



PRELIMINARY STATEMENT

Sheet 1

VI. BALANCING ACCOUNT
HAZARDOUS SUBSTANCE CLEANUP COST ACCOUNT (HSCCA)

The Hazardous Substance Cleanup Cost Account, approved by Decision (D.) 94-05-020 provides a methodology for allocating costs and related recoveries associated with covered hazardous substance-related activities. These activities include costs associated with hazardous substance cleanup and litigation, and related insurance recoveries. The Hazardous Substance Cleanup Cost Account (HSCCA), Hazardous Substance Cleanup Cost Shareholder Account (HSCCSA), Hazardous Substance Cleanup Cost Insurance Account (HSCCIA), Hazardous Substance Cleanup Cost Recovery Account (HSCCRA), and the Hazardous Substance Memorandum Account (HSMA), as set forth herein, will record the expenditures and recoveries associated with the HSCCA.

Pursuant to Ordering Paragraph 4.f. of D.97-12-131, dated December 30, 1997, no generation-related costs that are caused by events occurring after the date the Commission or its delegates declares to be the start date for direct access shall be entered into this account.

Pursuant to D. 97-11-073, generation-related costs which were incurred after December 31, 1997 and are related to events that occurred prior to January 1, 1998 may be entered into HSCCA.

These accounts will allow the utility to recover at least 90% of its hazardous substance cleanup costs without a reasonableness review. Under the HSCCA, the utility will recover 90% of its cleanup costs in rates ¹. The utility's shareholders will be responsible for the remaining 10% of the costs.

Ratepayers and shareholders will share insurance litigation costs paid to outside counsel and experts on a 70%/30% basis. Insurance proceeds will first be allocated to the ratepayers and shareholders on the same 70%/30% basis until ratepayers and shareholders are reimbursed for their litigation costs. Additional recoveries will be allocated to ratepayers and shareholders on a 10%/90% basis until the utility recovers its portion of hazardous substance cleanup costs. Finally, any remaining proceeds will be allocated to both ratepayers and shareholders on a 60%/40% basis.

1. Definitions

- a. **Above Ground Storage Tanks:** Above ground storage tank facilities are defined as one or a combination of tanks, including any piping and/or appurtenances which are integral to the tank, which contain new or used petroleum products or other chemicals and which are used by a single business entity at a single location or site.

¹ If the utility has incurred less than \$5 million in cleanup costs within any consecutive 84-month period, the utility is authorized to recover 95% of its cleanup costs in rates. Once the \$5 million threshold is reached, the utility will recover in rates 90% of any cleanup costs incurred in the preceding 11 months and any subsequent costs. The utility will not be allowed to revert back to the 95%/5% split after exceeding the \$5 million threshold.

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VI. BALANCING ACCOUNT
HAZARDOUS SUBSTANCE CLEANUP COST ACCOUNT (HSCCA)

1. Definitions (Continued)

b. **Construction Activity:** Hazardous Substance contamination encountered in utility construction activity (e.g. projects which entail ground excavation that may reveal unknown contamination). This may include trenching for construction or repair of underground piping, transmission or distribution systems which may reveal contamination within utility easements or public franchises (i.e., non-utility properties or public streets). It may also include new construction, including demolition and redevelopment, on utility-owned property where previously unknown contamination is revealed but handled as a contingency element of the project's costs.

c. **Covered Hazardous Substance Cleanup Costs:**

(1) The HSCCA shall apply to all Hazardous Substance Cleanup Costs and Third Party Litigation Costs incurred by the utility which relate to Manufactured Gas Plant Sites or Current Superfund Sites. The HSCCA applies to each of these sites whether or not a site is owned by a utility, a Gain-on-Sale Site, and whether or not a governmental agency has ordered a cleanup of the site. The utility shall file an advice letter notifying parties of additions to the list of sites as set forth in c. below, if it identifies a Manufactured Gas Plant Site or Current Superfund Site, whether or not it is owned by the utility, that is not listed. Such advice letter shall be filed within 15 days of the utility incurring \$50,000 or more in Hazardous Substance Cleanup Costs.

