October 28, 2016

Erik Jacobson  
Director, Regulatory Relations  
Pacific Gas and Electric Company  
77 Beale Street, Mail Code B10C  
P.O. Box 770000  
San Francisco, California 94177

SUBJECT: Request for Deviation from Electric Rule 20A in Accordance with General Order 96-B, Section 8.2.3

Dear Mr. Jacobson:

Advice Letter 4729-E is effective as of October 27, 2016, per Resolution E-4752 Ordering Paragraphs.

Sincerely,

Edward Randolph  
Director, Energy Division
October 28, 2015

Advice 4729-E
(Pacific Gas and Electric Company ID U 39 E)

Public Utilities Commission of the State of California

Subject: Request for Deviation from Electric Rule 20A in Accordance with General Order 96-B, Section 8.2.3

Pacific Gas and Electric Company (PG&E) submits this filing pursuant to California Public Utilities Commission (CPUC or Commission) General Order 96-B, Section 8.2.3 which allows utilities to provide service to governmental agencies under terms and conditions of service otherwise deviating from its tariffs then on file with the Commission¹.

For the reasons discussed more fully below, PG&E requests a deviation from Electric Rule 20A and proposes to include within the Grizzly Peak Blvd. Underground Project (designated by the City of Berkeley as Underground District #48) portions of some ancillary streets that do not meet the public interest criteria in Rule 20A because the City of Berkeley originally approved this underground district before the Commission’s 2000 Order Instituting Rulemaking (R.00-01-005) clarified that public interest criteria.

Background

Under Electric Rule 20A, PG&E annually allocates work credits to communities – either cities or unincorporated areas of counties – to convert overhead electric facilities to underground for projects that meet the criteria outlined in the filed tariff.

¹ CPUC General Order 96-B At all times, a utility other than a telephone corporation may provide service (other than resale service) to a government agency for free, or at reduced rates and charges, or under terms and conditions otherwise deviating from its tariffs then in effect. The utility may begin such service without prior Commission approval, but the utility shall promptly submit an advice letter to the appropriate Industry Division to notify the Commission of the utility’s provision of such service and of the rates, charges, terms and conditions under which the service is provided. Although the advice letter may be effective pending disposition under General Rule 7.5.3, the Commission may determine, in an appropriate proceeding, the reasonableness of such service.
The communities may either bank (accumulate) their annual allocations, or borrow (mortgage) future allocations. Upon completion of an undergrounding project, the utility records its costs in its electric plant account for inclusion in its rate base. (Decision (D.) 73078 (September 19, 1967) 76 CPUC2d 490, App. D, § A.2; Res. E-4001, pp. 1-2.)

To qualify for full ratepayer funding, pursuant to Rule 20A, a proposed project must meet certain public interest criteria detailed in Electric Rule 20. In particular, the proposed underground project area must include streets with an unusual concentration of overhead lines (i.e., through circuits or over-built circuits), arterial or major collector streets as identified in the community’s general plan, or streets that pass through or adjoin parks or other areas of unique scenic or public interest.

**Berkeley’s Grizzly Peak Project**

In May 1992, the City of Berkeley directed the City’s Public Works Commission to hold public hearings to determine community interest in forming an underground district (District 48) along Grizzly Peak Boulevard south from the intersection with Avenida Drive to the Oakland city boundary and including portions of Summit Road, Summit Lane, Senior Avenue, Harvard Circle, Fairlawn Drive and Avenida (see Attachment 2).

After a public hearing with affected property owners on November 12, 1992, the Berkeley Public Works Commission recommended creation of Underground Utility District (UUD) 48 to the City Council. On April 27, 1993, the Berkeley City Council held another public hearing and adopted Resolution No. 56,934 – N.S. that conversion of overhead electric, telephone and cable television lines to underground in UUD 48 was in the public interest (see Attachment 3). The City Council resolution adopted the findings of the Public Works Commission that all of the streets within the project boundary met the Rule 20A public interest criteria as either heavily travelled streets or streets which adjoin or pass through an area of unique scenic interest to the general public.

