



**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)

U 39 E

**REPLY COMMENTS OF PACIFIC GAS AND ELECTRIC  
COMPANY (U39E) ON PROPOSED RULES OF CPSD AND  
OTHER PARTIES IN PHASE 2 OF R.08-11-005**

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Dated: January 11, 2010

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**I. INTRODUCTION**

Pacific Gas and Electric Company (PG&E) files these reply comments pursuant to the assigned Administrative Law Judge's November 23, 2009 Ruling. PG&E replies to proposed rules submitted by the Commission's Consumer Protection and Safety Division (CPSD), Mussey Grade Road Alliance (Mussey Grade), the California Farm Bureau Federation (CFBF), the CIP Coalition, the CoxCom, Inc. and Cox California Telecom LLC (Cox), the County of Los Angeles (LA County), San Diego Gas and Electric Company (SDG&E), and the California Municipal Utilities Association (CMUA). PG&E also comments on the proposals submitted by letter to the General Order 95 Rules Committee by the Commission's Energy Division (ED).

PG&E looks forward to productive and robust discussions during the coming year of workshops, and hopes that the end result will be well-crafted rules that contribute to the safe, reliable and cost-effective provision of electric power and communication services in California.

There are a number of important issues to be discussed -- some fairly straightforward, some knotty. In these reply comments, PG&E will first address the electric transmission issues. It is PG&E's position that it does no service to customers for either the Commission or the utilities to expend valuable resources for duplicative regulatory inspection/maintenance rules --

especially when there are potential jurisdictional conflicts. In support of this position, PG&E expects to present extensive evidence in the workshops that demonstrates the comprehensive federal and CAISO oversight already in place for its transmission facilities.<sup>1/</sup>

PG&E will then comment on issues raised by the various proposed rules and rule changes submitted by the other parties. PG&E's objective in making these comments is to: 1) identify issues and concerns that will need to be addressed in the workshops; and 2) identify possible evidence or information that will be needed for the parties to understand each other's concerns/constraints and to facilitate an informed end result – hopefully by consensus. Many comments will be in summary form and contained in *Appendix A* to these Comments, which is intended to be a full and important part of PG&E's comments.<sup>2/</sup>

Finally, PG&E has inserted a placeholder in *Appendix A* for a discussion of the cost recovery issue.

## **II. THERE IS NO NEED FOR THE COMMISSION TO DEVELOP DUPLICATIVE STANDARDS/RULES FOR THE INSPECTION AND MAINTENANCE OF TRANSMISSION FACILITIES**

### **A. The Creation of Duplicative Standards Pose Potential Conflicts with California and Federal Law**

PG&E's transmission facilities (60 kV and above) are under the operational control of the California Independent System Operator (CAISO) and subject to Federal Energy Regulatory Commission (FERC) Reliability Standards, CAISO Public Utilities Code 348 performance standards or FERC-approved Transmission Control Agreements.<sup>3/</sup> PG&E has repeatedly taken the position that it is poor public policy and possibly unlawful for the Commission to superimpose additional regulation in the area of inspection and maintenance of transmission

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<sup>1/</sup> PG&E reserves the right to present evidence at the workshops on this and every other issue that will be discussed. A topic for the January 14, 2010 Pre-Workshop Conference should be to flesh out a process by which such evidence will be presented or, in the alternative, whether Evidentiary Hearings will be required.

<sup>2/</sup> For the convenience of the parties, PG&E has also added to *Appendix A* a short summary of the proposed rules and rules changes PG&E jointly submitted with Southern California Edison (Edison) and SDG&E (JEF-1 through JEF-11) as well as PG&E's separately proposed rule or rule change (PG&E-1).

<sup>3/</sup> PG&E's transmission facilities and operations also are **funded** through FERC ratemaking.

facilities where there is already comprehensive regulatory activity and oversight (California law has specifically granted CAISO that role and federal law pre-empts any state regulation when irreconcilable conflicts arise).

Key to PG&E's concern is the statutory directive to CAISO to develop inspection and maintenance standards for transmission. Public Utilities Code section 348 states:

The Independent System Operator *shall* adopt ***inspection, maintenance, repair, and replacement standards*** for the transmission facilities under its control... These standards, which shall be performance or prescriptive standards, or both...shall provide for high quality, safe, and reliable service.<sup>4/</sup> (Emphasis added.)

While the Commission and CAISO may view their roles to ensure on the one hand safety and on the other hand reliability, respectively, California statutory law has mandated explicit responsibility concerning the adoption of inspection, maintenance, repair, and replacement standards – transmission to CAISO<sup>5/</sup> and distribution to the Commission. In light of this clear statutory separation, PG&E is at a loss as to why CPSD insists on proposing inspection and maintenance requirements for electric transmission.

In addition to the CAISO statutory oversight, there are also federal standards and regulations that may pose potential conflicts with any Commission inspection and maintenance standards. Rather than restating its full discussion on the jurisdictional issues here, PG&E incorporates by reference its briefing on this issue from Phase 1.<sup>6/</sup> Given the fact that there is already comprehensive oversight over its transmission lines from CAISO and FERC/NERC (as will be further discussed below), PG&E suggests that there is no need for the Commission to

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<sup>4/</sup> Public Utilities Code section 364 gave the Commission a virtually identical mandate to adopt inspection, maintenance, repair, and replacement standards for utility electric distribution systems, which resulted in the 1997 adoption by the Commission of General Order 165.

