

1 [Closed Session - Existing Litigation - Pacific Gas and Electric Company - January 10, 2023]

2

3 **Motion that the Board of Supervisors convene in closed session on January 10, 2023,**
4 **pursuant to California Government Code, Section 54956.9(a), and San Francisco**
5 **Administrative Code, Section 67.10(d)(1), for the purpose of conferring with, or**
6 **receiving advice from, the City Attorney regarding the following existing litigation in**
7 **which the City is a petitioner and Pacific Gas & Electric Company is an adverse party:**
8 **City and County of San Francisco v. Federal Energy Regulatory Commission, (United**
9 **States Court of Appeals, D. C. Circuit), No. 20-1313, petition for review filed August 17,**
10 **2020, consolidated with No. 20-1458, petition for review filed November 16, 2020; City**
11 **and County of San Francisco v. Federal Energy Regulatory Commission, (United States**
12 **Court of Appeals, D. C. Circuit), No. 20-1084, petition for review filed March 23, 2020;**
13 **consolidated with No. 20-1297, petition for review filed August 3, 2020; in re: PG&E**
14 **Corporation and Pacific Gas & Electric Company, United States Bankruptcy Court,**
15 **Northern District of California, Case No. 19-30088-DM, filed January 29, 2019; Federal**
16 **Energy Regulatory Commission Case No. ER22-620-00, filed December 13, 2021;**
17 **Federal Energy Regulatory Commission Case No. TX21-04-000, filed August 20, 2021;**
18 **Federal Energy Regulatory Commission Case No. ER20-2878, filed September 15, 2020;**
19 **Federal Energy Regulatory Commission Case No. EL 19-38-000, filed January 28, 2019;**
20 **Federal Energy Regulatory Commission Case No. ER18-1482-000, filed April 30, 2018;**
21 **Federal Energy Regulatory Commission Case No. ER18-1102-000, filed March 15, 2018;**
22 **Federal Energy Regulatory Commission Case No. ER18-790-000, filed, February 2,**
23 **2018; Federal Energy Regulatory Commission Case No. ER18-768-000, filed January 31,**
24 **2018; Federal Energy Regulatory Commission Case No. ER18-198-000, filed October 31,**
25 **2017; Federal Energy Regulatory Commission Case No. ER17-2406-000, filed August**

1 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2181-000, filed July
2 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2204, filed July 31,
3 2017; Federal Energy Regulatory Commission Case No. ER17-1509-000, filed May 1,
4 2017; Federal Energy Regulatory Commission Case No. ER17-910-000, filed January 31,
5 2017; Federal Energy Regulatory Commission Case No. EL 15-3-000, filed October 10,
6 2014; Federal Energy Regulatory Commission Case No. ER15-702-000, filed December
7 23, 2014; Federal Energy Regulatory Commission Case No. ER15-703-000, filed
8 December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-704-000,
9 filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-705-
10 000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-
11 735-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER
12 20-2878-000 et al, filed September 15, 2020; California Public Utilities Commission Case
13 No. 1.15-08-019, filed February 25, 2015; California Public Utilities Commission Case
14 No. R.18-10-007, filed October 25, 2018; California Public Utilities Commission Case No.
15 R.19-01-006, filed January 10, 2019; and California Public Utilities Commission Case
16 No. A.20-04-023, filed April 30, 2020; and California Public Utilities Commission Case
17 No. P. 21-07-012, filed July 27, 2021.

18

19 WHEREAS, The City and County of San Francisco is a party in each of the following
20 cases:

- 21 • City and County of San Francisco v. Federal Energy Regulatory Commission
22 (United States Court of Appeals, D.C. Circuit, Case No. 20-1313, petition for review
23 of decision 171 FERC ¶ 61,021, filed August 17, 2020, consolidated with Case No.
24 20-1458, petition for review of decision 172 FERC 61,237, filed November 16,
25 2020);

