

1 [Settlement of claim filed by PG&E before the Federal Energy Regulatory Commission.]

2
3 **Ordinance authorizing settlement of the Scheduling Coordinator Services Tariff case**
4 **filed by Pacific Gas & Electric Company before the Federal Energy Regulatory**
5 **Commission in Docket Nos. ER00-565-000 et al., ER04-1233-000 et al., and ER05-480-**
6 **000.**

7 Note: Additions are *single-underline italics Times New Roman*;
8 deletions are *strikethrough italics Times New Roman*.
9 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. The City Attorney and the General Manager of the Public Utilities
12 Commission are authorized to settle the Scheduling Coordinator Services Tariff case (SCS
13 Case) filed by Pacific Gas & Electric Company (PG&E) before the Federal Energy Regulatory
14 Commission (FERC), in Docket Nos. ER00-565-000 *et al.*, ER04-1233-000 *et al.*, and ER05-
15 480-000. The terms of the settlement are set forth in the Offer of Partial Settlement
16 (Settlement) on file with the Clerk of the Board of Supervisors in File No. _____, which is
17 declared to be part of this ordinance as if fully set forth herein. If approved by the Board of
18 Supervisors, the Settlement will be submitted to the FERC for approval.

19 Section 2. The material terms of the Settlement are as follows:

- 20 (a) The City agrees to pay PG&E approximately \$7.6 million out of the \$13.9 million sought
21 from the City by PG&E in the SCS Case.
- 22 (b) PG&E agrees to relinquish its claim against the City for \$1.26 million submitted in PG&E's
23 Bankruptcy Proceeding, Case No. 01-30923 (Bankr. Court, No. Dist. of Cal.) as the Fourth
24 Claim in PG&E's First Amended Complaint in the Adversary Proceeding, Case No. 04-03071.

25

1 (c) No later than December 31, 2005, the City agrees to cease taking service under PG&E's
2 Scheduling Coordinator Services Tariff.

3 Section 3. The Public Utilities Commission has already paid approximately \$3.5 million
4 to PG&E under protest and has paid approximately \$8.7 million into an escrow account
5 established under the terms of the FERC tariff, U.S. Bank Account No. 786457000 SF/PG&E.
6 The remaining \$4.1 million owed to PG&E under this settlement will be paid from the escrow
7 account and the remaining escrow funds will be returned to PUC and the escrow account
8 closed.

9 RECOMMENDED:

10 PUBLIC UTILITIES COMMISSION

11

12

Susan Leal
General Manager

13

14

15 APPROVED AS TO FORM AND RECOMMENDED:
16 DENNIS J. HERRERA, City Attorney

17

18

Theresa L. Mueller
Deputy City Attorney

19

20

21

22

23

24

25