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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Gas
Company (U 904 G) to Amend its
Certificate of Public Convenience and Necessity
for the Aliso Canyon Gas Storage Facility

Application 09-09-020
(Filed September 30, 2009)

**Prehearing Conference Statements of Wes Rogers,
Northridge, CA Resident**

1. Background

Los Angeles City and County fire investigations have determined the cause of the Sesnon Wildfire, erupting on the morning of October 13, 2008, to be a downed power line owned by the Southern California Gas Company at their Aliso Canyon facility. Transmission lines that come under the jurisdiction of the California Public Utilities Commission (CPUC) are governed by brush clearance requirements and are subject to inspections by that body. However, transmission lines that belong to non-electric utilities located on private land, such as the Gas Company's line at the SCGC Aliso facility north of Sesnon, are not regulated by the CPUC, and so are not subject to the same kind of strict clearance and inspection requirements. Local governments are pre-empted from legislating brush clearance requirements in connection with transmission lines that come under the CPUC's jurisdiction, but they are not precluded from imposing such requirements around power poles and lines that do not come under the CPUC's jurisdiction. However, the SCGC Aliso facility is located on *private land* in an unincorporated area of Los Angeles County, where Los Angeles City regulations did not apply and county regulations did not exist.

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The SCGC Aliso facility resides in a high fire risk area with low humidity, thick dry brush, and high winds in the 60-70mph range. It would be *imperative* for any responsible organization to recognize that; private land or public, electric or non-electric utility, ordinance or no ordinance, brush must be cleared from all equipment including power poles and power lines, and that all equipment including power lines must be inspected periodically. Unfortunately, the aforementioned was *not* imperative to SCGC Aliso at the time of the Sesnon Fire. With no power line brush clearance or regular line inspection taking place at SCGA Aliso Canyon, a neglected power line failed under high winds, falling into un-cleared brush below and began a wildfire that eventually burned 14,703 acres, causing the evacuation of thousands of residents, destroying or damaging 89 residences or structures, destroying hundreds of large mature trees on Los Angeles City Recreation and Parks land and caused one death. This disaster is directly attributed to SCGA Aliso mismanagement, negligence and poor safety practices. SCGC avoidance of safety and maintenance responsibilities at the Aliso facility, demonstrates at best, a complete lack of understanding of the dangerous nature of their operation, or much worse, a willingness to make trade-offs in operational expenses (brush clearance/line inspection costs) at the expense of neighboring community safety.

2. Response To SCGA Reply of Rogers Herman Protest

The SCGC reply to the Rogers and Herman protest states "this is not the proper proceeding to litigate liability issues related to the 2008 Sesnon fire." The Rogers Herman protest does not seek litigation of the Sesnon fire. The Rogers Herman protest seeks to ensure that the negligent management practices of SCGC Aliso that *caused the Sesnon fire* do not exist during

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project construction and ongoing operation of the facility. The SCGC reply states that "the Rogers Herman protest is premature." If a full and complete investigation of the Sesnon fire is required to file a waiver of hearing protest, *then application A09-09-020 is premature* and should be withdrawn and resubmitted upon resolution of Sesnon fire responsibility, cause and corrective actions. With the strong probability that negligence has taken place, it is in the best interests of community safety that application A.09-09-020 be suspended until the CPUC can fully investigate the Sesnon fire and SCGC competency. The SCGC reply states, "the public has been given every *opportunity* to have questions answered and give input," suggesting that the protest is somehow too late or that a ruling on the need for public hearing is premature. The SCGC public notice and its stated option to protest a waiver of hearing is *also* one of the *opportunities*. And if premature, then why only 30 days to protest? The reply states "SCGC is willing to hold additional open houses? When? It has been 8 months since the last. And how about one with *all* the cards (facts) on the table? The reply states "that the new facilities proposed are completely distinct from those that are subject to the Sesnon fire investigation." "Completely distinct, " with the exception of one thing, *the same management team with the same negligence and incompetency*. Also, converting the facility from a gas driven to an electrical driven operation doubles the power lines to the site and *doubles* the risk of fire.

3. Rogers Herman Prehearing Conference Proposed Scoping Memo

Restated once more, the Rogers Herman protest does not attempt to litigate the Sesnon fire. The Rogers Herman protest seeks to ensure that the negligent management practices of SCGC Aliso are resolved before application A09-09-020 is allowed to proceed and to ensure that this same

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mismanagement does not exist during project construction and ongoing operation of the Aliso Canyon Facility.

Rogers Proposed Scope:

3.1 Rule on a Rogers Herman request to suspend application A09-09-020 until the CPUC fully reviews the Sesnon fire cause.

3.2 Through their past actions, the SCGC Aliso facility management cannot be trusted to make decisions in the best interest of public safety. Therefore the public must impose safety requirements upon the facility. Rogers Herman requests that the CPUC deny all SCGC Aliso facility expansion and upgrade applications until the following safety requirements are met.

1. SCGC Aliso presently does not employ dedicated staff hired for specifically safety purposes, per Joseph M. Mosca, Public Affairs Manager, Southern California Gas Company. The SCGC Aliso site must employ and dedicate a full time safety engineer, responsible for safety *of the entire site*.
2. The Aliso Facility safety engineer must be responsible for a review and update of all safety and maintenance site requirements with full compliance to local regulations. The facility safety engineer must perform ongoing audits of safety, maintenance practices and employee training for the facility: structures, grounds, construction, equipment and power lines.

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3. The Aliso Facility plant manager must be responsible and held accountable for corrective actions as a result of safety engineer audits.
4. All safety/maintenance audit records and corrective actions status must be posted on-line at the SCGC website for public viewing, with monthly updates.
5. Brush must be cleared per LAFD regulation and maintained for both transmission and site distribution lines; from Chatsworth Tap to both Aliso facilities and all distribution lines within the Aliso facilities.
6. The SGCA Aliso facility must provide ongoing safety and community relations training for all site employees, including management.

3.3 If the Administrative Law Judge's rulings on 3.1 and 3.2 are not in Rogers Herman favor, Rogers Herman requests a ruling on a request for a Public Participation Hearing held in Porter Ranch California, neighboring the SCGC Aliso Canyon site.

/s/ Wesley G. Rogers

Wesley G. Rogers

Northridge, CA resident

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CALIFORNIA PUBLIC UTILITIES COMMISSION

Service Lists

Proceeding: A0909020 - SOCAL GAS - TO AMEND

Filer: Southern California Gas Company

List Name: LIST

Last changed: March 26, 2010

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