



Rule 22
DIRECT ACCESS

Sheet 1

The following terms and conditions apply to both SCE customers and electric energy service providers who participate in Direct Access. Direct Access refers to any end-use SCE customer electing to procure its electricity, and any other CPUC-authorized energy services, directly from electric service providers (ESPs) as defined in Rule 1. ESPs who serve Small Customer Service Accounts, as defined in Rule 1, shall be registered with the State of California and meet any certification requirements established by the appropriate State agencies. As directed by Decision 01-09-060, the execution of any new contracts or the entering into, or verification of any new arrangements for Direct Access Service pursuant to Public Utilities Code Section 366 or 366.5, after September 20, 2001, is prohibited.

A. Customer Service Elections

Prior to September 21, 2001, all SCE customers had the opportunity to acquire their electric power needs under the following options. Those customers who elected Direct Access Service on and before September 20, 2001 can continue to receive such service. The Direct Access option is closed to all other SCE customers until such time the Commission may reinstate Direct Access as a service option.

1. Default SCE Services (SCE Bundled Service)

This service preserves traditional SCE electric services, where SCE performs all energy services for the end-use customer. SCE will acquire all its electric power requirements from the Procured Energy (PE). All customers who are not currently using Direct Access remain on default SCE services. Customers may choose to return to default SCE services after having elected Direct Access.

2. Direct Access

This service election allows customers, who executed a Direct Access contract on or before September 20, 2001 or after Direct Access Service may be reinstated by the Commission, to purchase electric power and, at the customer's election, additional energy services from non-SCE entities known as ESPs.

Billing options are described in Section K, Billing Service Options and Obligations.

Direct Access Customers who are not defined as Small Customers, as defined in Section B, General Terms, will be required to have in place Interval Metering, as defined below, at no expense to SCE. Pursuant to D.97-05-039, these customers will be eligible to choose either SCE or ESP to provide meter services. After 1998, the CPUC will extend meter service elections to remaining customers. Meter service options are described in Sections G and H.

Direct Access Customers, who have individual Service Accounts with a maximum demand between 20 and 50 kW may be exempt on an interim basis from the Interval Metering requirements pursuant to CPUC rules.

(D)
(T)

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B. General Terms

1. Definitions

The definitions of principal terms used in this Rule are found either herein or in Rule 1, Definitions. Unless otherwise stated, all references to "customer" in this Rule will refer to SCE customers who have elected Direct Access. Unless otherwise stated, all references to "Small Commercial Customers" or "Small Customer" in this rule will be defined in Rule 1, Definitions. Unless otherwise stated, all references to "service account" shall refer to individual customer meters. Unless otherwise stated, all references to SCE charges shall include the Trust Transfer Amount (TTA) charges.

The descriptive headings of the various sections of this Rule have been inserted for convenience of reference only and shall in no way define, modify or restrict any of the terms and provisions thereof.

2. General Obligations of SCE

a. Non Discrimination

SCE shall discharge its responsibilities under this tariff in a neutral manner as to providers of all commodities and services which are subject to customer choice. Unless otherwise authorized by the CPUC, the Federal Energy Regulatory Commission (FERC), or the affiliate transactions rules, SCE shall not:

- (1) represent that its affiliates or customers of its affiliates will receive any different treatment with regard to the provision of SCE services than other unaffiliated service providers as a result of affiliation with SCE; or
- (2) provide its affiliates, or customers of its affiliates, any preference (including but not limited to terms and conditions, information, pricing or timing) over non-affiliated suppliers or their customers in the provision of SCE services.

b. Requests for SCE Services

SCE shall process requests for similar SCE services, such as Direct Access Service Requests (DASRs), in the same manner and within the same period of time for its affiliates and for all other market participants and their respective customers.

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B. General Terms (Continued)

2. General Obligations of SCE (Continued)

c. Timeliness and Due Diligence

Consistent with state law and CPUC decisions, SCE shall exercise due diligence in meeting its obligations and deadlines under this tariff so as to facilitate customer choice as quickly as possible.

d. Transmission and Distribution Service

Subject to the terms of the ESP Service Agreement, applicable tariffs and applicable FERC rules and ESP's and customer's compliance with their terms, SCE will provide transmission and distribution services under applicable tariffs and contracts for delivery of electric power to Direct Access Customers.

3. General Obligations of ESPs

a. Timeliness and Due Diligence

ESPs shall exercise due diligence in meeting their obligations and deadlines under this tariff so as to facilitate customer choice as quickly as possible. ESPs shall make all payments owed to SCE under this tariff in a timely manner subject to applicable payment dispute provisions.

b. Arrangements with ESP Customers

ESPs shall be solely responsible for having appropriate contractual or other arrangements with their customers necessary to implement Direct Access consistent with all applicable laws, CPUC requirements and this tariff. SCE shall not be responsible for monitoring, reviewing or enforcing such contracts or arrangements.

c. Scheduling Coordinator

As a requirement of this tariff, ESPs providing electric power shall have one or more Scheduling Coordinators, with no more than one Scheduling Coordinator per service account, for the purpose of reporting all of the ESP's end-use meter readings to the ISO. ESPs shall disclose the identity of these Scheduling Coordinators to SCE. SCE shall not be responsible for enforcing requirements applicable to the performance of the Scheduling Coordinators.

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B. General Terms (Continued)

4. Transfer of Cost Obligations Between ESPs and Customers

Nothing in this tariff is intended to prevent ESPs and customers from agreeing to reallocate between them any costs for Direct Access services which are designated in this tariff to be paid by either of them.

5. Responsibility for Electric Purchases

ESPs will be responsible for the purchase of their Direct Access Customers' electric power needs and the delivery of such purchases to designated receipt points as set forth on the schedules given to the Scheduling Coordinators (SC).

6. SCE Not Liable for ESP Services

To the extent the customer takes service from an ESP, SCE has no obligations to the customer with respect to the services provided by the ESP. The customer must look to the ESP to carry out the responsibilities associated with that service.

7. ESP Not Liable for SCE Services

To the extent the customer takes service from SCE, an ESP has no obligations to the customer with respect to the services provided by SCE. The customer must look to SCE to carry out the responsibilities associated with that service.

8. Load Aggregation for Procuring Electric Power

Customers or ESPs may aggregate individually metered electric loads for procuring electric power only. Load aggregation will not be used to compute SCE charges or for tariff applicability. The right of customers to physically aggregate by combining multiple accounts into a single metered account as permitted under CPUC-approved tariffs is not restricted by this section.

9. Split Loads Not Allowed

Customers requesting Direct Access services may not partition the electric loads of a service account among electric service options or providers. The entire load of a service account must be nominated to only one of the electric service options or providers available to customers.

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B. General Terms (Continued)

10. Small Customers

All residential and Small Commercial Customers as defined in Rule 1, Definitions are eligible for a 10% reduction in rates effective January 1, 1998. Service accounts of Small Customers, as defined in Rule 1, are eligible for statistical load profiling effective the date the Commission or its delegate declares to be the start date for Direct Access.

For new customers without a history of electric use, SCE will estimate new meter loads using existing criteria and use these estimates to evaluate the customer's eligibility for unbundled meter services and statistical load profiles.

11. Interval Metering

"Interval Metering" shall refer to the purchase, installation and maintenance of a meter device capable of recording minimum data required. Minimum data requirements include (a) hourly data required for the Direct Access settlement process; and (b) data required to bill SCE distribution tariffs, including any communication systems needed to allow the customer access to meter reading usage data.

12. Statistical Load Profiles

SCE will provide statistical load profiles, in place of Interval Metering, to permit SCE or ESP to compute the bills for all Direct Access Customers who have Service Accounts that do not require, or are exempt from, Interval Metering as specified above. (D)
Statistical load profiles will not apply to Service Accounts where Interval Metering is in place and used for billing. Statistical load profiles will be applied as authorized by the CPUC. (T)

13. Master Metered Customers

Individual master metered customers who provide sub-metered tenant billings, may participate in Direct Access as a single account. A master metered customer may not partition the electric loads of a single master meter among several electric service options or providers. The entire load of a single master meter must receive service under one electric service option and provider.

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B. General Terms (Continued)

14. Service Fees and Other Charges

- a. For services for which the CPUC determines there are insufficient providers to ensure customer choice ("Non-discretionary Services"), service fees shall be established by SCE based on incremental cost and shall be approved by the CPUC. Once approved, these fees will be included in the appropriate SCE rate schedule.
- b. During the interim period between the start of Direct Access and a CPUC decision approving specific fees for Non-discretionary Services, SCE will charge the net incremental costs associated with providing Non-discretionary services to a memorandum account pending the CPUC's decision regarding service fees. Should the CPUC approve such fees, SCE may seek to collect such fees as a Direct Access implementation charge under Section 376 of the Public Utilities Code.
- c. For services for which there are sufficient providers to ensure customer choice ("Discretionary Services"), service fees shall be established by SCE via an advice letter effective thirty (30) days following filing of the advice letter and included in the appropriate SCE tariff.
- d. SCE may charge interim fees for the metering and billing services described in this Rule based on the incremental costs associated with providing these services as set forth in the appropriate SCE tariff. During the interim period between November 1, 1997 and a CPUC decision regarding such fees, SCE will track the fees and costs associated with providing these billing and metering services in a one-way memorandum account. If the service fees are approved by the CPUC, and such fees are lower than those included in the appropriate tariff, the fees previously charged will be reconciled against the approved fees and subject to refund.
- e. Service charges approved by the CPUC such as service connection fees, special meter readings etc., and which are contained within or authorized by other tariffs are not affected by this Rule.
- f. Fees for Direct Access services are described in Schedule CC-DSF, Customer Choice - Discretionary Service Fees and Schedule ESP-DSF, Energy Service Provider – Discretionary Service Fees.
- g. SCE can recover the costs of Direct Access service only once (i.e., any cost recovered under one cost recovery mechanism [fees, charges, Direct Access implementation rates or existing rates] should not also be recovered through another mechanism).