(2) At the utility's sole discretion, it may file an advice letter notifying parties of additions to the list of sites in c. below for any site involving hazardous substance cleanup, including, but not limited to Wood Pole Treating Facility Sites, Landfills and Other Hazardous Substance Sites, Surface Impoundments, Underground Storage Tank Sites, Above Ground Storage Tanks, Everyday Operations, Construction Activity, or Third Party Dumping Sites.

The advice letter shall specify the site name, location, nature of prior operations leading to hazardous substance contamination, approximate timeframe during which contamination is estimated to have occurred, and whether any governmental agencies have been notified of cleanup activities.

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VI. BALANCING ACCOUNT
HAZARDOUS SUBSTANCE CLEANUP COST ACCOUNT (HSCCA)

1. Definitions (Continued)

c. **Covered Hazardous Substance Cleanup Costs:** (Continued)

(3) Covered Hazardous Substance Cleanup Costs incurred by the utility at the following sites, on which some hazardous substances may have been placed and which may involve the utility are listed below as covered hazardous substance sites that shall be included in the HSCCA. By inclusion on the list below, there is no admission by the utility, or acceptance of fact, principle, or position by the utility.

- 9th Avenue Site, between Imperial Ave & Harbor Drive, San Diego, CA
- Broadway Street 4" Steel Gas Pipeline, Chula Vista, CA
- Campbell Shipyard, 800 Gull St., San Diego, CA
- Chula Vista LNG, Southwest of Bay Blvd and L Street, Chula Vista, CA
- Emerson Street 2" Steel Gas Pipeline, Chula Vista, CA
- Encanto Gas Holder Station, 1350 San Altos Place, Lemon Grove, CA
- Encina, North of Cannon Road and East of Carlsbad Blvd., Carlsbad, CA
- ESCO, near Spruce & Third Streets, Escondido, CA
- Graybill, near 16th & National, San Diego, CA
- Harbor Substation, 636 E Street, San Diego, CA
- Heber, near Dogwood Rd, Imperial County, CA
- Kearny, near Overland & Clairemont Mesa Blvd, San Diego, CA
- Main Street, near Newton and Main Streets, San Diego, CA
- Main Street Barn, near Main St. & Logan Heights Ave., San Diego, CA
- MTDB Maintenance Facility, near 12th & Newton, San Diego, CA
- Metro Construction and Operation Center, 710 33rd Street, San Diego, CA
- Metro Fuel Oil Transfer Line, principally following
- Harbor Drive south of downtown San Diego, CA
- National City Marine Terminal, National City, CA
- North American Environmental, Clearfield, Utah
- Oceanside, near Minnesota & Cleveland, Oceanside, CA
- Old Mt. Empire Center, near Highway 94 at Campo Rd., San Diego, CA
- Operating Industries, Inc., along Pomona Fwy, Monterey Park, CA
- Paradise Marsh, APNs 5650100800 and 562300200, Chula Vista, CA
- Pendleton Substation, Camp Pendleton Marine Base, Oceanside, CA
- Rosen's, Pico Rivera, CA
- Sampson Street 69/12kV Substation, southeast corner intersection of Harbor Dr. and Sampson St., San Diego, CA
- Sampson Street 12/4kV Substation, west of Sampson, south of Harbor, San Diego, CA
- Solana Beach Burn Site, southeast corner intersection of Santa Helena St. and Santa Victoria St., Solana Beach, CA
- South Bay Center, near Maxwell & Otay Lakes Blvd., Chula Vista, CA
- South Bay Power Plant, 990 Bay Blvd., Chula Vista, CA
- Southern Operating, Main Street, Chula Vista, CA
- Station A, near 10th & Imperial, San Diego, CA
- Station B, near Kettner & Broadway, San Diego, CA
- Silvergate, foot of Sampson Street, South of Harbor Drive, San Diego, CA
- Underground Tank, near 9th & Imperial, San Diego, CA

