

115 FERC ¶ 61,220  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;  
Nora Mead Brownell, and Suedeen G. Kelly.

Pacific Gas and Electric Company

Docket No. ER05-1284-000

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued May 19, 2006)

1. On April 3, 2006, Pacific Gas Electric Company (PG&E) filed an Offer of Settlement (settlement) that resolves all issues pending in the captioned proceedings (except as described in section 3.4 of the settlement), which concerns PG&E's proposed changes to its wholesale and retail transmission rates under its Transmission Owner Tariff.
2. On April 13, 2006, PG&E and Cogeneration Association of California/Energy Producers and Users Coalition (CAC/EPUC) submitted joint initial comments. On April 17, 2006, both the California Public Utilities Commission and FERC Trial Staff submitted comments in support of the settlement. The presiding judge certified the settlement to the Commission as uncontested on April 26, 2006.<sup>1</sup>
3. In their joint initial comments, the parties proposed that section 3.4 of the settlement be revised to provide that PG&E and CAC/EPUC have agreed that nothing in the settlement resolves the issue of retail standby rate design. CAC/EPUC states that they will not contest the instant settlement, provided that they retain the right to address retail standby rate design in further proceedings before the Commission. Revised section 3.4 provides that PG&E and CAC/EPUC agree that, within thirty (30) days after a Commission order approving the settlement, CAC/EPUC would file with the Commission a motion and opening brief addressing whether CAC/EPUC should be allowed to re-litigate the issue of retail standby rate design, previously litigated, and within thirty (30) days after the filing of CAC/EPUC's motion, the other participants could file reply briefs addressing why CAC/EPUC should not be allowed to re-litigate the issue.

---

<sup>1</sup> *Pacific Gas and Electric Co.*, 115 FERC ¶ 63,019 (2006).

4. PG&E will make the refunds necessary to reflect the rates provided in the settlement. PG&E will file a refund report with the Commission within thirty (30) days of the date on which PG&E has provided refunds to all customers, as described in the settlement.
5. The subject settlement is in the public interest and is hereby approved. The Commission's approval of this settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding. The Commission retains the right to investigate the rates, terms, and conditions under the just and reasonable and not unduly discriminatory or preferential standard of section 206 of the Federal Power Act, 16 U.S.C. § 824(e) (2000).
6. The tariff designations submitted with the settlement, however, are not in compliance with *Designation of Electric Rate Schedule Sheets*, Order No. 614, FERC Stats. & Regs. ¶ 31,096 (2000). Accordingly, PG&E is directed to file corrected designations in compliance with Order No. 614 within thirty (30) days from this order.
7. This letter terminates Docket No. ER05-1284-000. A new subdocket will be assigned upon the receipt of the required compliance filing.

By the Commission.

( S E A L )

Magalie R. Salas,  
Secretary.