

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

Application of Pacific Gas and Electric
Company Proposing Cost of Service and Rates
for Gas Transmission and Storage Services for
the Period 2011-2014 (U39G)

Application 09-09-013
(Filed September 18, 2009)

**COMMENTS OF PACIFIC GAS AND ELECTRIC COMPANY (U39G)
IN RESPONSE TO SEPTEMBER 15, 2010 ASSIGNED COMMISSIONER
AND ADMINISTRATIVE LAW JUDGE'S RULING TO ADDRESS
WHETHER PROPOSED SETTLEMENT IS ADEQUATE IN TERMS OF
PIPELINE SAFETY, INTEGRITY, AND RELIABILITY EFFORTS**

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Dated: September 20, 2010

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On September 15, 2010, the Assigned Commissioner and Administrative Law Judge (“ALJ”) issued a ruling confirming the August 30, 2010 e-mail ruling of the ALJ revising procedural dates in this proceeding (the “Ruling”). The September 15, 2010 Ruling also requests that the parties file comments, by September 20, 2010, addressing whether the proposed settlement in this proceeding is adequate in light of the pipeline safety, integrity, and reliability concerns raised by the San Bruno natural gas incident.

Specifically, the Ruling requests that the parties address three issues. The first is whether the proposed settlement provides sufficient funds to undertake a thorough safety inspection of PG&E’s gas transmission system during the 2011-2014 period. The second is whether O&M work activities and capital expenditures for transmission line projects have been adequately prioritized in terms of work activities and projects involving transmission lines in high consequence areas and with high risk assessments. And the third is whether a mechanism is in place to ensure that these safety-related pipeline O&M work activities and capital expenditures that are contemplated in 2011-2014 are actually performed.

I. WHETHER THE SETTLEMENT PROVIDES SUFFICIENT FUNDS TO UNDERTAKE A THOROUGH SAFETY INSPECTION OF PG&E’S GAS TRANSMISSION SYSTEM DURING THE 2011-2014 PERIOD

The settlement in this proceeding was filed before the San Bruno pipeline incident occurred. As a result, the settlement provides sufficient funds for PG&E to conduct the integrity management and pipeline safety and reliability work PG&E had forecast would be necessary during the rate case period, namely 2011 through 2014. In particular, with respect to the Integrity Management Program, the settlement gives PG&E 92% of its filed request for O&M in Major Work Category (“MWC”)-II (\$24 million requested for 2011, with an attrition mechanism escalation in 2012-2014; settlement sets the 2011 amount at \$22 million, with a similar attrition mechanism for 2012-2014). It also gives PG&E 100% of the capital investment requested in MWC-98 (\$71 million over the four-year period 2011-2014). With respect to Pipeline Safety and Reliability, the settlement gives PG&E 98% of the funding requested in PG&E’s Application for MWC-75 (\$129.2 million requested for 2011-2014; settlement sets amount at \$127.2 for the period). PG&E agreed to settle this case at these funding levels because it believes that the settlement provides sufficient funding to do the necessary Integrity Management Program and Pipeline Safety and Reliability work that PG&E had forecast for the period 2011-2014.

Of course the settlement determination was made *before* the San Bruno incident occurred. As reflected in the Ruling, the Commission now expects that PG&E should undertake “a thorough safety inspection of PG&E’s gas transmission system during the 2011-2014 period.” While the details of what the Commission has in mind with regard to that thorough safety inspection have not yet been made clear by the Commission, the funding level reflected in the settlement does *not* include sufficient funds to do the thorough safety inspection of PG&E’s entire gas transmission system referred to in the Ruling. Nor does the funding level in the settlement include sufficient funds for any specific additional work the Commission may direct

PG&E to perform.

Under these circumstances, PG&E believes that the settlement should proceed on its current schedule and urges the Commission to issue its decision on the settlement and the remaining open issues in this proceeding by December 31, 2010. The capital and O&M expenditures contemplated by the settlement are necessary for PG&E to operate its gas transmission and storage business beginning January 1, 2011, and PG&E believes that the Settling Parties desire closure on the issues settled through this process. PG&E believes that any additional requirements the Commission determines should be imposed on PG&E arising out of the San Bruno incident, including but not limited to the requirement to do a thorough safety inspection of PG&E's gas transportation system, should be the subject of a separate proceeding, which would establish the work to be done and the appropriate cost recovery for any such additional work the Commission directs. And nothing in the settlement now pending before the Commission should be interpreted as barring cost recovery for any such work directed by a future Commission ruling. In the near future, PG&E anticipates filing an Advice Letter seeking permission to begin tracking any such costs in a memorandum account.

