

84-06

1 [Settlement Of Lawsuit]

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3 **Ordinance authorizing settlement of the lawsuit filed by the City and County of San**

4 **Francisco, on behalf of the People of California, against Reliant Energy, Inc. and other**

5 **Reliant Companies; the lawsuit entitled People v. Dyneqy, et al. was filed on January**

6 **18, 2001, and has been coordinated as Wholesale Electricity Antitrust Cases I & II in the**

7 **Superior Court of the State of California for the County of San Diego, JCCP Nos. 4204**

8 **and 4205; the settlement provides \$666,666.66 to San Francisco and \$430 million in**

9 **benefits to California electric ratepayers, among other provisions.**

10

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

12 Section 1. The City Attorney is hereby authorized to settle in part the action entitled People v.

13 Dyneqy, coordinated as Wholesale Electricity Antitrust Cases I & II, in the Superior Court for

14 the State of California, County of San Diego, JCCP Nos. 4204 and 4205, against the Reliant

15 Energy Companies (Reliant) by entering the settlement agreement with Reliant negotiated by

16 the State of California through the Attorney General. The settlement agreement is on file with

17 the Clerk of the Board of Supervisors in File No. 060335.

18

19 San Francisco's litigation against the remaining defendants in the Wholesale Electricity

20 Antitrust Case will continue. The primary benefits to San Francisco from the settlement

21 include the following: (1) San Francisco will receive a cash payment of \$666,666.66; (2)

22 California electric ratepayers will receive approximately \$430 million in benefits from the

23 settlement, of which approximately \$94 million is expected to benefit PG&E's customers,

24 including San Francisco residents and businesses; (3) Reliant will pay approximately

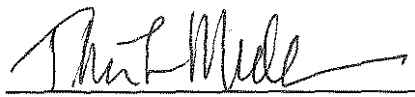
1 \$3,342,857.00 in attorney fees, which will be allocated among the attorneys representing
2 private plaintiffs and local governments, including those representing San Francisco.

3 Section 2. The above-named action was filed in the Superior Court in the County of
4 San Francisco on January 18, 2001 and has been coordinated as Wholesale Electricity
5 Antitrust Cases I & II in the Superior Court for the State of California, County of San Diego,
6 JCCP Nos. 4204 and 4205. The following parties were named in the lawsuit: the People of
7 the State of California, by and through the San Francisco City Attorney, Plaintiffs, and more
8 than one dozen defendants, including Reliant.

9 Section 3. The Attorney General believes that there must be a nexus between the
10 purpose of the litigation and the use of the settlement funds. The City may allocate these
11 funds to the general fund as long as it also spends at least the same amount on new energy-
12 related projects.

13
14 APPROVED AS TO FORM AND
15 RECOMMENDED:

16 DENNIS J. HERRERA
17 City Attorney

18 

19 Theresa L. Mueller
20 Deputy City Attorney



City and County of San Francisco

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

Tails Ordinance

File Number: 060335

Date Passed:

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, on behalf of the People of California, against Reliant Energy, Inc. and other Reliant Companies; the lawsuit entitled *People v. Dynegy, et al.* was filed on January 18, 2001, and has been coordinated as Wholesale Electricity Antitrust Cases I & II in the Superior Court of the State of California for the County of San Diego, JCCP Nos. 4204 and 4205; the settlement provides \$666,666.66 to San Francisco and \$430 million in benefits to California electric ratepayers, among other provisions.

April 18, 2006 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin,
Sandoval

Excused: 2 - Alioto-Pier, McGoldrick

April 25, 2006 Board of Supervisors — FINALLY PASSED


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

File No. 060335

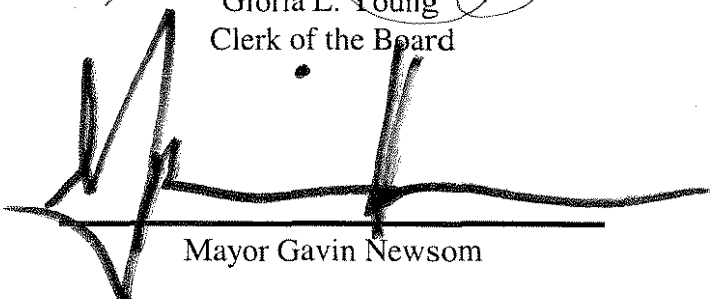
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on April 25, 2006 by
the Board of Supervisors of the City and
County of San Francisco.

4/28/06

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Gavin Newsom