**The CPUC Clarifies Heavy Vehicular Traffic**

On January 6, 2000, the Commission opened Rulemaking (R.) 00-01-005 to study ways to provide more flexibility and control to local governments in the implementation of Rule 20A. The Commission held eight days of workshops and public participation hearings in San Diego, Los Angeles, Fresno, Sacramento, Eureka, Monterey/Carmel, Oakland/Berkeley, and San Francisco. Among other things, the workshops and pre-workshop comments clarified that the heavy vehicular traffic criterion should be focused on arterial and major collector streets as defined by the Governor’s Office of Planning and Research. In response, PG&E proposed an update to Rule 20A to add the clarifying language which
became effective on July 1, 2002. However, overtaking events in the electric industry, generally described as the Energy Crisis, compelled the Commission to defer certain other issues in this proceeding (D.01-12-009).

As drawn by the City of Berkeley (Attachment 2), the Grizzly Peak Underground Project area (UUD 48) includes approximately 170 parcels over portions of seven streets. Applying the clarification found in D.01-12-009 and the revised Rule 20A public interest criteria to the Grizzly Peak project area suggests that not all of the seven streets proposed for UUD 48 meet the public interest criteria to qualify for ratepayer funding under Rule 20A. One street, notably Grizzly Peak Boulevard, is a heavily travelled collector street. Another, Summit Road, meets Rule 20A public interest criteria because it “adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest” (i.e. Tilden Park operated by the East Bay Regional Park District). The remaining ancillary streets do not meet any of the Rule 20A public interest criteria to qualify for 100% ratepayer funding. However, these two streets, Grizzly Peak and Summit, traverse the project area from north to south and are the longest in UUD 48 representing 113 parcels or two/thirds (66%) of the affected properties.

As proposed by the City of Berkeley, UUD 48 includes four intersections where unqualified ancillary streets intersect with either Summit or Grizzly Peak. To avoid unsightly riser poles at each intersection, it is PG&E’s practice to work with the project sponsor to extend the underground area boundary down each side street for a distance of at least one span length and then to transition back to overhead wires. This allows for a more flexible underground district boundary and improves sightlines at intersections along the qualified streets. Applying this engineering principle, PG&E would normally expand the UUD 48 project boundary along Summit Lane, Avenida and Senior to include an additional 21 parcels (as denoted by the blue line on Attachment 4; Summit Lane 4 parcel; Avenida 1: Senior Avenue 15). This expanded project boundary would include 134 (about 80%) of the original 170 parcels within the qualifying project boundary.

**G.O. 96-B Proposal**

Pursuant to General Order 96-B, PG&E proposes to extend the Rule 20A boundary for Berkeley to include all the streets and all the parcels identified in UUD 48 because the Berkeley City Council adopted this boundary, including these as “heavily travelled” streets well before the CPUC clarification and the City has proceeded in good faith assuming that the whole of UUD 48 met the Rule 20A public interest criteria and, based on this assumption of Rule 20A qualification, the City has assessed and the record owners of all 170 parcels have paid to replace

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2 Advice Letter 2260-E-B implemented Section A.1.a.4, “The street or road or right-of-way is considered an arterial street or major collector as defined in the Governor’s Office of Planning and Research General Plan Guidelines.”
the streetlights and other City improvements associated with the Rule 20A underground conversion project for UUD 48.

The Berkeley Public Works Commission held public hearings in May 1992 suggesting that all of the streets within Underground Utility District 48 were “heavily travelled” and met the public interest criteria for a 100% ratepayer funding pursuant to Rule 20A. Based on this uncontested assumption of public interest qualification, the Public Works Commission recommended UUD 48 to the Berkeley City Council. On April 27, 1993, the Berkeley City Council held another public hearing and adopted Resolution No. 56,934 – N.S. concluding that all the streets within the proposed project boundary were heavily travelled and that conversion of overhead electric, telephone and cable television lines to underground in UUD 48 was in the public interest. This action by the Berkeley City Council was eight years before the CPUC clarified that qualifying streets had to be identified as arterial or heavy collectors in the city’s general plan.

