

June 14, 2010

The Hon. Myra J. Prestidge, Administrative Law Judge
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Re: Comments of Pacific Gas and Electric Company Supporting Making Permanent the Commission's Section 851 Advice Letter Pilot Program, Most Recently Adopted in Resolution ALJ-244

Dear Judge Prestidge:

Pacific Gas and Electric Company (PG&E) appreciates the opportunity to respond to Chief ALJ Karen Clopton's letter of May 14, 2010, requesting comments on the Commission's advice letter Pilot Program (Pilot Program) for expedited disposition of certain filings required by Public Utilities (P.U.) Code Section 851 (Section 851). As the Commission is well aware, Section 851 requires public utilities to obtain prior authorization from the Commission before selling, leasing, assigning, or otherwise disposing of or encumbering utility property that is not necessary or useful in the provision of utility service.

PG&E appreciates that the Commission promptly adopted Resolution ALJ-244 earlier this year to incorporate amendments to Sections 851 and 853(d) adopted in Assembly Bill (AB) 698 (Skinner) Stats. 2009, ch. 370. While Resolution ALJ-244 updated the prior Resolution (ALJ-202) to conform with current law, it also extended for an additional year (to August 23, 2011) the Pilot Program originally adopted in Resolution ALJ-186 (ALJ-186) and amended by Resolution ALJ-202 to test procedures for expediting Commission consideration of certain categories of Section 851 transactions. The Commission did so in order to allow all interested parties time to provide comments on the following three issues:

- The overall effectiveness of the Pilot Program;
- Any additional proposed changes to the Pilot Program; and
- Whether the Pilot Program should be continued, made permanent, or allowed to expire in August 2011.

In summary, PG&E believes that over the past almost 5 years, the Pilot Program has been increasingly achieving the goal of expediting CPUC decisions on eligible Section 851 transactions, which for PG&E have been non-controversial, very routine matters with a small average transaction

value – and thus are inherently quite ministerial in nature. PG&E presents a few recommendations for further improving the pilot program, including that:

- (1) The Energy Division should rapidly develop and implement an internal CPUC process for routinely and rapidly utilizing the new Director’s Approval Letter for uncontested 851 Advice Letters in which the CPUC is not performing CEQA review; and
- (2) The CPUC should proceed to adopt a “*de minimus*” transaction exemption under Section 853(b), such as exempting all uncontested, non-CEQA transactions with values under \$50,000, because, based on PG&E data, the average associated administrative costs for such transactions appears to exceed the average value of these transactions.

With these types of changes to increase the Pilot Program’s efficiency, PG&E recommends that ALJ-244 be made permanent. PG&E looks forward to continuing to work with CPUC staff in constructive ways to achieve further improvements, including in the ways discussed in these comments, and looks forward to seeing the comments of other parties as well.

1. OVERALL EFFECTIVENESS OF THE PILOT PROGRAM

The stated goal of the Pilot Program was to “simplify the disposition of certain types of Section 851 transactions.” (ALJ-186, p. 1). Since its inception in 2005, PG&E has, in general, found the Commission’s 851 Advice Letter Pilot Program to be a smart and simple approach to achieving greater efficiencies though expedited Commission consideration of eligible categories of Section 851 transactions.

PG&E presents below its tracking data on the **54 Section 851 Advice Letters** PG&E has filed under the Pilot Program since 2005.¹ Despite service on a large list of interested parties, none of PG&E’s Section 851 Advice Letters has been protested, rather the transactions are typically quite routine and of small value,² and all such filings have ultimately been approved by the CPUC without modification.

Had the Pilot Program not been in place, these transactions would have placed a much greater burden on the resources of the Commission, the utilities and other interested parties because the prior formal application process previously required for all Section 851 transactions was clearly too cumbersome for these transactions. Nonetheless, the data in the table below shows that, even

¹ This 54 Advice Letter figure includes filings relating to the sale of Certain Limited Sole Customer-Owned Facilities (D.99-12-030 as modified by D.04-08-031). All of PG&E’s 54 Section 851 Advice Letters have met the Commission’s eligibility criteria for the Pilot Program.

² As shown in the attached spreadsheet summarizing PG&E’s Section 851 filing statistics (Exhibit A), most of PG&E’s 851 Advice Letters are for easements, encroachment agreements and leases (e.g., of utility property for Christmas tree lots, parking lots, sidewalks and bike paths). And some are for sales of small utility facilities like transformers to the sole customer which they serve, when requested by that customer.

though the Pilot Program has resulted in some improvement in time to approval and other efficiencies, the CPUC, as well as utilities and interested parties, still appear to expend disproportionate resources relative to the small size and routine nature of the typical transactions PG&E has filed under the Program.

By implementing the suggestions PG&E provides in Section 2 below, PG&E believes the CPUC's average time to approval can further be improved such that the 120-day period provided in the statute would never be violated. PG&E's belief is based on its experiences to date, as captured in Section 1.A. below:

A. **Although Time to Approval Has Progressively Improved for PG&E's Filings Under the Pilot Program, about a Third of PG&E's 851 Advice Filings Still Take the CPUC Longer than Statute's 120-day Approval Period Indicating Further Improvement is Needed.**

One measure of whether the Pilot Program has succeeded at "simplifying the disposition" of eligible transactions is the average time for approval after filing. Table 1 shows that the CPUC's time to review and approve PG&E's Section 851 advice letters since Resolution ALJ-186 took effect in 2005 has become progressively shorter on average for review and approval of Advice Letters (ALs) filed under the Pilot Program:

PG&E 851 Advice Letters During Pilot Period

Table - 1	Number of ALs	Avg Days to Approval
ALs under ALJ-186 (9/05 - 8/22/07):	23	129
ALs under ALJ-202 (8/23/07 - 02/24/10):	22	89
ALs under ALJ-244 (2/25/10 - present):	3	91
ALs for Sole Customer Facility Sales (D.99-12-030):	6	71
Total	54	

The overall average number of days for Commission approval of advice letters under the Pilot Program (counted as the number of days between the dates PG&E submits its advice letters up to the dates the Commission either issues a resolution or approval letter) is currently 109 days on average, which is within the 120-day timeframe for Commission action on advice letters provided for under statute and the Pilot Program. **Still, approximately one-third of all PG&E 851 Advice Letters to date have taken more than the allotted 120-day period to be approved despite the statutory requirement.** In fact, some uncontested Advice Letters were not approved until 9 to 12 months from filing -- yet none of these Advice Letters was contested and all were ultimately approved. (PG&E attaches as Exhibit B a cumulative listing of all 54 PG&E 851 Advice Letters submitted under the Pilot Program to date. This list complies with ALJ-244, Appendix A, p. 9, Part IX, and was previously provided to Energy Division. However, Exhibit B herein has been updated as of June 14, 2010 and supersedes PG&E's prior submittal.)

PG&E appreciates Energy Division staff's continued efforts aimed at improving its time for issuing 851 Advice Letter approvals. In 2008, PG&E began holding pre-filing meetings two or three times a year with CPUC Staff then-assigned to Section 851 review whenever PG&E had upcoming Advice Filings that included issues that would benefit from prior discussion or involved highly time-sensitive transactions. At these meetings, PG&E was also able to generally discuss 851-related issues and provide input valuable to PG&E's final drafting of the filing, as well as to provide Staff with background information to assist Staff in prioritizing and managing its 851 workload so that, for particularly time-sensitive 851 transactions, the associated ratepayer benefits would not be lost or delayed. PG&E is grateful for Energy Division staff's willingness to work collaboratively in this way, applauds Staff's efforts to improve the time to approval, and hopes this trend will continue.

PG&E believes that another factor helping achieve more expedited approvals is that Staff has become increasingly familiar with the standard form PG&E continues to use for all of its 851 Advice Letters (directly patterned on the categories of information identified as being required under the Pilot Program). PG&E believes consistent use of this form makes it easier for staff to quickly perform its review. PG&E recommends that the Energy Division consider attaching to Resolution ALJ-244 (and/or a successor Resolution) a template "Form for 851 Advice Filings," so that all utilities may easily refer to a standard form that works well for expediting Energy Division's review. PG&E would welcome the opportunity to work with Energy Division in this regard, if desired.

The various departments within PG&E that generate transactions that can be subject to Section 851 process have consistently expressed their pleasure with the Commission's Pilot Program and anticipate that it would be adopted permanently, though they would like to see the CPUC's time to approval further improve, including through utilization of Energy Division Director's new Approval Letter process authorized by AB 698, effective January 1, 2010, and embodied in Resolution ALJ-244 adopted earlier this year.

