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April 19, 2010

ADVICE LETTER 2164-E
(U 902-E)

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**SUBJECT: MODIFICATIONS TO ELECTRIC RULE 27, COMMUNITY CHOICE
AGGREGATION (CCA) RULES, IN COMPLIANCE WITH RESOLUTION E-4250**

San Diego Gas & Electric Company (SDG&E) hereby submits for approval the following revisions to its electric tariffs as shown in the enclosed attachment A.

PURPOSE

This filing revises SDG&E's Electric Rule 27, Community Choice Aggregation ("CCA") Rules, to clarify customer "opt-out" processes to comply with California Public Utilities Commission (Commission) Resolution E-4250, issued April 8, 2010.

DISCUSSION

Assembly Bill (AB) 117 enables cities/counties to implement a CCA program which allows communities to offer procurement service to electric customers within their political boundaries. Pursuant to AB 117, CCAs are required to provide customers with at least two notices during a 60-day period prior to the commencement of CCA service and at least two additional notices within a 60-day period following the customers' automatic enrollment into the program. These notices must inform customers that they are automatically enrolled into CCA service and that they can opt-out of CCA service without penalty. Customers must also receive the terms and conditions of the services offered by the CCA with each of the four customer notices. Moreover, under the current CCA Rules, a customer can exercise its right to opt-out of CCA Service at any time prior to the automatic enrollment of the customer's account.

Among other things, Commission Resolution E-4250 modifies the CCA Rules such that customers are now prohibited from opting-out of CCA Service at any time prior to the commencement of the Initial Notification period which begins sixty days in advance of the automatic enrollment.

In compliance with Commission Resolution E-4250, Ordering Paragraph (OP) 1, SDG&E submits the following modifications to its tariffs.

TARIFF MODIFICATIONS

Rule 27, Subsection B.22 is modified to include;

B.22. Opt-Out of Automatic Enrollment

“The term “opt-out” or “opt out” is the customer’s election not to be served under CCA Service and to continue to receive its existing service. In order to exercise its right not to participate in CCA Service, a customer must request to “opt out” of CCA Service through the required action as prescribed in the CCA Notification. A customer may exercise its opt-out right at any time during a 60-day notification period prior to Automatic Enrollment through the end of the second 60-day notification period subsequent to the Automatic Enrollment of a customer’s account to CCA Service. The terms and conditions of CCA service will be made available by the CCA. This CCA-specific information will be provided to customers pursuant to P.U. Code Section 366.2 (c)(13)(A-C) – either directly by the CCA or by the Utility pursuant to the provisions set forth in Section H – and will enable customers to make an informed decision whether or not to opt out of CCA service. Customers receiving section 366.2(c)(13)(A-C) notices regarding a CCA with more than one planned CCA phase-in date will be provided the required 60-day notices based around the date their particular phase-in commences.”

And, Rule 27, Subsection I.3 is revised to read;

“A customer opting out of CCA Service during the Initial Notification Period shall be removed from the Automatic Enrollment process.”

This filing will not increase any rate or charge, cause the withdrawal of service, or conflict with any rate schedule or rule.

EFFECTIVE DATE

SDG&E believes that this filing is subject to Energy Division disposition and should be classified as Tier 1 pursuant to GO 96-B. Therefore, SDG&E respectfully requests that this filing become effective on April 19, 2010, the date filed, in accordance with Resolution E-4250.

PROTEST

Anyone may protest this Advice Letter to the California Public Utilities Commission. The protest must state the grounds upon which it is based, including such items as financial and service impact, and should be submitted expeditiously. The protest must be made in writing and must be received by May 9, 2010, twenty days from the date filed. There is no restriction on who may file a protest. The address for mailing or delivering a protest to the Commission is:

CPUC Energy Division
Attention: Tariff Unit
505 Van Ness Avenue
San Francisco, CA 94102

Copies of the protest should also be sent via e-mail to the attention of both Honesto Gatchalian (jinj@cpuc.ca.gov) and Maria Salinas (mas@cpuc.ca.gov) of the Energy Division. A copy of the protest should also be sent via both e-mail and facsimile to the address shown below on the same date it is mailed or delivered to the Commission.

Attn: Megan Caulson
Regulatory Tariff Manager
8330 Century Park Court, Room 32C
San Diego, CA 92123-1548
Facsimile No. (858) 654-1788
E-Mail: mcaulson@semprautilities.com

NOTICE

A copy of this filing has been served on the utilities and interested parties shown on the attached list, including parties in R.03-10-003, by either providing them a copy electronically or by mailing them a copy hereof, properly stamped and addressed.

