



**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

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Order Instituting Rulemaking to Revise and Clarify Commission Regulations Relating to the Safety of Electric Utility and Communications Infrastructure Provider Facilities.

R.08-11-005
(Filed November 6, 2008)

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**PROPOSED RULE CHANGE SUBMITTED BY PACIFIC GAS AND
ELECTRIC COMPANY (U39E) IN PHASE 2 OF R.08-11-005**

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Dated: December 16, 2009

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Order Instituting Rulemaking to Revise and Clarify Commission Regulations Relating to the Safety of Electric Utility and Communications Infrastructure Provider Facilities.

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Pursuant to the Order Instituting Rulemaking (OIR) 08-11-005, Decision 09-08-029, and the Assigned Commissioner's Ruling and Scoping Memo for Phase 2 of This Proceeding (Scoping Memo), Pacific Gas and Electric Company (PG&E) submits the following proposed rule change (PRC) to be considered during the Phase 2 workshops.¹

I. ALL POLE OWNERS SHOULD BE OBLIGATED TO PERFORM INTRUSIVE POLE INSPECTIONS

Intrusive pole inspections provide key pole integrity information to pole owners that help to ensure poles are appropriately maintained. Intrusive pole inspections measure the shell thickness of wood poles above and below ground line, which informs the pole owner(s) if the pole requires further inspection and loading calculations to determine whether the pole needs to be replaced or reinforced. In reviewing the inspection and maintenance requirements of the Commission, included in both General Order (GO) 95 and GO 165, there appears to be a gap in the obligation for all pole owners to perform intrusive pole inspections. Currently, GO 165 requires PG&E, SCE, SDG&E, Sierra Pacific Power Company, and PacifiCorp to perform intrusive pole inspections on a specified cycle. GO 95 does not specifically require utilities to perform intrusive pole inspections, although it requires that entities subject to GO 95 inspect

¹ PG&E is separately joining with Southern California Edison (SCE) and San Diego Gas and Electric Company (SDG&E) in submitting additional PRCs for review in this proceeding.

their facilities frequently and thoroughly to ensure that they are in good condition. (Rule 31.2) Given that intrusive pole inspections provide key pole integrity data that helps to ensure the safety of poles and electric supply and communication lines, the Commission's regulations should be clarified to require all pole owners to perform intrusive pole inspections. Indeed, not all wood poles in California are owned by the electric distribution companies specified in GO 165. Those poles owned solely by Communication Infrastructure Providers (CIPs) or by other entities not subject to GO 165 should be intrusively tested to ensure public safety.

II. THIS PRC DOES NOT NECESSITATE DUPLICATIVE WORK, BUT RATHER CLARIFIES THE OBLIGATIONS OF ALL POLE OWNERS

Since the five major electric utilities in California are subject to GO 165, many of the poles in California have been subject to intrusive pole inspections for the past several years. However, that fact should not alleviate the obligation of joint pole owners as well as CIP pole owners to ensure that intrusive pole inspections are routinely performed. Maintaining poles in good condition is the obligation of the pole owner(s), not only of the electric distribution companies. If the pole is jointly owned, the owners are free to work out an efficient and effective way to complete the intrusive pole inspections. However, the obligation for maintaining pole integrity should lie with all pole owners.

III. PG&E SUGGESTS THAT GO 95, RULE 31.2, BE CLARIFIED TO OBLIGATE ALL POLE OWNERS TO ENSURE THAT INTRUSIVE POLE INSPECTIONS ARE PERFORMED

Inspection requirements for communications facilities are clearly within the scope of Phase 2 of this proceeding. (See, Scoping Memo, Issues 2, 11, and 15.) Rule 31.2 sets forth the general obligation for all entities subject to GO 95 to inspect and maintain their facilities to ensure that they are in good working condition. PG&E proposes to clarify the language in Rule 31.2 to require all pole owners to perform intrusive pole inspections. Attached is PG&E's PRC, along with the justifications required by the Scoping Memo.

IV. CONCLUSION

PG&E respectfully requests that the Commission clarify its rules in GO 95 to require all pole owners to perform intrusive pole inspections. This clarification will ensure that all wood poles are properly maintained in California.

Respectfully Submitted,

LISE H. JORDAN

By: _____ /s/
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Dated: December 16, 2009

Proposed Rule or Rule Change

Party: PG&E PRC No: PGE-1

Short Title: GO 95 Rule 31.2 Clarification of obligations re: Intrusive Pole Inspections

Proposed Rule Change Rationale:

Currently, electric distribution companies, through GO 165, are required to perform intrusive pole inspections on a specified cycle. GO 165 does not apply to other pole owners. This proposed rule change would make clear that the obligation to perform intrusive pole inspections lies with the pole owner, not just the electric companies that own poles.

This clarification is consistent with other efforts by CPSD and the CIPs to clarify the CIPs' obligations to perform inspection and maintenance of their facilities, at a minimum in high fire danger areas.

Original, Strikeout/Underline, and Final Proposed Rule Change:

Original Rule

31.2 Inspection of Lines

Lines shall be inspected frequently and thoroughly for the purpose of insuring that they are in good condition so as to conform with these rules. Lines temporarily out of service shall be inspected and maintained in such condition as not to create a hazard.