B. A.B. 698 and the Opportunity For Further Efficiencies

As one means toward achieving greater efficiencies under the Pilot Program, PG&E is proud to have sponsored AB 698 in 2009, with the support of the CPUC, and is pleased that it was adopted by the Legislature and has now become law. This bill consists of two provisions. First, it amended Section 851 to allow the Commission's Executive Director or appropriate Division Director to issue a letter approval for uncontested 851 advice letters for transactions of \$5 million or less and where CPUC environmental (CEQA) review is not required (either as Lead or Responsible Agency). Second, it amended Section 853(d) to allow utilities to use an advice letter rather than a full application to request approval of certain transactions valued at \$5 million or less that require CEQA review by the Commission as a Responsible Agency. However results for the first six months since this bill became law indicate that the CPUC can do more to make the most of the efficiencies these amendments provide for. Therefore, PG&E's comments in

section 2 below suggest some means by which the CPUC could make further progress in achieving the goals of simplification and time-efficiency for uncontested Section 851 advice filings.

Since the CPUC's adoption of Resolution ALJ-244 to incorporate these amendments into the Pilot Program, PG&E is pleased to report that the **Energy Division Director has already issued letter approvals for six PG&E 851 Advice Letters**. PG&E hopes the Energy Division Director and staff will continue this in the future, so as to achieve the greatest efficiency of staff time utilization as well as to further expedite the average time to approval. The Approval Letter process obviates that need for Staff to undertake the "busy work" of regurgitating in Resolution format the showing that has already been presented in the Advice Letter. Rather staff performs the same substantive review, but then attaches the Advice Letter to the Approval Letter. This was in fact Commission practice under Resolution ALJ-186, and that flexibility has been restored under Resolution ALJ-244 as required by AB 698. The Approval Letter process also frees up staff time that would be expended in arranging to place the draft resolution on the CPUC's agenda for an upcoming decision conference (which adds to the delay in the time when the underlying transaction can become effective). PG&E suggests below in Section 2.A. how CPUC could further improve and make more routine its use of the Approval Letter option where appropriate.

2. ADDITIONAL PROPOSED CHANGES TO THE PILOT PROGRAM

While PG&E believes the Pilot Program is generally working well and represents an improvement on the prior requirement that all 851 filings be full applications, PG&E provides some suggestions for improvements that would better achieve the stated goal of simplification and efficiency. Specifically, PG&E recommends that the CPUC:

- Make routine the CPUC's decision to use ED Director Approval Letters for uncontested Section 851 filings; and
- Have the Energy Division explore whether the CPUC should establish a *de minimus* exception to exempt from Section 851 transactions whose value is lower than \$30,000, using P.U. Code Section 853(b) to do so, on the grounds that public policy interests do not warrant the expenditure of ratepayer and taxpayer dollars necessary to process such approvals since the average value of such approvals is far below the cost to review them.

A. The CPUC Should Make Routine And More Prompt its Use of the Industry Division Director Level Approval for Uncontested Section 851 Advice Filings.

PG&E believes it is time for the CPUC to take further steps to address the practical realities discussed above in Section 1, and to better ensure that ratepayer benefits, such as lease revenues, are not lost or delayed due regulatory lag. Therefore, PG&E recommends that the CPUC

proceed now to **set up routine internal processes and dedicate a portion of certain staff's time to ensure that the CPUC issues an Approval Letter as promptly as possible after no protests have been received** on an eligible 851 Advice Letter (i.e., start the Approval Letter process shortly after the deadline to protest these Advice Letters which is 20-days after it is filed and served).

PG&E is pleased that since the adoption of ALJ-244, Section 851 authorization has been already granted through Energy Division Director Approval Letters for seven uncontested transactions. (Four were pending but not decided at the time ALJ-244 became effective, and three were filed since ALJ-244 was adopted.) Still, **the average time to approval for the most recent 3 uncontested Section 851 Advice Letters was 91 days** (a full 3 months), even with an Approval Letter disposition. PG&E believes this 91 day recent average approval interval could fairly easily be reduced to more like 45 to at most 60 days now that the CPUC has gained initial experience in using this efficient tool. For example, a "tickler" could be placed into several responsible Staff members' calendars that would cause there to be an automatic confirmation shortly after the 20-day protest period expired for each Section 851 Advice Filing as to whether any protests had been filed. Where there have been no protests, the Energy Division's review of the transaction could commence and an Approval Letter could be issued soon thereafter, if appropriate. Performance review metrics could also be aligned with incentivizing prompt issuance of 851 approvals.

By taking such steps, the CPUC should be able to use the Approval Letter process to further reduce its average time to approval -- possibly to something like 45 or at most 60 days from filing. Establishing routine processes for timely use of this important tool should also enable the CPUC to avoid exceeding the 120-day statutory time-frame, which unfortunately has happened with over a third of PG&E's 851 Advice Filings to date under the Pilot Program.

B. The CPUC Should Explore whether the CPUC should Make *De Minimus* Transactions Exempt Under P.U. Code Section 853(b), at least for Energy Utilities.

While the Advice Letter Pilot Program has helped to avoid some of the pre-Pilot inefficiencies in the expenditure of CPUC staff, utility and other parties' time on what are generally very routine matters or nominal value, as discussed above, PG&E believes the outlay of staff time to date still represents a disproportionate allocation of resources relative to the average Section 851 transactional value and relatively low importance relative to other matters the CPUC must address.

Out of the 54 filings PG&E has made under the Pilot Program to date, approximately 32 Advice Letters (or 59%) were under \$50,000 and approximately 25 Advice Letters (or 46%) were for transactions under \$10,000 in value.³ For example, approximately one-third of PG&E's Section 851 Advice Letters to date were for routine easement transactions with an average value of \$15,602.47.

However the value of time expended in preparation of the Advice Letter showing plus the CPUC staff's time for review and approval, on average, combines to about \$11,000.⁴ If the CPUC had adopted a \$30,000 *de minimus* exception in mid-2008, using PG&E's 851 Advice Letters decided in 2009 – 2010 as an example, 13 filings would not have been needed, the average value of which was \$416, far below the average estimated administrative costs of \$11,000 for each such filing. PG&E believes there is good public policy reason to investigate whether Section 853(b) should now be utilized to implement a *de minimus* exception. If the CPUC had previously adopted a \$30,000 *de minimus* threshold, the average value of PG&E's transactions that would have been avoided would still only be \$5,492, still well below the \$11,000 average cost for processing. Even if the CPUC had adopted a \$50,000 threshold, the average value of the PG&E transactions that would have been eligible still comes to only \$9,434, which also remains below the \$11,000 average staffing time costs for processing these 851 Advice Filings.

When the CPUC adopted Resolution ALJ-186 it specifically noted that “we will consider further use of exemptions from Section 851 under Section 853(b).” (ALJ-186, p. 2.)

³ Attached as Exhibit C is a cumulative listing of PG&E's 851 Advice Letters sorted by transaction value, which shows those transactions that, had the CPUC adopted a \$30,000 threshold for a *de minimus* exception, would not have been eligible for such treatment due to either their value being under \$30,000 or because they involve a existing CEQA documentation

⁴ PG&E calculated this \$11,000 figure as follows. PG&E first reviewed the number of hours its attorney and supporting 851 staff have expended on preparation of all Section 851 Advice Letter showings for 2009 and through April 2010 (14 filings), which comes to an average of about 70 hours per filing (with some Advice Letters being far lower, and others higher depending on the transaction's level administrative difficulty). PG&E then multiplied this figure times the per hour wages attributable these personnel based on their overall pay rates, PG&E then estimated that various CPUC staff would likely expend a total of approximately 25 hours to review, draft an 851 Resolution vet that draft resolution internally and externally, and place it on the CPUC's agenda. More recently, with the implementation of ALJ-244, the Energy Division Director may issue Approval Letters for uncontested 851s per AB 698, a process that has so far been used for 3 Advice Letters. PG&E suspects that the total CPUC staff hours necessary to review the Advice Letter and secure an Energy Division Director's Approval Letter could be something on the order of about 8 hours. PG&E assumes a \$90/hour blended average value attributable to the various CPUC staff who are likely involved with 851 Advice Letter processing. The result was that a full Resolution would cause expenditure of \$11,044 worth of time being paid for by ratepayers, and that an Approval Letter would reduce that level of expenditure to about \$9,694 per Advice Letter, on average. The CPUC could of course seek input from staff and interested parties, to further refine this rough cut at an efficiency analysis as part of proceeding to evaluate implementation of a *de minimus* exception, either through additional comments and/or workshops.