<sup>5/</sup> PG&E notes that CAISO is also separately charged with ensuring the *safety* of the transmission facilities operating under its auspices. Pub.Util.Code §438 (“shall provide for high quality, *safe*, and reliable service”) (emphasis added).

<sup>6/</sup> *Opening Comments of Pacific Gas and Electric Company on CPSD's Proposed Rules in Phase 1 of R.08-11-005*, May 22, 2009, at p.27-36; *Reply Brief of Pacific Gas and Electric Company on Final Proposed Rules of CPSD and Other Parties in Phase 1 of R.-8-11-005*, June 1, 2009, at pp.6-7

develop duplicative standards or rules for the inspection and maintenance of transmission facilities.<sup>7/</sup>

**B. Commission Oversight Over The Inspection And Maintenance Of Transmission Facilities Is Unnecessary and a Waste of Resources**

As stated in prior briefing, at various Commission hearings and by a number of parties, it makes little sense for either the Commission or the utilities to expend valuable resources on a duplicative electric transmission inspection and maintenance regulatory scheme. In support of this position, PG&E expects to present extensive evidence in the workshops that demonstrates the comprehensive federal and CAISO oversight and activity already in place concerning the inspection and maintenance of its transmission facilities.

Examples of the evidence that PG&E anticipates it will present include:

- FERC Reliability Standards
- CAISO Transmission Control Agreement
- PG&E CAISO Transmission Maintenance Practices – Electrical Underground Transmission Lines
- PG&E CAISO Transmission Owner Maintenance Practices – Electrical Overhead Transmission Lines
- Annual CAISO Maintenance reviews of PG&E facilities
- Annual Electric Transmission Availability Performance Reports to CAISO
- Minutes of CAISO Transmission Maintenance Coordination Committee Meetings
- Descriptions of CAISO audits, reviews and assessments of PG&E transmission facilities
- Samples of Notices of Violations of NERC Reliability Standards, penalties assessed and mitigation measures required.

PG&E expects that there will be robust discussion on this issue, and suggests that ample time be provided in the workshop schedule for this discussion.

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<sup>7/</sup> One possibility that might solve this duplication problem might be to *exempt* from any proposed rules all transmission facilities subject to CAISO's operational control and/or subject to FERC reliability standards.

### III. **APPENDIX A: A SUMMARY OF CONCERNS/ISSUES POSED BY VARIOUS PROPOSED RULES**

In *Appendix A* to these Reply Comments is a chart in which PG&E has summarized the issues/concerns (organized by rule) that it believes must be addressed when considering the various proposed rules or rule changes offered by the parties in the Phase 2 workshops -- along with an indication of possible evidence or information it expects to present or that would be needed for an informed discussion of the proposed rules. PG&E has also rated the complexity level of each proposed rule. PG&E incorporates the information in these charts into its Reply Comments by reference.

*Appendix A* is intended to help the workshop co-facilitators and participants understand the complexity of the issues, how long it may take to cover an issue in the workshop, what they need to do to prepare for the workshops, and the subject matter experts that may be needed. In addition, the chart is a tool that hopefully will help in the grouping and prioritization of issues for scheduling the workshops.

### IV. **COMMENTS ON CPSD'S PROPOSED RULES OR CHANGES**

#### A. **Proposed Change to Rule 11 (*Purpose of Rules*)**

CPSD has proposed what appears on the surface to be a very simple change in GO 95, Rule 11. Rule 11 begins: "The purpose of these rules is to formulate, for the State of California, uniform requirements for overhead electrical line construction...". CPSD now proposes to expand the purpose of General Order 95 from uniform construction standards to include the design, maintenance and operation of lines. The proposed change is not simple. The language of the current rule has a very significant meaning. General Order 95 is intended to provide clear and concise *specifications* for overhead line *construction*. The Preface to General Order 95 states:

It is recognized that the rules are not complete construction specifications, but they do embody minimum requirements which are capable of definite interpretation sufficient to form the bases of *working specifications for overhead electric line construction*. (Emphasis added.)

It has been left to, and should be left to, the utility professionals to develop the policies, practices, guidelines and procedures to ensure that utility facilities comply with the construction specifications set out in General Order 95. These practices and procedures comprise literally volumes of information. Depending on what CPSD's intent is behind its proposed rule change, the change could substantially broaden the focus of GO 95 -- and thereby weaken it by the insertion of inappropriate directives, process and operating procedures that should be tailored to the business of the individual utility.

A partial list of concerns and issues on which PG&E expects to produce information and evidence are listed in *Appendix A*.

**B. Proposed Extension of Rule 35 and 37 Case 14 Vegetation Clearance Requirements to All Extreme/Very High Fire Threat Zones in California**

There are major differences between Southern California and Northern/Central California with regards to fire risk and the appropriateness of the application of the FRAP maps for the purpose of extending these vegetation clearance requirements. PG&E expects that there will be extensive discussion and testimony on this subject, and plans to introduce evidence about all the issues listed in *Appendix A*, among others.

