

1 [Settlement of Lawsuits - Pacific Gas and Electric Company - City to Pay \$1,563,963.29 and  
2 City to Receive \$1,563,963.29]

3 **Ordinance authorizing settlement of two lawsuits: the first lawsuit entitled Pacific Gas  
4 and Electric Co. v. City and County of San Francisco was filed by the Pacific Gas and  
5 Electric Company (PG&E) on December 14, 2007, in San Francisco Superior Court,  
6 Case No. CGC-07-470086; that settlement requires the City to pay PG&E \$1,563,963.29  
7 and allows the City to continue providing electric service to the Ferry Building; the  
8 second lawsuit entitled City and County of San Francisco v. Pacific Gas and Electric  
9 Co. was filed by the City on March 6, 2013, in San Francisco Superior Court, Case No.  
10 CGC-13-529309; that settlement requires PG&E to pay the City \$1,563,963.29 and to  
11 provide the City with certain information necessary to prevent any future  
12 underpayments of franchise fees.**

13  
14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby  
16 authorizes the City Attorney to settle the action entitled Pacific Gas and Electric Co. v. City  
17 and County of San Francisco, San Francisco Superior Court, Case No. CGC-07-470086, by  
18 the City's payment of \$1,563,963.29 to PG&E and PG&E's agreement that the City will  
19 continue to provide electric service to the Ferry Building. All of the terms and conditions of the  
20 settlement are set forth in the Settlement Agreement and Release of Claims signed by the  
21 parties ("Settlement Agreement"), which is on file with the Clerk of Board of Supervisors in File  
22 No. 150329 and is incorporated herein by reference.

23 The above-named action was filed in the San Francisco Superior Court on December  
24 14, 2007, and the following parties were named in the lawsuit: plaintiff and cross-defendant  
25

1 Pacific Gas and Electric Co., and defendant and cross-complainant the City and County of  
2 San Francisco.

3 Section 2. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby  
4 authorizes the City Attorney to settle the action entitled City and County of San Francisco v.  
5 Pacific Gas and Electric Co., San Francisco Superior Court, Case No. CGC-13-529309, by  
6 PG&E's payment of \$1,563,963.29 to the City and PG&E's agreement to provide the City with  
7 certain information to prevent any future underpayments of franchise fees. All of the terms  
8 and conditions of the settlement are set forth in the Settlement Agreement.

9 The above-named action was filed in the San Francisco Superior Court on March 6,  
10 2013, and the following parties were named in the lawsuit: plaintiff the City and County of San  
11 Francisco, and defendant Pacific Gas and Electric Co.

12 Section 3. On March 24, 2015, the San Francisco Public Utilities Commission  
13 approved the settlement of both of these matters in Resolution No. 15-0081, which is on file  
14 with the Clerk of the Board Supervisors in File No. 150329 and is incorporated herein by  
15 reference.

16 Section 4. Pursuant to the parties' agreement, the Board of Supervisors authorizes the  
17 San Francisco Public Utilities Commission to effectuate the settlement by transferring  
18 \$1,563,963.29 to the City and County of San Francisco General Fund from appropriated,  
19 unspent Power funds.

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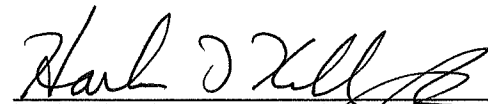
APPROVED AS TO FORM AND  
RECOMMENDED:

DENNIS J. HERRERA, City Attorney


  
WILLIAM K. SANDERS  
Deputy City Attorney

RECOMMENDED (Both Cases):


SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION

  
HARLAN L. KELLY, JR.  
General Manager

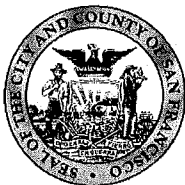
RECOMMENDED  
(Case No. CGC-13-529309 Only):

  
BEN ROSENFELD  
Controller

FUNDS AVAILABLE  
(Case No. CGC-07-470086 Only):

  
BEN ROSENFELD  
Controller

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City and County of San Francisco

Tails  
Ordinance

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

File Number: 150329

Date Passed: June 02, 2015

Ordinance authorizing settlement of two lawsuits: the first lawsuit entitled Pacific Gas and Electric Co. v. City and County of San Francisco was filed by the Pacific Gas and Electric Company (PG&E) on December 14, 2007, in San Francisco Superior Court, Case No. CGC-07-470086; that settlement requires the City to pay PG&E \$1,563,963.29 and allows the City to continue providing electric service to the Ferry Building; the second lawsuit entitled City and County of San Francisco v. Pacific Gas and Electric Co. was filed by the City on March 6, 2013, in San Francisco Superior Court, Case No. CGC-13-529309; that settlement requires PG&E to pay the City \$1,563,963.29 and to provide the City with certain information necessary to prevent any future underpayments of franchise fees.

May 07, 2015 Government Audit and Oversight Committee - RECOMMENDED..

May 19, 2015 Board of Supervisors - PASSED, ON FIRST READING

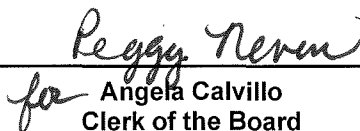
Ayes: 10 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Mar, Tang, Wiener and Yee  
Excused: 1 - Kim

June 02, 2015 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 150329

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/2/2015 by the Board of Supervisors of the City and County of San Francisco.

  
for Angela Calvillo  
Clerk of the Board

  
Mayor

6/12/15  
Date Approved