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(Continued)

B. General Terms (Continued)

15. Non-bypassable Charges Obligations (T)

As a condition of receiving Direct Access service, Direct Access Customers will be responsible to pay for all non-bypassable charges authorized by the CPUC for SCE to recover from customers in accordance with state law. Direct Access Customers are required to confirm this responsibility in writing provided to the ESP, unless the customer is exempt from the requirement to provide such a confirmation in writing pursuant to Public Utilities Code Section 370. SCE will continue to bill the customer (either directly or indirectly through its ESP, depending on the billing option selected) for such charges. The customer must pay all charges, but may pay any amounts in dispute in accordance with Rule 10, pending resolution of the dispute. (D)

16. Franchise Fees And Other Charges

Direct Access Customers continue to be responsible to pay all applicable fees, surcharges and taxes as authorized by law. SCE will bill customers for franchise fees as set forth in Public Utilities Code Sections 6350 to 6354, and for fees as set forth in Public Utilities Code Sections 401 to 410. The ESP and SCE will each be responsible for calculating other fees, taxes, and surcharges for their respective services. The billing party will be responsible for billing these charges. (D)

17. Liability In Connection With ESP Services

- a. In this Section, "damages" shall include all losses, harm, costs, and detriment, both direct and consequential, suffered by the customer.
- b. SCE shall not be liable to the customer or ESP for any damages caused by SCE's conduct in compliance with, or as permitted by, SCE's tariffs, the ESP Service Agreement and associated legal and regulatory requirements related to Direct Access service.

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B. General Terms (Continued)

17. Liability In Connection With ESP Services (Continued)

- c. SCE shall not be liable to the customer for any damages caused to the customer by any failure by ESP to comply with SCE's tariffs, the ESP Service Agreement and associated legal and regulatory requirements related to Direct Access service.

The CPUC shall have initial jurisdiction to interpret, add, delete or modify any provision of this tariff or the ESP Service Agreement, and to resolve disputes regarding SCE's performance of its obligations under SCE's tariffs, the ESP Service Agreement and requirements related to Direct Access service, including any disputes regarding delays in the implementation of Direct Access.

- d. SCE shall not be liable to the customer for any damages caused by ESP's failure to perform any commitment to the customer, including, but not limited to the obligation to provide electric supply services to the customer. The ESP shall not be liable to the customer for any damages caused by SCE's failure to perform any commitment to the customer.
- e. An ESP is not SCE's agent for any purpose. SCE shall not be liable to the customer for any damages resulting from any acts, omissions, or representations made by ESP in connection with soliciting customers for Direct Access service or performing any of its functions in rendering Direct Access service.
- f. SCE is not the ESP's agent for any purpose. The ESP shall not be liable to the customer for any damages resulting from any acts, omissions, or representations made by SCE in connection with soliciting customers for Direct Access service or performing any of its functions in rendering Direct Access service.

C. Customer Inquiries And Data Accessibility

1. Customer Inquiries

For customers requesting information on Direct Access after September 20, 2001, SCE will advise such customers that Direct Access Service has been suspended by Decision 01-09-060 until further notice:

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C. Customer Inquiries And Data Accessibility (Continued)

2. Customer Request To Initiate Service

Direct Access Service has been suspended until further notice.

3. Access to Customer Usage Data

SCE will provide customer-specific usage data to parties specified by the customer, subject to the following provisions:

- a. Except as provided in Section E, the inquiring party must have written authorization from the customer to release such information to the inquiring party only. At the customer's request, this authorization may also indicate if customer information may be released to other parties as specified by the customer.
- b. Subject to customer authorization, SCE will provide a maximum of the most recent 12 months of customer usage data or the amount of data for that specific Service Account in a format approved by the CPUC. Customer information will be released to the customer or its authorized agent up to two times per year per service account at no cost to the requesting party. Thereafter, SCE will have the ability to assess a processing charge only if approved by the CPUC. An authorized agent receiving such customer information will not further release the information to others without the customer's explicit consent.
- c. As a one-time requirement at the initiation of Direct Access, SCE will make available a database containing a 12-month history of customer-specific usage information with geographic and SIC information, but with customer identities removed. The cost of the database will be shared among the recipients, as described in D.97-10-031. SCE is not liable for release of confidential information, which occurs despite SCE's application of the confidentiality screening procedure specified in D.97-10-031.

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C. Customer Inquiries And Data Accessibility (Continued)

3. Access to Customer Usage Data (Continued)

d. By electing to take Direct Access service from an ESP, the customer consents to the release to the ESP of metering information required for billing, settlement and other functions required for the ESP to meet its requirements and 12 months of historical usage data.

4. Customer Inquiries Concerning Billing-Related Issues

Customer inquiries concerning SCE's charges, services or the Trust Transfer Amount (TTA) charge should be directed to SCE.

Customer inquiries concerning the ESP's charges or services should be directed to the ESP.

5. Customer Inquiries Related To Emergency Situations And Outages

a. SCE will be responsible for responding to all inquiries related to distribution service, emergency system conditions, outages and safety situations. Customers contacting the ESP with such inquiries should be referred directly to SCE. ESPs performing Consolidated ESP Billing must show SCE's phone number on their bills for use in emergencies.

b. It may be necessary for SCE to shed or curtail customer load at the request of the ISO, or as otherwise provided by CPUC tariffs. In such cases, SCE will give both the affected customer and ESP as much notice as reasonably possible.

c. SCE will notify the customer and ESP of planned distribution system outages for maintenance work prior to commencement of such outages if feasible.

d. SCE will be responsible for implementing CPUC-approved load curtailment programs, including providing notification to participating "non-firm" customers who are the Direct Access Customers of the ESP.

e. The ESP will be responsible for notifying its Scheduling Coordinator of any notice received from SCE under this Section.

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D. ESP Service Establishment

The ESP must satisfy the following requirements before an ESP can provide Direct Access services in SCE's service territory:

1. All ESPs must submit an executed standard ESP Service Agreement, Form 14-652.
2. The ESP must warrant to SCE that the ESP has registered with the CPUC if it intends to serve Small Customers and has selected an Independent Verification Agent (IVA) for all transactions for which independent verification is required by law.
3. The ESP must satisfy SCE's credit-worthiness requirements as specified in Section P, Credit Requirements.
4. The ESP must satisfy applicable CPUC Electronic Data Exchange requirements, including:
 - a. ESP must complete all necessary electronic interfaces for the ESP and SCE to communicate for DASRs, general communications and if providing Metering and Data Management Agent (MDMA) services, to satisfy meter reading communications including communicating to and from MDMA Servers for sharing of meter reading and usage data.
 - b. The ESP must have the capability to exchange data with SCE via the Internet. Alternative arrangements may be allowed if mutual agreement is made between SCE and the ESP.
 - c. The ESP must have the capability to perform Electronic Data Interchange (EDI), and enter into appropriate agreements related thereto, if the ESP will be offering either Consolidated SCE or ESP Billing services.
5. If the ESP will be offering Consolidated ESP Billing services, Meter Services or MDMA Services, the ESP must demonstrate the ability to perform the functions required by this Rule. SCE will continue to provide those services until compliance testing has been completed. The ESP's failure to complete such compliance testing shall not affect its ability to provide electric power to customers.

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E. Direct Access Service Request (DASR)

1. Direct Access Service Requests (DASRs) must be submitted electronically (unless SCE has also approved of some alternative means of submittal) to SCE by the customer's authorized ESP, or the customer if it is acting as its own ESP. The DASR process described herein is used for customer Direct Access elections, customer-initiated returns to default SCE Bundled Service and ESP-initiated termination of a customer agreement. ESPs must execute the ESP Service Agreement before submitting DASRs.
2. A separate DASR must be submitted for each Service Account. Upon request, SCE will provide timely updates on the status of the DASR processing to the submitting ESP and customer.
3. DASRs must identify the Service Account participating in Direct Access, including its billing and meter service elections. A DASR that does not contain this information is materially incomplete.
4. DASR forms will be available through electronic means (e.g., SCE's website).
5. An ESP which is providing meter services must satisfy, and specify in the DASR process for each Service Account, the meter and data communications provisions that are contained on the DASR.
6. For residential or Small Commercial Customer:
 - a. A DASR shall not be submitted to SCE by the ESP until after midnight of the third business day after the verification required under Public Utilities Code Section 366.5 has been completed, or until after midnight of the fifth business day after the mailing or provisioning of the Section 394.5 notice, whichever is later. It is the responsibility of the ESP to ensure that the requests of the residential and Small Commercial Customers to cancel service pursuant to Public Utilities Code Section 395 are honored.
 - b. If a customer cancels an agreement pursuant to Public Utilities Code Section 395, a DASR shall not be submitted for that customer. If a DASR has already been submitted, the submitting party shall, within 24 hours, direct SCE to cancel the DASR.

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(Continued)

E. Direct Access Service Request (DASR) (Continued)

7. SCE will provide an acknowledgment of its receipt of the DASR to the ESP within 2 working days of its receipt. SCE will exercise best efforts to provide, within 3 working days thereafter (and no later than 5 working days), the ESP and the customer with a DASR status notification informing them as to whether the DASR has been accepted, rejected or deemed pending for further information. As of July, 1998, SCE will provide this DASR status notification within 3 working days. If accepted, the switch date determined in accordance with paragraphs 12 or 13 of this Section, will be sent to the ESP, the former ESP if applicable, and the customer. If a DASR is rejected, SCE will provide the reasons for the rejection. If a DASR is held pending further information, it shall be rejected if the DASR is not completed within 11 working days following the status notification.
8. In accordance with the provisions of Rule 3, SCE has the right to deny the ESP's request for service if the information provided by the applicant is false, incomplete, or inaccurate in any material respect.
9. SCE will begin accepting DASRs no later than November 9, 1997.
10. If a submitted DASR complies with the DASR requirements, the DASR will be accepted and scheduled for Direct Access implementation.
11. For a specific service account to qualify for priority queues in the processing of Direct Access requests if backlogs are experienced by SCE, the ESP must warrant to SCE that at least 50% of its electric power to that customer will come from a state-certified renewable energy resource supplier meeting the requirements of Public Utilities Code Section 365(b)(2). In other cases, DASRs shall be handled on a first-come, first-served basis. Each request shall be time-stamped by SCE. SCE has no responsibility for verifying the customer's or ESP's compliance with Public Utilities Code Section 365(b)(2).
12. If more than one DASR is received for a service account within a single DASR processing period (16th of the month until the 15th of the following month), only the first valid DASR received will be processed in that period. All subsequent DASRs will be rejected.
13. Accepted DASRs that do not require a meter change and that are received by SCE on or before the 15th of the month will be switched over no later than the next month's scheduled meter reading date for that Service Account. If the meter cannot be read on the scheduled meter reading date for any reason, the switch to Direct Access will still occur as of the original DASR switch date using an interpolated read. The interpolated read will be determined by multiplying the average daily use during the most recent billing period (as computed by dividing the total metered use by the number of days in the billing period) times the number of days the customer received service through the original DASR switch date. This calculation will be used to produce the interpolated read. If the applicable rate schedule is a demand metered rate schedule, the demand read taken on the actual most recent read date will be used.