PG&E believes that, at least for energy utilities, the CPUC has enough experience under the Pilot Program to now take steps to utilize P.U. Code Section 853(b) to implement a *de minimus* exception to Section 851 approvals of transactions that are under a certain amount (and PG&E suggests that a threshold between \$30,000 - \$50,000 be explored).⁵ Anything that can allow the CPUC to focus its precious resources on higher priority matters would be prudent public policy. Exempting transactions whose regulatory processing costs are greater than the average values of those same transactions makes good, pragmatic sense, especially given a track record of no known protests to 851 Advice Letters (at least for PG&E). A further benefit is that reducing the total number of 851 Advice Letters as to which CPUC staff time must be allocated should also help the CPUC to ensure that all of the remaining 851 Advice Letters are acted on before 120-day approval period expires.

3. THE PILOT PROGRAM SHOULD BE MADE PERMANENT

Given that the Section 851 statute includes the key Advice Letter eligibility provisions as a requirement, PG&E continued to believe that CPUC cannot legally “allow the Pilot Program to expire in August 2011” lest it violate the statute itself.⁶ The regulatory details provided in Resolution ALJ-244 remain helpful to parties to provide further clarity on how the statute’s provision for such Advice Letter filings is to be implemented.

⁵ PG&E proposes that *de minimis* transactions be defined as transactions that meet all of the criteria for advice letters under the Pilot Program (as modified pursuant to PG&E’s proposals) with one exception: the fair market value thresholds would be \$50,000 (or possibly as low as \$30,000 depending on the CPUC’s own investigation of the relevant data). This exemption would not apply to transactions that involve activities for which environmental review required under CEQA has already been performed by an entity other than the Commission acting as lead agency (consistent with AB 698’s amendments to Section 853(d)). PG&E recommends that in adopting a *de minimus* exemption, the CPUC require utilities to provide an annual, after the fact notification to the applicable Industry Division of all such *de minimus* transactions. Such notice could include the name of the third party, the nature of the transaction, the fair market value of the transaction, and the date on which it was entered, as well as any other information the CPUC wishes to track regarding such exempt transactions.

⁶ Resolution ALJ-244 itself stated the third issue differently than did Chief ALJ Clopton’s letter. The Resolution itself focused on: “Whether the Pilot Program should be continued, made permanent, or *modified without conflicting with the statute itself*.” (Resolution ALJ-244, p. 1, emphasis added.) This language had been suggested in PG&E’s February 2010 comments on the draft Resolution, which pointed out that the CPUC cannot legally entirely “eliminate” this Advice Letter process because it is expressly provided for in the statute, at least for eligible transactions (not exceeding \$5 million and not requiring CPUC review as lead agency). The Pilot Program builds upon and fleshes out how the statute is to be implemented but the CPUC cannot change its terms without an action of the Legislature.

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Therefore, for the reasons stated above, PG&E recommends that the Pilot Program be made permanent, and that the CPUC implement the requested improvements to even better achieve the goal of simplifying and making as efficient as possible the CPUC's Section 851 process.

Sincerely,

/s/

Gail L. Slocum
Attorney for PG&E

GLS/tvu

Enclosures

Cc: (both electrically and in hard copy)
ALJ Janet Econome
Chief ALJ Karen Clopton
Wendy AL Mukdad, Energy Division
Andrew Barnsdale, Energy Division
Peter Allen, Legal Division

Exhibit A

Exhibit A Section 851 Statistics

Filed	Applications	Days to Approval	Pending	Advice Letters	Avg Days to Approval	Pending Approval	Total 851's
2010	0	0		3	137		3
2009	1	91		12	101		13
2008	4	157		9	91		13
2007	2	170		14	116		16
2006	2	322		12	106		14
2005	14	166		3	165		17
2004	17	162		0	-		17
2003	13	164		1	40		14
2002	15	142					15
2001	9	218					9
2000	9	0					9
1999	16	143					16
1998	17	625					17
1997	6	757					6
1996	3	524					3
	128			54			

(1) A.00-06-010 (110) and A.03-05-012 (256) filings counted as two applications although they represented 366 transactions from the 1990's (See D.04-07-023 and D.04-07-021, respectively).

S851 Advice Letters (ALJ 186/202/244)

No. Advice Letters:	54
Easements	17
Encroachments	9
Gas Gathering System Sale	6
Sole Customer Facility Sale	6
Leases	4
Facilities Relocation	2
Consent Agreement	2
Property Transfer	2
Land Sale	1
Streetlight Sale	1
Deed Restriction	2
Power Plant Sale (non-operational)	1
Master License Agreement	1

Shortest approval: 34 Days
 Longest approval: 333 Days
Average: 109 Days

No. Advice Letters filed pursuant to ALJ-186 (9/05 - 8/22/07):	23	129
No. Advice Letters filed pursuant to ALJ-202 (8/23/07 - 02/24/10):	22	89
No. Advice Letters filed pursuant to ALJ-244 (2/25/10 - present):	3	137
No. Advice Letters filed pursuant Sole Customer Facility D.99-12-030:	6	71
Total	54	

S851 Advice Letters - 2009 Only

No. Advice Letters:	12
Easements	5
Encroachments	2
Gas Gathering System Sale	2
Sole Customer Facility Sale	1
Leases	2

S851 Advice Letters - 2010 Only

No. Advice Letters:	3
Easements	0
Encroachments	1
Gas Gathering System Sale	0
Sole Customer Facility Sale	0
Deed Restriction	1
Master License Agreement	1

Days to Approval

S851 Applications

No. Applications in database:	128
Sales	76
Easements	22
Leases	9
Licenses	9
Encroachments	2
Other	10

Shortest approval: 33 Days
 Longest approval: 2,012 Days
Average: 295 Days

S851 Applications - 2009 Only

No. Applications:	1
Easements	1

Exhibit B

Exhibit B
PGE 851 Advice Letters
Cummulative Report Per ALJ-244, Appendix A, Part IX, p.9

File No.	Application Number	Filing Date	Webdocs / Web Tariff Book Name	Authorization Requested	Transaction Type	Decision Number	Decision Date	Granted Under	Transaction Amount	No. Days to Approval	Effective Date	CEQA
54	AL 3112-G/3654-E	4/23/2010	S851 Foster	Foster Interstate Media, Inc. Master License Agreement Under Section 851	Master License Agreement	Executive Director Letter	6/14/2010	ALJ-244	Dependent on future Site Licenses	52	6/14/2010	"No Project" Under CEQA Guideline 15378
53	AL 3630-E	3/8/2010	S851 Pt. Buchon	Pt. Buchon Trail Approval of Deed Restriction Under Section 851	Deed Restriction	Executive Director Letter	6/11/2010	ALJ-244	0	95	6/11/2010	CEQA "Sections 15060(c)(1) and 15300.0 and PRC Setion 21080"
52	AL 3095-E	2/12/2010	S851 Johnson	Johnson Barn Encroachment in San Luis Obispo County - Request for Approval of Encroachment Agreement Under Section 851	Encroachment	Executive Director Letter	6/11/2010	ALJ-244	\$1,000	119	6/11/2010	Categorical Exemption "Sections 15305(b) and 15303"
51	AL 3043-G/3520-E	9/2/2009	S851 360networks	Grant of Easement to 360networks (USA), Inc., to Use and Maintain an Easement Across PG&E Property in Shasta County - Request for Approval Under Section 851	Easement	Executive Director Letter	6/11/2010	ALJ-244	\$0	282	12/31/2009	"No Project" Under CEQA
50	AL 3582-E	12/22/2009	S851 Peckham	Peckham Underground Sewer Line Easement - Request for Approval Under Section 851	Easement	Executive Director Letter	4/7/2010	ALJ-244	\$1,000	106	3/25/2010	Categorical Exemption under Sections 15303(d) and 15304(f)
49	AL 3071-G	12/21/2009	S851 Anacapa	Sale of a Gas Gathering Pipeline System and Assignment of Land Rights in Sutter County to Anacapa Oil Corporation - Section 851 Transaction	Gas Gathering Facility Sale	Executive Director Letter	4/7/2010	ALJ-244	\$50,403.50	107	3/25/2010	"No Project" Under CEQA Guideline 15378
48	AL 3552-E	11/2/2009	S851 Tevis	City of Bakersfield Buena Vista Road Widening Easement Near PG&E Tevis Substation - Request for Approval Under Section 851	Easement	Executive Director Letter	4/7/2010	ALJ-244	\$27,400.00	156	3/25/2010	Categorical Exemption "Section 15303(d), 15303(e), 15304(a)(b), 15301(c)"
47	AL 3553-E	11/3/2009	S851 Bohemia	Bohemia Bridge and Storm Drainage Easement Modification (PG&E Wise Canal, Placer County) - Request for Approval Under Section 851	Easement	Res. E-4306	12/17/2009	ALJ-202 851	\$0	44	12/17/2009	Categorical Exemption "Section 15301(b)"
46	AL 3052-G	10/9/2009	S851 Sale of Gas Gathering Pipeline to Atlantic Oil	Sale of a Gas Gathering Pipeline System and Assignment of Land Rights in Colusa County to Atlantic Oil Company - Section 851 Transaction	Gas Gathering Facility Sale	Res. G-3442	1/21/2010	ALJ-202 851	\$35,483.64	104	1/21/2010	"No Project" Under CEQA Guideline 15378
45	AL 3531-E	9/25/2009	S851 Jourdain	The Jourdain Family Trust Easement, Amador County - Request for Approval Under Section 851	Easement	Res.E-4290	2/25/2010	ALJ-202 851	\$500	153	2/25/2010	Categorical Exemption "Sections 15305 and 15305(a)"
44	AL 3480-E	6/24/2009	S851 Healdsburg Water Well Encroachment	Healdsburg Water Well Encroachment - Request for Approval of Encroachment Agreement Under Section 851	Encroachment	Res. E-4303	12/3/2009	ALJ-202 851	\$0	162	12/3/2009	Categorical Exemption "Sections 15305(b) and 15303"