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Lee Schavrien
Senior Vice President
Regulatory Affairs



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VI. BALANCING ACCOUNT
HAZARDOUS SUBSTANCE CLEANUP COST ACCOUNT (HSCCA)

1. Definitions (Continued)

- d. **Covered Insurance Litigation Costs:** The HSCCA shall apply to all Insurance Litigation Costs incurred by the utility which relate to all Manufactured Gas Plant Sites or Current Superfund Sites, or other sites identified as within the Covered Hazardous Substance Cleanup Costs.
- e. **Current Superfund Site:** A Current Superfund Site is a site which: (1) is potentially subject to a compliance order issued by a Federal or State Governmental agency involving the utility and (2) has been identified by the utility prior to November 20, 1993.
- f. **Everyday Operations:** Hazardous Substance contamination resulting from normal day-to-day operations and maintenance activities including accidental leaks or spills or equipment failures (e.g., transformer, capacitor or pipeline ruptures) on utility-owned property or third party-owned property and not covered under the categories above.
- g. **Gain-on-Sale Site:** A Gain-on-Sale Site is a site formerly owned by the utility and the utility retained some or all of a gain realized upon sale or other transfer of the site.
- h. **Hazardous Substance Cleanup Costs:** Hazardous Substance Cleanup Costs are all those costs incurred by the utility to clean up hazardous substance contamination. Hazardous Substance Cleanup Costs shall be limited to costs incurred due to payments to persons or entities not funded through the utility's base rates, including without limitation, consultants and contractors. Hazardous Substance Cleanup Costs include without limitation, costs associated with Remedial Investigation, investigation costs associated with rectifying an Imminent Endangerment, costs associated with Remedial Action, monitoring costs, agency oversight costs, permit fees, hazardous waste taxes, as well as payments made by the utility to satisfy claims against it which relate to costs to clean up hazardous substance contamination that have been or will be incurred by persons or entities other than the utility. Hazardous Substance Cleanup Costs shall also include Operating and Maintenance Costs for the first 10 years following inclusion of site under section A.(3) c. of the Definition of Covered Hazardous Substance Cleanup Costs.
- i. **Imminent Endangerment:** When a hazardous substance situation is discovered, there may be an immediate threat to human health or the environment. The usual response is an immediate limited action that significantly reduces the risk (e.g, "hot spot" removal, fencing, temporary surface cap, etc.). Costs may include payments to environmental consultants, the cost of hazardous substance disposal, fencing, or capping costs.
- j. **Initial Evaluation (Preliminary Assessment):** Limited field investigation work to ascertain the broad nature and extent of the problem. Costs may include payments to utility consultants.

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VI. BALANCING ACCOUNT
HAZARDOUS SUBSTANCE CLEANUP COST ACCOUNT (HSCCA)

1. Definitions (Continued)

- k. **Insurance Litigation Costs:** Insurance Litigation Costs are all costs incurred by the utility in litigation or otherwise: (1) to pursue a claim relating to Hazardous Substance Cleanup Costs incurred by the utility against an insurer of the utility pursuant to a policy held by the utility; and (2) which are paid to persons or entities who are not funded through the utility's base rates, including without limitation, outside attorneys, consultants, and claims administrators. The term insurer also includes successors and assigns of an insurer. These costs do not include contingency fees paid to outside attorneys.
- l. **Landfills and other Hazardous Substance Disposal Sites:** Sites where the utility has sent hazardous substances for treatment, storage or disposal. These sites are typically licensed by federal and state authorities, and are owned and operated by public or private sector entities (e.g. Operating Industries, Inc. Landfill, Industrial Waste Processing, and Stringfellow Landfill).
- m. **Manufactured Gas Plant Sites:** Sites where gas is used for heating, lighting, or production of electricity and where gas was produced from coal or petroleum feed stocks. Such facilities generally operated from the late 1800s until the 1920s or 1930s when natural gas became the fuel of choice, although some operated into the 1950s. Site contaminants (the residual by-products of the gas manufacturing process) typically include volatile organic compounds and polynuclear aromatic hydrocarbons, which by current standards are considered hazardous substances.
- n. **Monthly Interest Rate:** The Interest Rate shall be 1/12 of the most recent month's interest rate on Commercial Paper (prime, 3 months), published in the Federal Reserve Statistical Release, H.15. Should publication of the interest rate on Commercial Paper (prime 3 months) be discontinued, interest will accrue at the rate of 1/12 of the most recent month's interest rate on Commercial Paper, which most closely approximates the rate that was discontinued, and which is published in the Federal Reserve Statistical Release, H.15, or its successor publication.
- o. **Net Insurance Recovery:** A Net Insurance Recovery is a payment received by the utility which: (1) relates to Hazardous Substance Cleanup Costs incurred by the utility; (2) is made in response to a claim asserted by the utility; and (3) is made by an insurer of the utility making a payment pursuant to a policy held by the utility. The Net Insurance Recovery shall be net of any litigation contingency fees.

