

Decision _____

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's Natural Gas Transmission Pipeline System in Locations with Higher Population Density.

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

ORDER EXTENDING STATUTORY DEADLINE**Summary**

This decision extends the statutory deadline in this proceeding to February 28, 2016.

Pub. Util. Code § 1701.2(e) provides that adjudicatory cases shall be resolved within 12 months of the date that they are initiated unless the Commission makes findings as to why that deadline cannot be met and issues an order extending that deadline. This matter has been categorized as adjudicatory and the 12-month deadline for its resolution had been November 10, 2012. The statutory deadline for this proceeding had been extended three times, most recently by Decision 14-11-010 to November 10, 2015.

1. Background and Discussion

On April 9, 2015, the Commission issued Decision (D.) 15-04-022 which resolved the alleged violations in this proceeding. Additionally, a coordinated decision (D.15-04-024) concerning fines and remedies was issued in this

proceeding, as well as in Investigation (I.) 11-02-016 and I.12-01-007. These two decisions resolved all issues identified in the Order Instituting Investigation. However, the proceeding remained open to address various motions filed by the City of San Bruno and the Commission's Safety and Enforcement Division for the Commission to issue an order to show cause and impose sanctions against Pacific Gas and Electric Company (PG&E) in connection with alleged violations of Rule 8.3 of the Commission's Rules of Practice and Procedure regarding *ex parte* communications.¹

In addition to the motions filed in this proceeding, there is a pending petition for modification in Rulemaking (R.) 09-01-019 (Rulemaking to Examine the Commission's Energy Efficiency Risk/Reward Incentive Mechanism) associated with improper *ex parte* communications. Finally, PG&E has filed a number of untimely notices of *ex parte* communications in other Commission proceedings, as well as notices of improper *ex parte* communications.² Based on the widespread nature of PG&E's *ex parte* violations and a related petition for modification, it is important that these motions be addressed in a coordinated fashion. In order to provide the Commission additional time to do so, it is necessary to extend the statutory deadline rather than rule on the motions separately.

¹ These motions were also filed in I.11-02-016 and I.12-01-007.

² See, e.g., R.11-02-019 (Rulemaking to Adopt New Safety and Reliability Regulations for Natural Gas Transmission and Distribution Pipelines and Related Ratemaking Mechanisms); Application (A.) 09-09-021 (Application of PG&E for Approval of 2008 Long-Term Request for Offer Results and for Adoption of Cost Recovery and Ratemaking Mechanisms); and A.09-12-002 (Application of PG&E for Approval of the Manzana Wind Project and Issuance of a Certificate of Public Convenience and Necessity).

2. Waiver of Comment Period

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of proposed decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to this rule, the otherwise applicable period for public review and comment is waived.

3. Assignment of Proceeding

Michael Picker is the assigned Commissioner and Amy C. Yip-Kikugawa is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. This proceeding was initiated on November 10, 2011.
2. Based upon the statutory deadline, this proceeding must be resolved within 12 months of its initiation, unless this date is extended.
3. D.14-11-010 extended the statutory deadline for this proceeding to November 10, 2015.
4. Decisions resolving all issues in the Order Instituting Investigation were issued on April 9, 2015.
5. The proceeding remained open to address motions filed by the City of San Bruno and the Commission's Safety and Enforcement Division.
6. Concerns regarding PG&E's violation of Rule 8.3 have arisen in other Commission proceedings.
7. An additional extension of the statutory deadline is necessary in order to establish a process that will address PG&E's *ex parte* violations in a coordinated fashion.

Conclusions of Law

1. The 12-month statutory deadline imposed by Pub. Util. § 1701.2(e) should be extended to February 28, 2016.
2. This order should be effective immediately.

IT IS ORDERED that the 12-month statutory deadline in this proceeding is extended to February 28, 2016.

This order is effective today.

Dated _____, at San Francisco, California.