Exhibit B
PGE 851 Advice Letters
Cummulative Report Per ALJ-244, Appendix A, Part IX, p.9

File No.	Application Number	Filing Date	Webdocs / Web Tariff Book Name	Authorization Requested	Transaction Type	Decision Number	Decision Date	Granted Under	Transaction Amount	No. Days to Approval	Effective Date	CEQA
43	AL 3499-E	7/21/2009	S851 Cal-Peak Lease Amendments	Lease Amendment With CalPeak Power, LLC, for Siting Generation on Land Adjacent to Utility Substations on an Expedited Basis – Request for Approval Under Section 851	Lease	Res. E-4279	10/15/2009	ALJ-202 851	\$118,000/Yr with CPI Escalation	86	10/15/2009	"No Project" Under CEQA Guideline 15378
42	AL 3475-E	6/11/2009	S851 Wohlwend Encroachment	Request for authority under (PU) Code Section 851 to authorize the encroachment into a certain PG&E electric transmission easement in El Dorado County.	Encroachment	Res. E-4267	8/20/2009	ALJ-202 851	\$0	70	8/20/2009	Categorical Exemption "Section 15378"
41	AL 3471-E	6/5/2009	S851 Lakeshore Resort Lease	Request for approval under Public Utilities Code §851 to enter into a 20-year lease agreement with Mr. And Mrs. Dewitt Henderson allowing tenants to operate the Lakeshore Resort.	Lease	Res. E-4270	8/20/2009	ALJ-202 851	\$10K/Yr Starting 2014 \$15/Yr Starting 2019 \$15K Starting 2024	76	8/20/2009	Categorical Exemption "Section 15061(b)(3)"
40	AL 3454-E	4/28/2009	851 Sale of Electric Facilities to Granite Construction	Granite Construction Company Sole Customer Facility Sale Request for Approval Under Section 851	Sole Customer Facility Sale	E-4247	6/18/2009	D.99-12-030 D.04-08-031	\$68,749	51	6/18/2009	Categorical Exemption "Section 15302"
39	AL 3371-E	12/17/2008	S851 Sale of Electric Facilities to CDCR	Request for approval pursuant to the authority granted in Decisions (D.) 99-12-030 and 04-08-031, for the proposed sale of limited sole-customer public utility facilities to California Department of Corrections and Rehabilitation.	Sole Customer Facility Sale	Res. G-3430	1/29/2009	D.99-12-030 D.04-08-031	\$1	43	1/29/2009	Categorical Exemption "Section 15301(b)"
38	AL 3371-E	12/1/2008	S851 Sale of Electric Facilities to St. Joseph Hospital	Request for approval pursuant to the authority granted in Decisions (D.) 99-12-030 and 04-08-031, for the proposed sale of limited sole-customer public utility facilities to St. Joseph Hospital.	Sole Customer Facility Sale	Res. E-4252	6/18/2009	D.99-12-030 D.04-08-031	\$28,974	199	6/18/2009	Categorical Exemption "Section 15302"
37	AL 3343-E	9/23/2008	S851 Fresno Service Center Sidewalk Easement	Request for approval under § 851 authorizing PG&E to enter into with the City of Fresno a non-exclusive public pedestrian walkway easement agreement to fulfill a condition of the Conditional Use Building Permit issued by the City for the redevelopment of	Easement	Res. E-4211	12/4/2008	ALJ-202 851	\$0	72	12/4/2008	"No Project" Under CEQA Guideline 15378(a)
36	AL 3338-E	9/8/2008	S851 Sale of Electric Facilities to McEvoy Power LLC	Request for approval pursuant to the authority granted in Decisions (D.) 99-12-030 and 04-08-031, for the proposed sale of limited sole-customer public utility facilities to McEvoy Power L.L.C. ("McEvoy")	Sole Customer Facility Sale	Res. E-4218	12/18/2008	D.99-12-030 D.04-08-031	\$108,107	101	12/18/2008	Exempt "Same Use"

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35	AL 3336-E	9/4/2008	S851 Sale of Kern Power Plant Property	Request for approval under Section 851 to sell its non-operating Kern Power Plant facility and associated equipment located within the City of Bakersfield, along with approximately 120 acres of the 152-acre property to World Oil Corp.	Power Plant Sale	Res. E-4224	1/29/2009	ALJ-202 851	\$5,000,000	147	1/29/2009	Transfer "No Project" Under CEQA Guideline 15378(a). 70kV Bus Structure activity Exempt Under Section 15301(b) and/or (d).
34	AL-2947-G	8/7/2008	S851 City of Suisun Pedestrian Bridge Encroachment	Request for approval under Section 851 to consent to grant the City of Suisun an encroachment agreement to construct and maintain a prefabricated pedestrian bridge across a PG&E gas line easement.	Encroachment	Res. E-3423	9/18/2008	ALJ-202 851	\$0	42	9/18/2008	City, as Lead Agency, found Exempt Under Section 15301(c) and 15304(h).
33	AL-3286-E	6/27/2008	S851 Power Partners Southwest, LLC, Easements	Request for approval under Section 851 to consent to grant Power Partners Southwest, LLC, the use of two easements that cross private property on which PG&E has existing exclusive easements to construct underground collection lines and a gravel access road	Easement	Res. E-4191	8/21/2008	ALJ-202 851	\$0	55	8/21/2008	Categorical Exemption "Section 15304(f) and 15303(d)"
32	AL-3282-E	6/17/2008	S851 SGIP Equipment Transfer/ Removal	Request for approval under Public Utilities Code §851 to authorize the California Self-Generation Incentive Program ("SGIP") to transfer self-generation technology and monitoring equipment to program participants in exchange for program performance data.	Transfer/ Removal	Res. E-4190	8/21/2008	ALJ-202 851	\$1.00	65	8/21/2008	Categorical Exemption "Section 15306"
31	AL-2912-G	3/12/2008	S851 Sale of Gas Gathering Pipeline to Rosetta Resources Operation, LP.	Request for approval under Section 851 to sell a segment of operating gas gathering pipeline with associated appurtenances and the assignment of associated (land rights) easements to Rosetta Resources Operating, LP.	Gas Gathering Facility Sale	Res. G-3416	6/12/2008	ALJ-202 851	\$1,339,317.00	92	6/12/2005	"No Project" Under CEQA Guideline 15378(a)
30	AL-2876-G	10/12/2007	S851 Sale of Gas Gathering Pipeline to TexCal (Tuttle) Energy	Request for approval under Section 851 to sell a segment of operating gas gathering pipeline with associated appurtenances and the assignment of associated easement agreements to TexCal Energy, LP.	Gas Gathering Facility Sale	Res. G-3412	2/28/2008	ALJ-202 851	\$55,531.21	139	2/28/2008	"No Project" Under CEQA Guideline 15378(a)
29	AL-3158-E	11/28/2007	S851 Dana and Kimberly Ryan Road and Utility Easement	Request for approval under S851 to grant Dana and Kimberly Ryan a non-exclusive road and utility easement to use an existing maintenance road on and over a portion of PG&E electric transmission fee strip property.	Easement	Res. E-4147	2/14/2008	ALJ-202 851	\$2,800.00	78	2/14/2008	"No Project" Under CEQA Guideline 15378(a)