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VI. BALANCING ACCOUNT
HAZARDOUS SUBSTANCE CLEANUP COST ACCOUNT (HSCCA)

1. Definitions (Continued)

- p. **Remedial Action:** Actual implementation of the selected alternative frequently is the most costly portion of the project. It could involve simple removal of hazardous contamination, treatment on-site or off-site, construction of facilities for long-term treatment of ground water, transportation and disposal of hazardous substances, and associated hazardous waste taxes. Some element of the work could require permits (with fees) from other agencies.
- q. **Remedial Investigation (including the Preliminary Endangerment Assessment and Feasibility Study):** Field work at the site, involving monitoring wells, boring samples, etc., to determine the full scope of the problem and alternatives to mitigate. The Feasibility Study analyzes the risk of site contamination to human health and evaluates all remedial action alternatives. The Remedial Action Plan presents the selected remedial option.
- r. **Surface Impoundments:** A surface impoundment is defined as a planned waste management unit or part of a waste management unit which is a natural topographic depression, artificial excavation or diked area formed primarily of earthen materials, although it may be lined with artificial materials, which is designed to hold an accumulation of liquid materials or materials containing free liquids, including, but not limited to: holding, storage, settling, or aeration pits, evaporation ponds, percolation ponds, other ponds, and lagoons. Surface impoundments do not include landfills, land farms, piles, emergency containment dikes, tanks, sumps, or injection wells.
- s. **Third Party Dumping Sites:** Contamination resulting from the intentional or accidental deposition of hazardous substances on utility properties by a known or unknown third party.
- t. **Third Party Litigation Costs:** Third Party Litigation Costs are all costs incurred by the utility in litigation or otherwise: (1) to pursue or defend a claim relating to Hazardous Substance Cleanup Costs incurred by the utility against or by a person or entity other than an insurer of the utility pursuant to a policy held by the utility; and (2) which are paid to persons or entities who are not funded through the utility's base rates, including without limitation, outside attorneys, consultants, and claims administrators. These costs do not include contingency fees paid to outside attorneys.
- u. **Third Party Recovery:** A Third Party Recovery is a payment received by the utility which (1) relates to Hazardous Substance Cleanup Costs incurred by the utility; (2) is made in response to a claim asserted by the utility; and (3) is made by a person or entity other than an insurer of the utility making a payment pursuant to a policy held by the utility. Third Party Recovery shall be net of any litigation contingency fees.

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VI. BALANCING ACCOUNT
HAZARDOUS SUBSTANCE CLEANUP COST ACCOUNT (HSCCA)

1. Definitions (Continued)

- v. **Underground Storage Tank Sites:** Sites of underground tanks, including the connected piping systems, which were used for the storage of hazardous substances including petroleum products, and are substantially or totally beneath the surface of the ground. Petroleum products, under federal law, are not considered hazardous substances.
- w. **Wood Pole Treating Facility Sites:** Sites at which wooden utility poles were treated with wood preservatives such as creosote and/or pentachlorophenol and stored prior to installation in the field.

