

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



December 16, 2008

Advice Letter 3922

Ken Deremer
Director
Tariffs & Regulatory Accounts
8330 Century Park Court CP32C
San Diego, CA 92123-1548

**Subject: Revision of Rule No. 38 Contract – Form No. 6700-1
and 6700-1A**

Dear Mr. Deremer:

Advice Letter 3922 is effective December 17, 2008.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Lewis".

Kenneth Lewis, Acting Director
Energy Division



Ken Deremer
Director
Tariffs & Regulatory Accounts

8330 Century Park Court CP32C
San Diego, CA 92123-1548
Tel: 858.654.1756
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KDeremer@SempraUtilities.com

November 17, 2008

Advice No. 3922
(U 904 G)

Public Utilities Commission of the State of California

Subject: Revision of Rule No. 38 Contract: Form No. 6700-1 and 6700-1A

Southern California Gas Company (SoCalGas) hereby submits for filing revisions to its sample forms, applicable throughout its service territory, as shown on Attachment B.

Purpose

This advice filing revises Form No. 6700-1 titled "Equipment Incentive Program Agreement" and Form No. 6700-1A titled "Rule No. 38 Special Conditions: Metering and Gas Usage Commercial & Industrial Equipment Incentive Program".

Background

SoCalGas Rule No. 38, Commercial/Industrial Equipment-Incentive Program (Rule 38 Program) originally was implemented with the approval of Advice No. (AL) 2316 filed in June 1994. The Rule 38 Program is funded entirely by shareholders to encourage energy-efficient gas equipment purchases by both large and small core and noncore nonresidential customers in SoCalGas' service territory. The original Program Agreement was used for both equipment purchase and feasibility studies. In August 1996, AL 2517 was filed to separate the original Program Agreement into two agreements, one for equipment purchases (Form No. 6700-1) and one for feasibility studies (Form No. 6700-2). In May 2000, AL 2917 was filed in compliance with 1999 BCAP decision (D.00-04-060) which required additional revisions to Form No. 6700-1. In addition, Attachment to Form No. 6700-1 titled "Rule No. 38 Special Conditions: Metering and Gas Usage Commercial & Industrial Equipment Incentive Program" (Form No. 6700-1A) was filed to add special metering and gas usage conditions to Form No. 6700-1. No modifications to both these forms have been filed until now.

Proposed Revisions

- Form No. 6700-1 - updating the interest rate charged in "Cut-Off" and "Early Termination" paragraphs to be based on SoCalGas' authorized rate of return, which is less than the 10% interest rate in effect currently. SoCalGas' current authorized rate of return is 8.68%. The "Term of Use" paragraph was revised to add the Early Termination paragraph. The Early Termination paragraph further clarifies the Customer's financial obligation in the event of early contract termination. The proposed early termination charge is less onerous to

customers under certain situations, such as customers faced with unforeseen plant closures early in the life of the agreement. In addition, a few clean-up changes are made throughout the Form No. 6700-1.

- Form No. 6700-1A - expanding the description of metering requirements in paragraph 7.2.

This filing will not increase or decrease any tariff rate, conflict with any schedules or rules, or cause the withdrawal of service.

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 within 20 days of the date this Advice Letter. 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 Maria Salinas (mas@cpuc.ca.gov) and Honesto Gatchalian (jnj@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: Sid Newsom
Tariff Manager - GT14D6
555 West Fifth Street
Los Angeles, CA 90013-1011
Facsimile No. (213) 244-4957
E-mail: snewsom@SempraUtilities.com

Effective Date

SoCalGas believes this Advice Letter is subject to Energy Division disposition and should be classified as Tier 2 (effective upon staff approval) pursuant to GO 96-B and requests that this be effective on December 17, 2008, which is 30 calendar days after the date filed.

Notice

A copy of this advice letter is being sent to the parties listed on Attachment A.

