Advice Letter pilot program in ALJ-186 (later followed by ALJ-202, ALJ-244 and ALJ-268), this category of information was included to enable the CPUC to ensure that utilities were not seeking to circumvent the \$5 million Advice Letter threshold by dividing what is a single asset with a value of more than \$5 million into component parts each valued at less than \$5 million, which is clearly not the case here. (See CPUC Resolution ALJ-186, issued August 25, 2005, mimeo, p.5.)

perform environmental review of the project only as a Responsible Agency under CEQA.

Per (a) above the project is exempt from CEQA. This project qualifies as categorically exempt under Section 15303(d) (which exempts "water main...and other utility extensions, including street improvements, of reasonable length to serve such construction") and Section 15304(f) (which exempts minor trenching and backfilling where the surface is restored) of the CEQA Guidelines. (See, e.g., D.05-02-037 (trenching to install 663'-long water drainage pipe found categorically exempt under §15304(f)).) Therefore, PG&E requests that the Commission find that this water extension project is categorically exempt from CEQA and that no additional environmental review pursuant to CEQA is necessary to approve this advice letter.

### **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 March 12, 2014, which is 20 days after the date of this filing. Protests should be mailed to:

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

Facsimile: (415) 703-2200  
E-mail: EDTariffUnit@cpuc.ca.gov

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

The protest shall also be sent to PG&E either via E-mail or U.S. mail (and by facsimile, if possible) 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**

Pursuant to the review process outlined in General Order 173, PG&E requests that this Tier 2 advice filing become effective on March 22, 2014, which is 30 days from 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/or via U.S. mail to parties shown on the attached list. Address changes to the General Order 96-B service list should be directed to 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>.

*Brian Cherry /IG*

Vice President – Regulatory Relations

Attachments

\*\*\*\*\* SERVICE LIST Advice 4360-E \*\*\*\*\*  
**APPENDIX A**

\*\*\*\*\* 3<sup>rd</sup> Party \*\*\*\*\*

Karen Clopton  
Administrative Law Judge Division  
505 Van Ness Avenue  
San Francisco, CA 94102  
(415) 703-2008  
kvc@cpuc.ca.gov

Contra Costa Water District  
Richard Broad, Engineering Services  
2411 Bisso Lane  
Concord, CA 94520  
Telephone: (925) 688-8013  
Email: rbroad@ccwater.com

Myra J. Prestidge  
Administrative Law Judge Division  
505 Van Ness Avenue  
San Francisco, CA 94102  
(415) 703-2629  
tom@cpuc.ca.gov

Jonathan Reiger  
Legal Division  
505 Van Ness Avenue  
San Francisco, CA 94102  
(415) 355-5596  
jzr@cpuc.ca.gov

Mary Jo Borak  
Energy Division  
505 Van Ness Avenue  
San Francisco, CA 94102  
(415) 703-1333  
bor@cpuc.ca.gov

Edward Randolph  
Energy Division  
505 Van Ness Avenue  
San Francisco, CA 94102  
(415) 703-2083  
efr@cpuc.ca.gov

Brewster Fong  
Division of Ratepayer Advocates  
505 Van Ness Avenue  
San Francisco, CA 94102  
(415) 703- 2187  
bfs@cpuc.ca.gov

Andrew Barnsdale  
Energy Division  
505 Van Ness Avenue  
San Francisco, CA 94102  
(415) 703-3221  
bca@cpuc.ca.gov

# 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: Igor Grinberg

Phone #: (415) 973-8580

E-mail: ixg8@pge.com and PGETariffs@pge.com

EXPLANATION OF UTILITY TYPE

(Date Filed/ Received Stamp by CPUC)

ELC = Electric

GAS = Gas

PLC = Pipeline

HEAT = Heat

WATER = Water

Advice Letter (AL) #: **4360-E**

Tier: **2**

Subject of AL: **Grant of Easement to Contra Costa Water District in the City of Concord - Request for Approval Under Section 851**

Keywords (choose from CPUC listing): Agreements

AL filing type:  Monthly  Quarterly  Annual  One-Time  Other \_\_\_\_\_

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

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL: No

Summarize differences between the AL and the prior withdrawn or rejected AL: \_\_\_\_\_

Is AL requesting confidential treatment? If so, what information is the utility seeking confidential treatment for: N/A

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:

Resolution Required?  Yes  No

Requested effective date: **March 22, 2014**

No. of tariff sheets: N/A

Estimated system annual revenue effect (%): N/A

Estimated system average rate effect (%): N/A

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected: N/A

Service affected and changes proposed: N/A

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., 4<sup>th</sup> 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**

Advice 4360-E

Attachment 1:  
Easement Agreement

# EASEMENT AGREEMENT

THIS AGREEMENT AND GRANT OF EASEMENT is made by and between \_\_\_\_\_  
PACIFIC GAS and ELECTRIC COMPANY

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hereinafter called "the Grantor", and CONTRA COSTA WATER DISTRICT, a local governmental agency of the State of California, hereinafter called "the District".

1. For valuable consideration, the Grantor hereby grants to the District and the District hereby accepts from the Grantor, a perpetual easement in the real property in the County of Contra Costa, State of California, described on **Exhibit A** and delineated on **Exhibit B** attached.

2. The purpose of this easement is to install, operate, maintain, repair and replace water utility materials and equipment, including, without limitation; pipes, valves, meters, meter boxes, fire hydrants, protecting posts, rectifiers, power line poles and guys, air releases, blow-offs, backflow prevention devices and appurtenances.

3. All pipes except risers to meters, fire hydrants or appurtenances shall be installed at least 18 inches below the surface of the ground.

