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February 4, 2002

**ADVICE 1599-E**  
**(U 338-E)**

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
ENERGY DIVISION

**SUBJECT:**     **Modification to the Economic Development Rate**  
                  **Agreements**

In compliance with Decision (D.) 02-01-054 and Resolution E-3707-A, Southern California Edison Company (SCE) hereby submits for filing the following changes to its tariff schedules. The revised tariff sheets are listed on Attachment A and are attached hereto.

**PURPOSE**

This advice filing revises SCE's Economic Development Rates (EDR)<sup>1</sup> to: 1) authorize EDR customers to opt-out of EDR Agreements effective December 7, 2000; and 2) waive all liquidated damages. This relief is available to all EDR customers from July 1, 2000, through the present, including any EDR customers who might have terminated their contracts on or after July 1, 2001, and paid, or incurred liability for, liquidated damages before being informed of Resolution E-3707-A. All qualified EDR customers will be given 30 days from the day SCE notifies them in writing of the opt-out option to opt out without liquidated damages.

**BACKGROUND**

On July 3, 2000, SCE filed Advice 1461-E to request California Public Utilities Commission (Commission) approval of SCE's interpretation and application of the Minimum Charge provision of the EDR so that application of the provision would not result in a rate exceeding the customer's Otherwise Applicable Tariff (OAT). SCE further requested that the Commission authorize SCE to modify that same

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<sup>1</sup> Economic Development Rates is a reference to Schedule REDR, Schedule AEDR, and Schedule EEDR.

Minimum Charge provision to more accurately reflect the intent of the EDR agreements.

On December 7, 2000, the Commission issued Resolution E-3707, which rejected Advice 1461-E. Resolution E-3707 ordered SCE to: 1) close the EDR tariffs to new customers; and 2) revise the EDR tariffs to base the Minimum Charge on the lower of short run avoided cost (SRAC) or the Power Exchange (PX) energy price. On December 15, 2000, SCE filed Advice 1505-E in compliance with Resolution E-3707. Pursuant to Resolution E-3707, Ordering Paragraph 4, Advice 1505-E became effective upon filing.

On August 1, 2001, Poly-Tainer, Inc. (Poly-Tainer) filed a petition for modification of Resolution E-3707. Poly-Tainer requested that EDR customers be allowed to opt-out of their EDR agreements effective December 7, 2000, with all liquidated damages waived.

On January 23, 2002, the Commission issued D.02-01-054 and Resolution E-3707-A, which approved Poly-Tainer's petition to modify. Based on Resolution E-3707-A, SCE will amend the EDR tariffs to permit EDR customers to opt-out of their EDR agreements as of December 7, 2000, with all liquidated damages waived. The opt-out option is available to all current EDR customers and prior EDR customers who terminated their EDR agreements on or after July 1, 2000. The amended EDR tariffs provide that the opt-out option is available for a 30-day period beginning on the date the EDR customer is notified by SCE of the option. As ordered by Resolution E-3707-A, Attachment B is a draft notice to be sent to all EDR customers notifying them of the changes in the revised tariffs. In addition, as ordered by Resolution E-3707-A, Ordering Paragraphs 7 and 8, SCE is providing a copy of this advice filing, with attachments, to the Public Advisor's Office.

No cost information is required for this advice filing.

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

### **EFFECTIVE DATE**

Pursuant to D.02-01-054 and Resolution E-3707-A, Ordering Paragraph 7, the changes provided in this advice filing will become effective one day after filing unless suspended by the Energy Division Director.

**NOTICE**

Anyone wishing to protest this advice filing may do so by letter via U.S. Mail, facsimile, or electronically, any of which must be received by the Energy Division and SCE no later than 20 days after the date of this advice filing. Protests should be mailed to:

IMC Program Manager  
Energy Division  
California Public Utilities Commission  
505 Van Ness Avenue, Room 4002  
San Francisco, California 94102  
Facsimile: (415) 703-2200  
E-mail: [jjr@cpuc.ca.gov](mailto:jjr@cpuc.ca.gov)

Copies should also be mailed to the attention of the Director, Energy Division, Room 4004 (same address above).