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E. Direct Access Service Request (DASR) (Continued)

14. Accepted DASRs that require a meter change by SCE will be switched over to Direct Access on the date of meter installation. SCE will endeavor to complete the meter change request within 15 days after acceptance of the DASR in the absence of a meter installation backlog. SCE will provide notice of any current meter service backlog or the next available installation date.
15. Accepted DASRs that require a meter change by an ESP will be switched over to Direct Access on the date the meter is installed.
16. A maximum of twelve (12) months of customer usage data, or the amount available for that customer, will be sent from SCE, or existing ESP currently serving that customer, to the new ESP no later than five (5) days before the scheduled switch date.
17. In the event that the ISO governing board declares an emergency and institutes a moratorium of SCE's processing of Direct Access requests, SCE will comply with such requests and inform ESPs or customers of the details of emergency plans.
18. SCE, ESP and customer, on mutual agreement, may agree to a different service change date for the service changes requested in a DASR.
19. A DASR is submitted pursuant to the terms and conditions of the ESP Service Agreement and this Rule, and will also be used to define the Direct Access services that the ESP is providing the customer.
20. Customers returning to SCE Bundled Service will follow the same process and timing as DASRs to establish Direct Access service.
 - a. ESPs requesting to return a Direct Access Customer to SCE Bundled Service will submit a DASR and be responsible for the continued provision of the customer's electric supply service, metering and billing services until the service change date. In this case, the ESP will also be responsible for paying any CPUC-approved DASR charge.
 - b. Customer's requesting return to SCE Bundled Service may do so either by contacting their ESP or directly contacting SCE. In this latter case, the customer will be responsible for paying any CPUC-approved DASR charge.
21. SCE will have the ability to assess a charge for accepted DASRs only, and only if such a fee is approved by the CPUC. This charge will be billed to the ESP unless the customer is requesting to return to SCE Bundled Service where the charge will be billed to the customer.

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E. Direct Access Service Request (DASR) (Continued)

22. Following the removal of system limitations, a customer moving to new premises may retain or start Direct Access immediately, and in any event no later than two days after a DASR has been submitted, provided that the applicable metering requirements have been met. Due to current system limitations, a customer moving to new premises who wants to retain or start Direct Access must have the ESP submit a DASR to SCE for the new premises no less than 10 business days before the customer's scheduled start date at the new premises. This DASR will need a special 'new customer' notation. If the DASR is received after that date or without the notation of 'new customer,' the customer will receive SCE's Bundled Service until the DASR is processed under the procedures set forth in Section E.13.
23. Billing options (including designation of a billing agent) and metering options are requested through a submission of a DASR and cannot be changed more frequently than once per billing cycle.
24. SCE will not hold the ESP responsible for any customer unpaid billing charges prior to the customer's switch to Direct Access. Unpaid billing charges will not delay the processing of DASRs and will remain the customer's responsibility to pay SCE. SCE will follow current CPUC credit rules in the event of customer non-payment, which includes the disconnection of service.

F. Independent Verification

A request for a change in ESPs representing residential or Small Commercial Customers shall not be submitted by an ESP until midnight of the third business day after the provisions of Public Utilities Code Sections 366.5(a) or 366.5(b) have been satisfied or until midnight of the fifth business day after the mailing or provisioning of Public Utilities Code Section 394.5 notice, whichever is later. These provisions are not repeated herein.

SCE may not accept a request from a residential or Small Commercial Customer to return to SCE's provisioning of electric power unless the provisions of Public Utilities Code Section 366.5 have been satisfied.

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G. Metering Services

1. Definitions

a. Meter Services

Meter services have been proposed to be grouped into three packages for initial Direct Access implementation. These three packages are:

- (1) Meter Ownership
- (2) Meter Services (Installation, maintenance, and testing)
- (3) Metering and Data Management Agent (MDMA) Services

These packages are subject to CPUC approval. These package services may be provided by SCE or an ESP, and the parties may subcontract these services to third parties. An ESP may also subcontract with SCE for the provision of any component service of any package, and SCE may provide such service.

b. Interval Meter

Interval Meter is defined as a meter capable of reading and storing electric consumption data at specified time intervals of no greater than one hour as required for Direct Access settlement and data required to bill applicable SCE tariffs. For customers on demand-metered rate schedules, data shall be measured in 15-minute intervals for the purposes of calculating demand charge revenue. SCE, ESPs or customers may own or lease Interval Meters used for billing purposes for Direct Access services, but shall (if leasing meters) continue to be responsible for the obligations of a meter owner under this Section G. Potential and current transformers shall be considered part of the distribution system and shall remain the responsibility of SCE.

c. Eligible Customers

Customers who have individual Service Accounts and do not qualify for statistical load profiling must have Interval Meters prior to receipt of Direct Access service. ESPs may provide, install, read and service Interval Meters for any customer other than a Small Customer pursuant to CPUC regulations. Provided, however, that until the date the Commission or its delegate declares to be the start date for Direct Access only meters which can be read by existing UDC meter reading systems may be installed. For Small Customers, meter services will be unbundled on 1/1/99, as approved by the CPUC, and all meter services will continue to be provided by SCE until that date.

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G. Metering Services (Continued)

1. Definitions (Continued)

d. Meter Conformity

All meters and meter services must conform to the standards set forth in the Direct Access Standards for Metering and Meter Data ("DASMMD") as approved by the CPUC. To the extent a customer taking Direct Access service under this tariff elects or is required to return to SCE Bundled Service, such customer may continue to use the same meter provided it conforms to the DASMMD, and is compatible with current SCE meter reading systems.

e. Meter Service Provider (MSP): the entity that installs, validates, registers, and maintains the physical meter required on a premises to measure the required variables.

f. Meter Data Management Agent (MDMA): the entity that takes raw meter outputs, validates them using validation, editing and estimating rules, adds corollary information needed to characterize the customer, and makes complete customer information available to others for use in various applications.

g. Metering Systems: the meter, the meter reading system, and the meter data/management server.

2. Meter Specifications

The ESP or SCE, when acting as the MSP will be responsible for ensuring that all the Interval Meters comply with the DASMMD. Effective April 16, 1999, no Interval Meter will be set if the meter does not meet the standards set forth in the DASMMD. Interval meters installed prior to April 16, 1999, which only meet the interim standards adopted in D.97-12-048, shall be retired from service no later than June 30, 2002.

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G. Metering Services (Continued)

2. Meter Specifications (Continued)

Either party may test its own meters or those owned by its customers for conformance to the meter performance standards set forth in the DASMMD. Either party may request the other party to test its meter. The requesting party will receive notification of the test date, and written test results from the other party. The requesting party will also have the right to witness the testing. If the meter is found to be within the standards set forth in the DASMMD, the requesting party shall pay the other party for all expenses related to the test.

If a manufacturer's sealed meter has not previously been set, and the meter was tested within the last year and found to comply with the DASMMD, the meter shall be deemed in compliance with such standards without additional testing. Subsequent to initial installations each meter must be tested for accuracy prior to being used again. All parties will be subject to the testing standards set forth in the DASMMD. Records on testing shall be provided within five (5) working days of a request to either party.

3. Installation

All meters to be installed will be according to the standards set forth in the DASMMD. All current SCE employees who have successfully completed SCE's training programs regarding meter installation and removal, meter maintenance and repair, and related electrical safety programs, shall, in accordance with their meter worker classification set forth in the DASMMD, be permitted to install, remove, maintain, and repair Direct Access meters on behalf of SCE acting as an MSP.

When the MSP installs a meter for a Direct Access Customer, the meter installer must be CPUC certified to perform meter installation. The MSP will install all Interval Meters in compliance with the DASMMD. Within three (3) working days of installation, the MSP will provide the non-MSP (i.e., the ESP or SCE as the case may be) with the results of the initial meter calibration test, the ending reading for the meter which was removed (if applicable), the starting reading for the new meter, and information on meter identification, voltage, meter constants and other parameters required under the DASMMD. SCE must receive a copy of the Meter and Data Communications Request (MDCR) worksheet at least five working days prior to the meter set. Joint meets will be required for the existing SCE interval data recorder (IDR) meters if the MSP is unable to obtain the final meter reading.

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G. Metering Services (Continued)

3. Installation (Continued)

When SCE has reason to believe an MSP installation does not satisfy the standards set forth in the DASMMMD, SCE retains the right to perform on-site inspections subsequent to initial meter installations. The MSP shall be charged the costs of these subsequent inspections only to the extent approved by the CPUC and only if the inspections uncover any material noncompliance with the standards set forth in the DASMMMD.

The customer may elect to have the MSP or SCE remove an existing meter at the customer's premises. Except as provided in Section G.1.d above, SCE will not require removal of a meter meeting the standards set forth in the DASMMMD as a condition of a customer's return to SCE Bundled Service. SCE and the MSP will coordinate the removal and installation of the new meter.