- 1
- City and County of San Francisco v. Federal Energy Regulatory Commission (United States Court of Appeals, D.C. Circuit, Case No. 20-1084, petition for review of decision 169 FERC ¶ 61,128, filed March 23, 2020; consolidated with Case No. 20-1297, petition for review of decision 171 FERC ¶ 61,196, filed August 3, 2020);
- 2
- 3
- 4
- 5
- In re: PG&E Corporation and Pacific Gas & Electric Company (United States Bankruptcy Court, Northern District of California, Case No. 19-30088-DM, filed January 29, 2019);
- 6
- 7
- Pacific Gas & Electric Company (Federal Energy Regulatory Commission, revisions to Service Agreement, Case No. ER22-620-00, filed December 13, 2021);
- 8
- 9
- City and County of San Francisco (Federal Energy Regulatory Commission, application for an order requiring Pacific Gas & Electric Company to provide service under Federal Power Act sections 210 and 211, Case No. TX21-04-000, filed August 20, 2021);
- 10
- 11
- 12
- 13
- Pacific Gas & Electric Company (Federal Energy Regulatory Commission, revisions to Wholesale Distribution Tariff (WDT3), Case No. ER20-2878, filed September 15, 2020);
- 14
- 15
- 16
- City and County of San Francisco v. Pacific Gas & Electric Co. (Federal Energy Regulatory Commission Case No. EL 19-38-000, filed January 28, 2019);
- 17
- 18
- Pacific Gas & Electric Company (Federal Energy Regulatory Commission, Proposed revisions to the City and Country of San Francisco's Service Agreement No. 275 under FERG Electric Tariff Volume No. 4, Case No. ER18-17 1482-000, filed April 30, 2018);
- 19
- 20
- 21
- 22
- Pacific Gas & Electric Company (Federal Energy Regulatory Commission, Proposed revisions to the City and Country of San Francisco's Service Agreement
- 23
- 24
- 25

- 1 No. 275 under FERG Electric Tariff Volume No. 4, Case No. ER18-21 1102-000,
2 filed March 15, 2018);
- 3 • Pacific Gas & Electric Company (Federal Energy Regulatory Commission,
4 Proposed revisions to the City and Country of San Francisco's Service Agreement
5 No. 275 under FERG Electric Tariff Volume No. 4, Case No. ER18-25 790-000,
6 filed, February 2, 2018);
 - 7 • Pacific Gas & Electric Company (Federal Energy Regulatory Commission,
8 Proposed revisions to the City and Country of San Francisco's Service Agreement
9 No. 275 under FERG Electric Tariff Volume No. 4, Case No. ER18-768-000, filed
10 January 31, 2018);
 - 11 • Pacific Gas & Electric Company (Federal Energy Regulatory Commission,
12 Proposed revisions to the City and Country of San Francisco's Service Agreement
13 No. 275 under FERG Electric Tariff Volume No. 4, Case No. ER18-198-000, filed
14 October 31, 2017);
 - 15 • Pacific Gas & Electric Company (Federal Energy Regulatory Commission,
16 Proposed revisions to the City and Country of San Francisco's Service Agreement
17 No. 275 under FERG Electric Tariff Volume No. 4, Case No. ER17-2406-000, filed
18 August 31, 2017);
 - 19 • Pacific Gas & Electric Company (Federal Energy Regulatory Commission,
20 Proposed revisions to the City and Country of San Francisco's Service Agreement
21 No. 275 under FERG Electric Tariff Volume No. 4, Case No. ER17-2181-000, filed
22 July 31, 2017);
 - 23 • Pacific Gas & Electric Company (Federal Energy Regulatory Commission,
24 Proposed revisions to the City and Country of San Francisco's Service Agreement
25