In addition, protests and all other correspondence regarding this advice letter should also be sent by letter and transmitted via facsimile or electronically to the attention of:

Akbar Jazayeri  
Director of Revenue and Tariffs  
Southern California Edison Company  
2244 Walnut Grove Avenue, Rm. 303  
Rosemead, California 91770  
Facsimile: (626) 302-4829  
E-mail: [Emelyn.Lawler@sce.com](mailto:Emelyn.Lawler@sce.com)

Bruce Foster  
Vice President of Regulatory Operations  
Southern California Edison Company  
601 Van Ness Avenue, Suite 2040  
San Francisco, California 94102  
Facsimile: (415) 673-1116  
E-mail: [Bruce.Foster@sce.com](mailto:Bruce.Foster@sce.com)

There are no restrictions on who may file a protest, but the protest shall set forth specifically the grounds upon which it is based and shall be submitted expeditiously.

In accordance with Section III, Paragraph G, of General Order No. 96-A, SCE is furnishing copies of this advice filing to the interested parties shown on the attached service list. Address change requests to the attached GO 96-A Service List should be directed to Emelyn Lawler at (626) 302-3985 or by electronic mail at [Emelyn.Lawler@sce.com](mailto:Emelyn.Lawler@sce.com).

Further, in accordance with Public Utilities Code Section 491, notice to the public is hereby given by filing and keeping the advice filing open for public inspection at SCE's corporate headquarters. To view other SCE advice letters filed with the Commission, log on to SCE's web site at <http://www.sce.com/> and choose Regulatory Info Center/Advice Letters.

For questions, please contact John Quinlan at (626) 302-4835 or by electronic mail at [John.Quinlan@SCE.com](mailto:John.Quinlan@SCE.com).

**Southern California Edison Company**

Akbar Jazayeri

AJ:jq/eml  
Enclosures

Cal. P.U.C. Sheet No.	Title of Sheet	Cancelling Cal. P.U.C. Sheet No.
Original 30574-E	Schedule AEDR	
Original 30575-E	Schedule EEDR	
Original 30576-E	Schedule REDR	
Revised 30577-E	Table of Contents	Revised 30529-E
Revised 30578-E	Table of Contents	Revised 30531-E



Schedule AEDR  
ATTRACTION ECONOMIC DEVELOPMENT RATE

Sheet 5

(Continued)

SPECIAL CONDITIONS (Continued)

- 12. Special One-Time 30-Day Opt-Out Period. Upon notification by SCE, for a one-time 30-day period, a customer receiving service under this Schedule, including a customer who terminated service under this schedule on or after July 1, 2000, may terminate such service. The termination of service shall become effective as of December 7, 2000. Any liquidated damages, as provided in this Schedule or the associated agreement, for which the customer has paid or incurred the obligation to pay resulting from early termination on or after July 1, 2000, shall be waived.

(Continued)

(To be inserted by utility)

Advice 1599-E  
 Decision 02-01-054

Issued by  
John R. Fielder  
 Senior Vice President

(To be inserted by Cal. PUC)

Date Filed Feb 4, 2002  
 Effective Feb 5, 2002  
 Resolution E-3707-A



Schedule EEDR  
EXPANSION ECONOMIC DEVELOPMENT RATE

Sheet 5

(Continued)

SPECIAL CONDITIONS (Continued)

- 13. Special One-Time 30-Day Opt-Out Period. Upon notification by SCE, for a one-time 30-day period, a customer receiving service under this Schedule, including a customer who terminated service under this schedule on or after July 1, 2000, may terminate such service. The termination of service shall become effective as of December 7, 2000. Any liquidated damages, as provided in this Schedule or the associated agreement, for which the customer has paid or incurred the obligation to pay resulting from early termination on or after July 1, 2000, shall be waived.

(Continued)

(To be inserted by utility)

Advice 1599-E  
Decision 02-01-054

Issued by  
John R. Fielder  
Senior Vice President

(To be inserted by Cal. PUC)

Date Filed Feb 4, 2002  
Effective Feb 5, 2002  
Resolution E-3707-A



Schedule REDR  
RETENTION ECONOMIC DEVELOPMENT RATE

Sheet 5

(Continued)

SPECIAL CONDITIONS (Continued)

- 13. Special One-Time 30-Day Opt-Out Period. Upon notification by SCE, for a one-time 30-day period, a customer receiving service under this Schedule, including a customer who terminated service under this schedule on or after July 1, 2000, may terminate such service. The termination of service shall become effective as of December 7, 2000. Any liquidated damages, as provided in this Schedule or the associated agreement, for which the customer has paid or incurred the obligation to pay resulting from early termination on or after July 1, 2000, shall be waived.