The MSP shall return any meter it removes to the owner in the same condition that the meter was in prior to removal within five (5) working days, or such other time as may be mutually agreed upon.

Where telephone lines are required for SCE to read the meter, installation of such lines is the responsibility of the customer. Such installation must be completed before SCE can schedule the meter installation work.

4. Meter Calibration and Testing

Either party may test its own meters or those owned by its customers for conformance to the DASMMMD. Either party may request the other party to test its meter. The party whose meter has been requested to be tested by the other party may require a \$50 deposit prior to such testing. The requesting party has the right to witness the testing. The requesting party will receive notification of the test date and written test results from the other party. If the meter is found to be within the standards set forth in the DASMMMD, the requesting party shall pay the other party for all expenses related to the test.

The MSP shall be responsible for ensuring that all Interval Meters are calibrated in accordance with the DASMMMD. Records of calibrations will be provided to the appropriate parties within five (5) working days of a request to the other party.

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G. Metering Services (Continued)

5. Testing of Meter Functions

The MSP will ensure that all meters used for billing purposes are functioning in conformance with the DASMMMD.

Records of meter function tests will be provided to the appropriate parties within five (5) working days of the request.

6. Regular Meter Maintenance And Testing

The MSP, for all meters used for billing purposes, is responsible for the routine maintenance of the meter, including, but not limited to, testing and record keeping, in accordance with the DASMMMD.

7. MDMA Services

Prior to the MDMA performing services, SCE must confirm that the MDMA's training requirements are comparable with SCE's requirements. All current SCE employees who have successfully completed SCE's training programs regarding meter reading and related safety programs and meter data management and entry shall be permitted to carry out such activities on behalf of SCE acting as an MDMA. MDMA services will be performed in accordance with the DASMMMD and will be the responsibility of the party so indicated in the customer's DASR. MDMA obligations include but are not limited to the following:

- a. Meter data for Direct Access Customers shall be read, validated, edited, and transferred pursuant to the DASMMMD.
- b. Regardless of whether ESP or SCE perform MDMA services both SCE and ESP shall have access to the MDMA server.
- c. Common data formats must be used so that SCE, the ESP, and the MDMA can exchange settlement quality validated consumption data.
- d. The MDMA shall provide Scheduling Coordinators (or their designated agents) reasonable and timely access to Meter Data as required to allow the proper performance of billing, settlement, scheduling, forecasting and other functions.
- e. The MDMA is required to keep the most recent 12 months of customer consumption data for each Direct Access Customer. Such data must be retained for a period of 36 months. Such data must be released on request to the customer or, if authorized by the customer, to any ESP or to SCE.
- f. Within five days after installation of the meter, the MDMA must confirm that the meter and meter reading system is working properly and that the billing data gathered is valid.

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G. Metering Services (Continued)

7. MDMA Services (Continued)

g. The MDMA is required to comply with pertinent electrical provisions of Cal OSHA and SCE's safety requirements as they apply to the reading of electric meters.

8. Failure to Comply With DASMMMD For Meters or Meter Services

a. Failure is defined as the circumstance wherein the apparent absence of appropriate usage data or testing, conducted by either party or a third party, reveals non-conformance with any applicable DASMMMD standard governing meters as stated in G.2 or meter and MDMA services.

b. Upon the occurrence of undisputed failure, the party responsible for the non-complying meter or MDMA service must make corrections within three (3) calendar days.

c. Failure to make corrections within three (3) calendar days will result in the following sequential series of actions and penalties:

(1) Whichever party is not the party responsible for the non-conformance may cure the defect at the other party's expense.

(2) Upon a demonstrated pattern of non-conformance as defined below and failure to timely cure, the party not responsible for the non-conformance may give written notice of such non-conformance, and, after five (5) days, provide all meters and meter services required by the customer as determined by the DASR or as required to receive SCE Bundled Service.

(3) Demonstrated pattern of non-conformance by an ESP is defined as more than one percent (1%) of the Service Accounts served by an ESP, or five (5) accounts, whichever is greater, are found to be non-conforming and are not cured during the first six months of Direct Access participation; more than one half of one percent (0.5%), or three (3) accounts, whichever is greater, are found to be non-conforming and are not cured during any six consecutive months thereafter.

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G. Metering Services (Continued)

8. Failure to Comply With DASMMMD For Meters or Meter Services (Continued)

d. SCE may refuse to enter into a new ESP Service Agreement with any ESP which has a demonstrated pattern of non-compliance and has failed to cure as provided in Section G.8.c above for a period of no more than six (6) months from the date of such a determination as defined herein. This provision shall not apply where the alleged demonstrated pattern of non-compliance and failure to cure is disputed and such dispute is pending before any agency or entity with jurisdiction to resolve the dispute.

e. Whenever the ESP or SCE becomes aware of any non-conforming meters or errors in the provision of meter services affecting billing, it shall promptly notify the customer and one another. Bills found to be in error due to non-conforming meters or errors in meter services may be corrected as follows:

(1) If either SCE or the ESP is providing consolidated billing, either of them may adjust their charges pursuant to CPUC-approved rules, if any, if such charges are affected by any non-conforming meters or erroneous meter service. In such circumstances the party providing the consolidating billing service shall cooperate with the other party to correct billing errors. SCE will notify the affected Scheduling Coordinator.

(2) If the customer is being billed under Separate SCE/ESP Billing, the ESP and SCE shall be separately responsible for correcting billing errors in accordance with applicable CPUC rules.

9. Charges for Metering Services

SCE may charge the customer or the ESP for the provision of metering services only to the extent such charges are authorized by the CPUC. The installation of Interval Metering shall be at the customer's expense.

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H. SCE Meter Service Options And Obligations

1. For Direct Access Customers who acquire Interval Metering, the customer may elect from SCE three grouped meter service options as described in Section G.1.a. The three groupings are; SCE will own the meter, SCE will perform the meter installation, maintenance and testing, and SCE will perform the meter reading services. The scope and costs of these groupings listed in Section G.1.a will vary by UDC and will be approved by the CPUC, and will be provided in a separate schedule. SCE shall offer at a minimum a tariffed service for each grouping listed in G.1.a.
2. As an alternative to Section 1 above, ESPs may subcontract to SCE for any combination of the following unbundled meter services:
 - a. Meters supplied by SCE.
 - b. Meter installations, testing, and maintenance.
 - c. Metering and Data Management Agent (MDMA) Services

These unbundled meter services may vary by UDC and all services will be approved by the CPUC.

3. If SCE installs the meter, the meter will be installed according to the implementation schedule for valid DASRs as set forth in Section E.
4. SCE reserves the right to extend its normal installation period due to meter and installation personnel availability. Under these circumstances, SCE shall apprise the customer of the specific reasons for the delay and the anticipated schedule for installation. SCE shall work with the customer to find mutually agreed upon alternatives to provide metering and to expedite meter installations, if necessary. Such alternatives may include, but not be limited to, allowing the customer to have the meter installed by a non-SCE supplier.
5. If SCE provides meter maintenance services only, SCE will be responsible for the accuracy, calibration, and other maintenance needs for the meter. SCE standards for meter maintenance will conform to the existing rules on such activities for all SCE customers. Under this specific itemized service, SCE will not be responsible for replacing a non-SCE meter. Upon request and for a fee, SCE may replace a faulty meter.

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H. SCE Meter Service Options And Obligations (Continued)

6. The MDMA shall read Interval Meters on SCE's scheduled meter reading date, or on such other date as may be mutually determined by the MDMA and SCE. At the customer's request the customer or the customer's ESP may elect a different meter reading date. SCE may provide this service at its option on a first-come, first served basis (by geographic area as appropriate), subject to existing resource, capacity, and other system constraints which may exist in the geographic area where the customer is located. SCE may assess a charge for this election only to the extent approved by the CPUC.
7. Upon the customer's request, SCE will make available to the customer, or the customer's ESP, the data obtained from the meter in a timely manner, as agreed to between the customer and SCE.
8. ESPs must provide SCE with a notice (by any means acceptable to SCE) to change their meter service election. Election changes will occur through the DASR process as specified in Section E.

I. General Terms And Conditions For Direct Access Meters And Metering Services

1. As set forth in Section H, customers with loads equal to or exceeding 50 kW must have Interval Meters to receive Direct Access services.
2. SCE will require that an ESP or ESP's meter operator install a unique meter number on each meter. This meter number is required to insure proper meter identification for billing and field personnel. SCE will supply each ESP with a set of unique meter numbers to be installed on the ESP/customer/third party meter. This requirement maybe superseded once a statewide numbering system is developed.

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J. Meter Reading Data Obligations

- 1. Requirements for Accuracy of all Direct Access meters are set forth in the DASMMD
 - a. Usage data will be accurate unless otherwise indicated. Data known to be inaccurate or missing will be estimated and flagged as estimated.
 - b. The MDMA will provide an infrastructure that supports retrieval of all data currently available to a MDMA client within a two-hour window.

Requirements for Timeliness of Validated Meter Reading Data are set forth in the DASMMD.

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J. Meter Reading Data Obligations

2. Retention and Format For Meter Reading Data

- a. Meter reading data will remain posted on the MDMA server for 3 days and will be recoverable for at least 3 years.
- b. Meter reading data posted to the MDMA server will be stored in the MDMA data exchange format as approved by the CPUC.

K. Billing Service Options And Obligations

1. Introduction

An ESP has the right to select from three billing service options: (1) Consolidated SCE Billing, (2) Consolidated ESP Billing (partial or, with SCE's approval and consent, full), or (3) Separate SCE/ESP Billing. In the absence of an ESP's election of one of the three billing service options described below, option (3), Separate SCE/ESP Billing, will be the default billing service option.

In addition, this Section states SCE and ESP obligations for billing information and legal and safety notices in Section 5 herein.

