November 3, 2017

Russell G. Worden
Managing Director, State Regulatory Operations
Southern California Edison Company
8631 Rush Street
Rosemead, California 91770

Laura Genao
Managing Director, State Regulatory Affairs
c/o Karyn Gansecki
Southern California Edison Company
601 Van Ness Avenue, Suite 2030
San Francisco, California 94102

Subject: Disposition rejecting without prejudice Southern California Edison’s Advice Letter for a Temporary Deviation to the Monthly Maximum Demand Threshold Contained Within Southern California Edison Company’s Agricultural and Pumping Rate Schedules for Agricultural Power Service Customers

Dear Mr. Worden and Ms. Genao:

SCE Advice Letter 3646-E requests approval for SCE’s proposed temporary deviation to the monthly maximum demand threshold contained within its Agricultural and Pumping (A&P) rate schedules for Agricultural Power Service customers. Pursuant to the Commission’s General Order (G.O.) 96-B, Rule 7.6.1, the Energy Division by this letter rejects without prejudice SCE Advice Letter 3646-E, filed August 18, 2017. Rule 7.6.1 provides in part that the Energy Division will reject without prejudice an advice letter for which disposition would require an evidentiary hearing or otherwise require review in a formal proceeding.

Attachment 1 contains a discussion of our determination for rejecting this advice letter without prejudice.

Please contact Paul Phillips of the Energy Division staff at 415-703-1786 (paul.phillips@cpuc.ca.gov) if you have any questions.

Sincerely,

Edward F. Randolph
Director, Energy Division

cc: Simon Baker, Energy Division
    Bruce Kaneshiro, Energy Division
    Michael Boccadoro, Agricultural Energy Consumers Association
    Karen Mills, California Farm Bureau Federation
1. Background

On March 21, 2013, the Commission issued Decision (D.) 13-03-031 addressing settlement on marginal cost, revenue allocation, and rate design.1 In this decision, the Commission granted the motion filed by SCE dated October 4, 2012, which requests adoption of the Agricultural and Pumping (A&P) Rate Group Rate Design Settlement Agreement. The parties to the settlement agreement, SCE, California Farm Bureau Federation (CFBF), and Agricultural Energy Consumers Association (AECA) agreed to tariff changes, including a modification of SCE’s Rule 1 definition of “Agricultural Power Service”, as follows:

Agricultural Power Service is the electric energy and service used by a customer on the same premises where the customer produces agricultural or horticultural products, including poultry and livestock. Notwithstanding the foregoing, Agricultural Power Service also applies to electric usage for: (1) packing houses that pack only whole fruits or whole vegetables, and associated cold storage on the same premises as the packing houses; (2) cotton gins; and (3) nut hulling and shelling operations.

The settlement agreement further provided that packing houses, cotton ginning, and nut hulling and shelling operations customers who sign an Affidavit Regarding Eligibility For Agricultural Power Service will be eligible for Agricultural Power Service even if their demands exceed 500 kW (emphasis added). The settlement agreement did not extend to on-the-farm customers the preferred treatment offered to off-the-farm customers.2

Decision (D.) 16-03-030 was issued by the Commission on March 18, 2016 and adopts settlements on marginal cost, revenue allocation, and rate design.3 In this decision, the Commission granted the motion filed dated October 29, 2015 which requests adoption of the Agricultural and Pumping Rate Group Rate Design Settlement Agreement. The parties to the settlement agreement are the same as in the agreement adopted by D.13-03-031 plus one additional party, the Southern California Fluid Milk Handlers (SCFMH). The settlement agreement adopts the unopposed position of AECA and SCFMH to treat off-the-farm fluid milk handlers consistently with the current Rule 1-defined eligible activities.4