Ken Deremer
Director
Tariffs and Regulatory Accounts

Attachments

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. **SOUTHERN CALIFORNIA GAS COMPANY (U 904-G)**

Utility type:

ELC GAS
 PLC HEAT WATER

Contact Person: Sid Newsom

Phone #: (213) 244-2846

E-mail: snewsom@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) #: 3922

Subject of AL: Revision of Rule 38 Contract - Form No. 6700-1 and 6700-1A

Keywords (choose from CPUC listing): Rules, Contracts, Metering

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

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

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL No

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

Does AL request confidential treatment? If so, provide explanation: No

Resolution Required? Yes No

Tier Designation: 1 2 3

Requested effective date: 12/17/08

No. of tariff sheets: 4

Estimated system annual revenue effect (%): _____

Estimated system average rate effect (%): _____

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: Sample Forms and TOCs

Service affected and changes proposed¹: N/A

Pending advice letters that revise the same tariff sheets: N/A

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

Southern California Gas Company

Attention: Sid Newsom

555 West Fifth Street, GT14D6

Los Angeles, CA 90013-1011

snewsom@semprautilities.com

¹ Discuss in AL if more space is needed.

ATTACHMENT A

Advice No. 3922

(See Attached Service List)

Aglet Consumer Alliance
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jweil@aglet.org

Alcantar & Kahl
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CPUC
Consumer Affairs Branch
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ATTACHMENT B
Advice No. 3922

Cal. P.U.C. Sheet No.	Title of Sheet	Cancelling Cal. P.U.C. Sheet No.
Revised 44087-G	SAMPLE FORMS, Contracts, Equipment Incentive Program Agreement, Form No. 6700-1 (11/08), Sheet 1	Revised 32751-G
Revised 44088-G	SAMPLE FORMS, Contracts, Rule No. 38 Special Conditions: Metering and Gas Usage, Form No. 6700-1A (11/08), Sheet 1	Original 32752-G
Revised 44089-G	TABLE OF CONTENTS	Revised 43919-G
Revised 44090-G	TABLE OF CONTENTS	Revised 44086-G

SAMPLE FORMS

Sheet 1

Contracts

Equipment Incentive Program Agreement, Form No. 6700-1 (11/08)

T

(See Attached Form)

(TO BE INSERTED BY UTILITY)

ADVICE LETTER NO. 3922
DECISION NO.

1C10

ISSUED BY

Lee Schavrien
Senior Vice President
Regulatory Affairs

(TO BE INSERTED BY CAL. PUC)

DATE FILED Nov 17, 2008
EFFECTIVE Dec 17, 2008
RESOLUTION NO. _____

Date _____

**Southern California Gas Company's
Equipment Incentive Program Agreement
(Shareholder-Funded)**

Customer Name and Address:

Customer's Capacity:

__ Corp./__ Gen.__Ltd. Ptship./__Lim. Liab. Co.
__ California/__ Foreign
__ State __ Federal Governmental Entity__

Attn: _____

Fed. Tax ID _____ SIC Code _____

Telephone: _____

Equipment:

Facility:

Account # _____

Premises I.D. _____

The following provisions apply to Equipment Incentives:

Incentive \$ _____ • Maximum Percentage ____%. The Incentive will be paid by Southern California Gas Company (SoCalGas) as follows: ____% upon placement of the Equipment purchase order, ____% upon delivery of the Equipment to the Facility and the balance of ____% after the Commencement Date. In no event will the total Incentive or any individual payment exceed the Maximum Percentage of the amounts paid by Customer for the acquisition and installation of the Equipment. Verification of Customer's execution of Equipment acquisition agreement and of Customer's payment(s) will be required.

Purchase Order Date: The Purchase Order Date is the date a firm order for purchasing the Equipment has been placed with the Equipment vendor.

Commencement Date: The Commencement Date is the date the Equipment has been installed and has produced one hour of continuous operation.

Cut-off: Purchase Order Date must occur by _____ and Commencement Date must occur by _____ (or such later dates as SoCalGas and Customer may agree to in writing). If not, SoCalGas has no obligation to pay the Incentive; or, if a part of the Incentive has been paid, Customer shall refund such amount to SoCalGas, plus interest equal to SoCalGas' Authorized Rate of Return, promptly upon demand. If, in SoCalGas' reasonable opinion, the Commencement Date will not occur by the Cut-off date, no portion of the Incentive need be paid, or any paid portion shall be refunded as provided above.

Term of Use: _____ months from Commencement Date.

