

File No. 231246

Committee Item No. 5

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

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Committee: Government Audit and Oversight

Date: January 18, 2024

Board of Supervisors Meeting:

Date: \_\_\_\_\_

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Prepared by: Monique Crayton

Date: January 11, 2024

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Settlement of Lawsuit - Pacific Gas & Electric Co. - Power Connections]

2  
3 **Ordinance authorizing settlement of the complaint of the City and County of San**  
4 **Francisco (City) against Pacific Gas & Electric Co. (PG&E) that was filed by the City on**  
5 **January 28, 2019, before the Federal Energy Regulatory Commission, Docket No.**  
6 **EL19-38; entitled City and County of San Francisco v. Pacific Gas & Electric Co.; the**  
7 **complaint concerns PG&E’s imposition of unreasonable restrictions on connections of**  
8 **City facilities to PG&E’s distribution system; the material terms of the settlement are**  
9 **that, in exchange for the City dismissing its complaint and waiving any claim for**  
10 **monetary relief, PG&E will allow the City to connect 30 megawatts of metered**  
11 **secondary voltage load over the next five years, provided the loads will be used to**  
12 **serve 1) existing points of delivery that undergo changes, 2) City departments or**  
13 **related public entities, or 3) private entities using City-owned property.**

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

16 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby  
17 authorizes the City Attorney and the Public Utilities Commission to settle the action entitled  
18 *City and County of San Francisco v. Pacific Gas and Electric Co.*, Federal Energy Regulatory  
19 Commission (FERC) Docket No. EL19-38.

20 Section 2. The above-named matter was filed by the City and County of San Francisco  
21 (City) against Pacific Gas and Electric Co. (PG&E) at the FERC, on January 28, 2019.

22 Section 3. Key terms of the settlement include:

- 23 • The City would dismiss the complaint permanently and waive any claims for monetary  
24 damages arising from the complaint.

- 1           • During the five years following the settlement, PG&E would allow the City to connect up  
2           to thirty megawatts (MWs) of metered secondary voltage load, so long as each load is  
3           within one of the following categories:
- 4           ○ existing secondary service customers that expand or otherwise change electric  
5           service; or
  - 6           ○ City departments or related public entities; or
  - 7           ○ private entities on City property, but this category is limited to a maximum of five  
8           megawatts of the thirty MW total.

9           Section 4. On November 14, 2023, the Public Utilities Commission approved the  
10          settlement in Resolution No. 23-0203 on file with the Clerk of the Board of Supervisors in File  
11          No. 231246. If approved by the Board of Supervisors, the settlement will be submitted to the  
12          FERC for approval.

13          Section 5. The Board of Supervisors approves the settlement and authorizes the  
14          General Manager of the Public Utilities Commission to execute such documents as may be  
15          necessary to effectuate the settlement approved herein, to enter into any amendments or  
16          modifications to such documents that the General Manager determines, in consultation with  
17          the City Attorney, are in the best interest of the City; do not materially increase the obligations  
18          or liabilities of the City or materially diminish the benefits to the City, are necessary or  
19          advisable to effectuate the purposes and intent of this ordinance; and are in compliance with  
20          all applicable laws, including the City Charter.

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APPROVED AS TO FORM AND  
RECOMMENDED:

DAVID CHIU  
City Attorney

/s/

\_\_\_\_\_  
THERESA L. MUELLER  
Chief Energy and Telecommunications  
Deputy

RECOMMENDED:

PUBLIC UTILITIES COMMISSION

/s/

\_\_\_\_\_  
DENNIS J. HERRERA  
General Manager

APPROVED:

PUBLIC UTILITIES COMMISSION

/s/

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DONNA HOOD  
Secretary

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