

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

ENERGY DIVISION

RESOLUTION G-3458

June 7, 2012

**R E S O L U T I O N**

Resolution G-3458. Pacific Gas & Electric Company (PG&E)

PROPOSED OUTCOME: This Resolution serves to change the name of the county from Colusa County to Sutter County and confirms the California Public Utilities Commission (CPUC's) previous approval in Resolution G-3442 of PG&E's request under Public Utilities Code Section 851 for the sale of segments of operating gas gathering pipelines with associated appurtenances and the assignment of associated land rights to Atlantic Oil Company.

ESTIMATED COST: None

By Advice Letter 3109-G filed on April 7, 2010.

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**SUMMARY**

This Resolution serves to correct and affirm the CPUC's previous approval in Resolution G-3442 of PG&E request under Pub. Util. Code § 851 for the sale of segments of operating gas gathering pipelines (approximately 13,400 feet) with associated appurtenances (the "Facilities") and the assignment of associated land rights to Atlantic Oil Company for a one-time fee payment of \$35,483.64 to PG&E, of which \$20,483.64 will be allocated to ratepayers after a deduction of \$15,000 by PG&E for transaction costs. This Resolution corrects the name of county in which the facilities at issue are located from Colusa County to Sutter County, and confirms that legal notice and opportunity to be heard was provided to Sutter County. Advice Letter 3109-G was processed pursuant to Resolution ALJ-186 and amended in Resolutions ALJ-202, ALJ-244, and ALJ-272 with the exception of a time delay due to circumstances not under PG&E's control. This Resolution is effective immediately.

## **BACKGROUND**

On October 9, 2009, PG&E filed Advice Letter (AL) 3052-G requesting CPUC approval under Public Utilities Code Section 851 for the sale of segments of operating gas gathering pipeline with associated appurtenances in Colusa County (the "Facilities") and the assignment of associated land rights ("Assignment") to Atlantic Oil Company ("Atlantic"). On January 21, 2010, Resolution G-3442 was issued by the CPUC approving PG&E's request. After the Resolution was issued, PG&E realized that while the transactional documents supporting its Section 851 request in AL 3052-G were correct, it erroneously cited Colusa County as the location of the Facilities being sold instead of Sutter County, which is the county where the Facilities are located. As a result, PG&E also served the incorrect county with the Advice Letter.

On April 7, 2010, PG&E filed AL 3109-G requesting Section 851 approval for the sale of the same gas gathering facilities approved by the CPUC in Resolution G-3442, while citing Sutter County as the county where the Facilities are located and providing service to Sutter County regarding the request. The only difference between PG&E AL 3109-G and AL 3052-G is the correction of the county name and the inclusion of Sutter County in the Service List.

At the request of CPUC staff, PG&E reiterated all of the substantive information from AL 3052-G into 3109-G in order for Sutter County to receive all the relevant information when it was served. Resolution G-3442 provides further detailed background for the proposed transaction, which we incorporate by reference into this Resolution.

In addition, after Resolution G-3442 was issued, the CPUC issued Resolution ALJ-244 effective February 25, 2010, which extended and modified the Pub. Util. Code § 851 Pilot Program established in Resolution ALJ-186, as modified by Resolution ALJ-202, pursuant to Assembly Bill No. 698 and extended Pub. Util. Code § 851 Pilot Program for an additional year until August 23, 2011. Then the CPUC issued Resolution ALJ-272 effective August 18, 2011 which further extended the Pub. Util. Code § 851 Pilot Program for up to one year or until August 23, 2012. Pub. Util. Code § 851 also requires "Absent protest or incomplete documentation, the CPUC shall approve or deny the Advice Letter within 120 days of its filing by the applicant public utility."

## **NOTICE**

Notice of AL 3109-G was made by publication in the CPUC's Daily Calendar. PG&E states that a copy of the Advice Letter was mailed and distributed in accordance with Section 3.14 of General Order 96-B. In addition, PG&E confirmed that the correct county, Sutter County, was served.

## **PROTESTS**

Advice Letter 3109-G was not protested.

## **DISCUSSION**

Energy Division has reviewed PG&E AL 3109-G and finds that Findings and Conclusions of Resolution G-3442 still apply except for the change of the name to Sutter County. Resolution G-3442 Finding of Fact # 4 and Ordering Paragraph (OP) # 1 include the erroneous county of Colusa County. This Resolution will correct all references in Resolution G-3442 including FOF # 4 and OP #1 to reference Sutter County.

The CPUC also acknowledges that failure to approve or deny the Advice Letter within 120 days of its filing by the applicant utility, as is required under Pub. Util. Code § 851, was due to circumstances not under PG&E's control.

## **COMMENTS**

This is an uncontested matter in which the resolution grants the relief requested. Accordingly, pursuant to Pub. Util. Code 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

## **FINDINGS AND CONCLUSIONS**

1. The Findings and Conclusions, and supporting discussions, of Resolution G-3442 are hereby reaffirmed with the exception that the county name "Colusa County" should be replaced with "Sutter County."
2. Sutter County has been provided legal notice and opportunity to be heard prior to the CPUC's final approval of Advice Letter 3109-G.
3. Unlike Resolution G-3442, this Resolution references ALJ-244, effective February 25, 2010 and ALJ-272, effective August 18, 2011, which extended and modified the Pub. Util. Code § 851 Pilot Program established in Resolution ALJ-186, as modified by Resolution ALJ-202, pursuant to Assembly Bill No. 698 (Skinner, 2009) and extended Pub. Util. Code § 851 Pilot Program for an additional two years until August 23, 2012.

4. The CPUC acknowledges that failure to approve or deny the Advice Letter within 120 days of its filing by the applicant utility, as is required under Pub. Util. Code § 851, was due to circumstances not under PG&E's control.

**THEREFORE IT IS ORDERED THAT:**

1. The request of the PG&E under Pub. Util. Code § 851 for the sale of segments of operating gas gathering pipelines with associated appurtenances in Sutter County and the assignment of associated land rights to Atlantic Oil Company as requested in AL 3109-G is approved.
2. All other substantive orders and findings in Resolution G-3442 remain in effect.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on June 7, 2012; the following Commissioners voting favorably thereon:

/s/ PAUL CLANON  
Paul Clanon  
Executive Director

MICHAEL R. PEEVEY  
President  
TIMOTHY ALAN SIMON  
MICHEL PETER FLORIO  
CATHERINE J.K. SANDOVAL  
MARK J. FERRON  
Commissioners