**C. Proposed Rule re GO 95, Rule 44.2 Safety Factor Requirements**

CPSD wants to move certain requirements contained in the Phase 1 Ordering Paragraphs into General Order 95. One of the reasons that the requirements were placed in the Ordering Paragraph was that there were technical problems and complexities associated with the requirements, especially implementing the 5%/10% requirement and practical problems with the 15-day deadline for exchanging pole loading information. These issues still need to be sorted out. See *Appendix A* for a list of the possible issues identified.

**D. Except for the Transmission Issue, PG&E Foresees Little Controversy Around CPSD's General Order 165 Proposed Rule Changes**

PG&E has commented on the CPSD's proposed rule to expand General Order 165 requirements to transmission facilities in Section II above.



As to CPSD's other General Order 165 proposed rules changes, PG&E is hopeful that consensus and agreement can be reached fairly easily, and encourages discussion of these other non-transmission issues early in the workshop schedule. See *Appendix A* for additional concerns and comments on the CPSD General Order 165 proposed rules.

## **V. COMMENTS ON ENERGY DIVISION'S PROPOSED RULES OR CHANGES**

The Commission's Energy Division recently requested the GO 95/128 Rules Committee to address two proposed General Order 95 rules changes. The first proposed rule change is to delete the first two paragraphs of Rule 48 (*Ultimate Strength of Materials*); the second proposed rule change is to create a new Rule 43.3 (*Loading in Fire-Prone Areas*) to address pole loading in fire-prone areas. Because the Fire Safety OIR is ongoing and is already considering proposed rules changes to General Order 95, the Rules Committee declined to take up the proposed rules changes unless so ordered by Commissioner Simon or the assigned Administrative Law Judge.

PG&E agrees that the subjects proposed by the Energy Division are suitable for consideration in this rulemaking<sup>8/</sup>, and that they should be included in the workshops with other pole loading issues. PG&E's specific comments on the two Energy Division proposed rules are set out in *Appendix A*.

## **VI. COMMENTS ON MUSSEY GRADE'S PROPOSED RULES OR CHANGES**

### **A. It is Unclear There is a Need For Yet Another Collection of Fire Incident Data**

Mussey Grade has resubmitted its proposed rule that would require electric utilities to collect (and make public) data on fire ignitions associated with electric equipment. Mussey Grade has stated in the past that this data must be incident-specific and will not be helpful in the aggregate.<sup>9/</sup> PG&E expects to raise the following concerns regarding this proposal:

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<sup>8/</sup> In fact, Edison, PG&E and SDG&E also recognized that there are problems with Rule 48, and have jointly proposed in their PRC JEF-09 that certain parts of the first paragraph of Rule 48 be deleted.

<sup>9/</sup> *Mussey Grade Road Alliance [Phase 1] Comments on the CPSD Proposed Rules to be Implemented in Time for the 2009 Fire Season*, March 27, 2009

First, it is not clear that the collection of this data is needed. As reflected in the Anderson study<sup>10/</sup> and even in the Mussey Grade Phase 1 Comments, there are already several collections of fire data that can be “mined” by an interested party. Cal Fire maintains wild land fire information in its FRAP database as well as information about all ignitions in California in an ignition database (CARS). The Anderson study referenced data and information from a variety of sources, including the National Fire Protection Association as well as FEMA’s National Fire Incident Reporting System (NFIRS) (which is used by a wide variety of agencies that study fire issues).

Second, there are due process and privilege issues at play. Utilities and their personnel can be subject to regulatory, civil and criminal prosecution related to a serious fire. Fire incident investigations performed by a utility are usually performed in anticipation of litigation and are protected by the attorney work product privilege. The Commission has recognized that it cannot require a utility to disclose the fruits of its privileged investigations.<sup>11/</sup>

Third, the electric utilities were required for some time to report all vegetation-related fires to the Commission. After a substantial period of collecting this information, PG&E suggested to the Commission that the burden of collecting and maintaining that information far outweighed whatever value and use was made of it. The Commission in its wisdom agreed with PG&E and discontinued this burdensome requirement.

Mussey Grade, and particularly Dr. Mitchell, would like to have the electric utilities collect fire incident data on the theory that it *might* be helpful for study in the future. Given that there appears to be other existing credible and independent fire incident data resources housed with the fire agencies (which have the benefit of the most complete information available), PG&E would expect to see persuasive evidence to establish that it is necessary to impose yet

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<sup>10/</sup> [Phase 1] *Opening Comments of AT&T...*, March 27, 2009 with Attachment A: Larry W. Anderson, *Study to Assess Fire Risk Associated with Collocated Communications Equipment (Wired Telephone Lines and Wireless Equipment) With Utility Power Lines on Poles*, March 27, 2009.

<sup>11/</sup> General Order 95, Rule 17 (A) (“Nothing in this rule is intended to extend, waive, or limit any claim of attorney client privileged and/or attorney work product privilege”); General Order 95, Rule 19 (“Any and all documents...not subject to the attorney-client privilege or attorney work product doctrine.”).

another duplicative, burdensome and expensive data and documentation duty on electric utilities and their customers – just on the off chance that some member of the public might find the information interesting.

