

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
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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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