Furthermore, the City of Berkeley also adopted Resolution No. 57,382 creating a benefit assessment district pursuant to the Landscaping and Lighting Act of 1972 (Cal. Str & Hwy Code §§ 22500 et seq.). This assessment district is coterminous with the boundaries of UUD 48 assessing each property owner an annual share based on lot area for the cost to the City for streetlight conversion and other public improvements associated with the underground conversion project. The City began to collect assessments on UUD 48 properties in 1993. To date, including accumulated interest, the residents of UUD 48 have paid a total about $120,000 toward the municipal improvements.

Because the City of Berkeley adopted Resolution 56,934 – N.S. in 1993 which assumed that all of the streets identified in Grizzly Peak Utility Underground District 48 met the public interest qualification for Rule 20A ratepayer funding as “heavily travelled” streets prior to the CPUC general plan clarification, and because the City has proceeded in good faith based on this assumption to assess UUD 48 residents for streetlight conversions and other public improvements associated with the proposed utility undergrounding, and because all the affected property owners have paid toward these public improvements, PG&E requests a deviation from the approved Rule 20A tariff public interest criteria to allow all of the streets and all of the properties identified in Berkeley Resolution 56,934 – N.S. to be included in the proposed Grizzly Peak Utility Undergrounding District 48 and qualify for ratepayer funding including an allowance for individual property service line trenching.

**Protests**

Anyone wishing to protest this filing may do so by letter sent via U.S. mail, facsimile or E-mail, no later than November 17, 2015, which is 20 days after the date of this filing. Protests must be submitted to:
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:

Erik Jacobson  
Director, Regulatory Relations  
c/o Megan Lawson  
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 submits this as a Tier 3 advice letter and requests that the Commission issue a resolution approving this advice letter as soon as practicable.

**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.12-11-009. 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/.

/S/
Erik Jacobson
Director – Regulatory Relations

Attachments

cc: Service List A.12-11-009
CALIFORNIA PUBLIC UTILITIES COMMISSION
ADVICE LETTER FILING SUMMARY
ENERGY UTILITY

MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

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**EXPLANATION OF UTILITY TYPE**

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

Advice Letter (AL) #:  **4729-E**          Tier: 3
Subject of AL: **Request for Deviation from Electric Rule 20A in Accordance with General Order 96-B, Section 8.2.3**

Keywords (choose from CPUC listing): Agreements, Conditions of Service

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: 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: **Upon Commission Approval**  
No. of tariff sheets: 3

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: **List of Contracts and Deviations**

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., 4th Flr.  
San Francisco, CA 94102  
E-mail: EDTariffUnit@cpuc.ca.gov

**Pacific Gas and Electric Company**  
Attn: Erik Jacobson  
Director, Regulatory Relations  
c/o Megan Lawson  
77 Beale Street, Mail Code B10C  
P.O. Box 770000  
San Francisco, CA 94177  
E-mail: PGETariffs@pge.com
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*1 to *4 See last page of Electric Contracts and Deviations Section for explanation of footnotes.
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## MAPS, CONTRACTS AND DEVIATIONS

### TITLE OF SHEET
Maps, Contracts and Deviations

### SERVICE AREA MAPS

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### LIST OF CONTRACTS AND DEVIATIONS

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(Continued)
Attachment 2

Grizzly Peak Blvd Berkeley Boundary Map
Attachment 3

Grizzly Peak Blvd Berkeley
Resolution No. 56,934
RESOLUTION NO. 55,934 N.S.

ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. 48 GRIZZLY PEAK BLVD. BETWEEN HILL ROAD AND THE SOUTHEASTERN CITY LIMIT, SUMMIT ROAD BETWEEN ATLAS PLACE AND THE SOUTHEASTERN CITY LIMIT, SUMMIT LANE, SENIOR AVENUE, HARVARD CIRCLE, FAIRLAWN BETWEEN AVENIDA DRIVE AND SENIOR AVENUE, AVENIDA DRIVE BETWEEN QUEENS ROAD AND GRIZZLY PEAK BLVD. IN THE CITY OF BERKELEY

