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

Expedited Application Of Pacific Gas And
Electric Company For Electric Bill Credits
Under The Energy Resource Recovery
Account (ERRA) Trigger Mechanism

Application 09-08-____

(U 39 E)

**EXPEDITED APPLICATION OF PACIFIC GAS AND
ELECTRIC COMPANY FOR ELECTRIC BILL CREDITS
UNDER THE ERRA TRIGGER MECHANISM**

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August 14, 2009

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I. INTRODUCTION

Pursuant to Rule 2.1 of the Rules of Practice and Procedure of the California Public Utilities Commission (Commission), Pacific Gas and Electric Company (PG&E) respectfully requests expedited approval of electric bill credits under the Energy Resource Recovery Account (ERRA) trigger mechanism. Specifically, PG&E requests a Commission decision no later than October 15, 2009, approving PG&E's Bill Credit Plan whereby PG&E will, under specific conditions, give bundled electric customers one-time bill credits in the November/December 2009 billing cycle based on the expected December 31, 2009 ERRA overcollection.

Under current forecasts PG&E's ERRA balance is on track to be overcollected by approximately \$398.6 million as of December 31, 2009. This amount would translate into an average bill credit of about \$33 for PG&E's residential electric customers. PG&E's Bill Credit Plan will put money back in the hands of PG&E's electric customers, providing welcome relief in difficult economic times, faster than the normal ERRA trigger process would.

PG&E's prepared testimony for this Application consists of Chapter 1 – Energy Resource Recovery Account Trigger and Chapter 2 – One-Time Electric Bill Credit Plan.

II. ERRA TRIGGER (See Chapter 1 Of Prepared Testimony)

In Decision 02-10-062 (pages 59-66), the Commission adopted an ERRA trigger mechanism which requires the utility to file an ERRA trigger application when the ERRA balance reaches or exceeds 4 percent of the prior year's recorded ERRA generation revenues and the utility forecasts the balance will reach 5 percent. PG&E's ERRA trigger amounts effective for 2009, submitted in Advice 3441-E, are \$209.0 million and \$261.3 million, respectively. Under this authority, in 2009 PG&E is required 1) to file an expedited application for approval in 60 days from the filing date if and when the new ERRA balance reaches an undercollection or overcollection of \$209.0 million (4 percent), 2) to include in the application a projected date when the balance will reach an undercollection or overcollection of \$261.3 million (5 percent), and 3) to propose in the application an amortization period for the undercollection or overcollection of not less than 90 days.

On June 1, 2009, PG&E filed its 2010 ERRA Forecast application (Application 09-06-001), where PG&E forecast a year-end 2009 ERRA overcollection of \$544.0 million. (Exhibit (PG&E-1), page 8-2.) Today PG&E forecasts a year-end 2009 ERRA overcollection of \$398.6 million, reaching the 4 percent threshold in September and the 5 percent threshold in October. This forecast indicates PG&E would file an ERRA trigger application in October for a Commission decision in December, presumably with the ERRA overcollection amortized in rates over a period of three or more months beginning in January 2010.

III. BILL CREDIT PLAN (See Chapter 2 Of Prepared Testimony)

Instead of waiting until October to file an ERRA trigger application for amortization of the overcollection beginning in January,¹ PG&E proposes to issue one-time bill credits in November and December. If the aggregate amount of the bill credits equals the currently

¹ Decision 02-12-074 states (at page 42), "[W]e authorize PG&E to file and *[sic]* expedited trigger application at any time that its forecasts indicate it will face an undercollection in excess of the 5% threshold. That is, we no longer require PG&E's ERRA undercollections to reach 4 percent before we will entertain a trigger application."

forecast year-end 2009 ERRA overcollection of \$398.6 million, then PG&E's residential electric customers would receive an average bill credit of about \$33.

The key provisions of PG&E's Bill Credit Plan are as follows:²

1. If, after factoring in recorded data through September 2009 and other forecasted electric rate changes effective January 1, 2010, the estimated bundled system average electric rate increase on January 1, 2010 is 3 percent³ or less (excluding the ERRA balance) *and* the forecasted ERRA overcollection is greater than \$200 million (slightly less than the 4 percent ERRA trigger threshold), then PG&E will provide a one-time bill credit to customers in the amount of the forecasted ERRA overcollection.