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28	AL-3156-E	11/15/2007	S851 Elkhorn Slough Foundation Pipeline Easement	Request for approval under Public Utilities Code §851 to Elkhorn Slough Foundation Pipeline as easement to install and maintain a water pipeline across PG&E-owned property to enhance adjacent wetland habitat property.	Easement	Res. E-4145	1/10/2008	ALJ-202 851	\$10,000.00	56	1/10/2008	Categorical Exemption "Section 15304(f)"
27	AL-3154-E	11/7/2007	S851 County of Santa Cruz Sidewalk Easement	Request for approval under Public Utilities Code §851 to grant the County of Santa Cruz a non-exclusive easement to construct and maintain a sidewalk for public use within a portion of PG&E electric substation fee property.	Easement	Res. E-4144	12/20/2007	ALJ-202 851	\$2,500.00	43	12/20/2007	Categorical Exemption "Section 15301"
26	AL-3134-E	10/10/2007	S851 County of Shasta Road & Utility Easement	Request for approval under Public Utilities Code §851 to grant an easement for road and utility purposes within a portion of PG&E electric substation fee property in Shasta County.	Easement	Res. E-4130	12/20/2007	ALJ-202 851	\$200.00	71	12/20/2007	"No Project" Under CEQA Guideline 15378(a)
25	AL-3080-E	7/6/2007	S851 Bakersfield Streetlight Sale	Sale and Conveyance of Certain Electric Streetlight Facilities to the City of Bakersfield.	Streetlight Sale	Res. E-4130	12/20/2007	ALJ-186 851	\$194,894.00	167	12/20/2007	Exempt "Same Use"
24	AL-2831-G	5/4/2007	S851 Sale of Gas Gathering Pipeline to Vintage Production (Andreotti)	Request for approval under Section 851 to sell a segment of operating gas gathering pipeline with associated appurtenances and the assignment of associated easement agreements to Vintage Production California, LLC.	Gas Gathering Facility Sale	Res. G-3411	12/6/2007	ALJ-186 851	\$30,778.50	216	12/6/2007	Exempt "Same Use"
23	AL 3028-E	4/3/2007	S851 Lennar Masonry Block Wall Encroachment Agreement	Request for Approval Under Section 851 to enter into an encroachment agreement with Lennar Fresno to construct decorative masonry block walls within a PG&E transmission easement and ROW.	Encroachment	Res. E-4099	2/14/2008	ALJ-186 851	0	317	2/14/2008	MND
22	AL-3054-E	5/18/2007	S851 Folsom Bike Trail Easement	Request for approval under Section 851 to grant to the City of Folsom an easement over PG&E electric transmission corridor for the construction of a bike path.	Easement	Res. E-4105	6/21/2007	ALJ-186 851	\$152,000.00	34	6/21/2007	Categorical Exemption "Section 15304"
21	AL 2994-E	2/27/2007	S851 Saintsbury Winery Easement Encroachment	Request for Approval Under Section 851 to enter into an encroachment agreement with Saintsbury Winery to construct a solar collection system within a PG&E easement	Encroachment	Res. E-4089	5/24/2007	ALJ-186 851	0	87	5/24/2007	Categorical Exemption "Section 15303"
20	AL 2807-G/2983-E	2/13/2007	S851 Shea Mountain House Relocation of Facilities	Request for Approval Under Section 851 to relocate certain gas and electric facilities from a non-exclusive easement to a franchise area in County of San Joaquin.	Facilities Relocation	Res. E-3400	5/24/2007	ALJ-186 851	\$1	100	5/24/2007	MEIR

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19	AL 2971-E	1/19/2007	S851 Mendocino County Relocation of Facilities	Request for Approval Under Section 851 to relocate overhead electric facilities from a non-exclusive easement to an underground location in a franchise area in County of Mendocino.	Facilities Relocation	Res. E-4100	6/21/2007	ALJ-186 851	None	153	6/21/2007	Exempt "Same Use"
18	AL 2799-G	1/18/2007	S851 Fort Mojave Indian Tribe Property Transfer	Request for Approval Under Section 851 to transfer land in San Bernardino County to the Fort Mojave Indian Tribe	Property Transfer	Approval Letter	4/14/2007	ALJ-186 851	None	86	3/4/2007	Exempt "Same Use"
17	AL 2966-E	1/9/2007	S851 Haws and McGarva Water Well Easement Agreements	Request for approval under Section 851 for the installation, operation, maintenance and use of a domestic water well on two individual parcels of land owned by Haws and McGarva, respectively, for which PG&E owns all surface and subsurface water and water	Easement	Approval Letter	3/27/2007	ALJ-186 851	One-time payment of \$982	77	2/23/2007	Categorical Exemption "Section 15303"
16	AL 2945-E	12/8/2006	S851 Blanchard Mobile Home Lease Agreement	Request for approval under Section 851 to enter into a ground lease agreement with Robert Blanchard, Jr. for the maintenance of an existing mobile home in support of cattle grazing activity on PG&E's property known as Pecho Ranch.	Lease	Approval Letter	1/24/2007	ALJ-186 851	Annual fee payment of \$120	47	1/22/2007	Categorical Exemption "Section 15303"
15	AL 2907-E	9/27/2006	S851 Sale of Certain Parcels of Land in Solano County	Request for approval under Section 851 to sell and convey six parcels of unimproved real property located in the City of Dixon, County of Solano.	Land Sale	Approval Letter	3/27/2007	ALJ-186 851	One-time payment of \$71,139	181	11/11/2006	Exempt "Same Use"
14	AL 2900-E	9/8/2006	S851 European Grove Sound Wall Encroachment	Request for confirmation of exemption under Section 853(b) or, in the alternative, for approval under Section 851.	Encroachment	Approval Letter	3/27/2007	ALJ-186 851	None	200	10/23/2006	MND
13	AL 2747-G	7/26/2006	S851 Sale of Gas Gathering Pipeline to Vintage Production	Request for approval under Section 851 to sell a segment of operating gas gathering pipeline with associated appurtenances and the assignment of associated easement agreements to Vintage Production California, LLC.	Gas Gathering Facility Sale	Approval Letter	9/9/2006	ALJ-186 851	One-time payment of \$16,500	45	9/9/2006	Exempt "Same Use"
12	AL 2743-G/2859-E	7/11/2006	S851 Shiloh I (aka Shiloh II) Wind Plant Project Access Road	Request for approval to consent to Shiloh's use of PG&E's exclusive easement to construct, use, and maintain an access road in Solano County.	Consent Agreement	G-3393	12/11/2006	ALJ-186 851	None	153	11/30/2006	EIR
11	AL 2738-G/2847-E	6/19/2006	S851 Diocese of Oakland Storm Drain Easement	Request for approval under Section 851 to grant to the Roman Catholic Bishop of Oakland ("Diocese of Oakland") an easement for a storm drain across PG&E property.	Easement	Approval Letter	8/3/2006	ALJ-186 851	One-time payment of \$2,500	45	8/3/2006	Categorical Exemption "Section 15303"

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10	AL 2844-E	6/15/2006	S851 Deed Restriction at Humboldt Bay PP Site	Request for approval under Section 851 to grant a deed restriction for a public access trail in consideration of a Coastal Development Permit for the construction and operation of a spent nuclear fuel storage facility at Humboldt Bay Power Plant site.	Deed Restriction	Approval Letter	7/30/2006	ALJ-186 851	None	45	7/30/2006	California Coastal Commission conducted a functionally equivalent CEQA review
9	AL 2826-E	5/10/2006	S851 County of Yuba Public Road Easements	Requests approval under Section 851 to grant to Yuba County three easements for major public access roads for across electric transmission fee strip property as part of a subdivision improvement project.	Easement	E-4037	1/11/2007	ALJ-186 851	One-time payment of \$7,500	246	Executed and recorded 3/14/2007, LD 21 14-04-0455.	MND
8	AL 2825-E	5/8/2006	S851 Granting of PG&E Easements to Paul S. Taybi	Request for clarification that certain easements to Paul S. Taybi for the construction of driveways are exempt from Commission approval under G.O. 69-C, or in the alternative approval/exemption under 851/853(b)	Easement	Approval Letter	6/22/2006	ALJ-186 No clarification provided	One-time payment of \$24,860	45	6/22/2006	Categorical Exemption "Section 15303"
7	AL 2801-E	3/15/2006	S851 Michael and Jennifer Mojica Easements Encroachment	Request for confirmation of exemption under Section 853(b), or retroactive 851 approval, of encroachment for swimming pool in Kern County.	Encroachment	Approval Letter	9/21/2006	ALJ-186 No clarification provided	None	190	5/1/2006	Categorical Exemption "Section 15303"
6	AL 2787-E	2/17/2006	S851 Nextel 800 MHz Asset Lease	Request for approval under Section 851 to lease 800 MHz assets to Nextel.	Lease	Approval Letter	4/3/2006	ALJ-186 851	\$3.1M in billing credits with additional \$200K if the two options for one-year extensions are exercised.	45	4/3/2006	Categorical Exemption "Section 15060"
5	AL 2741-E	11/23/2005	S851 De Young Properties Sound Wall Encroachment	Request for authorization to construct a concrete block sound wall within in Fresno County.	Encroachment	Approval Letter	1/11/2006	ALJ-186 853(b)	None	49	1/11/2006	MND
4	AL 2737-E	11/14/2005	S851 City of Bakersfield Public Road Easement	Request for approval under Section 851 to grant an easement to the City of Bakersfield for access, construction, maintenance, and use of a major public access road over PG&E property.	Easement	Approval Letter	10/13/2006	ALJ-186 851	One-time payment of \$33,000	333	10/13/2006	MND
3	AL 2714-E	9/22/2005	S851 Shiloh I Wind Plant Project	Request for authorization to construct, use, and maintain electric distribution line facilities in Solano County.	Consent Agreement	E-3970	1/12/2006	ALJ-186 851	None	112	1/12/2006	EIR
2	AL 2813-E	4/12/2006	S851 Sale of Electric Facilities to Morning Star	Request for approval pursuant to the authority granted in Decisions (D.) 99-12-030 and 04-08-031, for the proposed sale of limited sole-customer public utility facilities to Morning Star Packing Company	Sole Customer Facility Sale	Approval Letter	5/12/2006	D.99-12-030 D.04-08-031	None	30		Exempt "Same Use"

