

1 [Settlement of complaint by PG&E before the Federal Energy Regulatory Commission and  
2 approval of an Amended Interconnection Agreement with PG&E.]

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4 **Ordinance authorizing settlement of proceedings before the Federal Energy Regulatory**  
5 **Commission in FERC Dockets No. ER05-1190-000, et al, initiated by Pacific Gas &**  
6 **Electric Company to terminate the 1987 Interconnection Agreement between the City**  
7 **and PG&E; and approving an Amended Interconnection Agreement between the City**  
8 **and PG&E which provides for continued delivery of electricity to City facilities, among**  
9 **other things.**

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

12 Section 1. The City Attorney and the General Manager of the San Francisco Public  
13 Utilities Commission (PUC) are hereby authorized to settle the proceedings before the  
14 Federal Energy Regulatory Commission (FERC) in Docket No. ER05-1190-000, initiated by  
15 Pacific Gas & Electric Company on July 1, 2005, to effectively terminate the 1987  
16 Interconnection Agreement (IA) between PG&E and the City. The Board of Supervisors  
17 hereby approves the Amended Interconnection Agreement (Amended IA) between the City  
18 and PG&E as a part of the settlement. The Amended IA is on file with the Clerk of the Board  
19 of Supervisors in File No. 071178, and is declared to be a part of this ordinance as if fully set  
20 forth herein. The PUC approved the Amended IA on July 24, 2007, and recommends its  
21 approval to the Board of Supervisors. The PUC resolution is on file with the Clerk of the  
22 Board of Supervisors in File No. 071178, and is declared to be a part of this ordinance as if fully  
23 set forth herein. If approved by the Board of Supervisors, the Settlement and Amended IA will  
24 be submitted to FERC for approval. If the Board of Supervisors and FERC approve the

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City Attorney  
Public Utilities Commission  
BOARD OF SUPERVISORS

1 proposed amendments, the Amended IA will replace the 1987 IA between the City and PG&E,  
2 which was executed on December 21, 1987 and is on file with FERC as PG&E Rate Schedule  
3 FERC No. 114.

4 Section 2. Background to the Settlement.

5 A. On July 1, 2005, PG&E filed a complaint under Section 205 of the Federal  
6 Power Act to effectively terminate the FERC-approved 1987 IA between PG&E and the City.  
7 PG&E sought by its filing to terminate the IA ten years prior to its expiration date.

8 B. On July 22, 2005, the City intervened, protested and asked FERC to reject  
9 PG&E's filing.

10 C. On September 1, 2005, the FERC Administrative Law Judge established an  
11 expedited schedule for completion of discovery, evidentiary hearings and briefing. In  
12 preparation for hearings, the City retained special counsel and expert witnesses, conducted  
13 extensive discovery, including depositions of PG&E witnesses, and submitted written  
14 testimony in opposition to PG&E's proposal on September 16, 2005.

15 D. On October 7, 2005, the City and PG&E agreed to Settlement Principles and  
16 requested a six-month stay of the proceeding to give the parties an opportunity to reach a  
17 negotiated settlement.

18 E. On October 12, 2005, FERC granted a six-month stay and agreed to extend the  
19 earliest possible effective date of any amendments to the IA to September 1, 2007.

20 F. In June 2006, the City and PG&E agreed to a Term Sheet setting forth the  
21 agreements reached on key issues and identifying additional steps to a final agreement.

22 G. In December 2006, April 2007, and July 2007, FERC issued additional orders  
23 further staying the proceedings in order to give the City and PG&E an opportunity to conclude  
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1 settlement negotiations. FERC has stayed the proceedings until October 9, 2007 in order for  
2 the City to complete its approval process.

3 Section 3. The Amended IA. The amendments to the IA will result in annual savings to  
4 the City of \$3.772 million. The proposed amendments (i) incorporate into the IA modifications  
5 required to conform to the changes in the California electricity market since the establishment  
6 of the California Independent System Operator, (ii) provide the City with greater access to  
7 energy from third parties and greater flexibility in its operations, and (iii) anticipate further  
8 changes in the California electricity market which are expected in early 2008. The key  
9 provisions of the Amended IA are as follows:

10 A. PG&E will continue to provide transmission and distribution services to ensure  
11 the delivery of power from Hetch Hetchy to City facilities. Distribution rates are fixed until  
12 January 2009. After January 2009, distribution rates may not increase more than 3 per cent  
13 per year for the remaining term of the Amended IA. Transmission rates will increase by 24  
14 percent on September 1, 2007, but will be 25 percent below FERC-approved PG&E  
15 Transmission Owner tariff rates even after the increase. After September 1, 2007,  
16 transmission rates will not increase more than 8 per cent per year for the remaining term of  
17 the Amended IA.

