



**Brian K. Cherry**  
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Pacific Gas and Electric Company  
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Fax: 415.973.7226

November 9, 2012

**Advice 3715-E-A**  
(Pacific Gas and Electric Company ID U 39 E)

Public Utilities Commission of the State of California

**Subject: Supplemental Advice Letter for Power Charge Indifference Adjustment Rates Pursuant to D.07-05-013 for Eligible E-NMDL (New Municipal Departing Load) Customers**

Pacific Gas and Electric Company (PG&E) hereby submits for filing a supplemental advice letter implementing PCIA rates applicable to E-NMDL customers who qualify for the one-time opportunity to reject the Power Charge Indifference Adjustment Rates (PCIA) exemption authorized in Decision (D.) 07-05-013. This supplemental advice letter replaces Advice 3715-E, filed August 12, 2010, in its entirety.

**Purpose**

In D.07-05-013, the California Public Utilities Commission (Commission or CPUC) authorized a one-time opportunity to accept or reject the PCIA exemption to those Municipal Departing Load (MDL) customers served by publicly-owned utilities (POUs) as “new load” subject to the 80 MW cap.<sup>1</sup>

In Advice 3446-E-A and Advice 3446-E-B, PG&E revised the E-NMDL tariff to more explicitly reflect the PCIA exemption option.

In this advice filing, PG&E inserts into the E-NMDL tariff, the PCIA rates applicable to eligible E-NMDL customers who reject the PCIA exemption as authorized by D.07-05-013.

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<sup>1</sup> Consistent with D.06-07-030 and D.08-09-012, Appendix D, D.07-05-013 identifies the eligible MDL as new MDL of publicly-owned utilities (POUs) not named in PG&E’s Bypass Report but serving at least 100 customers as of July 10, 2003.

## **Background**

As noted in D.06-07-030, “new load” of publicly-owned utilities (POU) not named in PG&E’s Bypass Report but “serving at least 100 customers as of July 10, 2003 are exempt from the DWR Power Charge up to a cap of 80 Megawatts (MW)<sup>2</sup>, as modified by D.07-05-013.”<sup>3</sup>

In D.07-05-013, the Commission adopted protocols for administering the one-time opportunity to elect to reject the DWR Power Charge exemption that was made available to “new load” of publicly-owned utilities (POUs) not named in PG&E’s Bypass Report but “serving at least 100 customers as of July 10, 2003.” This is referred to in the protocols presented in the Appendix of D.07-05-013 as the “80 MW exemption.” The option to reject the PCIA exemption was not granted to other departing load customers for whom PCIA exemptions had already been determined.<sup>4</sup> NMDL customers were also not permitted to switch back and forth in their exemption status during future periods after an election had been made.<sup>5</sup> Similarly, the applicability of the PCIA exemption is not subject to shifting back and forth when there is a turnover in the occupancy of a particular customer’s premise.<sup>6</sup>

## **Tariff Revisions**

### **E-NMDL (New Municipal Departing Load)**

- Insert the following text into E-NMDL, RATES.3. POWER CHARGE INDIFFERENCE ADJUSTMENT (PCIA):

For customers who qualify for the one-time opportunity to reject the PCIA exemption as authorized in D.07-05-013, the applicable PCIA rate includes only those

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<sup>2</sup> D.06-07-030, page 47; D.06-07-030, OP 20: The protocols for administering MDL CRS transferred load exemptions as set forth in Appendix 4 are hereby adopted. D.06-07-030, OP 21: The Commission’s Energy Division shall convene a subsequent meeting of the Working Group within 30 days of the effective date of decision for the purpose of seeking consensus on the calculation of the Market Benchmark for 2007 consistent with the principles of this order, and also to finalize the calculation of MDL CRS accrual charges and obligations consistent with this order, and to develop protocols for new load CRS exemptions.

<sup>3</sup> See Appendix to D.07-05-013, footnote 1: These Protocols do not address the level of the cap which is governed by applicable Commission orders, nor do they address the Protocols for Administering CRS Transferred Departing Load Exemptions, attached to D.06-07-030.

<sup>4</sup> See D.07-05-013 at p. 6, [The Commission] agree[s] with PG&E, however, that other departing load customers who have already been determined to be exempt from DWR power cost responsibility should not be permitted to elect an option to be subject to the DWR power charge. The principles previously applied concerning departing load customers’ exemption from the DWR power charge has not changed. Accordingly, we decline to grant other departing load customers the option to change their status regarding DWR power charge exemption. (footnote omitted)

<sup>5</sup> See D.07-05-013 at COL 6, MDL customers should not be permitted to repeatedly switch back and forth in their exemption status during future periods after an election has been made in an attempt to game the results by shifting costs to other customers based on then-current market conditions.