PG&E will be presenting evidence on the issues listed above and in *Appendix A* for discussion and consideration in the workshops.

**B. “Reasonable” Vegetation Management Practices Will Vary Based on a Number of Different Factors, Including Appropriate Trim Cycles**

Trees are not compatible with power lines. The struggle in the vegetation management area is to find the balance that ensures that power lines can be operated in a safe, reliable and cost-effective way while at the same time attempting to accommodate society’s desire to maintain trees near power lines for aesthetic and other purposes.

To this end, Mussey Grade proposes to mandate a *maximum* clearance requirement in the form of the two-year growth limit on vegetation management trim cycles. Historically, the Commission has consistently refused to set maximum clearance requirements. It has stated:

The degree of tree trimming appropriate around utility lines can become a highly technical determination. It requires us to set minimum clearance standards which depend on the degree of hazard in relation to the voltage level carried by the line and the consequent potential for arcing, and the possibility of abrasion of wires from direct contact. **We do not need to determine what the appropriate maximum clearances should be**, but we do have to determine the minimum safe clearance and a reasonable level of expense for the utility to maintain such clearances. Ratepayers should not be required to pay unreasonably high rates because the utility trims trees on a cycle that cannot be justified. This means that, to the extent we promulgate any guidelines that may later be claimed to be a standard for reasonableness, we must act with a restrained hand. We must also temper our determination with aesthetic and environmental considerations to discourage ham-handed trimming by utilities. In short, we must make a cost/benefit analysis to obtain the proper result.<sup>12/</sup>

The Mussey Grade proposed rule represents a simplistic view of the Commission has characterized as a “highly technical determination”. PG&E expects to present evidence on this complex issue that will include, among other information: testimony from arborists on

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<sup>12/</sup> Decision D.97-01-044, at pp. 4-5 (emphasis added).

appropriate utility trims; the many factors that go into assessing the need and extent of needed trims; utility industry experience and standards for maintaining vegetation; the distinction between pruning for utility safety purposes and pruning for aesthetic purposes; the trends at the national regulatory level toward increased vegetation management activity; and the cost associated with a restrictive and inflexible vegetation management trimming rule.

It is appropriate to develop rules that set out minimum “no grow zone” clearances; it is not appropriate to develop rules that dictate to the utility how to achieve those clearances.

**C. The Parties Continue to Struggle with the Practical Use of Fire Hazard Maps, and Mussey Grade’s Proposals Concerning a Study of Wind Loading/Mapping and Developing Wind Loading Contingency Plans Adds Additional Layers of Complexity**

Mussey Grade has proposed two rules concerning wind loading. The first requests an order that directs how to prepare wind maps by incorporating analytical wind modeling into the Cal Fire FRAP maps. The second proposal would require contingency plans for high wind conditions during periods of high fire danger.

In proposing these rules, Mussey Grade is suggesting that a potential two-day workshop would be adequate to accomplish what would normally require a significant and complex study and investigation. We heard in Phase 1 that the Cal Fire FRAP maps were developed after great effort by a team of fire specialists and computer modeling experts, and have been very difficult to keep up to date due to the required resources. It would take yet another similar group to develop yet another map.

Evidence that would need to be considered on these issues includes: (first and foremost) who would develop, maintain and fund the preparation of such maps – followed by information about the availability of appropriate wind data; whether there is a need for the additional layer of wind data; geographic differences; how that additional layer of wind data would be integrated into the FRAP maps; whether it duplicates or overlaps information already contained in the

maps; the actual technical tools that would be needed to achieve such an integration; industry standards on this issue; and the cost and benefit of such an effort.

Although this would be an interesting area to explore, PG&E is concerned that the workshops are not set up to do this job (both in terms of the time that can be dedicated to such a complex task and the computer modeling and other expertise needed to integrate additional factors into the FRAP maps). Further, PG&E is concerned that General Order 95 is not the appropriate vehicle in which to place such requirements.

#### **VII. COMMENTS ON CIP COALITION'S AND COX'S PROPOSED RULES OR CHANGES**

PG&E has no particular comments on the CIP Coalition or Cox's proposed rules or rules changes concerning GO 95, Rules 18 (Part A and B) and 31.2. However, PG&E is very concerned about the extremely detailed and process-oriented rule change proposal for GO 95, Rule 44.2. PG&E expects a lively discussion about the need for the proposed changes, and believes that it may take some time to reach consensus on this rule. See *Appendix A* for a listing of areas of concern and information that will need to be presented and discussed.

#### **VIII. COMMENTS ON COUNTY OF LOS ANGELES AND SDG&E'S PROPOSED RULES ON UNDERGROUNDING**

PG&E commends SDG&E and the County of Los Angeles for thinking "outside the box" about ways to mitigate fire risk as well as mitigate fire damage associated with overhead electric facilities. One proposal would set up a whole other category in Tariff Rule 20 specifically for undergrounding to mitigate fire risk; the other simply adds "mitigation of fire risk" as one of the public interest criteria that qualifies a project for undergrounding for Rule 20A purposes.