2. Consolidated SCE Billing

a. Description

The customer's authorized ESP will send its bill to SCE. SCE will in turn send a consolidated bill, containing both SCE and ESP charges, to the customer.

b. SCE Obligations

- (1) SCE will calculate its charges and send the bill either by mail or electronic means to the customer. SCE will include ESP charges on the bill. SCE is not responsible for computing or determining the accuracy of the ESP charges on the bill.
- (2) The SCE bill will include a summary of ESP charges and may provide any billing-related details of ESP charges, including the ESP's telephone number. The ESP bill may be printed with the SCE bill, or electronically transmitted exactly as provided by the ESP.
- (3) SCE will process customer payments and transfer amounts paid toward ESP charges to the ESP when the payments are received as specified in Section M.

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K. Billing Service Options And Obligations (Continued)

2. Consolidated SCE Billing (Continued)

c. ESP Obligations

- (1) The ESP may offer consolidated billing services to Direct Access Customers they serve once that billing service arrangement has been selected in the ESP Service Agreement.
- (2) The ESP will submit the necessary billing information to facilitate billing services under this billing option according to SCE's billing schedule and by Service Account.
- (3) The ESP will provide SCE with a summary of ESP charges by electronic transmittal or other means acceptable to SCE. The ESP may provide billing-related details of ESP charges on a separate page which will be included in the consolidated bill if transmitted with the summary charge. ESP charges which are not transmitted as required will not be included in the consolidated bill.

d. Timing Requirements

- (1) Bills under this option will be rendered once a month. Nothing contained in this Section shall limit SCE's ability to render bills more frequently consistent with SCE's existing practices. However, ESP charges will only need to be calculated based on monthly billing periods.
- (2) Except as provided in paragraph d.(1) above, SCE will require that ESP and SCE charges be based on the same billing period data to avoid any confusion concerning these charges.
- (3) ESP charges must be received by SCE the day following SCE's scheduled meter reading date according to the provisions in Section J, Meter Reading Data Obligations. If billing charges have not been received from the ESP by this date, SCE will render the bill for SCE charges only, without ESP charges. The ESP must wait until the next billing cycle, or send a separate bill to the customer for ESP charges.

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K. Billing Service Options And Obligations (Continued)

3. Consolidated ESP Billing

ESPs electing this billing option may choose partial or, with SCE's approval and consent, full consolidated billing, as described below.

a. Partial Consolidated ESP Billing

(1) Description

SCE will calculate and send its bill to the ESP. The ESP will send a consolidated bill to the customer. The ESP will be obligated to provide to the customer detailed SCE charges to the extent that the ESP receives such detail from SCE. The ESP is not responsible for the accuracy of SCE charges.

(2) SCE Obligations

(a) SCE will calculate all its charges once a month and convey these charges to the ESP to be included on the ESP consolidated bill or otherwise provided to the customer pursuant to Section (3)(e), below.

(b) SCE will provide the ESP with a summary of its charges by electronic transmittal or other means which enables the ESP to prepare the customer's bill in a timely manner, although the ESP may bill the customer on any interval agreeable to the customer. SCE may provide billing-related details of its charges on a separate page which will be provided to the customer. SCE charges which are not transmitted to the ESP as required will not be included in the consolidated bill.

(c) SCE charges will be calculated based on existing SCE billing cycles regardless of which party provides the meter reading. SCE charges will be conveyed to the ESP electronically or by other means acceptable to the ESP and SCE.

(3) ESP Obligations

(a) The ESP may offer consolidated billing services to Direct Access Customers they serve once a billing service arrangement has been signed and included in ESP Service Agreement.

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K. Billing Service Options And Obligations (Continued)

3. Consolidated ESP Billing (Continued)

a. Partial Consolidated ESP Billing (Continued)

(3) ESP Obligations (Continued)

- (b) The ESP bill will include a summary of SCE charges and may provide any billing-related details of SCE charges, either on the consolidated bill or pursuant to Section (e), below. The SCE bill may be printed separately with the ESP bill or electronically transmitted.
- (c) The ESP will prepare the bill and include both ESP and, subject to Section (e) below, SCE charges. In addition, the ESP will process customer payments and handle its own collections responsibilities. Under this billing option, ESPs must pay all undisputed SCE charges due to SCE regardless of whether the customer has paid the ESP. The ESP must include all SCE charges on the ESP consolidated bill.
- (d) The ESP has no obligations regarding the accuracy of SCE charges calculated by SCE or for related disputes. Disputed charges will be handled according to CPUC procedures.
- (e) Subject to the limitations of this Section and with the written consent of the customer, the ESP may offer customers customized billing cycles or payment plans which permit the customer to pay the ESP for SCE charges in different amounts for any given billing period than SCE charges to the ESP for that period. Such plans will not, however, affect in any manner the obligation of the ESP to pay SCE charges to SCE as billed by SCE. Further, such plans must ensure that the charges as billed by SCE are provided to the customer as soon as practicable and that the customer's payment of SCE charges is adjusted such that over a reasonable time, which shall not exceed one year, the customer pays no more than SCE charges as billed by SCE. Upon request, the ESP shall identify to SCE any Service Accounts with such customized billing arrangements and provide a summary description of the arrangement as it pertains to SCE charges.

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K. Billing Service Options And Obligations (Continued)

3. Consolidated ESP Billing (Continued)

a. Partial Consolidated ESP Billing (Continued)

(4) Timing Requirements

(a) ESPs may render bills more or less frequently than once a month. However, SCE will continue to bill the ESP each billing cycle period for the amounts due by the customer for that billing month, provided that with the ESP's approval, SCE may bill the ESP more frequently consistent with SCE's existing practices.

(b) SCE will convey the billing information by Service Account to the ESP the day following SCE's scheduled meter reading date according to provisions in Section J, Metering Reading Data Obligations. Meter reading data will be required on the same schedule as existing SCE billing cycles. If SCE fails to provide SCE charges to the ESP by this date, the ESP may render the bill without SCE charges included, and SCE will either wait until the next billing period or send a separate bill to the customer for those charges.

(c) The ESP is not required to estimate SCE charges if charges are not received nor to delay the ESP billing.

b. Full Consolidated ESP Billing

(1) Description

Subject to SCE's approval and consent, the ESP will read the meter, calculate both SCE and ESP charges and bill the customer. The ESP will detail SCE charges in conformance with SCE specifications. The ESP is responsible for the accuracy of SCE charges. This option is applicable for all customer accounts for which the ESP reads the meter.

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K. Billing Service Options And Obligations (Continued)

3. Consolidated ESP Billing (Continued)

b. Full Consolidated ESP Billing (Continued)

(2) SCE Obligations

SCE will approve and consent to the provision of this Full Consolidated ESP Billing for any ESP which demonstrates the capability to replicate SCE charges, to the satisfaction of SCE. SCE will provide the ESP with the billing factors and procedures necessary for the ESP to calculate SCE charges. SCE charges will be calculated based on the ESP's meter reading and billing schedules.

(3) ESP Obligations

(a) The ESP may perform Full Consolidated ESP Billing services for Direct Access Customers they serve once the billing service arrangement has been signed and included in ESP Service Agreement.

(b) The ESP will calculate SCE charges in accordance with approved tariffs and SCE specifications. The ESP bill will include a summary of SCE charges including any billing-related details of SCE charges. SCE's bill may be printed separately with the ESP bill or electronically transmitted to the customer. The ESP will furnish SCE a report detailing SCE's portion of the ESP's bill in paper or electronic form. (D)

(c) The ESP will prepare the bill and include both ESP and SCE charges, process customer payments, and handle its own collection responsibilities. Under this option the ESP must pay all undisputed SCE charges to SCE regardless of whether the customer has paid the ESP. The ESP must include all SCE charges on the ESP Full Service bill. The ESP is also responsible for including the customer rights language which is currently displayed on SCE's Form No. 14-579 in the two sections "Paying Your Bill" and "Disputed Bills".

(4) Timing Requirements

(a) ESPs may render bills more or less frequently than once a month. However, the amounts due SCE will be remitted monthly.

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K. Billing Service Options And Obligations (Continued)

3. Consolidated ESP Billing (Continued)

b. Full Consolidated ESP Billing (Continued)

(4) Timing Requirements (Continued)

(b) The ESP will convey the amounts due by Service Account to SCE according to provisions in Section J, Meter Reading Data Obligations. The ESP's meter reading schedule may result in a change in SCE's billing schedule. If necessary, a pro rated bill may be required to conform the customer's payments to the new schedule.

(c) The ESP is responsible for correctly calculating SCE charges. If underpayments are the result of ESP errors, the ESP is responsible for paying applicable late charges on the underpayment amounts.

4. Separate SCE/ESP Billing

a. Description

SCE and the ESP will separately send their bills directly to the customer.

b. SCE Obligations

(1) SCE will calculate SCE's charges, prepare SCE's bill, and send SCE's bill to the customer by electronic or other means. The billing method is the sole responsibility of SCE and its customers.

(2) SCE does not have any obligations regarding the accuracy of ESP charges or related payment disputes. Accurate and timely meter reading data must be shared between the ESP and SCE.

c. ESP Obligations

(1) The ESP will calculate the ESP charges, prepare the ESP bill, and send the ESP bill to the customer by electronic or other means. The billing method is completely independent of the billing method selected by SCE.

(2) The ESP has no obligations regarding accuracy of SCE charges or related payment disputes. Accurate and timely meter reading data must be shared between the ESP and SCE.

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K. Billing Service Options And Obligations (Continued)

4. Separate SCE/ESP Billing (Continued)

d. Timing

Meter reading data is required by SCE on the scheduled meter reading date which conforms to existing SCE billing cycles under this billing option.

