



May 26, 2010

Advice 3676-E

Pacific Gas and Electric Company (U 39-M)

Public Utilities Commission of the State of California

**Subject: Revisions to Electric Rule 22.1 – *Direct Access Service*
Switching Exemption Rules in Compliance with Decision 10-05-
039**

Pacific Gas and Electric Company (PG&E) hereby submits for filing, changes to its electric tariff. The affected tariff sheets are listed on the enclosed Attachment I.

Purpose

In compliance with Ordering Paragraph (OP.) 2 of California Public Utilities Commission (Commission) Decision (D.) 10-05-039, PG&E is revising the language in its electric Rule 22.1 to incorporate the revisions set forth in Appendix A of the Decision which modify the Direct Access enrollment schedule originally adopted in D.10-03-022.

Background

On March 11, 2010, the Commission approved D.10-03-022, *Decision Regarding Increased Limits for Direct Access Transactions*, which, among other things, adopted an enrollment schedule whereby customers submit a notice of intent (NOI) to sign for Direct Access (DA) service subject to predetermined limits during an initial Open Enrollment Window (OEW) and a “wait-list” of customer NOIs submitted during the OEW in excess of the available 2010 allocation of space for new DA load.

On March 25, 2010, the “Joint Parties”¹ filed a Petition seeking to modify the adopted enrollment schedule to allow additional time to implement the OEW wait-list by extending the OEW. The proposed modification would be accomplished by

¹ The “Joint Parties” consist of The Utility Reform Network, Southern California Edison Company, the California Alliance for Choice in Energy Solutions, the Alliance for Retail Energy Markets, the California State Universities, the Direct Access Customer Coalition, the Silicon Valley Leadership Group, and the School Project for Utility Rate Reduction (collectively referred to herein as the “Joint Parties”).

moving the end-date for the OEW from June 30, 2010 to July 15, 2010. The modification would result in a 15-day delay in the ability of customers to submit the 6-month advance notices of intent to switch to DA service in 2011. As a result, the phase-in of DA load in Year 2 would commence on January 16, 2011, rather than January 1, 2011.

On May 20, 2010, the Commission approved D.10-05-039, *Decision Regarding Petition To Modify Decision 10-03-022* (Decision), adopting the proposed modifications to the enrollment schedule. In compliance with the Decision, PG&E is submitting the proposed modifications to its electric tariffs to implement the required changes.

Tariff Revisions

In compliance with D.10-05-039, PG&E proposes the following tariff revisions to its electric Rule 22.1 -- *Direct Access Service Switching Exemption Rules*:

1. The end date of the Open Enrollment Window during which customer could submit a "notice of intent" (NOI) to sign up for Direct Access service subject to the was changed from June 30, 2010 to July 15, 2010 in Sections B.5, C.4, and C.4.b(12).
2. The start date for the submission of Six Month Notice To Transfer To Direct Access Service forms was changed from July 1, 2010 to July 16, 2010 in Sections C.4(11) and C.6.a(1).
3. Added a reference to D.10-05-039 to Section C.3.
4. The commencement date for the second phase of Direct Access enrollment was changed from "in January" to January 16, 2011 in Section C.5.

Protest Period

Anyone wishing to protest this filing may do so by sending a letter by **June 15, 2010**, which is **20** days from the date of this filing. The protest must state the grounds upon which it is based, including such items as financial and service impact, and should be should mailed to:

CPUC Energy Division
Tariff Files, Room 4005
DMS Branch
505 Van Ness Avenue

San Francisco, California 94102

Facsimile: (415) 703-2200

E-mail: jnj@cpuc.ca.gov and mas@cpuc.ca.gov

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

The protest also should be sent via U.S. mail (and by facsimile and electronically, if possible) to PG&E at the address shown below on the same date it is mailed or delivered to the Commission.

Jane K. Yura
Vice President, Regulations and Rates
Pacific Gas and Electric Company
77 Beale Street, Mail Code B10B
P.O. Box 770000
San Francisco, California 94177

Facsimile: (415) 973-6520
E-mail: PGETariffs@pge.com

Effective Date:

PG&E requests that this advice filing become effective on **May 20, 2010** in accordance with D.10-05-039. This Advice Letter is submitted as a Tier 1 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. Address changes to the General Order 96-B service list and all electronic approvals should be directed to email PGETariffs@pge.com. Advice letter filings can also be accessed electronically at: <http://www.pge.com/tariffs>.

