



**FILED**

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**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

Encina Wastewater Authority,

Complainant,

vs.

San Diego Gas & Electric Company (U 902-E),

Defendant

Case No. 10-08-027

**JOINT SUBMISSION OF STIPULATED FACTS**

January 27, 2011

1. The Encina Wastewater Authority (“EWA”) is a Joint Powers Authority that provides wastewater treatment services for approximately 300,000 residents within its service area.

2. The EWA operates a wastewater treatment facility located in Carlsbad, California (“EWA Facility”).

3. Prior to 2008, EWA purchased electricity for operations at the EWA Facility from San Diego Gas & Electric (“SDG&E”) at the Schedule PA-T-1 rate.

4. In 2008, EWA upgraded the EWA Facility. The upgrades included a gas-fired biosolids dryer to convert sludge generated by the wastewater treatment process into pellets, a larger cogeneration system to produce energy from gas generated by treating wastewater, and a new 30,500-square-foot administration building to replace an existing administration building and to house the EWA Facility’s computer system and laboratory.

5. As part of the upgrade, SDG&E installed new electric meters and established new billing accounts. Effective March 25, 2008 and June 25, 2008, SDG&E placed the EWA Facility on SDG&E’s default rate, Schedule AL-TOU.

6. In a January 6, 2009 e-mail, Mr. Christopher Brown, the SDG&E account executive for the EWA Facility, advised EWA that the EWA Facility might be eligible for service under the Schedule PA-T-1 rate.

7. On May 28, 2009, SDG&E received an Optional Rate Authorization form from EWA to change EWA’s rate from Schedule AL-TOU to Schedule PA-T-1. SDG&E began billing EWA’s accounts under Schedule PA-T-1, effective June 16, 2009.

8. In a letter dated December 10, 2009, Mr. Brown notified EWA that the load at its facilities appeared not to conform to the eligibility requirements of Schedule PA-T-1, Special Condition 15.

9. In a letter dated February 26, 2010, SDG&E stated that the electric rate for the EWA Facility would be billed going forward at the AL-TOU rate starting with the

February 12, 2010, meter reading and that it would bill EWA retroactively for the billing periods that had previously been billed under schedule PA-T-1.

10. For the period in question, EWA Facility's maximum monthly demand has exceeded 500 kW and the EWA Facility has been and is classified under NAICS Code 22132.

11. Power generated by EWA at the EWA Facility and power purchased from SDG&E is commingled before being used at the EWA Facility and the amount of this commingled power that is used for lighting at the EWA Facility equals or exceeds 500 kWh/month.

12. Power generated by EWA at the EWA Facility and power purchased by EWA from SDG&E is commingled before being used at the EWA Facility and the amount of this commingled power is used for drying sludge generated by the wastewater treatment process at the EWA Facility equals or exceeds 500 kWh/month.

13. Power generated by EWA at the EWA Facility and power purchased from SDG&E is commingled before being used at the EWA Facility and the amount of this commingled power that is used at the EWA Facility's administrative building equals or exceeds 500 kWh/month.

14. Power generated by EWA at the EWA Facility and power purchased from SDG&E is commingled before being used at the EWA Facility and the amount of this commingled power that is used for fans, skimmers, grinders, and blowers during the wastewater treatment process equals or exceeds 500 kWh/month.

DATED: January 27, 2011

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DATED: January 27, 2011

SAN DIEGO GAS & ELECTRIC COMPANY

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