5. Billing Information and Inserts

a. Identify SCE's and ESP's Charges

SCE's bill, at a minimum, will identify SCE's charges as specified by the CPUC or its codes. If the customer elects the Consolidated SCE Billing option, SCE's bill will identify, at a minimum, two sets of charges: one for SCE's services and another for ESP's energy services. SCE will provide bills and notices both electronically or manually, depending upon SCE's agreement with the ESP.

b. Required Legal and Safety Notices

All SCE customers, including Direct Access Customers, will receive mandated legal and safety notices, and SCE will be responsible for the creation of these notices. If the ESP is providing consolidated billing services, SCE will make available these notices to the ESP for distribution to the customer or, at the ESP's request, in electronic format to the ESP for production and communication to electronically-billed customers.

c. SCE's Obligations under Consolidated SCE Billing

SCE will design, print and insert these notices in mailed Consolidated SCE Billing. SCE may also enclose SCE-related bill inserts in Consolidated SCE Billing as permitted by CPUC regulations.

d. ESP Obligations under Consolidated SCE Billing

The ESP may include any information directly related to the calculation or understanding of ESP's charges directly in the bill but may not include any text on the separate detail page which is not specifically related to the charges or their explanation.

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K. Billing Service Options And Obligations (Continued)

5. Billing Information and Inserts (Continued)

e. SCE's Obligations under Consolidated ESP Billing

SCE will design, print and deliver mandated safety and legal notices to the ESP in standard size if the ESP renders bills by mail. If the ESP renders bills electronically, SCE will either provide the printed version or electronically transmit these notices to the ESP for communication to electronically-billed customers at the ESP's option.

f. ESP Obligations under Consolidated ESP Billing

The ESP will be required to inform their billing customers of any mandated legal and safety notices when billed by mail. At its discretion, the ESP may request SCE to provide a separate mailing of such notices at a cost, specified in SCE's Schedule ESP-SF. For electronically-billed customers, the ESP may transmit such notices by mail or electronically at its option.

g. SCE's Obligations under Separate SCE/ESP Billing

SCE will continue to mail mandated safety and legal notices in the billing envelope and may use the billing envelope as it does in current practice for providing information to all SCE customers, including Direct Access Customers, equally.

h. ESP Obligations under Separate SCE/ESP Billing

The ESP has no obligation for SCE-mandated safety and legal notices under this option.

6. Billing Adjustments for Meter Error and Billing Error

a. Adjustment of Bills for Meter Error

Meter error is the incorrect registration of the customer's electrical usage resulting from a malfunctioning or defective meter. Meter error can result from a fast meter, a slow meter, or a non-registering meter. Meter error is defined in Rule 17.

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K. Billing Service Options And Obligations (Continued)

6. Billing Adjustments for Meter Error and Billing Error (Continued)

a. Adjustment of Bills for Meter Error (Continued)

(1) Consolidated SCE Billing

If SCE is providing Consolidated SCE Billing for a Direct Access Service Account affected by meter error, SCE will adjust the bill for the Service Account, calculated as provided in Rule 17, to the extent those charges were affected by the meter error.

(2) Consolidated ESP Billing

(a) If an ESP is providing Consolidated ESP Billing for a Direct Access Service Account affected by meter error, SCE will transmit adjusted SCE and TTA Charges, calculated as provided in the Rule 17, to the ESP. The customer will be solely responsible for obtaining refunds of ESP electric power overcharges attributable to a fast meter from its current and prior ESPs, as appropriate.

(b) Within fifteen (15) days after SCE transmits the adjusted charges for a slow or non-registering meter, the ESP may either:

Pay utility the adjusted charges in accordance with the ESP Service Agreement, and assume responsibility for issuing a bill reflecting the adjusted charges to, and collecting the adjusted charges from, the Direct Access Customer, or

Submit a DASR to SCE to change the affected Direct Access Service Account to the Separate SCE/ESP Billing option. After approval of the DASR requesting such change, SCE will have the responsibility for issuing an adjusted bill to the customer and collecting amounts owing from the customer in accordance with this rule and SCE's Rule 17.

(c) Separate SCE/ESP Billing

SCE will adjust its bill for meter error pursuant to Rule 17 for SCE and TTA charges. The customer will be solely responsible for obtaining refunds of both current and prior ESP electric power overcharges attributable to a fast meter from its current and prior ESPs, as appropriate.

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K. Billing Service Options And Obligations (Continued)

6. Billing Adjustments for Meter Error and Billing Error (Continued)

b. Adjustment of Bills for Billing Error

- (1) Billing error is defined in Rule 17.
- (2) A customer shall not be entitled to a credit adjustment for a billing error involving the failure of the ESP and/or the customer to notify SCE of changes in the customer's connected load, equipment or operation, or failure of the ESP or customer to take advantage of any noticed rate option or condition of service for which the customer becomes eligible subsequent to the date of application for Direct Access service.
- (3) SCE will adjust its bills under the Separate SCE/ESP or Consolidated SCE Billing options for billing error pursuant to Rule 17. SCE will adjust its bill to the ESP under the Consolidated ESP Billing option for billing error pursuant to Rule 17 for SCE and TTA Charges. Within fifteen (15) days of the adjusted bill's transmittal by SCE, the ESP may either assume responsibility for the adjusted charges or submit a DASR to change the affected Service Account to the separate billing option.

7. Unauthorized Usage of Energy

- a. Unauthorized energy use is defined in Rule 17.
- b. Once evidence of unauthorized energy use is detected, the investigations of unauthorized use of energy may be conducted by SCE in accordance with Rule 17 regardless of ownership of the meter or provision of billing or metering services. Customers, ESPs, and their agents are required to preserve evidence of any unauthorized use and to cooperate in such investigations.

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K. Billing Service Options And Obligations (Continued)

7. Unauthorized Usage of Energy (Continued)

- c. Once evidence of unauthorized use by an end-use customer has been detected, SCE shall notify the ESP, who in turn shall remedy the situation, or electric service to end-user shall be terminated in accordance with paragraph g below. Once evidence of unauthorized use by an ESP has been detected, SCE may terminate provisioning of services to the ESP in accordance with Paragraph g below.
- d. At the conclusion of its investigation, if SCE determines there has been unauthorized use, SCE shall have the legal right to recover, from any customer, ESP, or other person who caused or benefited from such unauthorized use, the total estimated amount of the undercharge, including the Direct Access electric power component, for the full period of such unauthorized use. SCE will calculate the amount of the undercharges in accordance with Rule 17 and as otherwise provided by law.
- e. SCE will issue adjusted bills for unauthorized use (including but not limited to all the costs and charges referenced in this Section) to the customer in accordance with Rule 17 (or to the ESP in the case of Consolidated ESP Billing).
- f. Whenever possible, upon completion of SCE's investigation, the customer, ESP, or other person being billed for an unauthorized use adjustment will be advised of SCE's claim. The customer, ESP, or other person being billed will be given an opportunity to respond to the claim.
- g. SCE retains its right to collect from the ESP or the customer causing or benefiting from unauthorized use associated costs resulting from the unauthorized use as provided in Rule 17, or otherwise allowed by law.

L. Payment And Collection Terms

1. Under Consolidated SCE Billing

- a. SCE will prefer but not require electronic payment services for electronically-billed ESPs. SCE will accept cash, check or electronic payments under this billing option. SCE is required under D.97-05-039 to pay the ESP the amounts paid to SCE for ESP charges only after the payment is received. Payments will be transferred to the ESP specifying the amount paid by each specific Service Account or group of Service Accounts if the customer is Summary Billed.

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L. Payment And Collection Terms (Continued)

1. Under Consolidated SCE Billing (Continued)

- b. Upon receipt of SCE's payment, the ESP is responsible for promptly and accurately posting the payment to the customer's Service Account. The ESP will also be responsible for any follow-up inquiries either with SCE or customer if there is question concerning the posting of that payment amount.
- c. SCE must remit payments to the ESP only for the amounts paid by the Direct Access Customer for payment of ESP charges. Payments are due on or before the later of:
 - (1) 17 days after the bill was rendered to the customer, or
 - (2) The next business day after the payment is received from the customer.
- d. SCE will not forward any amounts owed to the ESP that have not been received from the customer. SCE will process payments, post SCE charges paid to customer Service Accounts, and transfer funds owed the ESP to the ESP. On the billing statement for the following month, SCE will debit to the ESP any amounts resulting from returned payments and assess returned payment charges (i.e., a charge for each returned payment) to the appropriate customers.
- e. The ESP has no payment obligations for customer payments under Consolidated SCE Billing services. However, the ESP must remit payment for any charges, approved by the CPUC, for services provided them by SCE within the terms of service as specified in the ESP Service Agreement with SCE. Sundry charges will be considered past due 30 days after the date the bill is rendered. The ESP is required to settle any disputes of ESP charges with the customer.
- f. The customer is obligated to pay SCE for all SCE and ESP charges consistent with existing tariffs.
- g. The customer must notify SCE of any disputed SCE charges; otherwise, any outstanding balance will be handled as a late payment. Customer disputes of ESP charges must be directed to the ESP, and customer disputes of SCE charges must be directed to SCE.
- h. If the customer disputes any Edison charges, it shall nevertheless pay the amount billed; provided, however, that the customer may, at its election, pay that portion of the charges that the customer disputes to the CPUC in accordance with Rule 10. If the customer disputes any ESP charges, the provisions of its agreement with the ESP shall control. Edison will forward to the ESP amounts paid to cover ESP charges. However, no registered ESP may discontinue service to a Small Customer for a disputed amount if that Small Customer has filed a complaint with the CPUC, and that Small Customer has paid the disputed amount into an escrow account.

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L. Payment And Collection Terms (Continued)

2. Under Consolidated ESP Billing

- a. Upon receipt of the ESP's payment, SCE will be responsible for promptly and accurately posting the payment to the customer's account. SCE will also be responsible for any follow-up inquiries with the ESP if there is question concerning the payment amount.
- b. The ESP is required by D.97-05-039 to pay amounts owed to SCE for SCE charges whether or not the customer has paid the ESP. Payment is due in full from the ESP within 17 days from the date SCE charges are rendered to the ESP regardless of whether the customer has paid.
- c. SCE has no payment obligations for customer payments under Consolidated ESP Billing services. However, payments of any charges, as determined by separate agreement between the ESP and SCE, for services provided by the ESP will be considered past due 30 days after the sundry bill is rendered to SCE.
- d. The customer is obligated to pay the ESP for all SCE and ESP charges according to the terms established between the ESP and the customer.
- e. If any charges are disputed, the customer must notify the ESP of the disputed amount. Customer disputes of ESP charges must be directed to the ESP, and customer disputes of SCE charges, except disputes pertaining to the ESP's estimate of SCE charges, must be directed to SCE.
- f. If the ESP disputes any SCE charges, it shall nevertheless pay the amount billed; provided, however, that the ESP may, at its election, pay that portion of the charges that the ESP disputes to the CPUC in accordance with Rule 10. If the customer disputes any SCE charges, it shall address such dispute through the ESP, and may pursue the dispute in accordance with Rule 10.