<sup>6</sup> See D.07-05-013 at p.7.

generation resources contracted for or constructed by PG&E prior to January 1, 2003, and pursuant to D.08-09-012 does not include costs related to fossil fueled and renewable resources contracted for or constructed by PG&E subsequent to January 1, 2003.

The applicable PCIA rates for qualified customers who reject the PCIA exemption and are therefore subject to the PCIA charge are listed below:

PCIA	(per kWh)
Residential	(0.00117)
Small L&P	(0.00095)
Medium L&P	(0.00100)
E19	(0.00084)
Streetlights	(0.00010)
Standby	(0.00066)
Agriculture	(0.00096)
E20T	(0.00067)
E20P	(0.00075)
E20S	(0.00080)

### **Protests**

Anyone wishing to protest this advice letter may do so by letter sent via U.S. mail, by facsimile or email, no later than November 29, 2012, which is 20 days after the date of this filing. 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:

Brian K. Cherry  
Vice President, Regulatory Relations  
Pacific Gas and Electric Company  
77 Beale Street, Mail Code B10C  
P.O. Box 770000  
San Francisco, California 94177

Facsimile: (415) 973-7226  
E-mail: PGETariffs@pge.com

Any person (including individuals, groups, or organizations) may protest or respond to an advice letter. (GO 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 (GO 96-B, Section 3.11).

### **Effective Date**

PG&E requests that this Tier 1 advice filing become effective on the filing date of this Advice Letter, **November 9, 2012**. Rates will not be implemented, and customers charged in accordance with these rates, until the Commission approves the rates provided herein.

### **Notice**

In accordance with General Order 96-B, Section IV, a copy of this advice letter is being sent electronically and via U.S. mail to parties shown on the attached list and the service list for R.03-10-003, R.07-05-025 and A.12-06-002. Address changes to the

General Order 96-B service list and all electronic approvals should be directed to 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. Advice letter filings can also be accessed electronically at <http://www.pge.com/tariffs>.

A handwritten signature in black ink, appearing to read "Brian Chew". The signature is written in a cursive style and is positioned above the typed name.

Vice President, Regulatory Relations

#### Attachments

cc: Kathryn Auriemma, Energy Division  
Service List R.03-10-003  
Service List R.07-05-025  
Service List A.12-06-002

# CALIFORNIA PUBLIC UTILITIES COMMISSION

## ADVICE LETTER FILING SUMMARY ENERGY UTILITY

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

Company name/CPUC Utility No. **Pacific Gas and Electric Company (ID U39 E)**

Utility type:

ELC       GAS  
 PLC       HEAT       WATER

Contact Person: Kimberly Chang

Phone #: (415) 972-5472

E-mail: kwcc@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) #: **3715-E-A**

Tier: **1**

Subject of AL: **Supplemental Advice Letter for Power Charge Indifference Adjustment Rates Pursuant to D.07-05-013 for Eligible E-NMDL (New Municipal Departing Load) Customers**

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 #: D.07-05-013

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

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

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

Confidential information will be made available to those who have executed a nondisclosure agreement:  Yes  No

Name(s) and contact information of the person(s) who will provide the nondisclosure agreement and access to the confidential information: \_\_\_\_\_

Resolution Required?  Yes  No

Requested effective date: **November 9, 2012**

No. of tariff sheets: 5

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: Electric Schedule E-NMDL

Service affected and changes proposed: Implement PCIA rates applicable to E-NMDL customer who qualify for the one-time opportunity to reject the PCIA exemption

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

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

**California Public Utilities Commission**

**Energy Division**

**EDTariffUnit**

**505 Van Ness Ave., 4<sup>th</sup> Flr.**

**San Francisco, CA 94102**

**E-mail: EDTariffUnit@cpuc.ca.gov**

**Pacific Gas and Electric Company**

**Attn: Brian Cherry**

**Vice President, Regulatory Relations**

**77 Beale Street, Mail Code B10C**

**P.O. Box 770000**

**San Francisco, CA 94177**

**E-mail: PGETariffs@pge.com**

**ATTACHMENT 1  
Advice 3715-E-A**

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

**Title of Sheet**

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

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32097-E	ELECTRIC SCHEDULE E-NMDL NEW MUNICIPAL DEPARTING LOAD Sheet 2	28955-E
32098-E	ELECTRIC SCHEDULE E-NMDL NEW MUNICIPAL DEPARTING LOAD Sheet 3	29555-E
32099-E	ELECTRIC SCHEDULE E-NMDL NEW MUNICIPAL DEPARTING LOAD Sheet 4	29556-E
32100-E	ELECTRIC TABLE OF CONTENTS Sheet 1	32078-E
32101-E	ELECTRIC TABLE OF CONTENTS RATE SCHEDULES Sheet 6	31850-E



**ELECTRIC SCHEDULE E-NMDL  
 NEW MUNICIPAL DEPARTING LOAD**

Sheet 2

RATES: (Cont'd.)

