

Revised

STATE OF CALIFORNIA

GAVIN NEWSOM, *Governor*

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE



January 22, 2020

Advice Letter 5464-E/5464-E-A

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

**SUBJECT: Request for Deviation from Electric Rule 20A in Accordance with
General Order 96-B, 9.2.3.**

Dear Mr. Jacobson,

Advice Letter 5464-E and 5464-E-A is approved as of January 16, 2020 per resolution E-5040 Ordering Paragraphs.

Sincerely,

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

Edward Randolph
Deputy Executive Director for Energy and Climate Policy/
Director, Energy Division



Erik Jacobson
Director
Regulatory Relations

Pacific Gas and Electric Company
77 Beale St., Mail Code B13U
P.O. Box 770000
San Francisco, CA 94177

Fax: 415-973-3582

January 4, 2019

Advice 5464-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 9.2.3

Purpose

Pacific Gas and Electric Company (PG&E) submits this advice letter pursuant to California Public Utilities Commission (CPUC or Commission) General Order 96-B, Section 9.2.3 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 Commission.¹

PG&E requests a deviation from Electric Rule 20A and proposes to include within the City of Oakland's (the City) Phase 2 of the Piedmont Pines Area Underground Project (Project) some ancillary streets and parcels that do not meet the public interest criteria set forth in Rule 20A.

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 See CPUC General Order 96-B, Rule 9.2.3 (“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 work credit 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.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, a 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.³

Creation of Oakland's Piedmont Pines Area Undergrounding Project

In 1987, the Piedmont Pines Home Owners Association submitted a request to the City of Oakland to place utility lines underground. The City conducted a ballot poll in the summer of 1999 to determine the community's interest in the project. The ballot poll conducted had a 65% response of all property owners. Of those responding, 68% voted in favor of undergrounding and the associated costs. Of the nonresponses, 6% were publicly owned properties.

On March 22, 2000, the City held a public hearing to discuss the community interest in forming an underground district (Underground Utility District No. 232) in the Piedmont Pines Area to commence the Piedmont Pines Area Underground Project. The proposed underground utility district was to consist of approximately 15 miles of roadway and 1,350 properties. After the public hearing with affected property owners, the City of Oakland Public Works Agency recommended the creation of the Underground Utility District No. 232 to the City Council.

On May 2, 2000, the City held another public hearing and adopted Resolution No. 75652 – C.M.S. that determined that the public necessity, health, safety or 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 within Underground Utility District No. 232. The City Council's 2000 resolution adopted the finding of the Public Works Agency (PWA) that all of the streets within the project boundary met at least one of the public interest criteria identified in Rule 20A based on the PWA's interpretation of the Rule 20A criteria.

Phasing of the Project

Given how large and complex the proposed undergrounding project would be, PG&E requested that the City break up the bigger Rule 20A project into three phases of approximately equal size. Doing so would enable PG&E and the City to create a more

² D. 73078 (September 19, 1967) 76 CPUC2d 490, App. D, § A.2; Res. E-4001, at pp. 1-2.

³ See Electric Tariff Rule 20, Section A.1.a.

manageable construction timeline, it would allow traffic to be readily detoured onto Phase 2 or 3 streets while Phase 1 was converted and allow each phase to commence conversion once enough Rule 20A work credits for that phase had allocated to the City. Ultimately, the City and PG&E agreed to divide the larger Piedmont Pines project area into three phases in the manner outlined in Attachment A.

On May 6, 2008, the City adopted Resolutions No. 81272 C.M.S. and Resolution 81273 C.M.S. describing its intention to form the City of Oakland Underground Assessment District No. 2007-232 for Piedmont Pines Phase 1 and set a public hearing and election. In doing so, the City found that the proposed undergrounding project was “of more than local or ordinary public benefit” because the project was consistent with City Council and Mayoral goals by improving the physical appearance, livability and integrity of the City’s neighborhoods and would enhance emergency evacuation routes as designated by the Captain of Police, in the Piedmont Pines Area. The City also accepted and determined that petitions had been signed by owners owning land constituting more than one-half of the area of all assessable lands within the proposed Assessment District.

Following the public hearing and election in 2009, where 75% of the ballots cast approved the creation of the Assessment District for Piedmont Pines Phase 1, the City created and implemented the assessment which provided the project with the \$3.83 million needed to go with the Rule 20A funds that had been allocated to the City. Thereafter, PG&E and the City proceeded with construction of Phase 1 of the Piedmont Pines undergrounding project in October 2011 and work was completed in the fall of 2014.

Now that Phase 1 is complete and the City’s Rule 20A allocation has accumulated enough work credits to proceed with Phase 2, the City has requested that PG&E proceed with Phase 2. The City anticipates that Phase 3 will commence upon completion of Phase 2 and accumulation of sufficient allocation of Rule 20A work credits to proceed with that phase.