In July 2016, SCE identified a potential rate schedule eligibility issue with a single A&P account. In or around August – September 2016, a usage/demand report was generated for potentially similarly situated accounts, and SCE then made additional inquiries into the customers' specific operations. By April 2017, SCE states that it had determined the scope of the issue and the universe of impacted customers5 (five customers). The customers all exceeded 500 kW three times in a 12-month period prior to April 2017, but had signed an

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1 D.13-03-031 resolved Phase 2 of SCE’s 2012 GRC.
2 A&P schedule rates are more favorable than General Service rates for similar volumes of service.
3 D.16-03-030 resolved Phase 2 of SCE’s 2015 GRC.
4 "...and (4) facilities that produce unflavored fluid milk fit for human consumption by way of pasteurization, homogenization, vitamization or fat standardization."
5 Response to Data Request Set ED-SCE-AL 3646-E-002.
affidavit attesting to their eligibility to take service on a TOU-PA-3 schedule (the likely reason why they weren't identified as ineligible initially). Schedule TOU-PA-3 states:

This Schedule is applicable to customers whose Monthly Maximum Demand registers, or in the opinion of SCE, is expected to register 200 through 500 kW. The customer whose monthly Maximum Demand, in the opinion of SCE, is expected to exceed 500 kW or has exceeded 500 kW for any three months during the preceding 12 months is ineligible for service under this Schedule. Effective with the date of ineligibility, the customer's account shall be transferred to Schedule TOU-8 or Schedule TOU-8-S if the customer’s account is also served under Schedule S.7

In August 2017, SCE notified the customers of their ineligibility status to take service on a TOU-PA-3 schedule and transferred the customers to a TOU-8 schedule during the period August – September 2017.

SCE filed its Advice Letter (AL) 3646-E in August 2017 requesting a proposed deviation to the 500 kW monthly maximum demand threshold provision contained within its A&P rate schedules as an interim measure to provide more consistent treatment to all SCE Agricultural Power Service customers “while the issue discussed herein is ultimately resolved in SCE’s 2018 General Rate Case (GRC) Phase 2 proceeding”.8

II. Discussion

As noted in Section 7.6.1 of General Order 96-B, the Industry Division may “reject without prejudice an advice letter whose disposition would require an evidentiary hearing or otherwise require review in a formal proceeding.” Parties had opportunity during the two proceedings noted above to address any apparent inconsistencies in rate treatment between on-the-farm and off-the-farm customers. The resulting decisions reflect settlement agreements in which the Settling Parties evaluated the impacts of the various proposals and reached agreement.

Energy Division rejects this Advice Letter as it is procedurally appropriate to request changes to the decisions underlying the request through a formal proceeding and not through the advice letter process. Rule 5.2 of G.O. 96-B states, in part:

A utility must file an application, application for rehearing, or petition for modification, as appropriate, in the following circumstances:

(1) The utility requests modification of a decision issued in a formal proceeding or otherwise seeks relief that the Commission can grant only after holding an evidentiary hearing, or by decision rendered in a formal proceeding;

The rate relief SCE seeks in AL 3646-E for certain customers would run counter to the settlement the Commission approved in D.13-03-031, since these customers are not covered by the A&P rates approved in that decision. Further, while SCE may, under General Order 96-

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6 Ibid.
7 Exceptions to the 500 kW threshold exist for certain water agency accounts and water pumping accounts.
8 A Response in Support by Agricultural Parties for SCE AL 3646-E was filed in August 2017 by AECA and CFBF.
B, request Commission authority to “deviate” from a tariffed rate (Section 5.1), the General Order makes clear in Energy Industry Rule 5 that such deviation must comply with a Commission order or statute.\(^9\) (Rule 5.1-5.3.) Here, SCE attempts to extend eligibility to customers for a rate that is not addressed in the Commission’s decision. Therefore, the proper venue to address this eligibility is not an Advice Letter, but rather a Petition for Modification.