3. POWER CHARGE INDIFFERENCE ADJUSTMENT (PCIA) (Cont'd.): As noted in (D.) 06-07-030, new load of publicly-owned utilities (POU) not named in PG&E's Bypass Report but serving at least 100 customers as of July 10, 2003 are exempt from the PCIA up to a cap of 80 Megawatts (MW). D.07-05-013 authorizes NMDL customers subject to the 80 MW cap a one-time opportunity to accept or reject the PCIA exemption. Note that NMDL customers rejecting the PCIA exemption are subject to the pre-2009 D.06-07-030 PCIA, as well as the ECRA charge per D.05-08-035, Ordering Paragraph 1. The applicability of the exemption is not subject to change, even with turnover in the occupancy of a particular customer's premises.

For customers who qualify for the one-time opportunity to reject the PCIA exemption as authorized in D.07-05-013, the applicable PCIA rate includes only those generation resources contracted for or constructed by PG&E prior to January 1, 2003 and pursuant to D.08-09-012 does not include costs related to fossil fueled and renewable resources contracted for or constructed by PG&E subsequent to January 1, 2003.

The applicable PCIA rates for qualified customers who reject the PCIA exemption and are therefore subject to the PCIA charge are listed below:

PCIA	(per kWh)	
Residential	(0.00117)	
Small L&P	(0.00095)	
Medium L&P	(0.00100)	
E19	(0.00084)	
Streetlights	(0.00010)	
Standby	(0.00066)	
Agriculture	(0.00096)	
E20T	(0.00067)	
E20P	(0.00075)	
E20S	(0.00080)	

(N)  
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 (N)  
 (L)

(Continued)

Advice Letter No: 3715-E-A  
 Decision No. 07-05-013

Issued by  
**Brian K. Cherry**  
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**ELECTRIC SCHEDULE E-NMDL  
 NEW MUNICIPAL DEPARTING LOAD**

Sheet 3

- RATES (Cont'd.):
4. **ONGOING COMPETITION TRANSITION CHARGE (CTC):** The Ongoing CTC recovers the cost of power purchase agreements that are in excess of a market benchmark determined by the California Public Utilities Commission (Commission), plus employee transition costs, and is determined in the annual Energy Resource Recovery Account proceeding. The Ongoing CTC Charge is effective April 1, 2002, and applies to consumers in the service territory in which PG&E provided electricity services as of December 20, 1995. There is no applicable Ongoing CTC rate in 2002 or 2003. For the following periods, the CTC equaled: \$0.00703 per kilowatt-hour from January 1, 2004 through February 23, 2005; \$0.00515 per kilowatt-hour from February 24, 2005 through December 31, 2005, \$0.00431 per kilowatt-hour for January 1, 2006 through December 31, 2006; \$0.00013 per kilowatt-hour from January 1, 2007 through December 31, 2007. Effective January 1, 2008 through April 30, 2008, CTC equaled \$.00395 per kilowatt-hour. Effective May 1, 2008, the CTC rate is separately shown in the customer's OAS. For those consumers who are obligated to pay both the DWR Power Charge (superseded by the PCIA effective July 1, 2006) and the Ongoing CTC, the Ongoing CTC charge is completely offset due to the negative indifference during the period of January 1, 2005 through June 30, 2006. The amount of the Ongoing CTC is subject to change pending any different outcome resulting from judicial review. (L)
  5. **NUCLEAR DECOMMISSIONING (ND) CHARGE:** The ND Charge collects the funds required to restore the site when PG&E's nuclear power plants are removed from service, and applies to consumers in the service territory in which PG&E provided electricity services as of December 20, 1995. The ND Charge applies to all New Municipal Departing Load. The ND charge is separately shown in the consumer's OAS.
  6. **REGULATORY ASSET (RA) CHARGE:** The RA charge recovers the costs associated with the Regulatory Asset adopted by the Commission in Decision (D.) 03-12-035. The RA Charge is separately shown in the Consumer's OAS. On March 1, 2005, the Energy Cost Recovery Amount (ECRA) Charge superseded and replaced the RA Charge such that after March 1, 2005, consumers no longer incur additional RA Charges but instead incur ECRA Charges.
  7. **ENERGY COST RECOVERY AMOUNT (ECRA) CHARGE:** The ECRA Charge recovers the costs associated with the Energy Recovery Amount adopted by the Commission in D.04-11-015. The ECRA Charge is shown in the consumer's OAS. On March 1, 2005, the ECRA Charge superseded and replaced the RA Charge. (L)

(Continued)