However, more recent and detailed engineering analysis of the streets included in the Phase 2 project area has generated questions as to whether all the streets meet the heavy vehicular traffic criterion or any other Rule 20A criterion. Specifically, the attached map (Attachment A) shows the entire Piedmont Pines underground project area – the streets or portions of streets within the red, blue and purple project boundaries meet the criterion for heavy vehicular traffic or streets that adjoin or pass through public parks or areas of unique scenic interest, specifically Roberts Regional Recreation Area, the Chabot Space Science Center and Joaquin Miller Park, operated by the East Bay Regional Parks District (EBRPD); Marjorie Saunders Park and Shepherd Canyon Park operated by the City of Oakland. However, the streets shaded solid gray (not cross-hatched) within the red project boundary, do not appear to meet the Rule 20A criteria. These streets appear right in the middle of the Piedmont Pines project area, within what is now designated for underground construction as part of Phase 2 of Oakland’s Piedmont Pines project.

For the reasons discussed more fully below, PG&E requests a deviation from Electric Rule 20A and proposes to include within Phase 2 of the Piedmont Pines Area Underground Project (Project) some ancillary streets and parcels that do not meet the public interest criteria set forth in Rule 20A.

The Commission Should Consider the Piedmont Pines Area Undergrounding Project as a Whole

PG&E asks that the Commission consider the Piedmont Pines Area Undergrounding Project as one whole unit for purposes of underground conversion tariff Rule 20A.

Overall, when the entire undergrounding project is considered together, 476 parcels or 72% of approximately 660 parcels in the entire project area meet the criteria for Rule 20A eligibility.

In 2000, when the City created the original project area boundaries, the City believed that it was relying on a good faith interpretation of the rules at the time. This was before the Commission clarified the rules in 2001 and PG&E subsequently modified the Rule 20 tariff in 2002. Furthermore, Oakland commenced and completed Piedmont Pines Phase 1 with the explicit expectation that there would be a Phase 2 and a Phase 3 to eventually complete the full Project when the allocations eventually accumulated. Accordingly, PG&E asks that the Commission grant this request and consider those streets that make up Phase 2 of the Project as Rule 20A eligible.

At the time of its 2000 Resolution, Oakland Believed that the Streets within the Piedmont Pines Area Undergrounding Project Met the Rule 20A Heavy Vehicular Traffic Criterion

As described above, the City made a reasonable interpretation of the term “heavily-travelled streets” based on traffic counts and relied on this interpretation of the Rule 20A tariff rules back in 2000 when it commenced the Piedmont Pines Project. 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. In December 2001, the rulemaking eventually 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.⁴ PG&E's update to Rule 20A to add clarifying language only became effective on July 1, 2002.

However, the Oakland City Council had already adopted its resolution based on the City staff's interpretation of the Rule 20A heavy vehicular traffic criterion that all streets within the Piedmont Pines Area Underground Project met the Rule 20A criteria two years before PG&E's tariff change that clarified the criterion. Specifically, Oakland's own Traffic Engineering and Ordinance No. 7769 C.M.S., concluded that all of the streets that make

⁴ D.01-12-009, at Ordering Paragraph 2.

up the Piedmont Pines Area Undergrounding Project area had a “heavy volume of vehicular traffic.” Furthermore, at the time of Oakland’s 2000 resolution, the City believed that the designated streets within the Piedmont Pines Area Undergrounding Project area were heavily travelled because they conveyed Oakland residents directly to area parks including EPRPD’s Roberts Regional Recreation Area, Joaquin Miller Park, the Chabot Space Science Center and Oakland’s Shepherd Canyon Park.

Ultimately, based on its year 2000 interpretation of the Rule 20A criteria, the City proceeded to form the Underground Utility District and take the necessary steps to eventually assess those Piedmont Pines parcel owners in order to complete the undergrounding project.

Deviation Request

Pursuant to General Order 96-B, Section 9.2.3, PG&E proposes to extend the Rule 20A boundary for the City to include all the streets and all the parcels identified in the Piedmont Pines Area Undergrounding Project. All project area streets and parcels were included by the City based on its understanding that those streets were “heavily travelled” before the CPUC clarification of that Rule 20 criteria and because they are adjacent to the Roberts Regional Recreation Area and Shepherd Canyon Park. Furthermore, the City has proceeded and completed Phase 1 in good faith assuming that the whole of Underground Utility District No. 232 would be completed when the City’s allocation has accumulated enough Rule 20A work credits to proceed with Phase 2 and Phase 3.

For these reasons, PG&E asks that the Commission grant PG&E’s request to deviate from Tariff Rule 20 to allow undergrounding of all the streets in Piedmont Pines area identified in City of Oakland Underground Utility District No. 232.