(Continued)

(To be inserted by utility)

Advice 1599-E  
 Decision 02-01-054

Issued by  
John R. Fielder  
 Senior Vice President

(To be inserted by Cal. PUC)

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 Effective Feb 5, 2002  
 Resolution E-3707-A



Southern California Edison  
Rosemead, California

Revised Cal. PUC Sheet No. 30577-E  
Cancelling Revised Cal. PUC Sheet No. 30669-E  
30529-E

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(To be inserted by utility)

Advice 1599-E  
 Decision 02-01-054

Issued by

John R. Fielder  
Senior Vice President

(To be inserted by Cal. PUC)

Date Filed Feb 4, 2002  
 Effective Feb 5, 2002  
 Resolution E-3707-A



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RATES SCHEDULES

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(To be inserted by utility)

Advice 1599-E  
Decision 02-01-054

Issued by

John R. Fielder  
Senior Vice President

(To be inserted by Cal. PUC)

Date Filed Feb 4, 2002  
Effective Feb 5, 2002  
Resolution E-3707-A

# Attachment B

# DRAFT

Dear Customer,

On January 23, 2002, the California Public Utilities Commission issued Decision No. 02-01-054 which revised the Economic Development Rate (EDR) tariffs. The Decision was rendered in Application No. 01-08-004 filed by Poly-Tainer (an EDR Customer). Poly-Tainer requested that EDR customers be allowed to opt-out of their EDR agreements effective December 7, 2000, with all liquidated damages waived. Decision No. 02-01-054 grants Poly-Tainer's request. Having been served under one or more EDR contracts, this Decision has a direct impact on your service account(s) located at \_\_\_\_\_.

The Decision primarily modifies the EDR tariffs so as to (1) allow customers served under an EDR contract even if already terminated on or after July 1, 2000, to effectively terminate their contract on December 7, 2000 and (2) waive all Liquidated Damages normally due upon termination of the EDR contract. The Decision also requires SCE to notify all EDR customers within 30 days of the effective date of the revised tariffs. SCE accordingly has rebilled all EDR customers to December 7, 2000, to quantify the financial impact of the Decision on each customer. The table below shows the estimated impact of the rebilling on your affected account(s). The actual credit amount may vary slightly due to time of use metering and other miscellaneous charges:

## DATA TO BE PROVIDED FOR EACH INDIVIDUAL CUSTOMER

Rebiling Credit from December 7, 2000 to Last EDR Bill:	XXX,XXX.XX
Liquidated Damages Waived as of your termination date:	<u>XXX,XXX.XX</u>
Total Credit Amount:	XXX,XXX.XX

By this letter you are notified of the revised tariffs (copy included) and the effect of the revisions on your service account(s) identified above. In order to realize any of the potential benefit of this Decision, action on your part is required. You therefore have 30 days from the date of this notice in which to take action under the revised tariffs. You may either terminate your EDR account effective December 7, 2000, let your initial termination stand, or (for active accounts only) remain on the EDR rate.

We will be glad to meet with you to review this impact and discuss the Commission's Decision in more detail. Please call your assigned Account Executive \_\_\_\_\_ at (---) \_\_\_-\_\_\_\_ or \_\_\_\_\_ in our Economic & Business Development group at (626) \_\_\_-\_\_\_\_ if you have any questions.

Sincerely:

Southern California Edison

February 20, 2002

California Public Utilities Commission  
505 Van Ness Avenue, Room 4005  
San Francisco, CA 94102

Attn: Jerry Royer  
Energy Division

Re: Inadvertently Omitted Tariff Sheet for Advice 1599-E

Dear Mr. Royer:

Enclosed is an original and six copies of Sheet No. 30576-E for Advice 1599-E. This particular sheet, Sheet No. 30576-E - Schedule REDR, is referenced within Advice 1599-E and properly denoted on Attachment A and the Table of Contents; however, due to a technical problem, it was inadvertently omitted when Advice 1599-E was originally filed.<sup>1</sup>

Please include the enclosed sheet in your master Advice 1599-E file and distribute to the appropriate people reviewing this filing. If you have any questions, please contact René Vazquez at (626) 302-2077.

Sincerely,

Enclosures  
1599-Esub.doc

GO 96 Service List

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<sup>1</sup> Electronic copies of Advice 1599-E served on the GO 96 Service List contain this particular sheet, only the U.S. Mail and Commission copies were incomplete.