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**ELECTRIC SCHEDULE E-NMDL  
 NEW MUNICIPAL DEPARTING LOAD**

Sheet 4

- SPECIAL CONDITIONS: 1. DEFINITIONS: The following terms when used in this tariff have the meanings set forth below: (L)
- a. New Municipal Departing Load: New Municipal Departing Load is electric load that has never been served by PG&E but locates within PG&E's service area as it existed on February 1, 2001, and is served by a Publicly Owned Utility (POU).
  - b. New Municipal Departing Load Consumer (Consumer): The party or entity lthat contracts with a POU for service at premises with New Municipal Departing Load.
  - c. Nonbypassable Charges (NBCs): NBCs are those PG&E charges that may be recovered from New Municipal Departing Load pursuant to this rate schedule: the DWR Bond Charge, the pre-2009 D.06-07-030 PCIA, the ongoing CTC, the ND Charge, the RA Charge, and the ECRA Charge.
  - d. Otherwise-Applicable Schedule (OAS): The OAS shall be the PG&E schedule under which a Consumer would have taken service if the New Municipal Departing Load had been served by PG&E.
  - e. Publicly Owned Utility (POU): A POU is any entity that qualifies as a local publicly owned electric utility under Public Utilities Code Section 224.3.
  - f. Change of Party: Change of Party occurs when a person or entity with New Municipal Departing Load leaves the premises with the New Municipal Departing Load and another person or entity (New Party) assumes liability for the New Municipal Departing Load at the same premises.
  - g. New Party: A New Party is either: (1) a subsequent entity which occupies, and will begin to consume electricity at, existing NMDL premises; or (2) a subsequent entity which assumes liability for the charges at existing NMDL premises.
2. EXEMPTIONS AND EXCEPTIONS
- a. New Municipal Departing Load that departed prior to February 1, 2001, is exempt from the DWR Bond Charge, the DWR Power Charge, and the PCIA.
  - b. New Municipal Departing Load that began taking service from a POU prior to January 1, 2000, is exempt from the RA Charge, and the ECRA Charge. In addition, New Municipal Departing Load is exempt from the RA Charge and the ECRA Charge if it is taking service at a location that, as of December 19, 2003, was no longer part of PG&E's service area.
  - c. New Municipal Departing Load located in the geographic area covered by PG&E's 2000 Bypass Report (referenced in D.04-11-014) is excepted from the DWR Power Charge, the PCIA, the RA Charge, and the ECRA Charge. PG&E's 2000 Bypass Report included areas served by the following POUs:
    - Modesto Irrigation District
    - Merced irrigation District
    - South San Joaquin Irrigation District Condemnation Area
    - Laguna Irrigation District Condemnation Area
    - Redding, Roseville, Lodi, Davis, and Brentwood Annexation Areas

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**RATE SCHEDULES**

Sheet 6

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

1st Light Energy	Department of General Services	North America Power Partners
AT&T	Department of Water Resources	North Coast SolarResources
Alcantar & Kahl LLP	Dept of General Services	Northern California Power Association
Ameresco	Douglass & Liddell	Occidental Energy Marketing, Inc.
Anderson & Poole	Downey & Brand	OnGrid Solar
BART	Duke Energy	PG&E
Barkovich & Yap, Inc.	Economic Sciences Corporation	Praxair
Bartle Wells Associates	Ellison Schneider & Harris LLP	R. W. Beck & Associates
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CENERGY POWER	Green Power Institute	Seattle City Light
CLECA Law Office	Hanna & Morton	Sempra Utilities
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California Energy Commission	In House Energy	Silicon Valley Power
California League of Food Processors	International Power Technology	Silo Energy LLC
California Public Utilities Commission	Intestate Gas Services, Inc.	Southern California Edison Company
Calpine	Lawrence Berkeley National Lab	Spark Energy, L.P.
Cardinal Cogen	Los Angeles County Office of Education	Sun Light & Power
Casner, Steve	Los Angeles Dept of Water & Power	Sunrun Inc.
Center for Biological Diversity	MAC Lighting Consulting	Sunshine Design
Chris, King	MRW & Associates	Sutherland, Asbill & Brennan
City of Palo Alto	Manatt Phelps Phillips	Tecogen, Inc.
City of Palo Alto Utilities	Marin Energy Authority	Tiger Natural Gas, Inc.
City of San Jose	McKenna Long & Aldridge LLP	TransCanada
City of Santa Rosa	McKenzie & Associates	Turlock Irrigation District
Clean Energy Fuels	Merced Irrigation District	United Cogen
Clean Power	Modesto Irrigation District	Utility Cost Management
Coast Economic Consulting	Morgan Stanley	Utility Specialists
Commercial Energy	Morrison & Foerster	Verizon
Consumer Federation of California	Morrison & Foerster LLP	Wellhead Electric Company
Crossborder Energy	NLine Energy, Inc.	Western Manufactured Housing Communities Association (WMA)
Davis Wright Tremaine LLP	NRG West	eMeter Corporation
Day Carter Murphy	NaturEner	
Defense Energy Support Center	Norris & Wong Associates	