Strikeout / Underline

31.2 Inspection of Lines

Lines shall be inspected frequently and thoroughly for the purpose of insuring that they are in good condition so as to conform with these rules. All pole owners shall perform intrusive pole inspections. Lines temporarily out of service shall be inspected and maintained in such condition as not to create a hazard.

Note: Utilities subject to G.O. 165 must perform intrusive pole inspections consistent with the prescribed schedule.

Final Proposed Rule or Rule Change

31.2 Inspection of Lines

Lines shall be inspected frequently and thoroughly for the purpose of insuring that they are in

good condition so as to conform with these rules. All pole owners shall perform intrusive pole inspections. Lines temporarily out of service shall be inspected and maintained in such condition as not to create a hazard.

Note: Utilities subject to G.O. 165 must perform intrusive pole inspections consistent with the prescribed schedule.

In Scope:

Phase 2 Scoping Memo, p.3: #2, “Whether the inspection and maintenance requirements of GO 165 should apply to electric transmission and CIP facilities, including CIP facilities located on poles owned by publicly owned utilities”; Phase 2 Scoping Memo, p. 5: #11, “Whether GO 95 should include the requirements of Ordering Paragraph (OP) 1 of D.09-08-029”; Phase 2 Scoping Memo, p. 5: #15, “Expansion of the CIP inspection rule”; OIR, p. 12; Phase 1 scoping memo, p. 3; and D.09-08-029, pp. 10-11.

Justifications:

Item:	Justification:
1. The specific electric utilities, CIPs, and others affected by the proposed PRC.	Electric utilities and communication entities subject to CPUC jurisdiction.
2. Why the PRC is within the scope of Phase 2.	See above. The scope of CIP inspections is squarely within the scope of Phase 2. See items 2, 5, and 11 of the Scoping Memo.
3. New and / or revised text for the affected General Order(s), if applicable.	See above.
4. The specific fire hazard(s) addressed by the PRC and/or other reason(s) for the PRC.	This PRC clarifies that all pole owners are responsible for intrusive pole inspections. This will ensure that all poles in California will be intrusively inspected so that poles that pose a potential safety hazard will be identified and scheduled for reinforcement/replacement.
5. How the PRC reduces or otherwise addresses the identified fire hazard(s) and /or achieves other intended purposes.	The PRC will fill a gap in the Commission’s inspection requirements regarding poles. This inspection activity is expected to identify poles in need of reinforcement or replacement prior to their failure.
6. The anticipated costs and benefits of the PRC.	The benefit of this PRC will be to ensure that all poles are intrusively inspected in California. The cost will depend on the pole owners’ current maintenance practices.

<p>7. Whether and how the costs will be recovered from customers.</p>	<p>Pole owners with cost of service ratemaking will recover the costs through rates. Pole owners with no cost of service ratemaking will recover the costs from their customers.</p>
<p>8. Whether and how costs will be shared among electric utilities, CIPs, and others.</p>	<p>N/A.</p>
<p>9. Why it is in the public interest to adopt the PRC.</p>	<p>It is in the public interest to ensure that all poles in California are intrusively inspected as a preventive safety measure.</p>
<p>10. If the proposed rule applies to electric transmission, why the PRC does not duplicate or conflict with other federal or state regulations.</p>	<p>Not aware of duplication or conflict at this time.</p>
<p>11. Whether the adoption and implementation of the PRC is exempt from CEQA and/or the National Environmental Policy Act (NEPA) and, if so, why. If not, what steps need to occur under CEQA and/or NEPA before the PRC can be adopted.</p>	<p>Nothing in this proposal will trigger CEQA or NEPA review.</p>

VERIFICATION

I, the undersigned, say:

I am an officer for PACIFIC GAS AND ELECTRIC COMPANY, a corporation, am authorized pursuant to Code of Civil Procedure Section 446 and Rule 1.11 of the Commission's Rules of Practice and Procedure to make this verification for and on behalf of said corporation, and I make this verification for that reason.

I have read the foregoing "**PROPOSED RULE CHANGE SUBMITTED BY PACIFIC GAS AND ELECTRIC COMPANY (U39E) IN PHASE 2 OF R.08-11-005**" and am informed and believe that the matters therein are true, and on that ground I allege that the matters stated herein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at San Francisco, California, this 16th day of December, 2009.

/s/

Mark S. Johnson
Vice President, Electric Operations and Engineering
Pacific Gas and Electric Company
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CERTIFICATE OF SERVICE BY ELECTRONIC MAIL

I, the undersigned, state that I am a citizen of the United States and am employed in the City and County of San Francisco; that I am over the age of eighteen (18) years and not a party to the party to the within cause; and that my business address is 77 Beale Street, B30A, San Francisco, California 94105. I hereby certify that I have this day electronically served the foregoing document(s) upon each member of the official service list of **R.08-11-005** pursuant to Rules 1.9 and 1.10 of the California Public Utilities Commission's Rules of Practice and Procedure:

PROPOSED RULE CHANGE SUBMITTED BY PACIFIC GAS AND ELECTRIC COMPANY (U39E) IN PHASE 2 OF R.08-11-005

to the attached e-mail service list, and if no e-mail address was available, the party was served by U.S. Mail.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 16, 2009 at San Francisco, California.

/s/

Jennifer Newman
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