The pros and cons of undergrounding utilities have been debated for many years and are well known. They include: the relative costs of undergrounding compared to overhead facilities and the fact that it is more difficult to inspect, service and repair underground facilities. LA County and SDG&E propose to add to the existing undergrounding mandates yet another undergrounding program.

However, the Commission is at its best when it is balancing all the competing factors that go into a regulatory decision (costs, benefits, reliability, safety, aesthetics, coordination with existing programs, societal pressures and expectations, public policy). So PG&E has no objection to including this discussion in the workshops. However, the relative costs, risks and benefits of the proposals should be fully understood before adopting any version of these proposals, and any costs to implement a new undergrounding mandate should be included in the **recovery of costs** already approved in Phase 1 of this proceeding.

PG&E has listed in *Appendix A* issues that it expects will need to be addressed in discussing these proposals, and looks forward to the discussion.

#### **IX. COMMENTS ON CMUA’S PROPOSED RULES**

The Scoping Memorandum has made it clear that there will be no re-litigation of its Decision (D.09-08-029) affirming its jurisdiction over publicly owned utilities. PG&E supports the consistent and uniform application of construction, inspection, and maintenance standards for electric utilities in California and, therefore, supports the Commission’s determination that it has jurisdiction over electric facilities owned and operated by municipal and publicly-owned utilities.<sup>13/</sup> PG&E incorporates by reference herein the briefing and comments made on that subject in its Phase 1 Reply Comments.<sup>14/</sup>

PG&E’s further comments on CMUA’s proposed rules are contained in *Appendix A*.

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<sup>13/</sup> However, as stated by PG&E in earlier comments and arguments referenced above, to the extent that any utility has submitted its transmission facilities over to the operational control of the California Independent System Operator (CAISO) or its transmission facilities are subject to the NERC Reliability Standards as approved by FERC, the Commission should NOT attempt to develop inspection and maintenance standards for those facilities. The oversight provided by CAISO to utilities under the Transmission Control Agreement and by NERC via its Reliability Standards adequately serves the public policy goal of ensuring consistent and uniform standards, and should not be duplicated by Commission activity

<sup>14/</sup> *Reply comments of Pacific Gas and Electric Company on Proposed Rules of CPSD and other Parties in Phase 1 of R.08-11-005*, April 8, 2009, at pp.10-14.

**X. CONCLUSION**

PG&E is very hopeful that the upcoming workshops will provide a forum where the parties can efficiently and effectively review and reach consensus on the need for and the appropriate proposed rules and rules changes that will contribute to the safe, reliable and cost effective provision of electric and communication services.

Respectfully Submitted,

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Dated: January 11, 2010

**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 Rule 2.3 of the California Public Utilities Commission's Rules of Practice and Procedure:

**REPLY COMMENTS OF PACIFIC GAS AND ELECTRIC COMPANY (U39E) ON PROPOSED RULES OF CPSD AND OTHER PARTIES 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 January 11, 2010 at San Francisco, California.

/s/

\_\_\_\_\_  
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**Reply Comments of Pacific Gas And Electric Company (U39E) On Proposed Rules Of CPSD And Other Parties In Phase 2 Of R.08-11-005**  
**Appendix A**

**SUMMARY OF ISSUES (BY PARTY)**

Generic issues or concerns and accompanying evidence or information needed to inform the discussion that would apply to most proposed rules:

- Costs and benefits of the proposed rule or rule change
- Applicable industry standards

Complexity Level (CL)	Hard=3; Easy = 1
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Party	Rule	Issue	PRC Description	Possible Issues Raised/Areas of Concern and Potential Evidence to Be Presented at Workshops	CL
Commission	-	Cost Recovery	Decision in Phase 1, Section 6.1 <i>Cost Recovery</i> <ul style="list-style-type: none"> <li>• Appropriate forum for seeking recovery of costs</li> <li>• Appropriate tracking mechanism for costs</li> <li>• How to incorporate costs into each utility's GRC</li> <li>• Cost recovery not limited to just VM</li> </ul>	<ul style="list-style-type: none"> <li>• Workshops should ID <u>process</u> for cost recovery</li> <li>• Workshops should not cover reasonableness of specific claimed costs</li> </ul>	2
Mussey	-	Fire data	Fire data collection	<ul style="list-style-type: none"> <li>• Need for data</li> <li>• Other data sources</li> <li>• Due process and privilege issues</li> <li>• Extent of current data collection efforts</li> </ul>	2
Mussey	-	Mapping Wind loading	Study of production of wind maps and wind data to combine with FRAP maps	<ul style="list-style-type: none"> <li>• Applicability of wind data to fire safety</li> <li>• Need for additional wind data in this form</li> <li>• Availability of wind data</li> <li>• Potential duplication or overlap with FRAP maps</li> <li>• Complexities of combining data sources</li> <li>• Who would develop and maintain the information and the maps</li> <li>• Needed expertise in computer modeling and other technical areas</li> </ul>	3
CPSD PRC-1	11	General	Revises rule to expand the purpose of the rules from construction to include design, maintenance and operation of the lines.	<ul style="list-style-type: none"> <li>• Justification for rule change</li> <li>• Historical focus of General Order 95 on construction standards</li> <li>• Differences between prescriptive and programmatic standards.</li> <li>• Maintenance is covered in GO 165 for electric distribution systems.</li> <li>• Individual differences among various utilities and need for flexibility in operating their facilities</li> </ul>	2