2. If the estimated bundled system average electric rate increase on January 1, 2010 is greater than 3 percent (excluding the ERRA balance), PG&E will first use the forecasted ERRA overcollection to reduce the estimated rate increase to 3 percent. If, after the adjustment, the remaining forecasted ERRA overcollection is still greater than \$200 million, PG&E will provide a one-time bill credit to customers in the amount of the remaining forecasted ERRA overcollection.

3. If, after the adjustment, the remaining forecasted ERRA overcollection is less than \$200 million, PG&E will not proceed with the Bill Credit Plan. Instead, PG&E may file a trigger application to amortize the ERRA overcollection over a period not less than 90 days. Otherwise, the end-of-year 2009 ERRA overcollection would be returned to customers through the Annual Electric True-Up process.⁴

² PG&E first proposed this Bill Credit Plan on July 20, 2009 in Advice Letter 3495-E, which the Energy Division rejected by letter dated August 7, 2009. Advice Letter 3495-E and the disposition letter are attached to Chapter 1.

³ As of June 30, 2009, a 3 percent increase in the estimated bundled system average rate is approximately \$375 million.

⁴ On September 1, 2009, PG&E will file its Annual Electric True-Up (AET) for electric rates effective January 1, 2010. The AET provides the Commission with a preliminary estimate of electric rates on January 1, 2010, incorporating: (1) amounts previously authorized to be recovered in rates; (2) the forecast December 31, 2009, balances for amortization in 2010; and (3) electric rate changes being considered in a number of pending proceedings and advice letters. In December PG&E will file a supplemental AET advice letter reflecting more current information.

If the Commission approves the Bill Credit Plan as requested, PG&E will file a Tier 1 supplemental advice letter on October 30, 2009, to notify the Commission whether or not the conditions are met to proceed with implementation of the Bill Credit Plan and, if the conditions are met, the final aggregate amount of the bill credits. The bill credits then will appear on customers' energy statements in the November/December billing cycle.

IV. RELIEF REQUESTED

PG&E requests a Commission decision no later than October 15, 2009, approving PG&E's Bill Credit Plan whereby PG&E will, under specific conditions, give bundled electric customers one-time bill credits in the November/December 2009 billing cycle based on the expected December 31, 2009 ERRAs overcollection.

Normally when an ERRA overcollection is imminent PG&E would wait until the 4% threshold had been reached and then file an ERRA trigger application to amortize the overcollection in electric rates over a period of several months. Instead, PG&E is filing this ERRA trigger application before the 4 percent threshold has been reached and is requesting one-time bill credits instead of amortization in rates. PG&E's Bill Credit Plan will put the anticipated overcollection back in the hands of PG&E's electric customers all at once, providing welcome relief in difficult economic times faster than the normal ERRA trigger amortization would.

If the Commission rejects PG&E's proposed Bill Credit Plan, PG&E may file a trigger application to amortize the ERRA overcollection over a period not less than 90 days. Otherwise, the end-of-year 2009 ERRA overcollection would be returned to customers through the AET process.

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V. INFORMATION REQUIRED BY THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE

A. Service (Rules 1.9 and 1.10)

PG&E is serving this Application and its supporting testimony on the official service list in Application 09-06-001, PG&E's 2010 ERRRA Forecast proceeding, and on the official "Procurement-General" service list in Rulemaking 01-10-024, Generation Procurement and Renewable Resource Development. (The rejection letter for Advice 3495-E required PG&E to serve this Application on all parties to Decision 02-10-062, which was issued in Rulemaking 01-10-024.) PG&E will serve the assigned Administrative Law Judge and Assigned Commissioner when they are identified.

B. Verification (Rules 1.11 and 2.1)

The required verification is attached to this Application.

C. Statutory and Other Authority (Rule 2.1)

PG&E files this Application pursuant to Sections 451, 454, 454.5, and 701 of the Public Utilities Code of the State of California, the Commission's Rules of Practice and Procedure, and prior decisions, orders and resolutions of the Commission, including but not limited to D.02-10-062.

D. Legal Name and Principal Place of Business (Rule 2.1(a))

The legal name of the Applicant is Pacific Gas and Electric Company. PG&E's principal place of business is 77 Beale Street, San Francisco, California 94105.

E. Correspondence, Communications. And Service (Rule 2.1(b))

All correspondence, communications, and service of papers regarding this Application should be directed to:

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PG&E requests that correspondence and communications regarding this Application also be directed to:

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F. Categorization, Hearings, Issues, And Schedule (Rule 2.1(c))

1. Proposed Categorization

PG&E proposes that this application be categorized as a ratesetting proceeding.