WHEREAS; on May 19, 1992 the Council of the City of Berkeley directed the Public Works Commission to hold a public hearing for the purpose of ascertaining whether public necessity, health, safety or welfare require the removal of poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communications, or similar associated service on Grizzly Peak Blvd., between Hill Road and the southeastern City limit, Summit Road between Atlas Place and the southeastern City limit, Summit Lane, Senior Avenue, Harvard Circle, Fairlawn between Avenida Drive and Senior Avenue, Avenida Drive between Queens Road and Grizzly Peak Blvd.; and

WHEREAS, such public hearing was called by the Public Works Commission for Thursday, November 12, 1992 at the hour of 7:00 p.m. in the North Berkeley Senior Center, 1901 Hearst Street, Berkeley; and

WHEREAS, notice of such hearing was given to all affected property owners as shown on the last equalized assessment roll and utilities concerned in the manner and for the time required by law; and

WHEREAS, such hearing has been duly and regularly held, and all persons interested have been given the opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley hereby finds and determines that public necessity, health, safety and welfare requires the removal of poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service on Grizzly Peak Blvd. between Hill Road and the southeastern City limit, Summit
Road between Atlas Place and the southeastern City limit, Summit Lane, Senior Avenue, Harvard Circle, Fairlawn between Avenida Drive and Senior Avenue, Avenida Drive between Queens Road and Grizzly Peak Blvd. and that said streets are extensively used by the general public and carry a heavy volume of pedestrian or vehicular traffic or adjoin or pass through an area of unusual scenic interest to the general public and as such described are hereby established as Underground Utility District No. 48. A map delineating the boundaries of said district is attached hereto, marked "Exhibit A," and hereby incorporated as part of this resolution.

FURTHER, RESOLVED that following exceptions in said Underground Utility District No. 48 be and they are hereby authorized:

a) Any municipal facilities or equipment installed under the supervision and to the satisfaction of the Assistant City Manager for Public Works.

b) Poles or electrifiers used exclusively for street lighting.

c) Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to a building on a perimeter of a district, when such wires originate in an area which poles, overhead wires and associated overhead structures are not prohibited.

d) Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services.

e) Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts.

f) Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

FURTHER, RESOLVED, that all poles, overhead wires and other associated overhead structures shall be removed and underground installations made in
said underground utility district within the following times; provided,
however, that Pacific Gas and Electric, Pacific Bell, Bay Cablevision, Inc.
and the City of Berkeley are not obliged to commence their conversion work
within Underground Utility District No. 48 until satisfactory arrangements for
payment for the City's street lighting cost have been completed by the
neighborhood and the City:

(a) Underground installation of property owner reconnect conduits no
later than 12 months after the commencement of the work.

(b) Removal of poles, overhead wires and other associated structures
not less than 18 months after the date of commencement of the work.

FURTHER RESOLVED, that the Assistant City Manager for Public Works may
extend the date for such reconnections and removal upon recommendation of the
Public Works Commission and the show of good cause.

FURTHER RESOLVED, that the electric utility which undertakes the
underground installation of its facilities shall use the underground
conversion allocation computed pursuant to the decision of the Public
Utilities Commission of the State of California for the purpose of providing
to those premises designated by the Public Works Commission in Underground
Utility District No. 48 requiring it, a maximum of one hundred feet of
individual electric service trenching conductor (as well as termination box,
backfill, paving and conduit, if required).

FURTHER RESOLVED, that the telephone utility which undertakes the
underground installation of its facilities shall use the underground
conversion allocation computed pursuant to decision of the Public Utilities
Commission of the State of California for the purpose of providing those
premises designated by the Public Utilities Commission in Underground Utility
District No. 48 requiring it, a maximum of one hundred feet of individual
telephone service trenching conductor (as well as backfill, paving and
conduit, if required).
FURTHER RESOLVED, that the City Clerk, within ten (10) days after adoption of this resolution, shall mail a copy hereof and a copy of Ordinance No. 4351-N.S. to affected property owners such as are shown on the last equalized assessment roll and to the affected utilities.
Copies sent 5/7/93

To: Public Works Commission
   Pacific Bell
   PG & E
   Bay Cablevision
   Area Residents

RESOLUTION

No. 56,934 N.S.