Protests

Anyone wishing to protest this submittal may do so by letter sent via U.S. mail, facsimile or E-mail, no later than January 24, 2019, which is 20 days after the date of this submittal. Protests must 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 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 B13U
P.O. Box 770000
San Francisco, California 94177

Facsimile: (415) 973-3582
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 3 advice submittal become effective upon Commission approval.

Notice

In accordance with General Order 96-B, Section IV, a copy of this advice letter is being sent electronically and via U.S. mail to parties shown on the attached list. Address changes to the General Order 96-B service list should be directed to 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 submittals can also be accessed electronically at: <http://www.pge.com/tariffs/>.

_____/S/

Erik Jacobson
Director, Regulatory Relations

Attachments



ADVICE LETTER SUMMARY

ENERGY UTILITY

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

Company name/CPUC Utility No.: Pacific Gas and Electric Company (ID U39E)

Utility type:

- ELC GAS WATER
 PLC HEAT

Contact Person: Yvonne Yang

Phone #: (415)973-2094

E-mail: PGETariffs@pge.com

E-mail Disposition Notice to: Yvonne.Yang@pge.com

EXPLANATION OF UTILITY TYPE

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

(Date Submitted / Received Stamp by CPUC)

Advice Letter (AL) #: 5464-E

Tier Designation: 3

Subject of AL: Request for Deviation from Electric Rule 20A In Accordance with General Order 96-B, Section 9.2.3

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

AL Type: Monthly Quarterly Annual One-Time Other:

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

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

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

Confidential treatment requested? Yes No

If yes, specification of confidential information:

Confidential information will be made available to appropriate parties who execute a nondisclosure agreement. Name and contact information to request nondisclosure agreement/ access to confidential information:

Resolution required? Yes No

Requested effective date:

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 proposed¹: N/A

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

¹Discuss in AL if more space is needed.

Protests and all other correspondence regarding this AL are due no later than 20 days after the date of this submittal, unless otherwise authorized by the Commission, and shall be sent to:

CPUC, Energy Division
Attention: Tariff Unit
505 Van Ness Avenue
San Francisco, CA 94102
Email: EDTariffUnit@cpuc.ca.gov

Name: Erik Jacobson, c/o Megan Lawson
Title: Director, Regulatory Relations
Utility Name: Pacific Gas and Electric Company
Address: 77 Beale Street, Mail Code B13U
City: San Francisco, CA 94177
State: California Zip: 94177
Telephone (xxx) xxx-xxxx: (415)973-2093
Facsimile (xxx) xxx-xxxx: (415)973-3582
Email: PGETariffs@pge.com

Name:
Title:
Utility Name:
Address:
City:
State: District of Columbia Zip:
Telephone (xxx) xxx-xxxx:
Facsimile (xxx) xxx-xxxx:
Email:

Cal P.U.C. Sheet No.	Title of Sheet	Cancelling Cal P.U.C. Sheet No.
43661-E	LIST OF CONTRACTS AND DEVIATIONS (Continued) Sheet 3	35750-E
43662-E	ELECTRIC TABLE OF CONTENTS Sheet 1	43321-E
43663-E	ELECTRIC TABLE OF CONTENTS Sheet 21	40147-E*



LIST OF CONTRACTS AND DEVIATIONS
(Continued)

Sheet 3

Name and Location of Customer		Most Comparable Regular Tariff			
PG&E Installation Reference No.	Type or Class of Service	Execution and Expiration Dates	Commission Authorization Number and Date	Schedule or Rule No.	Contract Difference
<u>EAST BAY REGION</u> (Cont'd.)					
<u>Counties and Cities</u>					
City of Livermore and Roger L. Shaheen Research Drive Assessment District Livermore	Coml/Ind	08-22-79 ---	G.O.96-A,X.B. 4-2-80	Elec. Rule 15.2 Gas Rule 15	Cost of Ownership Charge Assessment District
City of Livermore	Coml/Ind	03-13-81 ---	Res. G-2458 3-2-82	Rule 15.2	Cost of Ownership Charge
County of Alameda	Coml/Ind	12-22-93 12-22-03	--	Rule 15	Exceptional Case Line Extension
County of Alameda Flood Control and Water	Construction	03-11-04	G.O.96-A,X.B. Advice 2492-E	Elec. Rule 15.L.1	Project Cost Allocation
City of Berkeley	Underground Conversion		G.O. 96-B Section 8.2.3 Ref. Advice Letter 4729-E	Rule 20A	Deviation from Public Interest Qualification for Rule 20A
City of Oakland	Underground Conversion		G.O. 96-B Section 9.2.3 Ref. Advice Letter 5464-E	Rule 20A	Deviation from Public Interest Qualification for Rule 20A

(N)
|
|
(N)

*1 to *4 See last page of Electric Contracts and Deviations Section for explanation of footnotes.