Party	Rule	Issue	PRC Description	Possible Issues Raised/Areas of Concern and Potential Evidence to Be Presented at Workshops	CL
				<ul style="list-style-type: none"> <li>Comprehensive policies, procedures, guidelines already in place in utilities</li> </ul>	
CPSD PRC-2	12	General	Adds “and publicly-owned utility electric supply facilities” to the GO 95 <i>Applicability of Rules</i> section.	To be determined.	1
SDG&E PRC-2	12.7	Insurance	Requires contractors working on or near electric facilities and third parties attaching to electric poles to carry liability insurance up to \$500 million dollars	To be determined.	1
CIPs PRC II-A	18 A	CIP inspection and corrective action	Modifies Go 95, Rule 18A requirements <ul style="list-style-type: none"> <li>“Violation” changed to “Nonconformance”</li> <li>Modifies record keeping requirement</li> <li>Other minor changes</li> </ul>	To be determined.	2
SDG&E PRC-4	18 A	Safety hazards	Adds wire-to-wire clearances to the items that must be corrected within 30 days	To be determined.	1
CIPs/Cox PRC II-B	18 B	Safety hazards notification	Clarifies and streamlines rule <ul style="list-style-type: none"> <li>Eliminates unnecessary paper work</li> <li>Allow flexibility in documentation</li> <li>Retains <b>10-day</b> notice period</li> </ul>	<b>NOTE:</b> This proposed rule is substantially the same as IOU JEF-01 <b>and is recommended for early treatment.</b>	1
CMUA PRC 1	18 B	Safety hazards notification	Notification of safety hazards <ul style="list-style-type: none"> <li>Notify occupant with copy to pole owner, or pole owner directly</li> <li>If pole owner notified, must inform occupant creating hazard</li> </ul>	<ul style="list-style-type: none"> <li>ID of occupant or owner</li> <li>Maintaining the occupant/owner information current</li> <li>Process for accepting and sending notices of hazards</li> </ul>	2
CMUA PRC 2	18 B	Safety hazards notification	Notification of safety hazards during emergencies <ul style="list-style-type: none"> <li>Notice of safety hazard need not be written</li> <li>Documentation of notices of safety hazards may be summary in nature</li> </ul>	To be determined.	1
IOU JEF-1	18 B	Safety hazards notification	Clarifies and streamlines the requirements for notification of safety hazards <ul style="list-style-type: none"> <li>Eliminates unnecessary paperwork</li> <li>Allows flexibility in documentation</li> </ul>	<b>NOTE:</b> This proposed rule is substantially the same as CIP PRC II-B <b>and is recommended for early treatment.</b>	1
Mussey	18 C	Mapping Wind loading	Require contingency plans for identifying hazard conditions that exceed Rule 43 wind loadings during high fire periods (Hazard = 10% or greater probability of occurrence in 50 years.)	<ul style="list-style-type: none"> <li>Need for additional layers of wind loading criteria or planning</li> <li>Complexities in developing such criteria</li> </ul>	3
LA County	20 A	Undergrounding	Adds the reduction of potential fire danger to the list of general public interest criteria required for Tariff Rule 20A, and allows city/county to supplement Rule 20A	<ul style="list-style-type: none"> <li>How fire mitigation in one area represents general public interest</li> <li>Possible geographic reach and applicable</li> </ul>	2

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			funding without jeopardy to regular R20A programs.	<ul style="list-style-type: none"> <li>extent of proposal</li> <li>Possible less expensive alternatives</li> <li>Role of communications facilities</li> <li>Creates new duty that exposes utility and ratepayers to potentially large civil legal damages associated with fires</li> <li>Environmental issues</li> <li>Coordination with and Integration into existing programs</li> </ul>	
SDG&E PRC-1	20 D	Undergrounding	Adds new section to Tariff Rule 20 that requires undergrounding to mitigate fire risk and damage in high fire areas, with agreement and cooperation from city/county and GRC funding.	<ul style="list-style-type: none"> <li>Possibly doubles the amount of ratepayer-funded undergrounding required of utilities</li> <li>How fire mitigation in one area represents general public interest</li> <li>Possible geographic reach and applicable extent of proposal</li> <li>Possible less expensive alternatives</li> <li>Role of communications facilities</li> <li>Creates new duty that exposes utility and ratepayers to potentially large civil legal damages associated with fires</li> <li>Environmental issues</li> <li>Coordination with and Integration into existing programs</li> </ul>	2
IOU JEF-2	31.1	General Applicability	Clarifies Rule 31.1 compliance obligations of utilities <ul style="list-style-type: none"> <li>Rule 31.1 cannot in and of itself be the basis for a penalty or other sanction</li> </ul>	See Joint Submittal for rationale and justifications.	3
CIPs PRC I	31.2	CIP inspections	Addresses Phase 1 Ordering Paragraph requirements regarding CIP inspections into GO 95. <ul style="list-style-type: none"> <li>Statewide patrols in "specified" fire areas every <b>five</b> years</li> <li>Statewide detail inspections once each 10 years</li> <li>Corrective action to follow Rule 18 requirements</li> </ul>	To be determined.	1
CPSD PRC-3	31.2 A	CIP inspections	Adds a new section A to GO 95, Rule 31.2 ( <i>Inspection of Lines</i> ) that discusses the inspection of communications lines <ul style="list-style-type: none"> <li>Patrols on OH CIP lines installed on joint use poles in high fire hazard areas <b>once a year</b></li> </ul>	<ul style="list-style-type: none"> <li>Other possible locations for this rule, including Section VIII (Detail Construction Requirements for Communication Lines)</li> </ul>	1