2. Revision Date

The utility shall determine when it shall seek to recover any balance in any HSCCA and is authorized to include the balance in the HSCCA as part of any application the utility deems appropriate.

3. Reporting Requirements

- a. The utility will file an Annual Report with the Energy Division to reflect the costs and recoveries recorded by the utility in its Hazardous Substance Accounts.
- b. The Annual Report shall be filed on September 1 and cover the 12 month period ending June 30 and shall include the following:
 - (1) The name and location of each site for which costs were incurred or a recovery obtained.
 - (2) The amount of hazardous substance cleanup costs incurred and recoveries obtained for each site.
 - (3) The amount of internal utility costs included with the hazardous substance cleanup costs.
 - (4) The total third party and insurance litigation costs incurred for all sites.
 - (5) A description of the costs in enough detail to allow a determination of whether the costs have been properly accounted for by the utility, and whether reported internal utility costs are already being recovered in rates.
- c. The Annual Report shall be served on all parties in A.91-04-044.

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Sheet 8

VI. BALANCING ACCOUNT

HAZARDOUS SUBSTANCE CLEANUP COST ACCOUNT (HSCCA)

- 4. The utility shall allocate all Covered Hazardous Substance Cleanup Costs, 70% to the Gas Department and 30% to the Electric Department.
- 5. Entries shall be made into the HSCCA at the end of each month as follows:
 - a. A debit entry equal to:
 - (1) All Covered Hazardous Substance Cleanup Costs, Third Party Litigation Costs less Third Party Recoveries for the current month and all credit entries to the HSMA, less the total of all debit entries made to the HSCCA.
 - (2) 70% of all a.(1) debit entries and b.(2) credit entries made to the HSCCA.
 - b. A credit entry equal to:
 - (1) The current month's revenues recovered from the utility's sales multiplied by the appropriate HSCCA Rate(s); if any, less franchise fee and uncollectible expenses.
 - (2) Any transfers to a Commission approved balancing account in the month the transfer is approved.
 - (3) 60% of the sum of the debit entries made in subsections 8.a.(3),(4),(5),(6), and (7) of the HSCCA.
 - (4) 10% of the debit entries made in the HSCCA under subsection 8. a. (2).
 - c. A debit entry equal to the Monthly Interest Rate times the average of the balance in this account at the beginning of the month and the balance in this account after entries a. and b. above, if the average balance is a debit (credit entry, if the average balance is a credit).
- 6. Entries shall be made into the HSCCA at the end of each month as follows:
 - a. A debit entry equal to:
 - (1) If the utility's total Covered Hazardous Substance Cleanup Costs, Third Party Litigation Costs, and credit entries to the HSMA less Third Party Recoveries for the current and prior 83 months have not exceeded \$5,000,000, then, 5% of all Covered Hazardous Substance Cleanup Costs, Third Party Litigation Costs and credit entries to the HSMA, less Third Party Recoveries for the current month.

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VI. BALANCING ACCOUNT
HAZARDOUS SUBSTANCE CLEANUP COST ACCOUNT (HSCCA)

6. (Continued)

a. A debit entry equal to: (Continued)

(2) If the utility's total Covered Hazardous Substance Cleanup Costs, Third Party Litigation Costs and credit entries to the HSMA less Third Party Recoveries exceed \$5,000,000, then, in the first month in which the \$5,000,000 is exceeded, 5% of all Covered Hazardous Substance Cleanup Costs, Third Party Litigation Costs and credit entries to the HSMA less Third Party Recoveries for the prior 11 months plus 10% of all Covered Hazardous Substance Cleanup Costs, Third Party Litigation Costs and credit entries to the HSMA, less Third Party Recoveries for the current month.