Handwritten signature of Jane Yura in black ink, with the initials "JB" at the end.

Jane K. Yura
Vice President – Regulation and Rates
Attachments

cc: Service List for R.03-10-003

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 M)**

Utility type:

ELC GAS
 PLC HEAT WATER

Contact Person: Olivia Brown

Phone #: 415.973.9312

E-mail: oxb4@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) #: 3676-E

Tier: 1

Subject of AL: Revisions to Electric Rule 22.1 – Direct Access Service Switching Exemption Rules in Compliance with Decision 10-05-039

Keywords (choose from CPUC listing): Compliance

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

If AL filed in compliance with a Commission order, indicate relevant Decision/Resolution #: Decision 10-05-039

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: N/A

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: N/A

Resolution Required? Yes No

Requested effective date: May 20, 2010

No. of tariff sheets: 6

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). N/A

Tariff schedules affected: Electric Rule 22.1

Service affected and changes proposed: 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:

**CPUC, Energy Division
Tariff Files, Room 4005
DMS Branch**

505 Van Ness Ave., San Francisco, CA 94102

jn@cpuc.ca.gov and mas@cpuc.ca.gov

Pacific Gas and Electric Company

Attn: Jane K. Yura, Vice President, Regulation and Rates

77 Beale Street, Mail Code B10B

P.O. Box 770000

San Francisco, CA 94177

E-mail: PGETariffs@pge.com

**ATTACHMENT 1
Advice 3676-E**

**Cal P.U.C.
Sheet No.**

Title of Sheet

**Cancelling Cal
P.U.C. Sheet No.**

| | | |
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| 29463-E | ELECTRIC RULE NO. 22.1 DIRECT ACCESS SERVICE SWITCHING EXEMPTION RULES Sheet 5 | 29177-E |
| 29464-E | ELECTRIC RULE NO. 22.1 DIRECT ACCESS SERVICE SWITCHING EXEMPTION RULES Sheet 8 | 29180-E |
| 29465-E | ELECTRIC RULE NO. 22.1 DIRECT ACCESS SERVICE SWITCHING EXEMPTION RULES Sheet 12 | 29184-E |
| 29466-E | ELECTRIC RULE NO. 22.1 DIRECT ACCESS SERVICE SWITCHING EXEMPTION RULES Sheet 13 | 29185-E |
| 29467-E | ELECTRIC TABLE OF CONTENTS Sheet 1 | 29145-E |
| 29468-E | ELECTRIC TABLE OF CONTENTS RULES Sheet 10 | 29205-E |



ELECTRIC RULE NO. 22.1
DIRECT ACCESS SERVICE SWITCHING EXEMPTION RULES

Sheet 5

B. Bundled Portfolio Service (Cont'd.)

2. At the end of a DA-eligible customer's three (3) year BPS commitment, the customer may have the option to transfer to DA service under the provisions of Section B.2 of this rule or remain on Bundled Service. Between April 16, 2010 and July 15, 2010, all DA-eligible non-residential customers may have an opportunity to transfer their service account(s) to DA service under the provisions of Section C, below, or remain on Bundled Service. PG&E will provide the customer with a courtesy reminder eight (8) months before the expiration of the customer's three (3) year commitment. If for any reason the customer is not sent, or does not receive, a courtesy reminder from PG&E, customer is not relieved of its responsibility for providing PG&E the notice required in Section B.2.a. below. (T)

a. Subject to the DA load limitations set forth in Section C, DA-eligible customers may elect to switch to DA service at any time subsequent to the conclusion of the three (3) year BPS commitment period with the required six (6) month advance notice. Customers must provide PG&E a six (6) month advance notice prior to becoming eligible for DA service so PG&E can adjust its procurement activity to accommodate the change in load. Such notification will be made by the customer submitting a Six Month Notice To Transfer To Direct Access Service form (Form No. 79-1117) as specified on PG&E's website. Only one six-month notice can be submitted per submission method (e.g. email); otherwise, the entire submission will be rejected and each six-month notice will need to be resubmitted on a separate six month notice. If any service accounts on a six-month notice do not belong to the customer indicated on the six-month notice, such service accounts will be rejected and will need to be resubmitted on a separate six-month notice. Each six-month notice received by PG&E will be time and date stamped by PG&E to determine precedence. Once received by PG&E, customers will have a three (3) business day rescission period after which advance notifications cannot be canceled. PG&E will provide to the customer a written confirmation and necessary switching process information within twenty (20) calendar days of the customer's notification, including the final date for PG&E to be in receipt of a DASR to return to DA Service. The customer is responsible for providing its ESP with this information.