\(^9\) See General Order 96-B, Energy Industry Rule 5.1-5.3.
ADVICE 3646-E  
(U 338-E)

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
ENERGY DIVISION

SUBJECT: Temporary Deviation to the Monthly Maximum Demand  
Threshold Contained Within Southern California Edison  
Company’s Agricultural and Pumping Rate Schedules for  
Agricultural Power Service Customers

In accordance with General Order (GO) 96-B, Energy Industry Rule 5.3(5), Southern  
California Edison Company (SCE) hereby submits for filing the following changes to its  
tariffs. The revised tariff sheets are listed on Attachment A and are attached hereto.

PURPOSE

The purpose of this advice letter is to request approval from the California Public  
Utilities Commission (Commission or CPUC) of a temporary deviation to the 500  
kilowatt (kW) monthly maximum demand threshold provision contained within SCE’s  
Agricultural and Pumping (A&P) rate schedules. The proposed deviation will serve as  
an interim measure to provide more consistent treatment to all Agricultural Power  
Service customers in SCE’s service territory, while the issue discussed herein is  
ultimately resolved in SCE’s 2018 General Rate Case (GRC) Phase 2 proceeding.

BACKGROUND

Currently, A&P customers with monthly electric demands exceeding 500 kW must take  
service on a TOU-8 General Service rate schedule, except for the following: (1)  
individual water agency accounts with demands above 500 kW and other water  
pumping accounts with demands above 500 kW where 70 percent or more of the water

1 “Agricultural Power Service” is defined in SCE’s Rule 1 as “the electric energy and service  
used by a customer on the same Premises where the customer produces agricultural or  
horticultural products, including poultry and livestock. Notwithstanding the foregoing,  
Agricultural Power Service also applies to electric usage for: (1) packing houses that pack  
only whole fruits or whole vegetables, and associated cold storage on the same Premises  
as the packing houses; (2) cotton gins; (3) nut hulling and shelling operations; or (4) the  
production of unflavored fluid milk fit for human consumption by way of pasteurization,  
homogenization, vitaminization or fat standardization.”
pumped is for agricultural service; and (2) a narrow group of agricultural customers, discussed in more detail below, who may choose to take service on A&P rates regardless of their monthly maximum demand. All other A&P customers are required to take service on a General Service rate schedule (i.e., TOU-8) once their monthly maximum demands exceed, or are expected to exceed, 500 kW three times in a rolling 12-month period.

As a result of successive settlements adopted by the Commission resolving Phase 2 of SCE’s 2012 and 2015 GRCs, tariff changes were adopted to expand the definition of Agricultural Power Service, which resulted in certain A&P customers becoming eligible for A&P rate schedules regardless of their monthly maximum demands, even if they engaged in “processing” activities downstream from the agricultural production chain. Specifically, in SCE’s 2012 GRC Phase 2 proceeding, Decision (D.)13-03-031 adopted a settlement agreement that expanded the definition of Agricultural Power Service to permit off-the-farm packing houses of whole fruits and vegetables (and associated cold storage), cotton ginning and nut hulling operations to take service on an A&P rate schedule, subject to them signing Form 14-927, Affidavit Regarding Eligibility for Agricultural Power Service, even if the customers’ monthly maximum demands exceeded 500 kW.3 In SCE’s 2015 GRC Phase 2 proceeding, D.16-03-030 expanded the applicability of the 500 kW demand threshold waiver (i.e., Form 14-927) to off-the-farm fluid milk handlers.4 An unintentional result of these narrow expansions to the eligibility for A&P service is that larger on-the-farm operations5 not involving any processing of agricultural goods, including, for example, large dairy farms, strawberry farmers and citrus groves with monthly maximum demands exceeding 500 kW, remained technically ineligible for service on A&P rates even though similarly-sized off-the-farm operations—that are more downstream in the production line—became (and remain) eligible to take service on A&P rates, if they choose.