Address changes should be directed to SDG&E Tariffs by facsimile at (858) 654-1788 or by e-mail at SDG&ETariffs@semprautilities.com.

RON VAN DER LEEDEN
Director - Tariffs & Regulatory Accounts

(cc list enclosed)

CALIFORNIA PUBLIC UTILITIES COMMISSION

ADVICE LETTER FILING SUMMARY ENERGY UTILITY

MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

Company name/CPUC Utility No. **SAN DIEGO GAS & ELECTRIC (U 902)**

Utility type:

ELC

GAS

PLC

HEAT

WATER

Contact Person: Joff Morales

Phone #: (858) 650-4098

E-mail: jmorales@semprautilities.com

EXPLANATION OF UTILITY TYPE

ELC = Electric

GAS = Gas

PLC = Pipeline

HEAT = Heat

WATER = Water

(Date Filed/ Received Stamp by CPUC)

Advice Letter (AL) #: 2164-E

Subject of AL: Modifications to Electric Rule 27, Community Choice Aggregation (CCA) Rule, in Compliance with Resolution E-4250.

Keywords (choose from CPUC listing): Tariff, Sheets, Modification

AL filing type: Monthly Quarterly Annual One-Time Other _____

If AL filed in compliance with a Commission order, indicate relevant Decision/Resolution #: N/A

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL: None

Summarize differences between the AL and the prior withdrawn or rejected AL¹: N/A

Does AL request confidential treatment? If so, provide explanation: _____

Resolution Required? Yes No

Tier Designation: 1 2 3

Requested effective date: 4/19/2010

No. of tariff sheets: 5

Estimated system annual revenue effect (%): N/A

Estimated system average rate effect (%): N/A

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected: None

Service affected and changes proposed¹: None

Pending advice letters that revise the same tariff sheets: None

Protests and all other correspondence regarding this AL are due no later than 20 days after the date of this filing, unless otherwise authorized by the Commission, and shall be sent to:

CPUC, Energy Division

Attention: Tariff Unit

505 Van Ness Ave.,

San Francisco, CA 94102

mas@cpuc.ca.gov and jnj@cpuc.ca.gov

San Diego Gas & Electric

Attention: Megan Caulson

8330 Century Park Ct, Room 32C

San Diego, CA 92123

mcaulson@semprautilities.com

¹ Discuss in AL if more space is needed.

General Order No. 96-B
ADVICE LETTER FILING MAILING LIST

cc: (w/enclosures)

Public Utilities Commission

DRA

D. Appling
S. Cauchois
J. Greig
R. Pocta
W. Scott

Energy Division

P. Clanon
S. Gallagher
H. Gatchalian
D. Lafrenz
M. Salinas

CA. Energy Commission

F. DeLeon
R. Tavares

Alcantar & Kahl LLP

K. Harteloo

American Energy Institute

C. King

APS Energy Services

J. Schenk

BP Energy Company

J. Zaiontz

Barkovich & Yap, Inc.

B. Barkovich

Bartle Wells Associates

R. Schmidt

Braun & Blaising, P.C.

S. Blaising

California Energy Markets

S. O'Donnell
C. Sweet

California Farm Bureau Federation

K. Mills

California Wind Energy

N. Rader

Children's Hospital & Health Center

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City of Poway

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City of San Diego

J. Cervantes
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Commerce Energy Group

V. Gan

Constellation New Energy

W. Chen

CP Kelco

A. Friedl

Davis Wright Tremaine, LLP

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Dept. of General Services

H. Nanjo
M. Clark

Douglass & Liddell

D. Douglass
D. Liddell
G. Klatt

Duke Energy North America

M. Gillette

Dynegy, Inc.

J. Paul

Ellison Schneider & Harris LLP

E. Janssen

Energy Policy Initiatives Center (USD)

S. Anders

Energy Price Solutions

A. Scott

Energy Strategies, Inc.

K. Campbell
M. Scanlan

Goodin, MacBride, Squeri, Ritchie & Day

B. Cragg
J. Heather Patrick
J. Squeri

Goodrich Aerostructures Group

M. Harrington

Hanna and Morton LLP

N. Pedersen

Itsa-North America

L. Belew

J.B.S. Energy

J. Nahigian

Luce, Forward, Hamilton & Scripps LLP

J. Leslie

Manatt, Phelps & Phillips LLP

D. Huard
R. Keen

Matthew V. Brady & Associates

M. Brady

Modesto Irrigation District

C. Mayer

Morrison & Foerster LLP

P. Hanschen

MRW & Associates

D. Richardson

Pacific Gas & Electric Co.