(Continued)

Advice Decision 5464-E

Issued by
Robert S. Kenney
Vice President, Regulatory Affairs

Submitted Effective Resolution

January 4, 2019



ELECTRIC TABLE OF CONTENTS

Sheet 1

TABLE OF CONTENTS

SCHEDULE	TITLE OF SHEET	CAL P.U.C. SHEET NO.	
Title Page.....		43662-E	(T)
Rate Schedules.....	42793,42794*,42795,43271,42797*,42798,40921,43322,41965-E		
Preliminary Statements.....	41966,35423,41796,37737,34373,37727,43021-E		
Rules.....	43022,43023,43210-E		
Maps, Contracts and Deviations.....		43663-E	(T)
Sample Forms...40925*,37631,41151*,41573*, 37632,41152*,41153,37769,41786,36059,37169-E			

(Continued)

Advice 5464-E
Decision

Issued by
Robert S. Kenney
Vice President, Regulatory Affairs

Submitted
Effective
Resolution

January 4, 2019



ELECTRIC TABLE OF CONTENTS

Sheet 21

TITLE OF SHEET

CAL P.U.C. SHEET NO.

Maps, Contracts and Deviations

SERVICE AREA MAPS

Electric Service Area Map..... 34575-E

LIST OF CONTRACTS AND DEVIATIONS

..... 13819,13794,**43661**,37465,12000,12001,13672,12003,19350,11435, (T)
..... 36755,20977,29590,12006,21635,21636,29591,34524,11191,12010,
..... 11193,11194,11195,12969,31155,12012,29592,33251,29670,31469,
..... 12955,19353,12018,12019,12020,12021,12022,12023,30666,17259,
..... 12026,13092,11211,12027,12028,16703,12030,12031,14035,29593,
..... 12032,23621,11219,12034,20831,12036,11223,11986,11987,40145*,
..... 16898,11227-E

(Continued)

Advice 5464-E
Decision

Issued by
Robert S. Kenney
Vice President, Regulatory Affairs

Submitted _____
Effective _____
Resolution _____
January 4, 2019

Advice 5464-E
January 4, 2019

Attachment A

Map

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

AT&T	Downey & Brand	Pioneer Community Energy
Albion Power Company	East Bay Community Energy	Praxair
Alcantar & Kahl LLP	Ellison Schneider & Harris LLP	Regulatory & Cogeneration Service, Inc.
	Energy Management Service	SCD Energy Solutions
Alta Power Group, LLC	Evaluation + Strategy for Social	
Anderson & Poole	Innovation	SCE
	GenOn Energy, Inc.	SDG&E and SoCalGas
Atlas ReFuel	Goodin, MacBride, Squeri, Schlotz &	
BART	Ritchie	SPURR
	Green Charge Networks	San Francisco Water Power and Sewer
Barkovich & Yap, Inc.	Green Power Institute	Seattle City Light
Braun Blaising Smith Wynne	Hanna & Morton	Sempra Utilities
P.C. CalCom Solar	ICF	Southern California Edison Company
California Cotton Ginners & Growers Assn	International Power Technology	Southern California Gas Company
California Energy Commission	Intestate Gas Services, Inc.	Spark Energy
California Public Utilities Commission	Kelly Group	Sun Light & Power
California State Association of Counties	Ken Bohn Consulting	Sunshine Design
Calpine	Keyes & Fox LLP	Tecogen, Inc.
Casner, Steve	Leviton Manufacturing Co., Inc.	TerraVerde Renewable Partners
Cenergy Power	Linde	Tiger Natural Gas, Inc.
Center for Biological Diversity	Los Angeles County Integrated Waste	
City of Palo Alto	Management Task Force	TransCanada
	Los Angeles Dept of Water & Power	Troutman Sanders LLP
City of San Jose	MRW & Associates	Utility Cost Management
Clean Power Research	Manatt Phelps Phillips	Utility Power Solutions
Coast Economic Consulting	Marin Energy Authority	Utility Specialists
Commercial Energy	McKenzie & Associates	
County of Tehama - Department of Public		Verizon
Works	Modesto Irrigation District	Water and Energy Consulting
Crossborder Energy	Morgan Stanley	Wellhead Electric Company
Crown Road Energy, LLC	NLine Energy, Inc.	Western Manufactured Housing
Davis Wright Tremaine LLP	NRG Solar	Communities Association (WMA)
Day Carter Murphy		Yep Energy
	Office of Ratepayer Advocates	
Dept of General Services	OnGrid Solar	
Don Pickett & Associates, Inc.	Pacific Gas and Electric Company	
Douglass & Liddell		