In its most recent GRC Phase 2 Application (A.)17-06-030, filed on June 30, 2017, SCE sought to address this incongruity by modifying the Applicability section of its TOU-PA-3 rate schedules to remove the 500 kW monthly maximum demand threshold limitation for all Agricultural Power Service customers and to make the TOU-PA-3 rates elective for these larger (>500 kW) customers.6 However, the tariff changes proposed in A.17-06-030 are not anticipated to be adopted and implemented until the first quarter of

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2 These customers must take service on Schedule TOU-PA-3.
3 D.13-03-031, p. 38.
4 D.16-03-030, p. 32.
5 “On-the-farm” includes customers that use 70 percent or more of their electric energy and service on the same Premises where they produce agricultural or horticultural products, including poultry and livestock.
6 See Exhibit SCE-04 of A.17-06-030, pp. 67-69. No party to A.17-06-030 protested or objected to this proposal. The California Farm Bureau Federation (CFBF) specifically supported this proposal in its August 7, 2017 protest of A.17-06-030, stating on p. 2 “[w]ithout addressing the matter in detail here, Farm Bureau registers its strong support for the change and appreciates Edison’s identification of the issue and effort to address it. Farm Bureau hopes the matter can be resolved expeditiously.”
2019 (Q1 2019) – approximately 18 months from now. SCE recently determined that a small number of Agricultural Power Service customers with demands exceeding 500 kW who do not meet the expanded eligibility requirements adopted in the 2012 and 2015 GRC Phase 2 proceedings had been served on A&P rates. However, the current Applicability section of the TOU-PA-3 tariffs and Rule 11, Section G.1 required that these customers be transitioned to Schedule TOU-8 due to their monthly maximum demands exceeding 500 kW. This change from A&P rates to a TOU-8 rate is expected to lead to relatively significant increases in electricity costs for these customers.\(^7\)

To mitigate negative impacts for these customers during the interim period between now and the conclusion of SCE’s 2018 GRC Phase 2 proceeding, when, if approved, these customers will be allowed back on the TOU-PA-3 tariffs, SCE requests Commission approval of a temporary deviation to the current 500 kW monthly maximum demand threshold for all customers meeting the Rule 1 definition of Agricultural Power Service. Commission approval of this deviation request would allow the small number of customers referenced above to take service on applicable A&P rates during the interim period in which this issue is ultimately resolved in SCE’s 2018 GRC Phase 2 proceeding. If the Commission declines to adopt the change to the Applicability section of the TOU-PA-3 tariffs proposed in A.17-06-030, the temporary deviation requested herein shall be extinguished and the large on-the-farm customers will again be moved to the applicable General Service rate. However, because the current situation involves a potential incongruity (and unintentional inequity) among similarly-situated customers, SCE believes that a temporary deviation to its existing TOU-PA-3 tariffs represents an equitable path forward during the interim period in which this issue is addressed.

**PROPOSED TARIFF CHANGES**

SCE proposes to modify its *List of Contracts and Deviations* to reflect the temporary deviation to the 500 kW monthly maximum demand threshold included in the Applicability section of its TOU-PA-3 tariffs for any customer meeting the Rule 1 definition of Agricultural Power Service. SCE estimates that fewer than 15 customers could avail themselves of this new option. This temporary deviation shall commence upon Commission approval of this advice letter and shall terminate upon the implementation of a final decision in SCE’s 2018 GRC Phase 2 proceeding resolving this issue.

No cost information is required for this advice filing.

Except as discussed above, this advice filing will not increase any rate or charge, cause the withdrawal of service, or conflict with any other schedule or rule.

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\(^7\) Due to the small number of customers impacted by this issue, SCE is not providing specific bill impact information in this filing out of concern for protecting customer confidentiality.
TIER DESIGNATION

Pursuant to GO 96-B, Energy Industry Rule 5.3(5), this advice letter is submitted with a Tier 3 designation.

EFFECTIVE DATE

This advice filing will become effective upon Commission approval.