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			<ul style="list-style-type: none"> <li>Detail inspections on all OH CIP lines on joint use poles once every <b>10 years</b></li> </ul>		
PG&E PG&E-1	31.2	Pole intrusive testing	Adds line that requires all pole owners to perform intrusive pole inspections (since some wood poles are not owned by companies covered by GO 165).	See PG&E's Submittal for rationale and justifications.	1
CPSD PRC-4	35 37	VM clearances	Extends the interim radial vegetation clearances set forth in Table 1, Case 14 to <u>all</u> Extreme/Very High Fire Threat Zones in California, and requires Case 14 trimming <u>prior to</u> the fire season for a respective county.	<ul style="list-style-type: none"> <li>Differences between Southern and Northern/Central California (topography, climate, fire hazards, wind patterns, etc.)</li> <li>Applicability of Extreme or Very High Fire Threat Zones and FRAP map in general to Northern/Central California.</li> <li>Relative costs associated with more extensive trimming.</li> <li>Appropriate management of trimming cycles vis-à-vis "fire season"</li> <li>Criteria for determining "fire season"</li> <li>Difficulty in using FRAP maps in Central and Northern California</li> <li>Location of utility lines relative to FRAP map fire threat zones</li> <li>Other utility issues associated with expanded use of FRAP maps</li> <li>Civil liability issues associated with the use of the maps for trimming purposes.</li> </ul>	3
IOU JEF-3	35 P1 & Ex 1	VM application and good faith exception	<p>Clarification of paragraph 1 of rule and good faith exception</p> <ul style="list-style-type: none"> <li>VM applies to all property, including state lands</li> <li>Articulates right to turn off power to refusal customers who create safety hazards</li> <li>Clarifies "good faith" exception</li> </ul>	See Joint Submittal for rationale and justifications.	2
IOU JEF-4	35 P2	VM hazard trees	<p>Clarification of paragraph 2 of the rule</p> <ul style="list-style-type: none"> <li>"dead, rotten or diseased trees" do not include healthy "leaning" trees</li> <li>Communication companies are responsible for correction hazard tree conditions threatening their lines</li> </ul>	See Joint Submittal for rationale and justifications.	1
IOU	35 P3	VM "strain"	Clarification of paragraph 2 of the rule	See Joint Submittal for rationale and justifications.	1

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JEF-5			<ul style="list-style-type: none"> <li>Clarifies what constitutes “strain” on communication cables</li> <li>Communication companies are responsible for correcting a “strain” on their facilities.</li> </ul>		
IOU JEF-6	35 E	VM guidelines re minimum clearances	<p>Clarifies VM guidelines</p> <ul style="list-style-type: none"> <li>Increases some listed minimum clearances</li> <li>Adds language explaining factors considered when requiring clearances</li> </ul>	See Joint Submittal for rationale and justifications.	
Mussey	35 E	VM guidelines re minimum clearances	Vegetation management reasonableness standard = trim of 2 years growth	<ul style="list-style-type: none"> <li>Utility vegetation management practices</li> <li>Complexities of determining appropriate trim</li> </ul>	2
CFBF	37 Interim Table 1	VM clearances	Retain interim footnote (jjj) to Rule 37, Table 1, which exempts orchards from increased clearances in high fire dangers areas per Case 14	<ul style="list-style-type: none"> <li>Potential fire risks can be found in and around orchards, including other trees, bushes and vegetation found in streams, along roads and in ditches.</li> <li>Orchards may be allowed to go fallow – which pose a fire risk.</li> <li>Orchards have highly flammable dry leaves and branches in the fall.</li> <li>Some orchards are located in close proximity to high fuel wild land areas.</li> </ul>	1
IOU JEF-7	38 Tab 2	Clearances of wire from other wire	Clarifies Cases 8, 10-13 with new “Footnote aaa” that clarifies the required clearances between communications and electric supply conductors	See Joint Submittal for rationale and justifications.	2
ED	43.3	Pole loading	Adds new rule to specify loading in “fire prone areas”.	<ul style="list-style-type: none"> <li>How to define “fire prone areas”</li> </ul>	2
IOU JEF-8	44.1 – 44.3	Pole overloading	<p>Streamlines the pole loading requirements</p> <ul style="list-style-type: none"> <li>Returns Rule 44.1-.3 to its former organization format by moving “additional construction” back into 44.1 from 44.2.</li> <li>Clarifies that communications companies are also responsible for conducting pole loading analysis.</li> </ul>	See Joint Submittal for rationale and justifications.	2
CIPs/Cox PRC III	44.2	Pole loading safety factors	<p>Modifies GO 95, 44.2 (Add Construction)</p> <ul style="list-style-type: none"> <li>Provides more specific information about pole loading calculation</li> <li>Provides detailed process for sharing data</li> <li>Inserts a dispute resolution process for cases where the pole owner rejects a proposed</li> </ul>	<ul style="list-style-type: none"> <li>Need for insertion of detailed safety factor information (section (a) and (b))</li> <li>Need for detail in rule concerning “commercially available software” or producing proprietary formulas, etc.</li> <li>Need for detailed process involving 15-day</li> </ul>	3