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Issued by
Jane K. Yura
 Vice President
 Regulation and Rates

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ELECTRIC RULE NO. 22.1
DIRECT ACCESS SERVICE SWITCHING EXEMPTION RULES

Sheet 8

C. Phase-In Period (Cont'd.)

3. PG&E will notify all DA-eligible customers by means of a bill insert or a bill onsert (a message printed on the customer's bill), as early as March 2010. Customers may visit PG&E's website for details on the terms and conditions for participation in the limited reopening of DA service under D.10-03-022. However, if for any reason the customer is not sent, or does not receive, notification from PG&E, as required in Section C.4, the customer is not relieved of its responsibility for providing PG&E the Notice Of Intent To Transfer To Direct Access Service During The Open Enrollment Window (Form 79-1115) required in Section C.4 below.

4. Enrollments During The Open Enrollment Window

During the Open Enrollment Window (OEW) that will begin on April 16, 2010 at 9:00 a.m. PDT and end at 11:59 p.m. PDT on July 15, 2010, interested DA-eligible customers can submit an NOI to transfer service accounts to DA service..

(T)

a. All Load Serving Entities (LSEs), whether they are currently serving load or not, will file forecasts of new customers that they expect to gain via the OEW and other periods for Resource Adequacy (RA) compliance years 2010 and 2011 according to the rule set forth by the Commission's Energy Division for the RA process in Rulemaking (R.) 09-10-012. Energy Division will issue an amended RA Guide and reporting template for the 2010 compliance year as well as a RA Guide and reporting template for the 2011 compliance year.

b. Enrollment during the OEW will be as follows:

(1) A temporary one-time waiver of the six (6) month advance notice requirement for all DA-eligible customers, will be granted so that all DA-eligible customers will have the opportunity to submit an NOI as of April 16, 2010, if they wish to do so, pursuant to the process described in Section C.4.b(3) below.

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DIRECT ACCESS SERVICE SWITCHING EXEMPTION RULES

Sheet 12

C. Phase-In Period (Cont'd.)

4. Enrollments During The Open Enrollment Window (Cont'd.)

(11) If the 2010 Load Cap is reached during the OEW, PG&E will stop accepting NOIs, and will begin placing submitted NOIs on a wait-list on a first-come, first-served basis. The wait-list shall have a maximum capacity equal to twenty-five (25) percent of the 2010 Annual Limit, as defined in Section C.2.a, and shall be maintained until the last day of the OEW. Should any room under the 2010 Load Cap become available during the OEW as a result of any voided NOIs, within one (1) business day of any room becoming available, PG&E will notify eligible customers on the wait-list by email of the acceptance of their NOIs. PG&E will continue to issue such email notices, on a one (1) business day basis as room becomes available during the OEW, through the last day of the OEW. A customer coming off the OEW wait-list will have sixty (60) days after PG&E's notice of the NOI acceptance to cause its ESP to submit a DASR for each eligible service account to PG&E. If a DASR is not received by PG&E by the end of the sixty (60) day period, the customer's NOI for that service account will be void, and the exception under Section C.4.b(10) for the three-year BPS commitment will apply. The wait-list will end on the last day of the OEW. Any NOIs on the wait-list that were not accepted during the OEW will be void, and customers will be notified that they can begin submitting Six Month Notice To Transfer To Direct Access Service forms as early as July 16, 2010 to switch to DA in 2011. No wait-list will be used after the OEW. (T)

(12) The OEW will close at 11:59 p.m. PDT on July 15, 2010. There will be no OEW in subsequent years of the Phase-in Period. (T)

5. All LSEs that intend to serve load during 2011 will refile load forecasts for the 2011 RA compliance year on May 20, 2010. This revised forecast shall account both for customer migration up to that date, but also to forecast expected customer migration during the second phase of DA access that commences in January 16, 2011. The updated load forecasts due by May 26, 2010 will be used by the Energy Division and California Energy Commission to develop Local RA obligations, inclusive of adjustments, as accurately as possible within the constraints of the 2011 RA filing cycle. (T)