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1	<u>AL 2366-E</u>	4/8/2003	S851 Sale of Electric Facilities to Zahra	Request for approval pursuant to the authority granted in Decisions (D.) 99-12-030 and 04-08-031, for the proposed sale of limited sole-customer public utility facilities to Zahra properties Inc.	Sole Customer Facility Sale	<u>Approval Letter</u>	5/18/2003	D.99-12-030 D.04-08-031	None	40		Exempt "Same Use"

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Advice Letters with Transactional Values Less Than \$30,000 that Would Qualify as DE MINIMUS												
1	AL 2971-E	1/19/2007	S851 Mendocino County Relocation of Facilities	Request for Approval Under Section 851 to relocate overhead electric facilities from a non-exclusive easement to an underground location in a franchise area in County of Mendocino.	Facilities Relocation	Res. E-4100	6/21/2007	ALJ-186 851	\$0	153	6/21/2007	Exempt "Same Use"
2	AL 2799-G	1/18/2007	S851 Fort Mojave Indian Tribe Property Transfer	Request for Approval Under Section 851 to transfer land in San Bernardino County to the Fort Mojave Indian Tribe	Property Transfer	Approval Letter	4/14/2007	ALJ-186 851	\$0	86	3/4/2007	Exempt "Same Use"
3	AL 2801-E	3/15/2006	S851 Michael and Jennifer Mojica Easements Encroachment	Request for confirmation of exemption under Section 853(b), or retroactive 851 approval, of encroachment for swimming pool in Kern County.	Encroachment	Approval Letter	9/21/2006	ALJ-186 No clarification provided	\$0	190	5/1/2006	Categorical Exemption "Section 15303"
4	AL 2813-E	4/12/2006	S851 Sale of Electric Facilities to Morning Star	Request for approval pursuant to the authority granted in Decisions (D.) 99-12-030 and 04-08-031, for the proposed sale of limited sole-customer public utility facilities to Morning Star Packing Company	Sole Customer Facility Sale	Approval Letter	5/12/2006	D.99-12-030 D.04-08-031	\$0	30		Exempt "Same Use"
5	AL 2366-E	4/8/2003	S851 Sale of Electric Facilities to Zahra	Request for approval pursuant to the authority granted in Decisions (D.) 99-12-030 and 04-08-031, for the proposed sale of limited sole-customer public utility facilities to Zahra properties Inc.	Sole Customer Facility Sale	Approval Letter	5/18/2003	D.99-12-030 D.04-08-031	\$0	40		Exempt "Same Use"
6	AL 3630-E	3/8/2010	S851 Pt. Buchon	Pt. Buchon Trail Approval of Deed Restriction Under Section 851	Deed Restriction	Executive Director Letter	6/11/2010	ALJ-244	0	95	6/11/2010	CEQA "Sections 15060(c)(1) and 15300.0 and PRC Section 21080"
7	AL 3043-G/3520-E	9/2/2009	S851 360networks	Grant of Easement to 360networks (USA), Inc., to Use and Maintain an Easement Across PG&E Property in Shasta County - Request for Approval Under Section 851	Easement	Executive Director Letter	6/11/2010	ALJ-244	\$0	282	12/31/2009	"No Project" Under CEQA
8	AL 3553-E	11/3/2009	S851 Bohemia	Bohemia Bridge and Storm Drainage Easement Modification (PG&E Wise Canal, Placer County) - Request for Approval Under Section 851	Easement	Res. E-4306	12/17/2009	ALJ-202 851	\$0	44	12/17/2009	Categorical Exemption "Section 15301(b)"
9	AL 3480-E	6/24/2009	S851 Healdsburg Water Well Encroachment	Healdsburg Water Well Encroachment – Request for Approval of Encroachment Agreement Under Section 851	Encroachment	Res. E-4303	12/3/2009	ALJ-202 851	\$0	162	12/3/2009	Categorical Exemption "Sections 15305(b) and 15303"
10	AL 3475-E	6/11/2009	S851 Wohlwend Encroachment	Request for authority under (PU) Code Section 851 to authorize the encroachment into a certain PG&E electric transmission easement in El Dorado County.	Encroachment	Res. E-4267	8/20/2009	ALJ-202 851	\$0	70	8/20/2009	Categorical Exemption "Section 15378"

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11	AL 3343-E	9/23/2008	S851 Fresno Service Center Sidewalk Easement	Request for approval under § 851 authorizing PG&E to enter into with the City of Fresno a non-exclusive public pedestrian walkway easement agreement to fulfill a condition of the Conditional Use Building Permit issued by the City for the redevelopment of	Easement	Res. E-4211	12/4/2008	ALJ-202 851	\$0	72	12/4/2008	"No Project" Under CEQA Guideline 15378(a)
12	AL-2947-G	8/7/2008	S851 City of Suisun Pedestrian Bridge Encroachment	Request for approval under Section 851 to consent to grant the City of Suisun an encroachment agreement to construct and maintain a prefabricated pedestrian bridge across a PG&E gas line easment.	Encroachment	Res. E-3423	9/18/2008	ALJ-202 851	\$0	42	9/18/2008	City, as Lead Agency, found Exempt Under Section 15301(c) and 15304(h).
13	AL-3286-E	6/27/2008	S851 Power Partners Southwest, LLC, Easements	Request for approval under Section 851 to consent to grant Power Partners Southwest, LLC. the use of two easements that cross private property on which PG&E has existing exclusive easements to construct underground collection lines and a gravel access road	Easement	Res. E-4191	8/21/2008	ALJ-202 851	\$0	55	8/21/2008	Categorical Exemption "Section 15304(f) and 15303(d)"
14	AL 2994-E	2/27/2007	S851 Saintsbury Winery Easement Encroachment	Request for Approval Under Section 851 to enter into an encroachment agreement with Saintsbury Winery to construct a solar collection system within a PG&E easement	Encroachment	Res. E-4089	5/24/2007	ALJ-186 851	\$0	87	5/24/2007	Categorical Exemption "Section 15303"
15	AL 3371-E	12/17/2008	S851 Sale of Electric Facilities to CDCR	Request for approval pursuant to the authority granted in Decisions (D.) 99-12-030 and 04-08-031, for the proposed sale of limited sole-customer public utility facilities to California Department of Corrections and Rehabilitation.	Sole Customer Facility Sale	Res. G-3430	1/29/2009	D.99-12-030 D.04-08-031	\$1	43	1/29/2009	Categorical Exemption "Section 15301(b)"
16	AL-3282-E	6/17/2008	S851 SGIP Equipment Transfer/ Removal	Request for approval under Public Utilities Code §851 to authorize the California Self-Generation Incentive Program ("SGIP") to transfer self-generation technology and monitoring equipment to program participants in exchange for program performance data.	Transfer/ Removal	Res. E-4190	8/21/2008	ALJ-202 851	\$1	65	8/21/2008	Categorical Exemption "Section 15306"
17	AL 2945-E	12/8/2006	S851 Blanchard Mobile Home Lease Agreement	Request for approval under Section 851 to enter into a ground lease agreement with Robert Blanchard, Jr. for the maintenance of an existing mobile home in support of cattle grazing activity on PG&E's property known as Pecho Ranch.	Lease	Approval Letter	1/24/2007	ALJ-186 851	Annual fee payment of \$120	47	1/22/2007	Categorical Exemption "Section 15303"