- 1 No. 275 under FERC Electric Tariff Volume No. 4, Case No. ER17-2204, filed July
2 31, 2017);
- 3 • Pacific Gas & Electric Company (Federal Energy Regulatory Commission,
4 Proposed revisions to the City and County of San Francisco's Service Agreement
5 No. 275 under FERC Electric Tariff Volume No. 4, Case No. ER17-1509-000, filed
6 May 1, 2017);
 - 7 • Pacific Gas & Electric Company (Federal Energy Regulatory Commission,
8 Proposed revisions to the City and County of San Francisco's Service Agreement
9 No. 275 under FERC Electric Tariff Volume No. 4, Case No. ER17-910-000, filed
10 January 31, 2017);
 - 11 • City and County of San Francisco v. Pacific Gas & Electric (Federal Energy
12 Regulatory Commission, Case No. EL 15-3-000, filed October 10, 2014);
 - 13 • Pacific Gas & Electric (Federal Energy Regulatory Commission, Tariff Withdrawal
14 per 35.15: Notice of Termination of the 1987 CCSF Interconnection Agreement -
15 PG&E Rate Schedule FERC No. 114 to be effective June 30, 2015, Case No.
16 ER15-702-000, filed December 23, 2014);
 - 17 • Pacific Gas & Electric (Federal Energy Regulatory Commission, Tariff Withdrawal
18 per 35.15: Notice of Termination of the CCSF Facilities Charge Agreement for
19 Moscone to be effective June 30, 2015, Case No. ER15-703-000, filed December
20 23, 2014);
 - 21 • Pacific Gas & Electric (Federal Energy Regulatory Commission, §205(d) rate filing
22 per 35.13(a)(2)(iii): City and County of San Francisco Wholesale Distribution Tariff
23 Replacement Agreements to be effective July 1, 2015, Case No. ER15-704-000,
24 filed December 23, 2014);
- 25

- 1 • Pacific Gas & Electric (Federal Energy Regulatory Commission, §205(d) rate filing
2 per 35.13(a)(2)(iii): City and County of San Francisco Transmission Owner Tariff
3 Replacement Agreements to be effective July 1, 2015, Case No. ER15-705-000,
4 filed December 23, 2014);
- 5 • Pacific Gas & Electric (Federal Energy Regulatory Commission, Notices of
6 Termination of Facilities Charge Agreements between Pacific Gas and Electric
7 Company and the City and County of San Francisco, Case No. ER15-735-000,
8 filed December 23, 2014);
- 9 • Order Instituting Investigation on the Commission's Own Motion to Determine
10 Whether Pacific Gas and Electric Company and PG&E Corporation's
11 Organizational Culture and Governance Prioritize Safety (California Public Utilities
12 Commission, Case No. 1.15-08-019, filed February 25, 2015);
- 13 • Order Instituting Rulemaking to Implement Electric Utility Wildfire Mitigation Plans
14 Pursuant to Senate Bill 901 (2018) (California Public Utilities Commission, Case No.
15 R.18-10-007, filed October 25, 2018); and
- 16 • Order Instituting Rulemaking to Implement Public Utilities Code Section 451.2
17 Regarding Criteria and Methodology for Wildfire Cost Recovery Pursuant to Senate
18 Bill 901 (2018) (California Public Utilities Commission, Case No. R.19-01-13 006,
19 filed January 10, 2019);
- 20 • Order Instituting Investigation on the Commission's Own Motion to Consider the
21 Ratemaking and Other Implications of a Proposed Plan for Resolution of Voluntary
22 Case filed by Pacific Gas and Electric Company, pursuant to Chapter 11 of the
23 Bankruptcy Code, in the United States Bankruptcy Court, Northern District of
24 California, San Francisco Division, In re Pacific Gas and Electric Corporation and
25

1 Pacific Gas and Electric Company, Case No.19-30088. (California Public Utilities
2 Commission, Case No. R.19-09-016, filed September 26, 2019);

- 3 • Petition of the City and County of San Francisco for a Valuation of Certain Pacific
4 Gas & Electric Company Property Pursuant to Public Utilities Code Sections 1401-
5 1421 (California Public Utilities Commission, Case No. P. 21-07-012, filed July 27,
6 2021).

7
8 WHEREAS, California Government Code, Section 54956.9(a), and San Francisco
9 Administrative Code, Section 67.10(d)(1), allow the Board of Supervisors to convene in closed
10 session to confer with or receive advice from legal counsel regarding existing litigation; now,
11 therefore, be it

12 MOVED, That the Board of Supervisors shall convene on January 10, 2023, to hold a
13 closed session on existing litigation in which the City is a petitioner and Pacific Gas & Electric
14 Company is an adverse party for the purpose of conferring with, or receiving advice from, the
15 City Attorney regarding this existing litigation.

16
17 n:\govern\as2022\9690021\01641481.docx