

Decision 89-10-005 October 12, 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Mr. and Mrs. Lloyd Tokerud,)
)
 Complainants,)
)
 vs.)
)
 Pacific Gas & Electric Company,)
)
 Defendant.)

ORIGINAL

Case 88-01-019
(Filed January 21, 1988)

Lloyd Tokerud, for himself and Mrs. Lloyd
 Tokerud, complainants.
J. Peter Baumgartner, for Pacific Gas and
 Electric Company, defendant.
Jim Goe, for the Commission Advisory and
 Compliance Division.

O P I N I O N

Complainants request an order from the Commission which would require Pacific Gas and Electric Company (PG&E) to lower the depth of two high pressure gas lines to a minimum depth of three feet below grade as required by General Order (GO) 112-D. In its answer PG&E admits that the gas lines referred to in the complaint for the most part are installed at a depth of approximately two feet below grade. PG&E avers that the two lines were installed by them in 1927 and 1947. It also avers that the two lines have not been replaced or relocated since the dates of installation and therefore exempt from the provisions of GO 112-D.

Public hearing was held at Sacramento on March 30, 1989 before Administrative Law Judge O'Leary. The matter was submitted with the filing of the transcript on May 3, 1989.

Complainants have a contractual interest in two continuous parcels of property in Sacramento in the vicinity of the intersection of Elkhorn Boulevard and Roseville Road. Segments of

two gas transmission lines, one 6 inches in diameter and one 12 inches in diameter run through the property. The 6-inch line was installed in 1927 and the 12-inch line was installed in 1947. The transmission lines extend beyond the boundaries of the property in which complainants have a contractual interest. The evidence discloses that certain segments of the lines which are located beyond the property in which complainants have an interest have been relocated since the adoption of GO 112-D. No evidence was presented to show that the segments of the two pipelines which cross the property in which complainants have an interest have been replaced or relocated since the date of installation. Complainants take the position that if a segment of the pipeline is relocated or replaced, it is then necessary that the entire line must comply with the provisions of GO 112-D.

PG&E does not dispute the evidence submitted by complainants. It does disagree with the interpretation of the provisions of GO 112-D advanced by the complainants.

The Commission Advisory and Compliance Division (CACD) presented evidence through testimony of an Associate Utility's Engineer (Exhibit 10) and a report concerning the complaint (Exhibit 9). The conclusions of the CACD witness are set forth in Exhibit 9 as follows:

- "1. At the time the Commission staff made its field investigation, there was no immediate hazard involving the two gas pipelines.
- "2. Depth of cover on the existing pipeline does not meet the minimum requirement of G.O. 112-D. This is not a violation because such requirement is not retroactive for pipelines installed prior to March 12, 1971.
- "3. The existing easements do not require PG&E to maintain specific pipeline clearances.
- "4. If the property is developed, pipeline clearances and operating pressures would

have to be in accordance with G.O 112-D requirements."

Discussion

Since there is no dispute concerning the evidence, the only issue that need be resolved is whether or not the pipelines that traverse the property that complainants have an interest in are subject to the provisions of GO 112-D.

Section 192.13(b) of GO 112-D provides that:

"(b) No person may operate a segment of pipeline that is replaced, relocated, or otherwise changed after November 12, 1970, or in the case of an offshore gathering line, after July 31, 1977, unless that replacement, relocation, or change has been made in accordance with this part."

Complainants apparently construe this section to mean that if any segment of a pipeline is either replaced or relocated after November 12, 1970, then the entire pipeline must meet the standards of GO 112-D. This is not correct. The language of the general order is very clear that it is only the portion of the pipeline that is replaced or relocated that must comply with the provisions of GO 112-D.

Findings of Fact

1. Complainants have a contractual interest in two contiguous parcels in Sacramento in the vicinity of the intersection of Elkhorn Boulevard and Roseville Road.
2. Segments of two gas transmission lines, one 6 inches in diameter and one 12 inches in diameter, run through the property.
3. The 6-inch line was installed in 1927 and the 12-inch line was installed in 1947.
4. Neither of the pipeline segments described in Finding 3 have been replaced or relocated since they were installed.
5. GO 112-D applies to pipelines installed subsequent to November 12, 1970 and segments of pipelines replaced or relocated after November 12, 1970.

Conclusions of Law

1. The pipelines which are the subject of this complaint and particularly set forth in Finding 3 are not subject to the provisions of GO 112-D.
2. The relief sought by complainants should be denied.

ORDER

IT IS ORDERED that the relief requested in the complaint is denied.

This order becomes effective 30 days from today.

Dated OCT 12 1989, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.

- 4 -

Wesley Franklin
WESLEY FRANKLIN, Acting Executive Director.

AB

Decision 89 10 005 OCT. 12 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Mr. and Mrs. Lloyd Tokerud,)
)
 Complainants,)
)
 vs.)
)
 Pacific Gas & Electric Company,)
)
 Defendant.)

ORIGINAL

Case 88-01-019
(Filed January 21, 1988)

Lloyd Tokerud, for himself and Mrs. Lloyd
 Tokerud, complainants.
J. Peter Bangartner, for Pacific Gas and
 Electric Company, defendant.
Yim Gee, for the Commission Advisory and
 Compliance Division.

O P I N I O N

Complainants request an order from the Commission which would require Pacific Gas and Electric Company (PG&E) to lower the depth of two high pressure gas lines to a minimum depth of three feet below grade as required by General Order (GO) 112-D. In its answer PG&E admits that the gas lines referred to in the complaint for the most part are installed at a depth of approximately two feet below grade. PG&E avers that the two lines were installed by them in 1927 and 1947. It also avers that the two lines have not been replaced or relocated since the dates of installation and therefore exempt from the provisions of GO 112-D.

Public hearing was held at Sacramento on March 30, 1989 before Administrative Law Judge O'Leary. The matter was submitted with the filing of the transcript on May 3, 1989.

Complainants have a contractual interest in two continuous parcels of property in Sacramento in the vicinity of the intersection of Elkhorn Boulevard and Roseville Road. Segments of