Early Termination: If, during the Term of Use, Customer (i) does not take gas service for the Facility from SoCalGas; or (ii) does not use the Equipment in the manner disclosed to SoCalGas prior to this Agreement; or (iii) wishes to terminate this Agreement, then the occurrence of any one of the events in (i) through (iii) above shall constitute an event of default, and SoCalGas may, at its sole option, declare this Agreement terminated and notify Customer of such termination in writing. Upon receipt of such notification, Customer agrees to immediately pay to SoCalGas an early termination charge. The early termination charge shall be calculated as the amount equal to the lesser of the original incentive received by the Customer plus interest equal to SoCalGas' Authorized Rate of Return from the date payment(s) were made, or the MAQ specified in the Rule No. 38 Special Conditions, Form No. 6700-1A, paragraph

7.4 multiplied by the number of years (or fractions thereof) remaining on the contract multiplied by the applicable Tariff Rate.

1. Information and Demonstration. Customer will provide information and documents reasonably requested by SoCalGas concerning the Equipment, including its acquisition, installation and operation (energy use and operating costs). This information may be provided to third parties, except for Customer's proprietary or trade secret information. Customer will provide SoCalGas with reasonable access to the Equipment to observe and monitor its performance. SoCalGas may demonstrate the Equipment to third parties and may advertise savings/benefits realized; but any advertising which identifies Customer is subject to Customer's prior written approval, which will not be unreasonably withheld. In its sole discretion, SoCalGas may waive any of these rights.

2. Tariff Service. Customer understands and agrees that as consideration for the Incentive paid by SoCalGas, during the Term of Use, Customer will take natural gas service (purchase and/or transportation) from SoCalGas for the Facility.

3. CPUC/Tariffs. This program is approved by the California Public Utilities Commission ("CPUC") and may be amended, modified, or terminated at any time by the CPUC. This Agreement is subject to the provisions of Rule No. 38 as amended from time to time and except as otherwise provided herein, to the terms and conditions of SoCalGas' other applicable tariff rules as amended from time to time, including but not limited to Rule No. 4, the terms of which are incorporated by reference.

4. No Ownership. SoCalGas will have no ownership interest in the Equipment, if any, and is not a partner of or joint venturer with Customer.

5. NO WARRANTIES BY SoCalGas AND LIMITATION OF LIABILITY.

5.1 Although SoCalGas shall have the right to review information regarding the Equipment and/or Consultant's proposal and Report, as set forth above, Customer understands and agrees that SoCalGas' review is for SoCalGas' own purposes in determining Customer's eligibility, calculating the amount of the Incentive and/or Payment for the Feasibility Study, and obtaining information on the Equipment's operation. SoCalGas makes NO WARRANTIES, EXPRESS OR IMPLIED, AS TO THE EQUIPMENT OR THE SYSTEM OR ANY ASPECT OF THE INSTALLATION, OPERATION, PERFORMANCE, ENERGY USAGE, COST SAVINGS, OR ANY OTHER MATTER CONCERNING THE EQUIPMENT OR THE SYSTEM OR CONSULTANT OR CONSULTANT'S RECOMMENDATIONS, INCLUDING, BUT NOT LIMITED TO, RECOMMENDATIONS AS TO SELECTION AND INSTALLATION OF EQUIPMENT OR ADOPTION OF ENERGY MANAGEMENT MEASURES.

5.2 Customer understands and represents to SoCalGas that Customer will select or has selected the Equipment and/or Consultant in reliance upon information obtained by Customer or on its behalf by its agents and that SoCalGas is not and will not be responsible for the selection, installation, operation, performance, energy usage, cost savings, or any other matter concerning the Equipment, Consultant or Feasibility Study or Report, or for any liability, losses, damages or injuries arising from the Equipment's use or from the Feasibility Study. If the Equipment is unsatisfactory for any reason, or if Consultant's recommendations or implementation of them is unsatisfactory for any reason, Customer will make any claim on account thereof against Customer's engineer, vendor, installer, Equipment manufacturer, and/or Consultant as appropriate.

5.3 SoCalGas will not be liable for any consequential, indirect, or punitive damages.

6. No Third Party Beneficiaries. This program and Agreement are for the benefit of, and enforceable only by, SoCalGas and Customer.

7. If checked, the attached Rule No. 38 Special Conditions, Form No. 6700-1A, and Rule No. 38 Affidavit, Form No. 6700-1B, are incorporated by reference.

Customer: _____

Southern California Gas Company

By: _____

By: _____

Title & Name: _____

Title: _____

Date Signed: _____

Date Signed: _____

SAMPLE FORMS

Sheet 1

Contracts

Rule No. 38 Special Conditions: Metering and Gas Usage, Form No. 6700-1A (11/08)

T

(See Attached Form)

(TO BE INSERTED BY UTILITY)

ADVICE LETTER NO. 3922

DECISION NO.

