

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

Order Instituting Investigation on the
Commission's Own Motion into the Operations
and Practices of Pacific Gas and Electric
Company, Regarding the Gas Explosion and Fire
on December 24, 2008 in Rancho Cordova,
California.

I.10-11-013
(Filed November 19, 2010)

**PACIFIC GAS AND ELECTRIC COMPANY'S (U 39 M) UNOPPOSED MOTION FOR
ORDER EXTENDING DEADLINES; PROPOSED ORDER**

MICHELLE WILSON
ERICH LICHTBLAU
Law Department
Pacific Gas and Electric Company
77 Beale Street
San Francisco, CA 94105
Telephone: (415) 973-1133
Facsimile: (415) 973-0516
Email: EFL5@pge.com

JOSEPH M. MALKIN
Orrick, Herrington, & Sutcliffe
405 Howard Street
The Orrick Building
San Francisco, CA 94105
Telephone: (415) 773-5705
Facsimile: (415) 773-5759
Email: jmalkin@orrick.com

Attorneys for
PACIFIC GAS AND ELECTRIC COMPANY

December 10, 2010

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

Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Pacific Gas and Electric Company, Regarding the Gas Explosion and Fire on December 24, 2008 in Rancho Cordova, California.

Investigation I.10-11-013
(Filed November 19, 2010)

**PACIFIC GAS AND ELECTRIC COMPANY'S (U 39 M) UNOPPOSED MOTION FOR
ORDER EXTENDING DEADLINES; PROPOSED ORDER**

Pursuant to Rule 11.6 of the Commission's Rules of Practice and Procedure and Ordering Paragraph 7 of the above-captioned Order Instituting Investigation ("OII"), Pacific Gas and Electric Company ("PG&E") hereby moves for an order extending certain deadlines for PG&E to respond to the Commission's requests for information. Specifically, PG&E seeks an order setting the OII deadlines as follows:

Item A	December 17, 2010
Items B-E, L	Rolling production, beginning on December 17, 2010, with the information most recent and most pertinent to Rancho Cordova, and continuing until completion on or before February 17, 2011. (Names and titles of people preparing data responses will be provided contemporaneously as part of each data response.)
Item F	February 17, 2011
Items G-L, M.2	March 17, 2010 (Names and titles of people preparing each portion of the report and witnesses to the information provided therein will be specified for each portion of the report.)
Item M.1	As part of the stipulation with CPSD, PG&E has agreed to reimburse the Commission for CPSD's costs.

The Consumer Protection and Safety Division (“CPSD”) and PG&E agree there is good cause to modify the deadline set in the OII, as reflected in the Stipulation attached as Appendix A. Accordingly, for the reasons discussed below, PG&E requests that the Commission modify the OII deadlines as stipulated by the parties.

I. BACKGROUND

After a lengthy investigation of the December 28, 2008 gas explosion and fire in Rancho Cordova, the National Transportation Safety Board (“NTSB”) issued its Pipeline Accident Brief (“NTSB Report”) setting forth its findings on May 18, 2010. Six months later, on November 10, 2010, the CPSD completed its Incident Investigation Report (“CPSD Report”), a twenty-nine page report alleging that PG&E committed six distinct violations of federal and state regulations. The CPSD Report contains over three hundred pages of appendices, including witness testimony transcripts, laboratory tests, and police and fire department reports. The Commission issued its OII on November 19, 2010, the Friday before Thanksgiving week.

The OII contains a detailed list of questions and information requests and directs PG&E to file a written report “fully respond[ing]” to these requests by December 17, 2010, nineteen business days after the Commission issued the OII. As part of its report, PG&E is expected to provide information covering a nearly 11-year time frame (January 1, 2000 to present). Included among the Commission’s requests, the OII directs PG&E to:

(1) Consider the “specific information in both the NTSB and CPSD reports” and to identify all “facts and circumstances to the contrary in support of [PG&E’s] positions and conclusions.” (OII at 11). The Commission explains that it “will expect that if PG&E disagrees with NTSB’s and CPSD’s alleged violations, it will present evidence and law ample to deny each violation asserted by NTSB and CPSD.” (*Id.*). The OII furthermore mandates that PG&E provide a report by December 17, 2010 that identifies “all reasons of law and fact currently known to PG&E to establish that the company has committed none of the violations alleged in CPSD’s report.” (*Id.*) (emphasis added). Lastly, the OII orders PG&E to “describe why all of PG&E’s actions and practices related to the

matters alleged in CPSD's report and by NTSB's Pipeline Accident Brief . . . were lawful, reasonable and prudent." (OII at 13).