4. The District will backfill all excavations and restore the ground to a condition equal to the condition existing prior to the excavation.

5. The Grantor will not permit any structure to be placed on the easement or the access thereto which will prevent vehicles and equipment from operating anywhere within the easement.

IN WITNESS WHEREOF, the Grantor and the District executed this agreement and grant of easement on January 15, 2014

Date

Pacific Gas and Electric Company  
\_\_\_\_\_

Print Name of Company, Corporation,  
Individual

By: \_\_\_\_\_

Name: Marvin Penner  
Its: Manger, Land Asset Management

By: \_\_\_\_\_

Name: Joe O'Neal  
Its: Manager, Land Surveying

CONTRA COSTA WATER DISTRICT

By: \_\_\_\_\_

"District"

Stephen J. Welch, Assistant General  
Manager

### CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the foregoing instrument to Contra Costa Water District, a local governmental agency, is hereby accepted by the undersigned officer on behalf of the Board of Directors of the District pursuant to authority conferred by the Board's Resolution No. 93-29 and the grantee consents to recordation thereof by its duly authorized officer.

Dated: \_\_\_\_\_ By \_\_\_\_\_

Stephen J. Welch, Assistant General Manager

Advice 4360-E

Attachment 2:  
Legal Description and Drawing



ENGINEERS  
SURVEYORS  
PLANNERS

August 22, 2013  
BKF Job No.: 20105105-11

**EASEMENT DESCRIPTION**

All that certain real property situate in the City of Concord, County of Contra Costa, State of California, and described as follows:

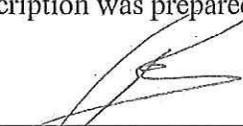
**BEING** a portion of Parcel 2 as said parcel is described in the Certificate of Compliance for Lot Line Adjustment or Parcel Merge recorded March 18, 2013 as Document Number 2013-0067051-00, Contra Costa County Records, said portion being more particularly described as follows:

**COMMENCING** at a point the northwesterly corner of said Parcel 2 on the easterly line of the 84.0-foot easement from Sacramento Northern Railway to the City of Concord as recorded February 14, 1963, in Volume 4303, Official Records of Contra Costa County, at Page 124 known as Detroit Avenue; **THENCE** South 17°55'13" East along said easterly line of Detroit Avenue, 81.97 feet to the **POINT OF BEGINNING**; **THENCE** leaving said easterly line North 72°04'47" East 10.00 feet; **THENCE** South 17°55'13" East 15.00 feet; **THENCE** South 72°04'47" West 10.00 feet to the aforementioned easterly line of Detroit Avenue; **THENCE** along the last said line North 17°55'13" West 15.00 feet to the **POINT OF BEGINNING**.

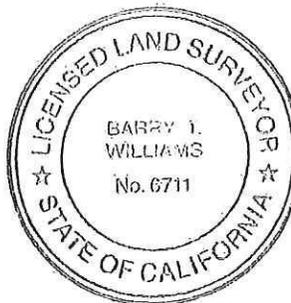
Containing an area of 150 square feet, more or less.

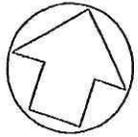
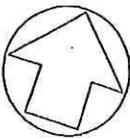
A plat showing the above described easement is attached hereto and made a part hereof as Exhibit "B".

This description was prepared from record information for BKF Engineers.

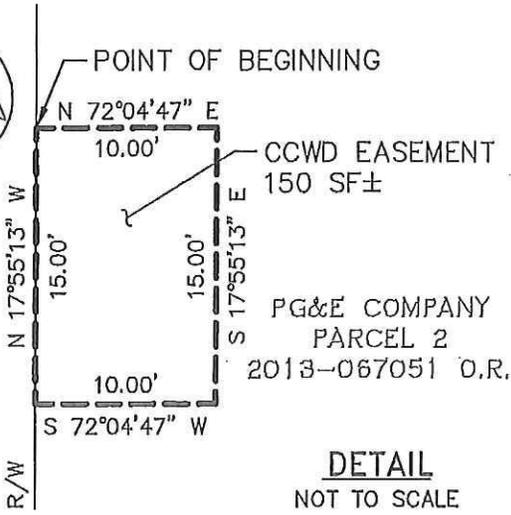
By:   
Barry T. Williams P.L.S. No. 6711  
License Expires: 06/12/2014

Dated: 9/12/13





DETROIT AVENUE



**DETAIL**  
NOT TO SCALE

PG&E COMPANY  
PARCEL 1  
2013-067051 O.R.

POINT OF  
COMMENCEMENT

PG&E COMPANY  
PARCEL 2  
2013-067051 O.R.

DETROIT AVENUE  
84' RIGHT OF WAY

S 17°55'13" E  
81.97

POINT OF  
BEGINNING

CCWD EASEMENT  
SEE DETAIL

**LEGEND:**

-  EASEMENT LINE
-  CENTER LINE
-  CCWD
-  CONTRA COSTA
-  WATER DISTRICT
-  O.R. OFFICIAL RECORDS
-  PG&E PACIFIC GAS AND ELECTRIC
-  R/W RIGHT OF WAY

**GRAPHIC SCALE**



SHARY CIRCLE  
60' RIGHT OF WAY

**EXHIBIT "B"**



1646 NORTH CALIFORNIA BLVD.  
SUITE 400  
WALNUT CREEK, CA 94596  
925-940-2200  
925-940-2299 (FAX)

Subject PLAT TO ACCOMPANY  
CCWD EASEMENT DESCRIPTION  
 Job No. 20105105-11 (035023)  
 By JY Date 08/15/13 Chkd. MLM  
 SHEET 1 OF 1

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

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