J. Clark
M. Huffman
S. Lawrie
E. Lucha

Pacific Utility Audit, Inc.

E. Kelly

R. W. Beck, Inc.

C. Elder

San Diego Regional Energy Office

S. Freedman
J. Porter

School Project for Utility Rate Reduction

M. Rochman

Shute, Mihaly & Weinberger LLP

O. Armi

Solar Turbines

F. Chiang

Sutherland Asbill & Brennan LLP

K. McCrea

Southern California Edison Co.

M. Alexander
K. Cini
K. Gansecki
H. Romero

TransCanada

R. Hunter
D. White

TURN

M. Florio
M. Hawiger

UCAN

M. Shames

U.S. Dept. of the Navy

K. Davoodi
N. Furuta
L. DeLacruz

Utility Specialists, Southwest, Inc.

D. Koser

Western Manufactured Housing

Communities Association

S. Dey

White & Case LLP

L. Cottle

Interested Parties

R.03-10-003

ATTACHMENT A
ADVICE LETTER 2164-E

Cal. P.U.C. Sheet No.	Title of Sheet	Canceling Cal. P.U.C. Sheet No.
Revised 21835-E	RULE 27, COMMUNITY CHOICE AGGREGATION RULES, Sheet 7	Revised 19769-E
Revised 21836-E	RULE 27, COMMUNITY CHOICE AGGREGATION RULES, Sheet 8	Revised 19770-E
Revised 21837-E	RULE 27, COMMUNITY CHOICE AGGREGATION RULES, Sheet 16	Revised 20465-E
Revised 21838-E	TABLE OF CONTENTS, Sheet 1	Revised 21710-E
Revised 21839-E	TABLE OF CONTENTS, RULES, Sheet 7	Revised 21711-E



RULE 27

Sheet 7

COMMUNITY CHOICE AGGREGATION RULES

B. GENERAL TERMS (Continued)

17. Liability In Connection With CCA Services (Continued)

g. The Utility is not the CCA's agent for any purpose. The CCA shall not be liable to the customer for any damages resulting from any acts, omissions, or representations made by the Utility in connection with soliciting customers for CCA Service or performing any of its functions in rendering CCA Service.

18. CCA Implementation Plan

A CCA shall develop an Implementation Plan, as defined in PU Code Section 366.2(c)(3).

19. Sixty (60) Day Period

A Sixty (60) Day Period is a period of time equal to sixty (60) calendar days. For purposes of this Rule, two billing cycles or two calendar months are also equal to 60 calendar days.

20. Automatic Enrollment

Automatic Enrollment is the process whereby a CCA can automatically enroll an eligible customer in CCA Service. Customer participation in CCA Service may not require a positive written declaration, but all customers shall be informed of their right to opt-out of CCA Service. If no negative declaration is made by the customer during the initial 60-day initial notification period or the 60-day follow-up notification period, the customer shall be served through the CCA's CCA Service. Automatic Enrollment is the transfer of a customer's service account to CCA Service with no action taken by the customer to initiate the transfer.

21. CCA Customer Notification

CCA Customer Notification is the required CCA customer notification that informs customers of the CCA's CCA Service. The CCA Customer Notification must inform customers that (a) they are to be automatically enrolled in CCA Service, (b) the terms and conditions of CCA Service, and (c) the customer has the right to opt-out of CCA Service. The notification must also include a mechanism by which a potential customer may opt-out of CCA Service. To qualify for Automatic Enrollment the CCA shall fully inform participating customers (1) at least twice during a sixty (60) day period in advance of the date of Automatic Enrollment, and (2) at least twice during a 60 day period following enrollment in a CCA's Service.

22. Opt-Out of Automatic Enrollment

The term "opt-out" or "opt out" is the customer's election not to be served under CCA Service and to continue to receive its existing service. In order to exercise its right not to participate in CCA Service, a customer must request to "opt out" of CCA Service through the required action as prescribed in the CCA Notification. A customer may exercise its opt-out right at any time during a 60-day notification period prior to Automatic Enrollment through the end the second 60-day notification period subsequent to the Automatic Enrollment of a customer's account to CCA Service.

