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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Pacific Gas and Electric Company to Determine Violations of Public Utilities Code Section 451, General Order 112, and Other Applicable Standards, Laws, Rules and Regulations in Connection with the San Bruno Explosion and Fire on September 9, 2010.

Investigation 12-01-007
(Filed January 12, 2012)

(Not Consolidated)

Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Pacific Gas and Electric Company with Respect to Facilities Records for its Natural Gas Transmission System Pipelines.

Investigation 11-02-016
(Filed February 24, 2011)

(Not Consolidated)

Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Pacific Gas and Electric Company's Natural Gas Transmission Pipeline System in Locations with High Population Density.

Investigation 11-11-009
(Filed November 10, 2011)

(Not Consolidated)

**ADMINISTRATIVE LAW JUDGES' RULING ADOPTING REVISED SCHEDULE
AND COMMON BRIEFING OUTLINES**

1. Summary

Following discussion and oral rulings made at the January 29, 2013 status conference, we adopt a revised procedural schedule for additional hearings and briefing in these proceedings as well as common briefing outlines for Investigation (I.) 12-01-007 and I.11-02-016.

2. Revised Procedural Schedule

The November 19, 2012 joint Assigned Commissioners' Ruling (ACR) granted a motion by the Consumer Protection and Safety Division (CPSD) to extend all procedural dates and activities to facilitate negotiations towards a stipulated outcome. The ACR provided for the resumption of evidentiary hearings in I.12-01-007 and I.11-02-016 on January 7, 2013. It also provided that the dates for opening and reply briefs in I.12-01-007 and I.11-02-016, and the dates for coordinated opening, reply, and rebuttal briefs on fines and remedies issues in all three of these proceedings, would be determined at a later date.

At the direction of the Administrative Law Judges, the parties presented a revised and updated schedule proposal for briefing at the January 29, 2013 status conference. We find that the proposed schedule, which has the support of all parties, reasonably balances the need for expeditious resolution of these proceedings and the parties' need for adequate time to prepare briefs. We therefore approve the proposed schedule.

The adopted schedule set forth in Attachment 1 to this ruling incorporates the proposed briefing dates as well as dates for submission of CPSD's financial analysis rebuttal testimony and additional hearing dates that have been determined during the recent hearings. The schedule omits dates for events that have already occurred.

3. Common Briefing Outlines

Parties report that they have developed and discussed common briefing outlines for both I.12-01-007 and I.11-02-016 but have not fully agreed upon a format for either case. Pacific Gas and Electric Company (PG&E) does not agree to the proposal of other parties to include separate headings and sections for allegations by non-CPSD parties (City and County of San Francisco, City of San Bruno, and The Utility Reform Network). PG&E takes the position that, because this is an enforcement proceeding and the role of CPSD is equivalent to that of a prosecutor, the role of the non-CPSD parties is limited to support of CPSD's allegations. PG&E believes that allowing non-CPSD parties to address other allegations separately from those identified by CPSD in effect improperly allows non-CPSD parties to be treated as independent and separate prosecutors.

We do not find that PG&E will be prejudiced by allowing non-CPSD parties to separately address allegations in their opening briefs. We concur with CPSD's observation¹ that any concerns about impermissible allegations can be addressed in reply briefs. We therefore approve the parties' proposed common briefing outlines that include separate headings for non-CPSD party allegations. We emphasize, however, that to the extent a non-CPSD party discusses testimony and evidence that solely support CPSD's allegations, the discussion should be in the CPSD section of the party's brief. The adopted common briefing outlines are attached to this ruling.

IT IS RULED that:

1. The procedural schedules previously adopted for these proceedings are

¹ January 29, 2013 status conference transcript at 1277.

revised as set forth in the Attachment 1 to this ruling.

2. Opening briefs in Investigation (I.) 12-01-007 shall be organized according to the foregoing discussion and the common briefing outline set forth in Attachment 2 to this ruling.

3. Opening briefs in I.11-02-016 shall be organized according to the foregoing discussion and the common briefing outline set forth in Attachment 3 to this ruling.

Dated February 4, 2013, at San Francisco, California.

