



**FILED**  
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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 Maintenance, Operations and Practices of Pacific Gas and Electric Company (U39E) with Respect to its Electric Facilities; and Order to Show Cause Why the Commission Should not Impose Penalties and/or Other Remedies for the Role PG&E's Electrical Facilities had in Igniting Fires in its Service Territory in 2017.

Investigation 19-06-015

**ADMINISTRATIVE LAW JUDGE'S RULING SETTING  
PREHEARING CONFERENCE**

On June 27, 2019, the California Public Utilities Commission (Commission) initiated this Order Instituting Investigation (OII) and Order to Show Cause to determine whether Pacific Gas and Electric Company (PG&E) violated any provision(s) of the California Public Utilities Code (Pub. Util. Code), Commission General Orders (GOs) or decisions, or other applicable rules or requirements pertaining to maintenance and operation of its electric facilities that were involved in igniting fires in its service territory in 2017. These fires were referenced in the June 27, 2019 OII as the "October 2017 Fire Siege" referring to 15 of the 17 fire incidents investigated by the Commission's Safety and Enforcement Division (SED).

SED prepared a report addressing the 15 fire incidents described in the OII, *Report on October 2017 Fire Siege* which includes as attachments SED's incident investigation reports (SED Fire Report).<sup>1</sup> In its report SED alleges that PG&E violated Commission GOs and Resolution E-4148, and failed to follow industry best practices. The SED Fire Report alleges that Pacific Gas & Electric Company's (PG&E's) "Vegetation Management practices and procedures were deficient and equipment operations were in severe condition." California Department of Fire and Forestry Protection (Cal Fire) has found that PG&E's electrical facilities ignited all but one of the 15 fires addressed in this OII according to the SED Fire Report.

The Commission in initiating this OII will 1) determine whether PG&E should be sanctioned for failing to comply with GO-95 and Resolution E-4148 as alleged by the SED Fire Report; and 2) investigate and address alleged deficiencies in PG&E's operations and maintenance of its electric facilities that may violate Section 451 of the Pub. Util. Code or other provisions of law. PG&E was directed to respond to the OII within 30 days (July 29, 2019) of issuance of the OII. Party responses on scope and issues set forth in the preliminary scoping memo are due within 30 days of issuance of the OII (July 29, 2019) and replies to responses on scope and issues in the preliminary scoping memo are due within 10 days after the responses are received (August 8, 2019).

### **1. Mandatory Meet and Confer**

The parties are directed to meet and confer prior to the prehearing conference (PHC) to identify any disputed issues of material fact, as well as any legal and policy issues that they intend to raise as part of this proceeding. On or

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<sup>1</sup> Relevant reports by the CAL FIRE for each fire are attached to SED's incident investigation report for that fire.

before August 9, 2019, the parties are to file a joint PHC statement summarizing the parties' positions, comments on the preliminary scoping memo, disputed issues of material fact, proposed schedule, or any other issue relevant to the scope or schedule of the proceeding.<sup>2</sup>

## **2. Prehearing Conference**

This ruling sets a PHC in this proceeding for August 13, 2019, commencing at 1:30 p.m., in the Commission's Courtroom, 505 Van Ness Avenue, San Francisco, California, to discuss the positions of the parties, scope and schedule of the proceeding, and other procedural matters relevant to the conduct of this proceeding.

## **3. The SED Fire Report and Supporting Documents**

The OII recognizes that "the public interest in transparency outweighs PG&E's interest in maintaining the confidentiality of the information it has provided in the course of SED's investigation, unless PG&E can demonstrate a valid legal basis for maintaining confidentiality of such records." The OII allowed PG&E 10 days to provide any proposed redactions, objections or declarations as to any valid basis for maintaining confidentiality. SED was allowed 5 days to respond to PG&E's proposed redactions, objections and declarations. Based on the issuance date of June 27, 2019, SED's response to any filing of PG&E would have been due on July 15, 2019.<sup>3</sup> In order to fully review

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<sup>2</sup> In considering the topics discussed during the meet and confer parties should be aware that Assembly Bill 1054 (Holden 2019) was signed by Governor Newsom on July 12, 2019, and there is an active bankruptcy case that includes related issues PG&E's Bankruptcy Case No. 19-3008 (DM), United States Bankruptcy Court, Northern District of California, San Francisco Division.

<sup>3</sup> The OII includes an Attachment A which states "Pursuant to Section VII of this OII, Attachment A documents will be made public on July 15, 2019. Given SED's response to any redactions, objections, or declarations submitted by PG&E is not due until July 15, 2019 the timeframe for release of the documents is being extended by 10 days to July 25, 2019.

and consider any filings by PG&E and SED as to asserted confidentiality of information in the SED Fire Report the date to publicly release the SED Fire Report is extended to July 25, 2019.

**4. Service of this Ruling**

The following proceedings will be served with this ruling:

- Investigation (I.) 18-12-007
- Rulemaking (R.) 18-10-007
- I.15-08-019
- R.18-12-005

**IT IS SO RULED.**

Dated July 17, 2019, at Sacramento, California.

/s/ DARCIE L. HOUCK  
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Darcie L. Houck  
Administrative Law Judge