1C10

ISSUED BY

Lee Schavrien

Senior Vice President

Regulatory Affairs

(TO BE INSERTED BY CAL. PUC)

DATE FILED Nov 17, 2008

EFFECTIVE Dec 17, 2008

RESOLUTION NO. _____

Rule No. 38 Special Conditions: Metering and Gas Usage
Commercial & Industrial Equipment Incentive Program
Attachment to Form No. 6700-1

7.0 Special Conditions: Metering and Gas Usage

Check and Initial Applicable Paragraphs:

7.1 Baseload Gas Use
[] *Customer Initials*

Except as may be modified immediately below, historic actual gas consumption for the 24-month period prior to signing the Agreement is used to establish the average baseload of _____ therms per year ("Baseload"). Consumption greater than this Baseload will be considered towards fulfilling Customer's obligation to use the Equipment in the manner disclosed in Paragraph 7.4 below.

Modifications to Paragraph No. 7.1
[] *Customer Initials*

7.2 Metering
[] *Customer Initials*

Customer shall install the energy Equipment in a manner such that metering devices can readily and safely be installed and accessed. Customer shall allow SoCalGas routine access to the measurement-related facilities and measurement logs, to verify meter reads and accuracy. Equipment gas consumption shall be metered during the Term of Use by one of the methods below.

a) SoCalGas shall install a separate, permanent Utility-owned gas billing meter in accordance with Rule No. 13, Meters and Appliances, and when applicable with Rule No. 21, Gas Service Extensions.

b) Other: "Measurement Plan" approved by Utility and attached herein, titled: _____

Modifications to Paragraph No. 7.2
[] *Customer Initials*

7.3 Rate Schedule
[] *Customer Initials*

Except as may be modified immediately below, Customer must take gas under Utility's noncore GT-F or GT-I tariff rate schedule for the entire Term of Use as long as Customer qualifies for at least one of these rates or until both Customer and Utility mutually agree on a different rate.

Modifications to Paragraph No. 7.3
[] *Customer Initials*

7.4 Gas Requirements/Customer Equipment Disclosure

[____] *Customer Initials*

Customer discloses that Equipment will have a collective rated capacity of _____ MMBtu/h, and during the Term of Use will consume a Minimum Annual Quantity ("MAQ") of not less than _____ therms of gas per year (including Baseload use when the box by Paragraph 7.1 is checked), to be assessed each 12 months following the Commencement Date. If a period of fewer than 12 months remains at the end of the Term of Use, a pro-rata portion of the MAQ applies. Except as may be modified immediately below, if actual usage falls below this MAQ, Customer will be subject each contract year to an additional charge equal to the difference in Transmission Charges between Customer's actual usage and MAQ in that time period. MAQ adjustments will be made to the extent consumption is reduced specifically due to intrastate curtailment or an event of force majeure, as defined in Rule No. 1, on either the interstate or intrastate systems.

Modifications to Paragraph No. 7.4

[____] *Customer Initials*

7.5 Other

[____] *Customer Initials*

TABLE OF CONTENTS

(Continued)

SAMPLE FORMS (continued)

Contracts (continued)

Equipment Incentive Program Agreement (Form 6700-1, Rev. 11/08)	44087-G
Rule 38 Special Conditions: Metering and Gas Usage (Form 6700-1A, 11/08)	44088-G
Rule 38 Affidavit (Form 6700-1B - 5/00)	32753-G
Red Team Affidavit (Form 6683 - 5/00)	32754-G
Feasibility Study Program Agreement (Form 6700-2, Rev. 8/96)	27950-G
Consent to Common Use Agreement (Form 6679 - 1/01)	33304-G
Special Facilities Contract (Form 6633, 6/05)	39322-G
Proposal and Agreement for Transfer of Ownership of Distribution Systems (Form 6660, 03/98)	29947-G
Optional Rate Agreement and Affidavit (Form 6662, 2/06)	40138-G
Continuous Service Agreement (Form 6558-D, 07/08)	43584-G
Consulting Services Agreement (Form 6440, 2/08)	43025-G
Confidentiality Agreement (Form 6410, 11/05)	39742-G
Collectible System Upgrade Agreement (Form 6420, 11/05)	39743-G
Interconnection Agreement (Form 6450, 06/2007)	41995-G
Interconnect – Collectible System Upgrade Agreement (Form 6430, 11/2006)	41173-G
Operational Balancing Agreement (Form 6435, 11/2006)	41174-G
On-Bill Financing Loan Agreement (Form 7150, 6/2007)	42009-G
On-Bill Financing Loan Agreement for Self Installer (Form 7150-A, 6/2007)	42010-G
Authorization to Change Residential Rate – NGV Home Refueling (Form 6150)	40099-G
CM Form 2 - Notice by Contracted Marketer to Add or Drop Customers (Form 6597-23, 06/06)	40575-G
Firm Access Rights Assignment (Form 6825)	43042-G
Affidavit of Eligibility for Summer Saver Gas Air Conditioning Optional Rate Program (Form 6540, 09/08)	43918-G