II. WHETHER O&M WORK ACTIVITIES AND CAPITAL EXPENDITURES FOR TRANSMISSION LINE PROJECTS HAVE BEEN ADEQUATELY PRIORITIZED IN TERMS OF WORK ACTIVITIES AND PROJECTS INVOLVING TRANSMISSION LINES IN HIGH CONSEQUENCE AREAS AND WITH HIGH RISK ASSESSMENTS

PG&E filed its application in this proceeding on September 18, 2009. In order to have its filing ready by that date, PG&E had to determine which projects it was likely to undertake and what operation and maintenance expenses it was likely to incur during the period 2011-2014, beginning in late 2008 and continuing through the first part of 2009. While PG&E used its best judgment in developing its forecasts of capital projects and O&M expenditures in preparing its application, two years have now passed since that process began. And, of course, four additional

years will pass before the end of the rate case period covered by the settlement.

As this Commission knows, conditions on gas systems change constantly. Priorities change. Incidents, like the San Bruno incident, occur without warning. For this reason, any priority list of projects and O&M expenditures cannot be static. PG&E must be given the flexibility to reassess which projects should have the highest priority and which work should be done most quickly. That flexibility is critical to maximize the safety and reliability of the system.

The O&M work activities and capital expenditures for transmission line projects involving transmission lines in high consequence areas and with high risk assessments were assigned appropriate priority in PG&E's application and in the proposed settlement. Still, because circumstances change and with them priorities change, the Commission should not rule that the settlement imposes on PG&E an obligation to perform each forecasted project or maintenance activity. As suggested above, in the event the Commission orders additional work, not included in the settlement, by PG&E on transmission line projects in high consequence areas as a result of the San Bruno incident, the funding for that additional work should be the subject of a separate application and should not delay approval of this settlement.

III. WHETHER A MECHANISM IS IN PLACE TO ENSURE THAT THESE SAFETY-RELATED PIPELINE O&M WORK ACTIVITIES AND CAPITAL EXPENDITURES THAT ARE CONTEMPLATED IN 2011-2014 ARE ACTUALLY PERFORMED

As suggested above, there is no mechanism in place to ensure that any specific list of O&M work activities or specific capital expenditures occur during the rate case period. The absence of such a mechanism is appropriate and necessary because PG&E must have the flexibility to change the priority assigned to various projects and work activities.

That said, PG&E commits to spending the full amount of capital contemplated in the

settlement for Integrity Management and Pipeline Safety and Reliability during the rate case period. In addition, the settlement already provides for a one-way balancing account with respect to the O&M spending in these major work categories. By virtue of the one-way balancing account, were PG&E not to spend the O&M amounts reflected in the settlement in these MWCs, PG&E would be required to return any unspent amounts to customers, with interest. If the Commission's concern in raising this question in its September 15, 2010 Ruling is to ensure that funds intended for Integrity Management and Pipeline Safety and Reliability are actually spent in those areas, PG&E commits that they will be. As the parties to the settlement are aware, during the period of the last rate case settlement, PG&E actually spent more in the Integrity Management and Pipeline Safety and Reliability areas than had been anticipated for those areas in the settlement.

IV. CONCLUSION

For the reasons explained above, PG&E commits to spending all of the dollars allocated to the MWCs for Integrity Management and Pipeline Safety and Reliability in those areas during the period 2011-2014. PG&E urges the Commission not to impose a specific list of projects or dictate specific O&M work activities for that four-year period. PG&E must be given the flexibility to change priorities and work activities in order to address the dynamic conditions on its system. Finally, PG&E urges the Commission to address the funding for any additional

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requirements that the Commission may direct as a result of the San Bruno incident, including the thorough, system-wide safety inspection, in a separate proceeding. PG&E requests that the settlement in this application proceeding to be approved by December 31, 2010.

Respectfully submitted,

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By: /s/ Kerry C. Klein
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CERTIFICATE OF SERVICE BY ELECTRONIC MAIL OR U.S. 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 within cause; and that my business address is Pacific Gas and Electric Company, Law Department B30A, 77 Beale Street, San Francisco, CA 94105.

I am readily familiar with the business practice of Pacific Gas and Electric Company for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence is deposited with the United States Postal Service the same day it is submitted for mailing.

On the 20th day of September 2010, I caused to be served a true copy of:

**COMMENTS OF PACIFIC GAS AND ELECTRIC COMPANY (U39G)
IN RESPONSE TO SEPTEMBER 15, 2010 ASSIGNED COMMISSIONER
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[XX] By Electronic Mail – serving the enclosed via e-mail transmission to each of the parties listed on the official service list for A.09-09-013 with an e-mail address.

[XX] By U.S. Mail – by placing the enclosed for collection and mailing, in the course of ordinary business practice, with other correspondence of Pacific Gas and Electric Company, enclosed in a sealed envelope, with postage fully prepaid, addressed to those parties listed on the official service list for A.09-09-013 without an e-mail address.

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 this 20th day of September, 2010 at San Francisco, California.

/s/ Amy S. Yu

AMY S. YU

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