



ALJ/DH7/gp2 7/22/2019

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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 RELEASING SAFETY ENFORCEMENT DIVISION'S REPORT ON OCTOBER 2017 FIRE SIEGE

On June 27, 2019, the California Public Utilities Commission (Commission) initiated this Order Instituting Investigation (OII) and Order to Show Cause (OSC) to determine whether Pacific Gas and Electric Company (PG&E) violated any provision(s) of the California Public Utilities (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.

The Commission's Safety Enforcement Division (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).¹ In its report SED alleges that PG&E violated Commission GOs and Resolution E-4148, and failed to follow industry best practices. The 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 OII recognizes that "the public interest in transparency outweighs PG&E's interest in maintaining the confidentiality of the information" set forth in the SED Fire Report, "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, the time has passed for PG&E to propose redactions, objections and declarations as to the SED Fire Report.²

1. SED Fire Report

PG&E has not submitted any proposed redactions, objections or declarations to the SED Fire Report in this proceeding. Therefore, the complete unredacted report will be released by SED and formally filed in this proceeding no later than July 25, 2019. It should be noted that SED has posted a redacted

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

² 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 was extended by 10 days to July 25, 2019 in a ruling issued in this proceeding on July 17, 2019.

version of the SED Fire Report dated July 10, 2019 on the Commission website.³ The website has a link to the SED Fire Report and states “[e]ach of the redactions either was made by CAL FIRE or proposed by PG&E. The redactions proposed by PG&E are under review.” Neither PG&E nor SED have filed any request for redactions of the SED Fire Report and therefore there is no record in the proceeding to support any redactions to this report.

If either PG&E or SED believe the publicly released SED Fire Report, to be included in the record of this proceeding, should contain any redactions each party has until 5:00 p.m. on July 23, 2019 to formally file proposed redactions and/or objections to such redactions. To the extent Cal FIRE has proposed redactions that SED believes should remain, SED is to immediately file a motion in this proceeding requesting to include Cal FIRE redactions to be included in the SED Fire Report released to the public.⁴

The OII clearly stated that the “assigned Administrative Law Judge shall, by ruling, determine what information shall remain redacted.” In order to make such a determination the parties must submit proposed redactions, objections and declarations formally into the proceeding record. Without support for redactions the complete report will be released to the public. This ruling also reminds parties that if they fail to comply with Commission orders or rulings, they may be subject to Rule 1.1 violations.

³ The reports can be found by following the link posted at <https://www.cpuc.ca.gov/general.aspx?id=6442454971> under Northern California Fire Reports.

⁴ To the extent the basis for Cal FIRE’s proposed redactions contain confidential information SED is to file both its motion under seal consistent with Rule 11.4 and a public version with the confidential information redacted.

2. 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 22, 2019, at Sacramento, California.

/s/ DARCIE L. HOUCK

Darcie L. Houck
Administrative Law Judge