NOTICE

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

CPUC, Energy Division
Attention: Tariff Unit
505 Van Ness Avenue
San Francisco, California 94102
E-mail: EDTariffUnit@cpuc.ca.gov

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

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

Russell G. Worden
Managing Director, State Regulatory Operations
Southern California Edison Company
8631 Rush Street
Rosemead, California 91770
Telephone: (626) 302-4177
Facsimile: (626) 302-6396
E-mail: AdviceTariffManager@sce.com
There are no restrictions on who may file a protest, but the protest shall set forth specifically the grounds upon which it is based and must be received by the deadline shown above.

In accordance with General Rule 4 of GO 96-B, SCE is serving copies of this advice filing to the interested parties shown on the attached GO 96-B and A.17-06-030 service lists. Address change requests to the GO 96-B service list should be directed by electronic mail to AdviceTariffManager@sce.com or at (626) 302-3719. For changes to all other service lists, please contact the Commission’s Process Office at (415) 703-2021 or by electronic mail at Process_Office@cpuc.ca.gov.

Further, in accordance with Public Utilities Code Section 491, notice to the public is hereby given by filing and keeping the advice filing at SCE’s corporate headquarters. To view other SCE advice letters filed with the Commission, log on to SCE’s web site at https://www.sce.com/wps/portal/home/regulatory/advice-letters.

For questions, please contact Erin Pulgar at (626) 302-2509 or by electronic mail at Erin.Pulgar@sce.com.

Southern California Edison Company

/s/ Russell G. Worden
Russell G. Worden

RGW:ep:cm
Enclosures
Company name/CPUC Utility No.: Southern California Edison Company (U 338-E)

Utility type:  
- ☑ ELC  ☐ GAS  
- ☐ PLC  ☐ HEAT  ☐ WATER

Contact Person: Darrah Morgan  
Phone #: (626) 302-2086  
E-mail: Darrah.Morgan@sce.com  
E-mail Disposition Notice to: AdviceTariffManager@sce.com

EXPLANATION OF UTILITY TYPE

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Advice Letter (AL) #: 3646-E  
Tier Designation: 3

Subject of AL: Temporary Deviation to the Monthly Maximum Demand Threshold Contained Within Southern California Edison Company’s Agricultural and Pumping Rate Schedules for Agricultural Power Service Customers

Keywords (choose from CPUC listing): Agriculture

AL filing type: ☑ One-Time

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

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL:

Summarize differences between the AL and the prior withdrawn or rejected AL:

Confidential treatment requested? ☐ Yes ☑ No

If yes, specification of confidential information:
Confidential information will be made available to appropriate parties who execute a nondisclosure agreement. Name and contact information to request nondisclosure agreement/access to confidential information:

Resolution Required? ☐ Yes ☑ No

Requested effective date: Upon Commission Approval  
No. of tariff sheets: -3-

Estimated system annual revenue effect: (%):

Estimated system average rate effect (%):

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected: See Attachment A

Service affected and changes proposed1:

Pending advice letters that revise the same tariff sheets: 3597-E

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1 Discuss in AL if more space is needed.
Protests and all other correspondence regarding this AL are due no later than 20 days after the date of this filing, unless otherwise authorized by the Commission, and shall be sent to:

CPUC, Energy Division
Attention: Tariff Unit
505 Van Ness Avenue
San Francisco, California 94102
E-mail: EDTariffUnit@cpuc.ca.gov

Russell G. Worden
Managing Director, State Regulatory Operations
Southern California Edison Company
8631 Rush Street
Rosemead, California 91770
Telephone: (626) 302-4177
Facsimile: (626) 302-6396
E-mail: AdviceTariffManager@sce.com

Laura Genao
Managing Director, State Regulatory Affairs
c/o Karyn Gansecki
Southern California Edison Company
601 Van Ness Avenue, Suite 2030
San Francisco, California 94102
Facsimile: (415) 929-5544
E-mail: Karyn.Gansecki@sce.com
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## LIST OF CONTRACTS AND DEVIATIONS

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