



COM/KJB/smt 9/23/2021

FILED
09/23/21
01:37 PM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Establish Policies, Processes, and Rules to Ensure Safe and Reliable Gas Systems in California and perform Long-Term Gas System Planning.

Rulemaking 20-01-007

ADMINISTRATIVE LAW JUDGE'S RULING GRANTING MOTIONS FOR THE FILING OF BRIEFS AND DENYING MOTIONS FOR TESTIMONY AND EVIDENTIARY HEARINGS

1. Background

On June 25, 2021, I issued a ruling directing parties to comment on the staff proposal for Commission responses to a utility's sustained failure to meet design standards. On July 30, 2021, comments on the staff proposal were received from Southern California Gas Company (SoCal Gas), Pacific Gas & Electric Company (PG&E), The Utility Reform Network, Indicated Shippers, Environmental Defense fund, Southern California Generation Coalition (SCGC) and Protect our Communities Foundation (PCF), and Small Business Utility Advocates. On August 16, 2021, reply comments were received from SoCalGas, and SCGC and PCF.

2. Discussion

Although the comments and reply comments addressed many aspects of the staff proposal, most focused on the proposed 9-month out-of-service period, application of the 1-in-10-cold-and-dry-year standard established in Decision 06-09-039 to backbone transmission, and the size and type of penalty to

be imposed by the Commission in the event of a utility's prolonged failure to meet design standards. Other topics addressed in the comments and reply comments were the use of a citation program as a primary enforcement mechanism and definition of a *force majeure* incident.

Track 1A of this proceeding, as outlined in the assigned Commissioner's Scoping Memo, lists numerous topics on which parties have previously commented, including the following:

- a. Are the existing natural gas reliability standards still adequate? If not, how should they be changed?
- b. Should the Commission establish uniform reliability standards for PG&E and SoCalGas, rather than allow the utilities to continue to use different standards?

After reviewing the comments and reply comments on the Staff Proposal, as well as comments on the scope of the proceeding previously filed in response to rulings from Administrative Law Judge Tran, I have concluded that because there appears to be no significant factual disagreements among the parties, filed testimony and evidentiary hearings are not necessary. On the other hand, I believe that briefs addressed to the topics listed in the second and third paragraphs of this ruling would be helpful in framing a decision in this matter, although parties are free to address all topics in Track 1.

On April 2, 2021, motions to file testimony and briefs and hold evidentiary hearings were filed by Indicated Shippers, Southern California Edison Company (SoCal Edison), SoCalGas, San Diego Gas & Electric Company (SDG&E), SCGC and PG&E. In keeping with the substance of this ruling, such motions will be granted as to filing briefs and denied in all other respects.

A scoping memo setting out the schedule for Track 2 of this proceeding will be issued shortly.

IT IS RULED THAT:

1. The motions of Indicated Shippers, Southern California Edison Company, Southern California Gas Company, San Diego Gas & Electric Company, Southern California Generation Coalition and Protect our Communities Foundation, and Pacific Gas & Electric Company to file briefs are granted.
2. The motions of Indicated Shippers, Southern California Edison Company, Southern California Gas Company, San Diego Gas & Electric Company, Southern California Generation Coalition and Protect our Communities Foundation, and Pacific Gas & Electric Company to file testimony and hold evidentiary hearings are denied.
3. Briefs may address some or all issues raised in Track 1 and should concentrate on the topics listed in the second and third paragraphs of this ruling.
4. Opening briefs are due on October 15, 2021 and are limited to 20 pages.
5. Reply briefs are due on October 29, 2021 and are limited to 10 pages.

Dated September 23, 2021 at San Francisco, CA.

/s/ KARL J BEMESDERFER

Karl J. Bemederfer
Administrative Law Judge