(3) If (1) and (2) above do not apply then, 10% of all Covered Hazardous Substance Cleanup Costs, Third Party Litigation Costs, and credit entries to the HSMA less Third Party Recoveries for the current month. Once the utility has the 10% apply to one or more dollars then subsection (1) and (2) above shall never again apply.

b. A credit entry equal to:

90% of the debit entries made in the HSCCRA under subsection 8.a.(2).

c. A debit entry equal to the Monthly Interest Rate times the average of the balance in this account at the beginning of the month and the balance in this account after entries a. and b. above, if the average balance is a debit (credit entry, if the average balance is a credit).

7. Entries shall be made into the HSCCIA at the end of each month as follows:

a. A debit entry equal to: All Covered Insurance Litigation Costs for the current month.

b. A credit entry equal to: All debit entries made to the HSCCRA in subsection 8.a.(1).

c. A debit entry equal to the Monthly Interest Rate times the average of the balance in this account at the beginning of the month and the balance in this account after entries a. and b. above, if the average balance is a debit (credit entry, if the average balance is a credit).

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Sheet 10

VI. BALANCING ACCOUNT
HAZARDOUS SUBSTANCE CLEANUP COST ACCOUNT (HSCCA)

- 8. A separate HSCCRA shall be maintained for each calendar year's Insurance Recovery. Entries shall be made into the HSCCRA at the end of each month as follows:
 - a. A debit entry to the oldest account first then progressing to the newest account equal to:
 - (1) The total balance in the HSCCIA, but not exceeding the balance in the HSCCRA for the prior month.
 - (2) 10/9ths times the balance in the HSCCIA for the current month, but not exceeding the balance in the HSCCSA for the prior month less the entry to (1) above.
 - (3) On January 31 of the seventh year after the first entry into this account, 1/5th of the balance in this account as of December 31 of the prior year, after entries (1) and (2) above.
 - (4) On January 31 of the eighth year after the first entry into this account, 1/4 of the balance in this account as of December 31 of the prior year, after entries (1) and (2) above.
 - (5) On January 31 of the ninth year after the first entry into this account, 1/3 of the balance in this account as of December 31 of the prior year, after entries (1) and (2) above.
 - (6) On January 31 of the tenth year after the first entry into this account, 1/2 of the balance in this account as of December 31 of the prior year, after entries (1) and (2) above.
 - (7) On January 31 of the eleventh year after the first entry into this account, all of the remaining balance in this account as of December 31 of the prior year, after entries (1) and (2) above.
 - b. A credit entry equal to:
Any Insurance Recovery received by the utility in the current month.
 - c. A debit entry equal to the Monthly Interest Rate times the average of the balance in this account at the beginning of the month and the balance in this account after entries a. and b. above, if the average balance is a debit (credit entry, if the average balance is a credit).

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Sheet 11

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9. Entries shall be made into the HSMA for each site identified in an advice letter as a covered hazardous substance cleanup costs site at the end of each month as follows:

a. A debit entry equal to:

(1) All costs that would be Hazardous Substance Cleanup Costs and Third Party Litigation Costs less Third Party Recoveries, had the site been listed under subsection c. of the Definition of Covered Hazardous Substance Cleanup Costs for the current month up to \$50,000 that is incurred prior to the utility's file date of an advice letter identifying the site.

(2) All costs that would be Hazardous Substance Cleanup Costs and Third Party Litigation Costs less Third Party Recoveries for sites listed in an advice letter requesting that the site be listed under subsection (3) of the Definition of Covered Hazardous Substance Cleanup Costs for the current month after the utility's file date of an advice letter identifying the site.

b. A credit entry equal to:

The cumulative balance in this account for a site for which the utility has filed an advice letter seeking approval to list the site under section 1.c.(3) of the Definition for Covered Hazardous Substance Cleanup Costs and 40 days has passed without protest or a protest was filed and the Commission has granted authority to include the site in subsection c. of the Definition for Covered Hazardous Substance Cleanup Costs.

c. A debit entry equal to the Monthly Interest Rate times the average of the balance in this account at the beginning of the month and the balance in this account after entries a. and b. above, if the average balance is a debit (credit, entry if the average balance is a credit).

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