2. Need for Hearings

Based on the expedited nature of ERRA trigger applications, PG&E does not believe there should be hearings in this proceeding.

3. Issues to Be Considered

The sole issue presented in this trigger application is as follows:

Should PG&E be authorized to provide bill credits to its electric customers in late 2009 in accordance with the Bill Credit Plan, in anticipation of a substantial overcollection in the ERRA as of December 31, 2009?

4. Procedural Schedule

Given that the Commission is required under D.02-10-062 (at pages 65-66) to process ERRA trigger applications in 60 days, PG&E proposes the following 62-day schedule. Concurrently with the filing of this application, PG&E is filing a motion to shorten time to respond to this Application. A similar shortening of the response period was sought and granted in PG&E's 2008 ERRA trigger applications.

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August 14, 2009	PG&E files Application
No later than August 17	Notice of Application appears in Daily Calendar
+ 15 days (by September 1)	Protests and responses due
+ 5 days (by September 8)	Reply due
September 15	ALJ issues proposed decision
October 15	Commission approves final decision
October 30	PG&E files Tier 1 advice letter

G. Articles of Incorporation (Rule 2.2)

A certified copy of PG&E's Restated Articles of Incorporation, effective April 12, 2004, was filed with the Commission on May 3, 2004 with PG&E's Application 04-05-005. These articles are incorporated herein by reference.

H. Authority to Increase Rates (Rule 3.2)

Rule 3.2 applies to “Applications for authority to increase rates, or to implement changes that would result in increased rates.” This Application requests bill credits, not any change in *rates*, let alone an increase. The bill credits would appear only once and would be a reduction from the amount due as calculated under existing rates. Moreover, D.02-10-062 (at pages 65-66) states, “Customer notice should be sent as soon as the application is filed for a *rate* increase or decrease.” (Emphasis supplied.) Therefore, Rule 3.2 on its own express terms does not apply to this Application.

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VI. CONCLUSION

PG&E is now ready to proceed with its showing in support of this Application.

Wherefore, PACIFIC GAS AND ELECTRIC COMPANY respectfully requests the Commission to issue a decision approving this Application no later than October 15, 2009, and specifically to approve PG&E's Bill Credit Plan whereby PG&E will, under specific conditions, give bundled electric customers one-time bill credits in the November/December 2009 billing cycle based on the expected December 31, 2009 ERRR overcollection.

Respectfully Submitted,

JANE YURA
VICE PRESIDENT - Regulation and Rates

By.: _____ /s/
JANE YURA

ANDREW L. NIVEN
ANN H. KIM

By.: _____ /s/
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Attorneys for
PACIFIC GAS AND ELECTRIC COMPANY

Dated: August 14, 2009

VERIFICATION

I, the undersigned, say:

I am an officer of PACIFIC GAS AND ELECTRIC COMPANY, a corporation, and am authorized to make this verification for and on behalf of said corporation, and I make this verification for that reason; I have read the foregoing Application and am informed and believe that the matters contained therein are true and on that ground I allege that the matters stated herein are true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at San Francisco, California, this 14th day of August, 2009.

/s/

JANE YURA

VICE PRESIDENT – Regulation and Rates

CERTIFICATE OF SERVICE BY ELECTRONIC MAIL OR U.S. MAIL

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 Pacific Gas and Electric Company, Law Department B30A, Post Office Box 7442, San Francisco, CA 94120.

On the 14th day of August, 2009, I served a true copy of:

**EXPEDITED APPLICATION OF PACIFIC GAS AND
ELECTRIC COMPANY FOR ELECTRIC BILL CREDITS**

- [XX] By Electronic Mail – serving the enclosed via e-mail transmission to each of the parties listed with an e-mail address on the official service list for **Application 09-06-001** and the official “Procurement-General” service list in **Rulemaking 01-10-024**.
- [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 without an e-mail address on the official service list for **Application 09-06-001** and the official “Procurement-General” service list in **Rulemaking 01-10-024**.

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 August, 2009 at San Francisco, California.

/s/

TAUVELA U’U

THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA SERVICE LIST

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Commissioner Assigned: Michael R. Peevey on June 5, 2009

ALJ Assigned: Bruce DeBerry on June 5, 2009

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