/s/ AMY C. YIP-KUKUGAWA

Amy C. Yip-Kikugawa
Administrative Law Judge

/s/ AMY C. YIP-KIKUGAWA
for

Mark S. Wetzell
Administrative Law Judge

ATTACHMENT 1
REVISED SCHEDULE FOR TESTIMONY, HEARINGS, AND BRIEFING
I.11-02-016, I.11-11-009, I.12-01-007

Date	Class OII (I.11-11-009)	Records OII (I.11-02-016)	San Bruno OII (I.12-01-007)	Fines & Remedies Issues
2/8/13				CPSD rebuttal financial analysis testimony served
2/25/13			Evidentiary hearings on Hall assessment, if necessary	
3/4-3/5/13				Evidentiary hearings on financial analysis testimony
3/11/13			Concurrent opening briefs	
3/25/13		Concurrent opening briefs		
4/12/13			Concurrent reply briefs	
4/19/13		Concurrent reply briefs		
4/26/13				Coordinated briefs on fines and remedies
5/14/13				PG&E coordinated reply brief on fines and remedies
5/24/13				Coordinated rebuttal briefs on fines and remedies

(END OF ATTACHMENT 1)

ATTACHMENT 2
Common Outline for Post-Hearing Opening Briefs
I.12-01-007 – San Bruno Investigation

- I. Introduction and Summary
- II. Background (Procedure/ Facts)
- III. Legal Issues of General Applicability (to the SB OII)
- IV. Other Issues of General Applicability (to the SB OII)
- V. CPSD Allegations
 - A. Construction of Segment 180
 - B. PG&E's Integrity Management Program
 - C. Recordkeeping Violations
 - D. PG&E's SCADA System and the Milpitas Terminal
 - E. PG&E's Emergency Response
 - F. PG&E's Safety Culture and Financial Priorities
- VI. Other Allegations Raised by Testimony of TURN
- VII. Other Allegations Raised by Testimony of CCSF
- VIII. Other Allegations Raised by Testimony of City of San Bruno
- IX. Conclusion
 - Appendix A – Proposed Findings of Fact
 - Appendix B – Proposed Conclusions of Law

(END OF ATTACHMENT 2)

ATTACHMENT 3
Common Outline for Post-Hearing Opening Briefs
I.11-02-016 – Records Investigation

- I. Introduction and Summary
- II. Background (Procedure/ Facts)
- III. Legal Issues of general applicability
- IV. Other issues of general applicability
- V. Alleged Violations Predicated on the Reports and Testimony of Margaret Felts
 - A. Alleged Records Violations relating to Line 132, Segment 180, San Bruno Incident
 - Violation 1: Salvaged Pipe Records
 - Violation 2: Construction Records for 1956 Project GM 136471
 - Violation 3: Pressure Test Records
 - Violation 4: Underlying Records Related to Maximum Allowable Operating Pressure on Segment 180
 - Violation 5: Clearance Procedures
 - Violation 6: Operations and Maintenance Instructions
 - Violation 7: Drawing and SCADA Diagrams of the Milpitas Terminal
 - Violation 8: Back-up Software at Milpitas Terminal
 - Violation 9: Supervisory Control and Data Acquisition System
 - Violation 10: Emergency Response Plans

Violation 11: Incidents of Operating Line 132 in excess of 390 Maximum Allowable Operating Pressure

Violation 12: Preservation of Records Related to Brentwood Video Camera Six

Violation 13: PG&E Data Responses Regarding Brentwood Camera Six Video

Violation 14: PG&E Data Responses Regarding Personnel at Milpitas Terminal on September 9, 2010

Violation 15: WITHDRAWN

B. Alleged General Records Violations for all Transmission Lines including Line132

Violation 16: Job Files

Violation 17: Pipeline History Records

Violation 18: Design and Pressure Test Records

Violation 19: Weld Maps and Weld Inspection Records

Violation 20: Operating Pressure Records

Violation 21: Pre-1970 Leak Records

Violation 22: Leak Records from 1970 Forward

Violation 23: Records to Track Salvaged and Reused Pipe

Violation 24: Data in Pipeline Survey Sheets and the Geographic Information System

Violation 25: Data Used in Integrity Management Risk Model

Violation 26: Missing Report for 1988 Weld Failure

Violation 27: Missing Report for 1963 Weld Failure

VI. Alleged Violations Predicated on the Reports and Testimony of Dr. Paul Duller and Alison North

A. Alleged General Records Management Violations

Violation A.1: Gas Transmission Division Records Management Practices

B. Alleged Records Retention Violations

Violation B.1: Leak Survey Maps

Violation B.2: Line Patrol Reports

Violation B.3: Line Inspection Reports

Violation B.4: Pressure Test Records

Violation B.5: Transmission Line Inspections

Violation B.6: Failures to Comply with Specific Record Retention Requirements

C. Other Alleged Safety/Pipeline Integrity Violations

Violation C.1: Wrong Year Used as Upper Limit in Gas Pipeline Replacement Program

Violation C.2: Impact of Inferior Records on Predicting Earthquake Damage

Violation C.3: Leak Records

VII. Other Allegations Raised by CCSF Testimony

VIII. Other Allegations Raised by TURN Testimony

IX. Other Allegations Raised by City of San Bruno Testimony

X. Conclusion

Appendix A - Proposed Findings of Fact

Appendix B - Proposed Conclusions of Law

(END OF ATTACHMENT 3)