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ELECTRIC RULE NO. 22.1
DIRECT ACCESS SERVICE SWITCHING EXEMPTION RULES

Sheet 13

C. Phase-In Period (Cont'd.)

6. Enrollment after the OEW closes:

The following describes the enrollment processes, by year, after the Open Enrollment Window, described in Section C.4 closes.

a. In 2010:

- (1) DA-eligible customers can begin submitting Six Month Notice To Transfer To Direct Access Service (Six Month Notice) forms as of 9:00 a.m. PDT on July 16, 2010. The methods for submitting six-month notices will be as specified on PG&E's website. Six-month notices must be submitted separately. In the event multiple six-month notices are received by PG&E under a single submission (e.g. the same email), all six-month notices contained in the submission will be rejected. All service accounts listed on a six-month notice must be for the same customer-of-record indicated on the six-month notice. Service accounts with an FTI that does not match the FTI number for the customer-of-record indicated on the six-month notice will be rejected. PG&E will use the same daily batch process, as described in Section C.4.b(5) above for accepting six-month notices for any room under the 2011 Load Cap and will allow for up to a ten (10) percent threshold over the 2011 Annual Limit, as defined in Section C.2.a. (T)
- (2) Each six-month notice received by PG&E will be time and date stamped by PG&E to determine precedence. PG&E will process each six-month notice as described in Section B.2.a, above. The daily batch process for accepting the Six Month Notice To Transfer To Direct Access Service will follow the process established for the NOIs (described in Section C.4.b(5) above) will allow for up to a ten (10) percent threshold above the 2011 Annual Limit.

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

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| Alcantar & Kahl | Defense Energy Support Center | North Coast SolarResources |
| Ameresco | Department of Water Resources | Northern California Power Association |
| Anderson & Poole | Department of the Army | Occidental Energy Marketing, Inc. |
| Arizona Public Service Company | Dept of General Services | OnGrid Solar |
| BART | Division of Business Advisory Services | Praxair |
| BP Energy Company | Douglass & Liddell | R. W. Beck & Associates |
| Barkovich & Yap, Inc. | Downey & Brand | RCS, Inc. |
| Bartle Wells Associates | Duke Energy | Recon Research |
| Bloomberg New Energy Finance | Dutcher, John | SCD Energy Solutions |
| Boston Properties | Economic Sciences Corporation | SCE |
| C & H Sugar Co. | Ellison Schneider & Harris LLP | SMUD |
| CA Bldg Industry Association | Foster Farms | SPURR |
| CAISO | G. A. Krause & Assoc. | Santa Fe Jets |
| CLECA Law Office | GLJ Publications | Seattle City Light |
| | Goodin, MacBride, Squeri, Schlotz & Ritchie | Sempra Utilities |
| CSC Energy Services | Green Power Institute | Sierra Pacific Power Company |
| California Cotton Ginners & Growers Assn | Hanna & Morton | Silicon Valley Power |
| California Energy Commission | Hitachi | Silo Energy LLC |
| California League of Food Processors | International Power Technology | Southern California Edison Company |
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| Calpine | Los Angeles Dept of Water & Power | Sutherland, Asbill & Brennan |
| Cameron McKenna | Luce, Forward, Hamilton & Scripps LLP | Tabors Caramanis & Associates |
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| Casner, Steve | MBMC, Inc. | Tiger Natural Gas, Inc. |
| Chris, King | MRW & Associates | Tioga Energy |
| City of Glendale | Manatt Phelps Phillips | TransCanada |
| City of Palo Alto | McKenzie & Associates | Turlock Irrigation District |
| Clean Energy Fuels | Merced Irrigation District | U S Borax, Inc. |
| Coast Economic Consulting | Mirant | United Cogen |
| Commerce Energy | Modesto Irrigation District | Utility Cost Management |
| Commercial Energy | Morgan Stanley | Utility Specialists |
| Consumer Federation of California | Morrison & Foerster | Verizon |
| Crossborder Energy | NRG West | Wellhead Electric Company |
| Davis Wright Tremaine LLP | New United Motor Mfg., Inc. | Western Manufactured Housing Communities Association (WMA) |
| | Norris & Wong Associates | eMeter Corporation |