3. Under Separate SCE/ESP Billing

- a. SCE is responsible for payment of miscellaneous charges imposed by the ESP, as per their service agreement with SCE for Direct Access services, but SCE has no payment obligations with respect to customer charges.
- b. SCE has no payment or collection obligations to the ESP for customer payments of ESP charges. However, SCE must remit, within 30 days, payment of any charges due the ESP for services provided by the ESP in accordance with the service agreement. A late payment penalty may be assessed on past due charges.

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L. Payment And Collection Terms (Continued)

3. Under Separate SCE/ESP Billing (Continued)

- c. The ESP has no payment or collection obligations to SCE for customer payments of SCE charges. However, the ESP must remit, within 30 days, payment of any charges, approved by the CPUC, due SCE for services provided by SCE. If authorized by the CPUC, a late payment penalty may be assessed on past due charges.
- d. The customer must remit payment in full to SCE for SCE charges due within the terms of sale as provided for in CPUC rules.
- e. If the customer disputes any Edison charges, it shall nevertheless pay the amount billed; provided, however, that the customer may, at its election, pay that portion of the charges that the customer disputes to the CPUC in accordance with Rule 10. If the customer disputes any ESP charges, the provisions of its agreement with the ESP shall control. However, no registered ESP may discontinue service to a Small Customer for a disputed amount if that Small Customer has filed a complaint with the CPUC, and that Small Customer has paid the disputed amount into an escrow account.

M. Late Or Partial Payments And Unpaid Bills

1. Under Consolidated SCE Billing

- a. SCE is responsible for collecting the unpaid balance of all charges from customers, sending notices informing customers of unpaid balances, and taking the appropriate actions to recover the unpaid amounts owed the ESP.
- b. Partial payments by customers will be allocated on a pro rata basis to the TTA and to SCE charges for which delinquency may result in disconnection, and then the balance will be prorated between the ESP and other SCE charges.
- c. Undisputed overdue balances owed SCE will be considered late and subject to SCE late payment procedures.
- d. CPUC rules will apply to late or non-payment of SCE charges by the customer.

2. Under Consolidated ESP Billing

- a. The ESP is responsible for collecting both unpaid ESP and SCE charges, sending notices informing customers of unpaid ESP and SCE balances, and taking appropriate actions to recover the amounts owed. SCE will not assume any collection obligations under this billing option.
- b. SCE will hold the ESP liable for any late payments or unpaid bills. Unpaid, undisputed overdue balances owed SCE will be considered late and subject to late payment fees and procedures and the provisions of Section N.

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M. Late Or Partial Payments And Unpaid Bills (Continued)

2. Under Consolidated ESP Billing (Continued)

- c. SCE will apply the same terms applicable to commercial accounts under default SCE Bundled Service to Service Accounts utilizing Consolidated ESP Billing services. SCE will notify the ESP if payment of SCE charges has not been received within 17 days of the date delivered to the ESP.

3. Under Separate SCE/ESP Billing

- a. SCE and the ESP are responsible for collecting their respective unpaid balances, sending notices to customers informing them of the unpaid balance, and taking appropriate actions to recover their respective unpaid balances. Customer disputes with ESP charges must be directed to the ESP, and customer disputes with SCE charges must be directed to SCE. Late fees and fees for collections may be charged by SCE as approved by the CPUC.
- b. Late payment of SCE charges by customers will be handled in accordance with applicable CPUC rules.

N. Involuntary Service Changes

1. Service Changes

The customer may have service of electricity, billing, or metering from an ESP changed involuntarily in the following circumstances:

- a. The ESP has been decertified by the CPUC or receives a CPUC order that otherwise prohibits the ESP from serving that customer;
- b. The ESP has materially failed to meet its obligations under the terms of the ESP Service Agreement (including applicable tariffs) so as to constitute an event of default and SCE exercises a contractual right to terminate the agreement;
- c. The ESP has materially failed to meet its obligations under the terms of the ESP Service Agreement (including applicable tariffs) so as to constitute an event of default and SCE exercises a contractual right to change billing options;

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N. Involuntary Service Changes (Continued)

1. Service Changes (Continued)

- d. The ESP has materially failed to meet its obligations under the terms of the ESP Service Agreement (including applicable tariffs) so as to constitute an event of default and SCE exercises a contractual right to change metering options;
- e. The ESP ceases to perform by failing to provide schedules through a Scheduling Coordinator wherever such schedules are required.
- f. The customer fails to meet its Direct Access requirements and obligations under SCE's tariffs.
- g. Notices of involuntary service changes or termination in Direct Access will be sent to the ESP, the MDMA if different from the ESP, and to each customer under contract as described in this Section N, and to the CPUC.

2. Change of Service Election In Exigent Circumstances

In the event SCE finds that an ESP or the customer has materially failed to meet its obligations under this tariff or ESP Service Agreement such that SCE seeks to invoke its remedies under this Section N (other than a termination of Consolidated ESP Billing under Section N.4 or metering under Section N.5), and the failure constitutes an emergency (i.e. the failure poses a substantial threat to the reliability of the electric system or to public health and safety or the failure poses a substantial threat of irreparable economic or other harm to SCE or the customer), or the failure relates to ESP's unauthorized energy use, then SCE may initiate a change, or, in some cases, terminate a customer's service election, or an ESP's ability to provide certain services under Direct Access. In such case, SCE shall initiate the change or termination by preparing a DASR, but the change or termination may be made immediately notwithstanding the applicable DASR processing times set forth in this tariff. SCE shall provide such notice and/or opportunity to cure the problem to the ESP and/or the affected customer as is reasonable under the circumstances of this section, if any is reasonable. The ESP or the affected customer shall have the right to seek an order from the CPUC restoring the customer's service election and/or the ESP's ability to provide services. Unless expressly ordered by the CPUC, these provisions do not disconnect electric service provided to the customer.

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N. Involuntary Service Changes (Continued)

3. Change of Service Election Absent Exigent Circumstances

In the event SCE finds that an ESP has materially failed to meet its obligations under this tariff or ESP Service Agreement such that SCE seeks to invoke its remedies under this Section N. (other than a termination of consolidated ESP billing under Section N.4 or metering under Section N.5), but the failure does not constitute an emergency (as defined in Section N.2) or involve ESP's unauthorized energy use, SCE shall notify the ESP and the affected customer of such finding in writing stating specifically:

- a. The nature of the alleged non-performance;
- b. The actions necessary to cure it;
- c. The consequences of failure to cure it and the remedy SCE proposes to invoke in the event of a failure to cure; and
- d. The name, address and telephone number of a contact person at SCE authorized to discuss resolution of the problem.

The ESP shall have 30 days from receipt of such notice to cure the alleged non-performance or reach an agreement regarding it with SCE. If the problem is not cured or an agreement is not reached following this 30 day period, SCE may initiate the DASR process set forth in this tariff to accomplish the remedy set forth in the notice; provided that SCE shall suspend the exercise of such remedy if, before the end of the cure period, the ESP has filed an application with the CPUC requesting an order from the CPUC that the ESP is entitled to continue the ESP Service Agreement and SCE is not entitled to exercise the remedy it has identified in its notice. The status of the ESP shall not change pending the CPUC's review of SCE's request provided that an emergency, as described in Section N.2 does not arise. Unless expressly ordered by the CPUC, these provisions do not disconnect electric service provided to the customer. SCE's action to defer the exercise of its remedies in accordance with this section does not constitute a waiver of any rights.

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N. Involuntary Service Changes (Continued)

4. Termination of Consolidated ESP Billing

Consolidated ESP Billing services will be terminated under the following circumstances. (Among other things, this section describes the notice and opportunity to cure provisions applicable to defaults that permit a remedy of terminating Consolidated ESP Billing):

- a. If SCE finds that the information provided by the ESP in ESP Service Agreement is materially false, incomplete, or inaccurate; the ESP attempts to avoid payment of CPUC-authorized SCE charges; or the ESP files for bankruptcy, fails to have a bankruptcy proceeding filed against it dismissed within sixty (60) calendar days, admits insolvency, makes a general assignment for the benefit of creditors, or is unable to pay its debts as they mature, or has a trustee or receiver appointed over all or a substantial portion of its assets, customers will be notified that Consolidated ESP Billing services will be terminated, and will be switched to Separate SCE Billing as promptly as possible.
- b. If the ESP does not pay SCE (or dispute payment pursuant to the procedures set forth herein) the full amount of all SCE and TTA charges by the applicable past due date, SCE shall notify the ESP of the past due amount within two (2) days of the applicable past due date. If the full amount has not been received by SCE (or properly disputed) within seven (7) days of the applicable past due date, the ESP's customers and the ESP will be notified on approximately the 24th day following the date the bill was rendered to the ESP that Consolidated ESP Billing services will be terminated, and that they will be switched to Separate SCE Billing on the first regularly scheduled meter read date for each customer approximately 30 days after the bill was rendered.
- c. If the ESP fails to comply within 15 calendar days of the transmittal of a written notice from SCE of any additional or increased credit requirements as set forth in Section P, the ESP's customers and the ESP will be notified on approximately the 24th day following the date of transmittal that Consolidated ESP Billing services will be terminated, and that they will be switched to Separate SCE billing on the first regularly scheduled meter read date for each customer.
- d. Upon termination of Consolidated ESP Billing pursuant to this Section N, SCE may deliver a separate bill for all SCE charges which were not previously billed by the ESP. The ESP or the affected customer shall have the right to seek an order from the CPUC restoring the ESP's eligibility to engage in Consolidated ESP Billing.