18 B. The City maintains its right to use the deferred delivery account to bank energy  
19 produced by Hetch Hetchy, but the maximum amount of energy the City can bank is capped  
20 at 110 GWh.

21 C. Demand charges to the City for withdrawals from the deferred delivery account  
22 are eliminated.

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**Public Utilities Commission**  
**BOARD OF SUPERVISORS**

1 D. City renewable energy facilities that are within 20 miles of the City's customers  
2 are recognized as generating resources that are eligible to use IA transmission and  
3 distribution services.

4 E. As provided in the Scheduling Coordinator (SC) Settlement, which was  
5 approved by the San Francisco Board of Supervisors on June 21, 2005, and incorporated into  
6 the Amended IA, the City is responsible for scheduling its own power, thereby eliminating the  
7 City's reliance on PG&E to provide scheduling functions with CAISO and enabling the City for  
8 the first time to directly engage in CAISO market transactions.

9 F. Neither the City nor PG&E may make unilateral filings with FERC to change the  
10 terms of the Amended IA unless there has been a significant regulatory change, such as a  
11 change in regulatory structure or requirements ordered by FERC, CPUC or other regulatory  
12 body.

13 G. The arbitration provisions are amended and an alternative dispute resolution  
14 process is adopted which requires the participation of senior management at PG&E and the  
15 Assistant General Manager for Power at the PUC.

16 H. The City's standard contract provisions, including non-discrimination, equal  
17 benefits requirements, prohibition against submission of false claims, prohibition on political  
18 activity with City funds and limitations on political contributions are included in the Amended  
19 IA.

20 I. The City's implementation of Community Choice Aggregation cannot be a basis  
21 for termination of the IA.

22 J. Nothing in the proposed amendments limits the City's right to undertake full  
23 municipalization.

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25 **Supervisor Peskin**  
**City Attorney**  
**Public Utilities Commission**  
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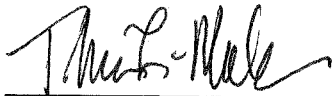
1 RECOMMENDED:

2 PUBLIC UTILITIES COMMISSION

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4 Susan Leal  
5 General Manager

6 APPROVED AS TO FORM AND RECOMMENDED:  
7 DENNIS J. HERRERA, City Attorney

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9 Theresa L. Mueller  
10 Deputy City Attorney

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City Attorney  
Public Utilities Commission  
BOARD OF SUPERVISORS



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Ordinance

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**File Number:** 071178

**Date Passed:**

Ordinance authorizing settlement of proceedings before the Federal Energy Regulatory Commission in FERC Dockets No. ER05-1190-000, et al, initiated by Pacific Gas & Electric Company to terminate the 1987 Interconnection Agreement between the City and PG&E; and approving an Amended Interconnection Agreement between the City and PG&E which provides for continued delivery of electricity to City facilities, among other things.

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October 2, 2007 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell,  
McGoldrick, Mirkarimi, Peskin, Sandoval

October 16, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Chu, Maxwell,  
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 071178

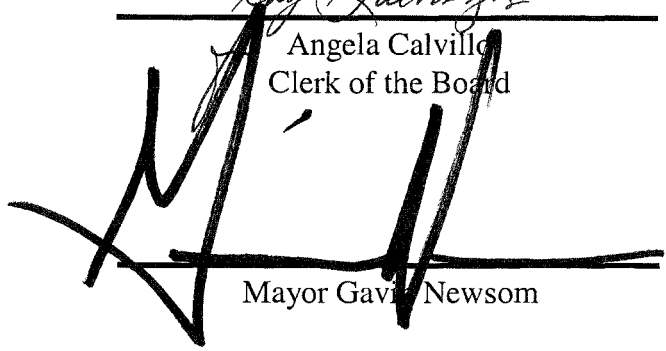
I hereby certify that the foregoing Ordinance  
was **FINALLY PASSED** on October 16, 2007  
by the Board of Supervisors of the City and  
County of San Francisco.

10/22/2007

Date Approved



Angela Calvillo  
Clerk of the Board



Mayor Gavin Newsom