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18	AL-3134-E	10/10/2007	S851 County of Shasta Road & Utility Easement	Request for approval under Public Utilities Code §851 to grant an easement for road and utility purposes within a portion of PG&E electric substation fee property in Shasta County.	Easement	Res. E-4130	12/20/2007	ALJ-202 851	\$200.00	71	12/20/2007	"No Project" Under CEQA Guideline 15378(a)
19	AL 3531-E	9/25/2009	S851 Jourdain	The Jourdain Family Trust Easement, Amador County - Request for Approval Under Section 851	Easement	Res.E-4290	2/25/2010	ALJ-202 851	\$500	153	2/25/2010	Categorical Exemption "Sections 15305 and 15305(a)"
20	AL 2966-E	1/9/2007	S851 Haws and McGarva Water Well Easement Agreements	Request for approval under Section 851 for the installation, operation, maintenance and use of a domestic water well on two individual parcels of land owned by Haws and McGarva, respectively, for which PG&E owns all surface and subsurface water and water	Easement	Approval Letter	3/27/2007	ALJ-186 851	\$982	77	2/23/2007	Categorical Exemption "Section 15303"
21	AL 3095-E	2/12/2010	S851 Johnson	Johnson Barn Encroachment in San Luis Obispo County - Request for Approval of Encroachment Agreement Under Section 851	Encroachment	Executive Director Letter	6/11/2010	ALJ-244	\$1,000	119	6/11/2010	Categorical Exemption "Sections 15305(b) and 15303"
22	AL 3582-E	12/22/2009	S851 Peckham	Peckham Underground Sewer Line Easement - Request for Approval Under Section 851	Easement	Executive Director Letter	4/7/2010	ALJ-244	\$1,000	106	3/25/2010	Categorical Exemption under Sections 15303(d) and 15304(f)
23	AL 2738-G/2847-E	6/19/2006	S851 Diocese of Oakland Storm Drain Easement	Request for approval under Section 851 to grant to the Roman Catholic Bishop of Oakland ("Diocese of Oakland") an easement for a storm drain across PG&E property.	Easement	Approval Letter	8/3/2006	ALJ-186 851	\$2,500.00	45	8/3/2006	Categorical Exemption "Section 15303"
24	AL-3154-E	11/7/2007	S851 County of Santa Cruz Sidewalk Easement	Request for approval under Public Utilities Code §851 to grant the County of Santa Cruz a non-exclusive easement to construct and maintain a sidewalk for public use within a portion of PG&E electric substation fee property.	Easement	Res. E-4144	12/20/2007	ALJ-202 851	\$2,500.00	43	12/20/2007	Categorical Exemption "Section 15301"
25	AL-3158-E	11/28/2007	S851 Dana and Kimberly Ryan Road and Utility Easement	Request for approval under S851 to grant Dana and Kimberly Ryan a non-exclusive road and utility easement to use an existing maintenance road on and over a portion of PG&E electric transmission fee strip property.	Easement	Res. E-4147	2/14/2008	ALJ-202 851	\$2,800.00	78	2/14/2008	"No Project" Under CEQA Guideline 15378(a)
26	AL-3156-E	11/15/2007	S851 Elkhorn Slough Foundation Pipeline Easement	Request for approval under Public Utilities Code §851 to Elkhorn Slough Foundation Pipeline as easement to install and maintain a water pipeline across PG&E-owned property to enhance adjacent wetland habitat property.	Easement	Res. E-4145	1/10/2008	ALJ-202 851	\$10,000.00	56	1/10/2008	Categorical Exemption "Section 15304(f)"

Exhibit C
PGE 851 Advice Letters by Transaction Amount
de minimis list

File No.	Application Number	Filing Date	Webdocs / Web Tariff Book Name	Authorization Requested	Transaction Type	Decision Number	Decision Date	Granted Under	Transaction Amount	No. Days to Approval	Effective Date	CEQA
27	AL 2747-G	7/26/2006	S851 Sale of Gas Gathering Pipeline to Vintage Production	Request for approval under Section 851 to sell a segment of operating gas gathering pipeline with associated appurtenances and the assignment of associated easement agreements to Vintage Production California, LLC.	Gas Gathering Facility Sale	Approval Letter	9/9/2006	ALJ-186 851	\$16,500	45	9/9/2006	Exempt "Same Use"
28	AL 3552-E	11/2/2009	S851 Tevis	City of Bakersfield Buena Vista Road Widening Easement Near PG&E Tevis Substation - Request for Approval Under Section 851	Easement	Executive Director Letter	4/7/2010	ALJ-244	\$27,400	156	3/25/2010	Categorical Exemption "Section 15303(d), 15303(e), 15304(a)(b), 15301(c)"
29	AL 3371-E	12/1/2008	S851 Sale of Electric Facilities to St. Joseph Hospital	Request for approval pursuant to the authority granted in Decisions (D.) 99-12-030 and 04-08-031, for the proposed sale of limited sole-customer public utility facilities to St. Joseph Hospital.	Sole Customer Facility Sale	Res. E-4252	6/18/2009	D.99-12-030 D.04-08-031	\$28,974	199	6/18/2009	Categorical Exemption "Section 15302"
30	AL 2825-E	5/8/2006	S851 Granting of PG&E Easements to Paul S. Taybi	Request for clarification that certain easements to Paul S. Taybi for the construction of driveways are exempt from Commission approval under G.O. 69-C, or in the alternative approval/exemption under 851/853(b)	Easement	Approval Letter	6/22/2006	ALJ-186 No clarification provided	One-time payment of \$24,860	45	6/22/2006	Categorical Exemption "Section 15303"
Advice Letters with Transactional Values Greater Than \$30,000 that Would NOT Qualify as DE MINIMUS												
31	AL-2831-G	5/4/2007	S851 Sale of Gas Gathering Pipeline to Vintage Production (Andreotti)	Request for approval under Section 851 to sell a segment of operating gas gathering pipeline with associated appurtenances and the assignment of associated easement agreements to Vintage Production California, LLC.	Gas Gathering Facility Sale	Res. G-3411	12/6/2007	ALJ-186 851	\$30,779	216	12/6/2007	Exempt "Same Use"
32	AL 3052-G	10/9/2009	S851 Sale of Gas Gathering Pipeline to Atlantic Oil	Sale of a Gas Gathering Pipeline System and Assignment of Land Rights in Colusa County to Atlantic Oil Company – Section 851 Transaction	Gas Gathering Facility Sale	Res. G-3442	1/21/2010	ALJ-202 851	\$35,484	104	1/21/2010	"No Project" Under CEQA Guideline 15378
33	AL 3071-G	12/21/2009	S851 Anacapa	Sale of a Gas Gathering Pipeline System and Assignment of Land Rights in Sutter County to Anacapa Oil Corporation - Section 851 Transaction	Gas Gathering Facility Sale	Executive Director Letter	4/7/2010	ALJ-244	\$50,403	107	3/25/2010	"No Project" Under CEQA Guideline 15378
34	AL-2876-G	10/12/2007	S851 Sale of Gas Gathering Pipeline to TexCal (Tuttle) Energy	Request for approval under Section 851 to sell a segment of operating gas gathering pipeline with associated appurtenances and the assignment of associated easement agreements to TexCal Energy, LP.	Gas Gathering Facility Sale	Res. G-3412	2/28/2008	ALJ-202 851	\$55,531	139	2/28/2008	"No Project" Under CEQA Guideline 15378(a)