T
T

Bill Forms

Residential Sales Order (Form 5327-G, 03/00)	35710-G
General Service (Form 41-R, 04/07)	41805-G
Commercial/Industrial Service (Form 77-2, 06/05)	39326-G

Collection Notices

Past Due Payment Notice (Form 41.6, 08/02).....	36786-G
Meter Closed for Nonpayment (Form 5101, 06/99)	36787-G
Unsatisfactory Remittance (Form 1512-H, 04/00)	36788-G
Urgent Notice Inaccessible Meter (Form 4515-C, 08/92)	36789-G
Notice to Tenants, Termination of Gas Service (Form 4636-D, 10/92)	36790-G

(Continued)

(TO BE INSERTED BY UTILITY)

ADVICE LETTER NO. 3922
 DECISION NO.

ISSUED BY

Lee Schavrien
 Senior Vice President
 Regulatory Affairs

(TO BE INSERTED BY CAL. PUC)

DATE FILED Nov 17, 2008
 EFFECTIVE Dec 17, 2008
 RESOLUTION NO. _____

TABLE OF CONTENTS

The following listed sheets contain all effective Schedules of Rates and Rules affecting service and information relating thereto in effect on the date indicated thereon.

GENERAL

Cal. P.U.C. Sheet No.

Title Page	40864-G	
Table of Contents--General and Preliminary Statement	44090-G,43408-G,43963-G	T
Table of Contents--Service Area Maps and Descriptions	41970-G	
Table of Contents--Rate Schedules	44065-G,44066-G,44085-G	
Table of Contents--List of Cities and Communities Served	40149.1-G	
Table of Contents--List of Contracts and Deviations	40149.1-G	
Table of Contents--Rules	43785-G,42331-G	
Table of Contents--Sample Forms	43792-G,42332-G,43404-G,44089-G,43406-G	T

PRELIMINARY STATEMENT

Part I General Service Information	37917-G,24332-G,24333-G,24334-G,24749-G
Part II Summary of Rates and Charges	44045-G,44046-G,44047-G,44048-G,43798-G,43799-G 44049-G,43301-G,43302-G,43735-G,44014-G,44015-G,43738-G,43739-G
Part III Cost Allocation and Revenue Requirement	27024-G,37920-G,27026-G,27027-G,43740-G
Part IV Income Tax Component of Contributions and Advances	43036-G,24354-G
Part V Balancing Accounts	
Description and Listing of Balancing Accounts	43687-G
Purchased Gas Account (PGA)	43839-G
Core Fixed Cost Account (CFCA)	42242-G
Noncore Fixed Cost Account (NFCA)	42243-G
Enhanced Oil Recovery Account (EORA)	42244-G
Noncore Storage Balancing Account (NSBA)	43306-G
California Alternate Rates for Energy Account (CAREA)	40872-G,40873-G
Brokerage Fee Account (BFA)	40874-G
Hazardous Substance Cost Recovery Account (HSCRA)	40875-G, 40876-G,40877-G
Natural Gas Vehicle Account (NGVA)	43688-G,40879-G
El Paso Turned-Back Capacity Balancing Account (EPTCBA)	40880-G
Gas Cost Rewards and Penalties Account (GCRPA)	40881-G
Pension Balancing Account (PBA)	43689-G,43690-G

(Continued)

(TO BE INSERTED BY UTILITY)
 ADVICE LETTER NO. 3922
 DECISION NO.

ISSUED BY
Lee Schavrien
 Senior Vice President
 Regulatory Affairs

(TO BE INSERTED BY CAL. PUC)
 DATE FILED Nov 17, 2008
 EFFECTIVE Dec 17, 2008
 RESOLUTION NO. _____