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Lee Schavrien
Senior Vice President
Regulatory Affairs

Date Filed Apr 19, 2010

Effective _____

Resolution No. _____



RULE 27

COMMUNITY CHOICE AGGREGATION RULES

B. GENERAL TERMS (Continued)

22. Opt-Out of Automatic Enrollment (continued)

The terms and conditions of CCA service will be made available by the CCA. This CCA-specific information will be provided to customers pursuant to P.U. Code Section 366.2 (c)(13)(A-C) – either directly by the CCA or by the Utility pursuant to the provisions set forth in Section H – and will enable customers to make an informed decision whether or not to opt out of CCA service. Customers receiving section 366.2(c)(13)(A-C) notices regarding a CCA with more than one planned CCA phase-in date will be provided the required 60-day notices based around the date their particular phase-in commences.

23. Initial Notification Period

The Initial Notification Period is a period of time, lasting not less than sixty (60) days, leading up to the Automatic Enrollment date.

24. Follow-up Notification Period

The Follow-up Notification Period is a sixty (60) day period of time commencing immediately following the date of Automatic Enrollment.

25. CCA Cost Responsibility Surcharge (CCA-CRS)

As a condition of receiving CCA Service, CCA customers shall be responsible for paying a CCA Cost Responsibility Surcharge as set forth in Schedule CCA-CRS. The CCA-CRS shall be identified separately, as part of the Utility charges on the customer's monthly billing statement.

26. CCA Service Request (CCASR)

CCA Service Request (CCASR) is the electronic communication required to enroll or add customers to CCA Service, remove customers from CCA Service, change service options, and maintain customer information.

27. CCA Phase-In

Pursuant to D.04-12-046, a CCA has the ability to offer service to some eligible customers before others. This incremental enrollment process is defined as a Phase-In and shall be subject to the provisions set forth in Section E of this Rule.

28. CCA Service

This service permits cities, counties, a city and county, or any group of cities, counties, or cities and counties, as defined by PU Code Section 331.1, whose governing boards have elected to do so, to aggregate the electric load of utility end-use customers within their service areas for the purposes of acquiring and providing their electric power needs. These entities are CCAs. Customers that have not elected to opt-out of CCA Service or at the customer's election shall have their electric power procured by the CCA.

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RULE 27

COMMUNITY CHOICE AGGREGATION RULES

H. CCA CUSTOMER NOTIFICATION PROCESSES (Continued)

3. The following additional provisions apply to CCA Customer Notifications: (Continued)

- c. Neither CCAs nor the Utility shall use the other party's logo on CCA Customer Notifications or other materials absent express written consent to do so. Neither party shall express nor imply that the other party is affiliated with, is a sponsor of, or endorses their services or other programs.
- d. If a CCA's Automatic Enrollment process is suspended by the CCA, the Commission or any other State agency, the CCA shall be responsible for all utility costs, including, but not limited to, customer communications associated with the suspension.

I. CCA CUSTOMER OPT-OUT PROCESSES

Pursuant to PU Code 366.2(13)(A)(i), all CCA Customer Notifications required for automatic enrollments shall include the opportunity for customers to opt-out of CCA Service and continue to receive their existing service. The CCA shall use the Utility's opt-out process. All CCA Customer Notifications shall include information necessary for a customer to utilize the utility's opt-out process, as set forth below. CCAs using notification channels other than those provided by the utility will coordinate such notices with the utility. The following opt-out procedures apply to all participating customers:

- 1. The utility shall provide an opt-out process to be used by all CCAs. The utility shall offer at least two (2) of the following options as a part of its opt-out process:
 - a. Reply letter or postcard (postage paid) enclosed in CCA Customer Notifications
 - b. Automated phone service
 - c. Internet service
 - d. Customer Call Center contact
- 2. Customers eligible for Automatic Enrollment in CCA Service must be notified twice during the Initial Notification period. If the utility is aware that a customer or group of customers has not received the required notifications, the utility shall immediately inform the CCA. If the CCA is aware that a customer or group of customers has not received the required notifications the CCA shall immediately inform the utility to remove the customer from Automatic Enrollment.
- 3. A customer opting out of CCA Service during the Initial Notification Period shall be removed from the Automatic Enrollment process.
- 4. Pursuant to D.05-12-041, every customer in the CCA's Automatic Enrollment that does not opt-out of CCA service shall be served by the CCA, including customers with commodity contracts, Direct Access customers and customers whose CCA Customer Notifications are returned unopened.
- 5. A customer opting out of CCA Service during the Follow-up Notification Period and after enrollment in CCA Service shall be returned to its previous service, without penalty, on the customer's next scheduled meter read date, consistent with CCASR processing timing as defined in Section M.

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