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N. Involuntary Service Changes (Continued)

4. Termination of Consolidated ESP Billing (Continued)

- e. At any time not less than 6 months after termination of Consolidated ESP Billing pursuant to this Section N, the ESP's eligibility to engage in Consolidated Billing Services shall be reinstated upon a reasonable showing by the ESP that the problems causing revocation of its consolidated billing right have been cured, including payment of any late charges and re-establishment of compliance with credit requirements under Section P.

5. Termination of ESP Metering Services

SCE will terminate an ESP's eligibility to provide metering services in SCE's service territory if the ESP fails to comply with industry-accepted standards approved for SCE by the CPUC for metering services. SCE shall provide the ESP with 15 days written notice prior to such termination. ESP failure to comply is defined in Section G, Metering Services. The ESP or the affected customer shall have the right to seek an order from the CPUC restoring the ESP's eligibility to provide metering services.

6. Burden of Proof Before CPUC

In any case before the CPUC the party bearing the burden of going forward and the party bearing the burden of proof shall be established in the manner normally established at the CPUC.

7. Action in the Event of Termination

Upon termination of ESP Direct Access services pursuant to this Section N, the customer will be returned to default SCE Bundled Service, unless the customer has previously selected another ESP under the procedures set forth in Section E. The customer shall thereafter have the right at any time to select another ESP pursuant to Section E.

8. Prohibition

SCE is prohibited from using any of the involuntary service changes in an anti-competitive manner.

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O. Service Disconnections And Reconnections

1. Consolidated SCE Billing

- a. SCE will notify the customer of SCE's right to disconnect electric service for the non-payment of SCE charges pursuant to electric Rule 8. The customer, and not SCE, is responsible for contacting the ESP in the event it receives notice of late payment or service termination from SCE for any of its Direct Access Service Accounts. If a customer has been disconnected, and is not reconnected within two days, SCE will promptly notify the ESP. To the extent authorized by the CPUC, a service charge will be imposed on the customer if a field call is performed to disconnect electric service.
- b. SCE will not disconnect electric service to the customer for the non-payment of ESP charges. In the event of non-payment of ESP charges by the customer, the ESP may submit a DASR requesting transfer of the Service Account to SCE Bundled Service according to Section E.
- c. SCE will reconnect electric service for a CPUC-authorized service fee when the criteria for reconnection, as specified in Rule 11, Discontinuance of Service, have been met.

2. Consolidated ESP Billing

- a. SCE will not disconnect electric service to the customer for either the non-payment of ESP charges by the customer, or the non-payment of SCE charges by the ESP. In the event of non-payment of ESP charges by the customer, the ESP may submit a DASR requesting transfer of the Service Account to SCE Bundled Service according to Section E.
- b. If an ESP fails to pay in full the charges that SCE has transmitted to it (consisting of SCE charges and the TTA charges) by the applicable past due date, the provisions of Section N.4.b of this rule shall govern.
- c. In accordance with CPUC rules, SCE has the right to disconnect electric service to the customer for the non-payment of prior SCE closing bills or any past due charges by the customer, and evidences of safety violations, energy theft, or fraud, by the customer. If a customer has been disconnected, and is not reconnected within two days, SCE will promptly notify the ESP. To the extent authorized by the CPUC, a service charge will be imposed on the customer if a field call is performed to disconnect electric service.
- d. SCE will reconnect electric service for a CPUC-authorized service fee when the criteria for reconnection, as specified in Rule 11, Discontinuance of Service, have been met.

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O. Service Disconnections And Reconnections (Continued)

3. Separate SCE/ESP Bills

- a. In accordance with CPUC rules, SCE may disconnect electric service to the customer for the non-payment of SCE charges by the customer, but SCE will not disconnect electric service to the customer for the non-payment of ESP charges. If a customer has been disconnected, and is not reconnected within two days, SCE will promptly notify the ESP. In the event of non-payment of ESP charges by the customer, the ESP may submit a DASR requesting transfer of the Service Account to SCE Bundled Service according to Section E. In the event of non-payment of SCE charges, and to the extent authorized by the CPUC, a service charge will be imposed on the customer if a field call is performed to disconnect electric service.
- b. SCE will reconnect electric service for a service fee when the criteria for reconnection, as specified in Rule 11, Discontinuance of Service, have been met.

P. Credit Requirements

1. Under Consolidated SCE Billing

If SCE performs consolidated billing services, SCE may require the ESP to establish its creditworthiness through evaluations, deposits, or other security in the manner described in Section P.2, to cover CPUC-approved charges incurred as a result of Direct Access participation. That is, the creditworthiness only applies to SCE charges that are billed directly to the ESP.

2. Under Consolidated ESP Billing

If the ESP performs consolidated billing services, SCE will require the ESP to establish its creditworthiness to cover CPUC-approved charges incurred as a result of Direct Access participation. The ESP may establish its creditworthiness through any one of the following. Upon the establishment of such creditworthiness, SCE upon request will refund, in accordance with CPUC requirements, the customer's security deposits then being held to secure payment of those energy services being assumed by the ESP.

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P. Credit Requirements (Continued)

2. Under Consolidated ESP Billing (Continued)

a. Credit Evaluation

An ESP with a demonstrable current credit rating of Baa2 or higher from Moody's or BBB or higher from Standard and Poor's, Fitch or Duff & Phelps, is deemed to be creditworthy unless SCE determines that a material change in the ESP's creditworthiness has occurred. SCE requires ESPs to complete a credit application including financial information reasonably necessary to establish credit. The creditworthiness evaluation may be conducted by an outside credit analysis agency, determined by SCE, with final credit approval granted by SCE. This evaluation will be completed within 10 business days. Credit reports will remain strictly confidential between the credit analysis agency and SCE. A credit application processing fee, as approved by the CPUC, may be charged to offset the cost of determining the ESP's creditworthiness.

b. Security Deposits

The ESP may submit and maintain a cost-based security deposit in lieu of submitting to or being qualified under a creditworthiness evaluation. The amount of the security deposit required to establish credit will be twice the estimated maximum monthly bill for SCE charges, where such estimate is based on the last 12 months of historical usage. The initial value of the security deposit will be estimated by the ESP to cover its expected customer base and will be adjusted as necessary from time to time to meet the security requirements based on changes in the ESP's customer base. Security deposits may be in the form of (1) cash deposits, with interest earned at the 3-month commercial paper rate, (2) letters of credit, defined as irrevocable and renewable issued by a major financial institution acceptable to SCE, (3) surety bonds, defined as renewable and issued by a major insurance company acceptable to SCE, or (4) guarantees, with guarantors with a credit rating of Baa2 or higher from Moody's or BBB or higher from Standard and Poor's, Fitch or Duff & Phelps, unless SCE determines that a material change in the guarantor's creditworthiness has occurred, or, in other cases, through the credit evaluation process described above. Security deposits must be posted with SCE prior to the ESP's participation in Direct Access. Security deposits posted with SCE which are in excess of outstanding unpaid bills owed to SCE will be returned to the ESP within approximately 60 days after the ESP has terminated Consolidated ESP Billing services in SCE's service territory. While the ESP is conducting Consolidated ESP Billing, deposits cannot be used as payment for past due bills in order to avoid or delay the switch to Separate SCE/ESP Billing resulting from the ESP's non-payment of bills owed to SCE.

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P. Credit Requirements (Continued)

2. Under Consolidated ESP Billing (Continued)

c. Security Deposit Payment Timetable

ESPs are obligated to post security deposits with SCE prior to the ESP's participation in Direct Access. Such a deposit shall not be required until three days before the ESP's customers begin receiving Direct Access service. If the deposit in the required amount as specified in Section P.2.b has not been received from the ESP, SCE will continue to bill the customer under the same conditions prior to the scheduled change of service. SCE will issue a notice to both the ESP and the customer, informing both parties that the ESP will not provide consolidated billing services for that customer until the security deposit has been received by SCE.

d. Interest on Cash Deposit

SCE will pay interest on cash deposits, except as provided below, calculated on a daily basis, and compounded at the end of each calendar month, from the date fully paid to the date of refund by check or credit to the ESP's account. The interest rate applicable in each calendar month shall be set forth in Rule 7; except that when a refund is made within the first fifteen days of a calendar month the interest rate applicable in the previous month shall be applied for the elapsed portion of the month in which the refund is made.

No interest will be paid if the ESP's right to continue providing Consolidated ESP Billing services is temporarily or permanently discontinued for nonpayment of bills. No interest will be paid for periods covered by bills paid after becoming past due.

e. Ongoing Maintenance of Credit

To assure continued validity of established unsecured credit, the ESP shall promptly notify SCE of any material change in its credit rating or financial condition. ESP shall also furnish evidence of an acceptable credit rating or financial condition, as set forth above, to SCE upon request. In the event SCE determines that the ESP's, or the ESP's guarantor's, creditworthiness has materially changed, as set forth above, and the ESP does not rectify or provide a security deposit commensurate with the change in creditworthiness, then SCE may revert to Separate SCE/ESP Billing.

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P. Credit Requirements (Continued)

2. Under Consolidated ESP Billing (Continued)

f. Re-establishment of Credit

An ESP whose consolidated billing service option has been terminated, revoked or suspended under this section may reestablish its credit worthiness by the provision of a security deposit, or by any other manner described in this Section P following a six-month period.

3. Under Separate SCE/ESP Bills

If the ESP performs separate billing services, SCE may require the ESP to establish its creditworthiness through evaluations, deposits, or other security in the manner described in Section P.2, to cover CPUC-approved charges incurred as a result of Direct Access participation. That is, the creditworthiness only applies to SCE charges that are billed directly to the ESP.

4. Additional Documents

The ESP shall execute and deliver all documents and instruments (including, without limitation, security agreements and SCE financing statements) reasonably required from time to time to implement the provisions set forth above and to perfect any security interest granted to SCE.

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