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35	AL 3454-E	4/28/2009	851 Sale of Electric Facilities to Granite Construction	Granite Construction Company Sole Customer Facility Sale Request for Approval Under Section 851	Sole Customer Facility Sale	E-4247	6/18/2009	D.99-12-030 D.04-08-031	\$68,749	51	6/18/2009	Categorical Exemption "Section 15302"
36	AL 2907-E	9/27/2006	S851 Sale of Certain Parcels of Land in Solano County	Request for approval under Section 851 to sell and convey six parcels of unimproved real property located in the City of Dixon, County of Solano.	Land Sale	Approval Letter	3/27/2007	ALJ-186 851	One-time payment of \$71,139	181	11/11/2006	Exempt "Same Use"
37	AL 3338-E	9/8/2008	S851 Sale of Electric Facilities to McEvoy Power LLC	Request for approval pursuant to the authority granted in Decisions (D.) 99-12-030 and 04-08-031, for the proposed sale of limited sole-customer public utility facilities to McEvoy Power L.L.C. ("McEvoy")	Sole Customer Facility Sale	Res. E-4218	12/18/2008	D.99-12-030 D.04-08-031	\$108,107	101	12/18/2008	Exempt "Same Use"
38	AL 3499-E	7/21/2009	S851 Cal-Peak Lease Amendments	Lease Amendment With CalPeak Power, LLC, for Siting Generation on Land Adjacent to Utility Substations on an Expedited Basis – Request for Approval Under Section 851	Lease	Res. E-4279	10/15/2009	ALJ-202 851	\$118,000/Yr with CPI Escalation	86	10/15/2009	"No Project" Under CEQA Guideline 15378
39	AL-3054-E	5/18/2007	S851 Folsom Bike Trail Easement	Request for approval under Section 851 to grant to the City of Folsom an easement over PG&E electric transmission corridor for the construction of a bike path.	Easement	Res. E-4105	6/21/2007	ALJ-186 851	\$152,000	34	6/21/2007	Categorical Exemption "Section 15304"
40	AL-3080-E	7/6/2007	S851 Bakersfield Streetlight Sale	Sale and Conveyance of Certain Electric Streetlight Facilities to the City of Bakersfield.	Streetlight Sale	Res. E-4130	12/20/2007	ALJ-186 851	\$194,894	167	12/20/2007	Exempt "Same Use"
41	AL 3471-E	6/5/2009	S851 Lakeshore Resort Lease	Request for approval under Public Utilities Code §851 to enter into a 20-year lease agreement with Mr. And Mrs. Dewitt Henderson allowing tenants to operate the Lakeshore Resort.	Lease	Res. E-4270	8/20/2009	ALJ-202 851	\$225,000 \$10K/Yr Starting 2014 \$15/Yr Starting 2019 \$15K Starting 2024	76	8/20/2009	Categorical Exemption "Section 15061(b)(3)"
42	AL-2912-G	3/12/2008	S851 Sale of Gas Gathering Pipeline to Rosetta Resources Operation, LP.	Request for approval under Section 851 to sell a segment of operating gas gathering pipeline with associated appurtenances and the assignment of associated (land rights) easements to Rosetta Resources Operating, LP.	Gas Gathering Facility Sale	Res. G-3416	6/12/2008	ALJ-202 851	\$1,339,317	92	6/12/2005	"No Project" Under CEQA Guideline 15378(a)
43	AL 2787-E	2/17/2006	S851 Nextel 800 MHz Asset Lease	Request for approval under Section 851 to lease 800 MHz assets to Nextel.	Lease	Approval Letter	4/3/2006	ALJ-186 851	\$3.1M in billing credits with additional \$200K if the two options for one-year extensions are exercised.	45	4/3/2006	Categorical Exemption "Section 15060"

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44	AL 3336-E	9/4/2008	S851 Sale of Kern Power Plant Property	Request for approval under Section 851 to sell its non-operating Kern Power Plant facility and associated equipment located within the City of Bakersfield, along with approximately 120 acres of the 152-acre property to World Oil Corp.	Power Plant Sale	Res. E-4224	1/29/2009	ALJ-202 851	\$5,000,000	147	1/29/2009	Transfer "No Project" Under CEQA Guideline 15378(a). 70kV Bus Structure activity Exempt Under Section 15301(b) and/or (d).
45	AL 3112-G/3654-E	4/23/2010	S851 Foster	Foster Interstate Media, Inc. Master License Agreement Under Section 851	Master License Agreement	Executive Director Letter	6/14/2010	ALJ-244	Dependent on future Site Licenses	52	6/14/2010	"No Project" Under CEQA Guideline 15378
Advice Letters that Would NOT Qualify Due to CEQA (CPUC as Responsible Agency)												
46	AL 2900-E	9/8/2006	S851 European Grove Sound Wall Encroachment	Request for confirmation of exemption under Section 853(b) or, in the alternative, for approval under Section 851.	Encroachment	Approval Letter	3/27/2007	ALJ-186 851	None	200	10/23/2006	MND
47	AL 2807-G/2983-E	2/13/2007	S851 Shea Mountain House Relocation of Facilities	Request for Approval Under Section 851 to relocate certain gas and electric facilities from a non-exclusive easement to a franchise area in County of San Joaquin.	Facilities Relocation	Res. E-3400	5/24/2007	ALJ-186 851	\$1	100	5/24/2007	MEIR
48	AL 2743-G/2859-E	7/11/2006	S851 Shiloh I (aka Shiloh II) Wind Plant Project Access Road	Request for approval to consent to Shiloh's use of PG&E's exclusive easement to construct, use, and maintain an access road in Solano County.	Consent Agreement	G-3393	12/11/2006	ALJ-186 851	None	153	11/30/2006	EIR
49	AL 2844-E	6/15/2006	S851 Deed Restriction at Humboldt Bay PP Site	Request for approval under Section 851 to grant a deed restriction for a public access trail in consideration of a Coastal Development Permit for the construction and operation of a spent nuclear fuel storage facility at Humboldt Bay Power Plant site.	Deed Restriction	Approval Letter	7/30/2006	ALJ-186 851	None	45	7/30/2006	California Coastal Commission conducted a functionally equivalent CEQA review
50	AL 2741-E	11/23/2005	S851 De Young Properties Sound Wall Encroachment	Request for authorization to construct a concrete block sound wall within in Fresno County.	Encroachment	Approval Letter	1/11/2006	ALJ-186 853(b)	None	49	1/11/2006	MND
51	AL 2714-E	9/22/2005	S851 Shiloh I Wind Plant Project	Request for authorization to construct, use, and maintain electric distribution line facilities in Solano County.	Consent Agreement	E-3970	1/12/2006	ALJ-186 851	None	112	1/12/2006	EIR
52	AL 2737-E	11/14/2005	S851 City of Bakersfield Public Road Easement	Request for approval under Section 851 to grant an easement to the City of Bakersfield for access, construction, maintenance, and use of a major public access road over PG&E property.	Easement	Approval Letter	10/13/2006	ALJ-186 851	One-time payment of \$33,000	333	10/13/2006	MND

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53	AL 2826-E	5/10/2006	S851 County of Yuba Public Road Easements	Requests approval under Section 851 to grant to Yuba County three easements for major public access roads for across electric transmission fee strip property as part of a subdivision improvement project.	Easement	E-4037	1/11/2007	ALJ-186 851	One-time payment of \$7,500	246	Executed and recorded 3/14/2007, LD 2114-04-0455.	MND
54	AL 3028-E	4/3/2007	S851 Lennar Masonry Block Wall Encroachment Agreement	Request for Approval Under Section 851 to enter into an encroachment agreement with Lennar Fresno to construct decorative masonry block walls within a PG&E transmission easement and ROW.	Encroachment	Res. E-4099	2/14/2008	ALJ-186 851	0	317	2/14/2008	MND

CERTIFICATE OF SERVICE

I, the undersigned, state that I am a citizen of the United States and am employed in the City and County of San Francisco; that I am over the age of eighteen (18) years and not a party to the within cause; and that my business address is 77 Beale Street, San Francisco, California 94105.

On June 14, 2010, I served a true copy of:

**COMMENTS OF PACIFIC GAS AND ELECTRIC COMPANY SUPPORTING
MAKING PERMANENT THE COMMISSION'S SECTION 851 ADVICE
LETTER PILOT PROGRAM, MOST RECENTLY ADOPTED IN RESOLUTION
ALJ-244**

[XX] By Electronic Mail – serving the enclosed via e-mail transmission to each of the parties listed on the official service lists with an e-mail address for R.98-07-038; R.04-09-003; R.05-04-005; R.06-02-012; R.06-12-016; A.08-02-001; R.08-02-007; A.09-05-026 and R.09-06-019.

[XX] By U.S. Mail – by placing the enclosed for collection and mailing, in the course of ordinary business practice, with other correspondence of Pacific Gas and Electric Company, enclosed in a sealed envelope, with postage fully prepaid, addressed to those parties listed on the official service lists without an e-mail address for R.98-07-038; R.04-09-003; R.05-04-005; R.06-02-012; R.06-12-016; A.08-02-001; R.08-02-007; A.09-05-026 and R.09-06-019.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 14th day of June, 2010, at San Francisco, California.

/s/
TAUVELA U'U

**THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA SERVICE LIST
CPUC DOCKET NO. R9807038-R0504005-A0802001-R0802007-A0905026-R0906019**

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**THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA SERVICE LIST
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CPUC DOCKET NO. R9807038-R0504005-A0802001-R0802007-A0905026-R0906019**

Total number of addressees: 834

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CPUC DOCKET NO. R9807038-R0504005-A0802001-R0802007-A0905026-R0906019**

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