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			attachment.	<ul style="list-style-type: none"> <li>period</li> <li>Specifics on when the 15-day period starts, and possible exceptions</li> <li>Reason for putting burden on rejecting pole owner to provide pole calculations, instead of the applying occupant</li> <li>Need to include dispute resolution process</li> <li>How to determine whether a pole qualifies for the 5%/10% exception.</li> <li>Existence of other agreements that conflict with the requirements (NCJPA, SCJPA, licenses)</li> <li>Practical aspects of documenting and tracking requests, including systems issues</li> </ul>	
CPSD PRC-5	44.2	Pole loading Safety factors	<p>Incorporates Phase 1 Ordering Paragraph provision into the rules.</p> <ul style="list-style-type: none"> <li>15-day requirement for exchanging pole loading data</li> <li>Exception for 5% current load/10% 12-month period.</li> </ul>	<ul style="list-style-type: none"> <li>Specifics on when the 15-day period starts, and possible exceptions</li> <li>How to determine whether a pole qualifies for the 5%/10% exception.</li> <li>Existence of other agreements that conflict with the requirements (NCJPA, SCJPA, licenses)</li> <li>Practical aspects of documenting and tracking requests, including systems issues</li> </ul>	2
ED	48	Pole loading	Deletes Paragraph 1 and 2 of Rule 48 to correct a misunderstanding of the safety factor concept that results in an unrealistic design and construction requirement.	To be determined.	1
IOU JEF-9	48	Pole strength	Eliminates "will not fail" language in Rule 48, Paragraph 1 of the existing rule.	See Joint Submittal for rationale and justifications.	1
SDG&E PRC-3	91.5	Marking of CIP facilities	Requires communication cable and conductors to be marked as to ownership to facilitate identification	<ul style="list-style-type: none"> <li>Ways to keep marking current</li> <li>Time required to get all facilities marked</li> <li>Need for marking of utility owned communication cables in utility space</li> </ul>	2
CPSD PRC-6 A	165	Jurisdiction Efficiency	Expands GO 165 inspection requirements from distribution to include <b>transmission</b> facilities	<ul style="list-style-type: none"> <li>Pre-emption issues (potential for irreconcilable conflict with federal law, actual conflict with CAISO California statutory mandates). See Section II (A) of Reply Comments for</li> </ul>	3

Party	Rule	Issue	PRC Description	Possible Issues Raised/Areas of Concern and Potential Evidence to Be Presented at Workshops	CL
				<p>discussion.</p> <ul style="list-style-type: none"> <li>Existing duplicative oversight and inspection requirements. See Section II (B) of Reply Comments for list of evidence expected to be introduced.</li> <li>Fire risks associated with transmission facilities</li> <li>Appropriateness of imposing the distribution patrol and inspection cycles on transmission systems</li> </ul>	
CPSD PRC-6 B	165	Jurisdiction	Expands GO 165 inspection requirements from specific IOUs to <b>all</b> owners of electric facilities, including municipal/publicly owned and non-electric utilities	<ul style="list-style-type: none"> <li>Item 8 of the Scoping Memorandum states that there will be no re-litigation of OIR D.09-08-029 affirming the Commission's jurisdiction over public-owned electric utilities.</li> <li>The LADWP writ on the issue was stricken on 12/24/09 as premature.</li> </ul>	1
CPSD PRC-6 C	165	Inspections record keeping	Specifies the inspection <b>information</b> that must be documented and retained	<ul style="list-style-type: none"> <li>Appropriate systems to capture the required information</li> </ul>	1
CPSD PRC-6 D	165	Inspections reporting requirement	Streamlines the GO 165 <b>reporting</b> requirement	NOTE: This proposed rule is in close agreement with IOU JEF-10 and is recommended for early treatment	1
IOU JEF-10	165	Inspections reporting requirement	Streamlines the GO 165 <b>reporting</b> requirement	<b>NOTE:</b> This proposed rule is in close agreement with CPSD PRC-6 D and is recommended for early treatment	1
IOU JEF-11	165 [New] VII	General	Provides mechanism for making changes to GO 165 without need for full blown rulemaking. (Similar to Rule 15.1 of GO 95.)	See Joint Submittal for rationale and justifications.	1