Dated April 27, 1993

Adopted by the Council of the City of Berkeley by the following vote:

Ayes: Councilmembers Collignon, Dean, Olds, Shirek, Spring, Wainwright,
  Woodworth, and President Hancock.
Noes: None.

Abstaining: None.

Absent: Councilmember Maio.

LONI HANCOCK
Mayor and President of the Council

Attest: RENATE TUBMAN
Acting City Clerk and Clerk of the Council
Attachment 4

Grizzly Peak Blvd Berkeley
Boundary Map with Blue Line
<table>
<thead>
<tr>
<th>Company/Group</th>
<th>Representative/Company</th>
<th>Other Representative/Company</th>
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<tbody>
<tr>
<td>AT&amp;T</td>
<td>Don Pickett &amp; Associates, Inc.</td>
<td>OnGrid Solar</td>
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<tr>
<td>Albion Power Company</td>
<td>Douglass &amp; Liddell</td>
<td>Pacific Gas and Electric Company</td>
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<tr>
<td>Alcantar &amp; Kahl LLP</td>
<td>Downey &amp; Brand</td>
<td>Praxair</td>
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<tr>
<td>Anderson &amp; Poole</td>
<td>Ellison Schneider &amp; Harris LLP</td>
<td>Regulatory &amp; Cogeneration Service, Inc.</td>
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<tr>
<td>BART</td>
<td>G. A. Krause &amp; Assoc.</td>
<td>SCD Energy Solutions</td>
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<tr>
<td>Barkovich &amp; Yap, Inc.</td>
<td>GenOn Energy Inc.</td>
<td>SCE</td>
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<tr>
<td>Bartle Wells Associates</td>
<td>GenOn Energy, Inc.</td>
<td>SDG&amp;E and SoCalGas</td>
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<tr>
<td>Braun Blaising McLaughlin, P.C.</td>
<td>Goodin, MacBride, Squeri, Schlotz &amp; Ritchie</td>
<td>SPURR</td>
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<tr>
<td>CENERGY POWER</td>
<td>Green Power Institute</td>
<td>San Francisco Water Power and Sewer</td>
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<td>CPUC</td>
<td>Hanna &amp; Morton</td>
<td>Seattle City Light</td>
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<tr>
<td>California Cotton Ginners &amp; Growers Assn</td>
<td>International Power Technology</td>
<td>Sempra Energy (Socal Gas)</td>
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<tr>
<td>California Energy Commission</td>
<td>Intestate Gas Services, Inc.</td>
<td>Sempra Utilities</td>
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<td>California Public Utilities Commission</td>
<td>Kelly Group</td>
<td>SoCalGas</td>
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<td>Ken Bohn Consulting</td>
<td>Southern California Edison Company</td>
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<td>Calpine</td>
<td>Leviton Manufacturing Co., Inc.</td>
<td>Spark Energy</td>
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<td>Casner, Steve</td>
<td>Linde</td>
<td>Sun Light &amp; Power</td>
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<tr>
<td>Center for Biological Diversity</td>
<td>Los Angeles County Integrated Waste Management Task Force</td>
<td>Sunshine Design</td>
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<td>City of Palo Alto</td>
<td>Los Angeles Dept of Water &amp; Power</td>
<td>Tecogen, Inc.</td>
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<td>MRW &amp; Associates</td>
<td>Tiger Natural Gas, Inc.</td>
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<td>Clean Power</td>
<td>Manatt Phelps Phillips</td>
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<td>Marin Energy Authority</td>
<td>Troutman Sanders LLP</td>
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<td>Modesto Irrigation District</td>
<td>Utility Specialists</td>
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<td>Verizon</td>
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<td>Water and Energy Consulting</td>
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<td>Wellhead Electric Company</td>
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<td>Nexant, Inc.</td>
<td>Western Manufactured Housing Communities Association (WMA)</td>
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<td>Dept of General Services</td>
<td>ORA</td>
<td>YEP Energy</td>
</tr>
<tr>
<td>Division of Ratepayer Advocates</td>
<td>Office of Ratepayer Advocates</td>
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