(2) "Provide a summary of PG&E's contentions and a list of evidence in support of each such contention as to whether its actions violated any of the authorities listed . . . above, with respect to any PG&E actions taken between January 1, 2000 and December 23, 2008 (including that day), pertaining to gas facilities at or underneath" any of the relevant homes on Paiute Way, Rancho Cordova. (OII at 13).

(3) "Provide a summary of actions PG&E took between January 1, 2000, and December 23, 2008 to comply with each and all provisions and subsections of 49 CFR § 192.615." (OII at 12). The OII orders that PG&E "identify and describe, individually for each lettered and numbered requirement": (a) the PG&E action taken or procedure developed; (b) the date of such action or procedure; and (c) each communication, both verbal and written, by which PG&E communicated each procedure to PG&E employees. (*Id.*).

(4) Provide copies of all manuals and written communications in use by PG&E between January 1, 2000 and December 23, 2008 which inform PG&E's gas personnel about evacuation procedures and conditions, and expected response times for gas leak service calls. (OII at 12).

With the intervening Thanksgiving holiday, the upcoming holidays, and the other demands on PG&E's personnel, PG&E is not able to fully respond to these requests by the present deadline of December 17, 2010. The OII anticipated that PG&E may need additional time to respond to the questions set forth in the OII. As such, Ordering Paragraph 7 provides:

A prehearing conference shall be convened before an Administrative Law Judge (ALJ) for the purpose of establishing a schedule in this matter, including the date, time, and location of an evidentiary hearing, and for good cause shown the ALJ and/or Assigned Commission may extend the deadline of December 17, 2010 for any particular responses required. (OII at 15) (Emphasis added).

II. GOOD CAUSE EXISTS FOR THE REQUESTED ORDER EXTENDING DEADLINES

Good cause exists for granting PG&E's motion for an order extending certain deadlines for its response to the OII. *First*, the ordered information and report are broad and involve materials spanning multiple internal divisions, departments, and regional offices at the company.

PG&E estimates that collecting and assimilating this information will require thousands of person-hours of work. Many of the individuals PG&E needs to assist in this effort are already heavily engaged in other pipeline safety-related matters. Given the number and breadth of the data requests, PG&E cannot provide all the information within the time specified in the OII.

Second, it took the NTSB and CPSD 17 and 23 months, respectively, to investigate, prepare and publish their reports. While PG&E does not need the same amount of time to respond to those two reports, four months – until March 17, 2011 – is a reasonable minimum time for PG&E to prepare its response. Given that the Commission has indicated it may impose fines pursuant to Pub. Util. Code §§ 2107 and 2108 if it determines that there have been violations of the applicable rules and regulations, due process requires PG&E to have a reasonable time to respond to the Commission’s far-reaching requests.

Third, as noted in the CPSD Report, PG&E has already responded to a number of CPSD data requests (*see* CPSD Report, Appendix H). Specifically, PG&E responded to nine sets of CPSD data requests over an eight month time period from December 2008 through August 2009. CPSD is currently in possession of PG&E’s responses. Accordingly, the requested extension should not unduly hinder the Commission or the CPSD, and will instead allow PG&E to submit a more fulsome and useful report and data.

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III. CONCLUSION

As reflected in the attached Stipulation between CPSD and PG&E, good cause exists to extend the deadline for PG&E's responses to OII requests G-L (PG&E's contentions of law and fact) until March 17, 2011 and requests B-F, and M (data requests) until February 17, 2011. A Proposed Order is attached as Appendix B.

Respectfully submitted,

MICHELLE WILSON
ERICH F. LICHTBLAU

By: /s/
ERICH F. LICHTBLAU

Law Department
Pacific Gas and Electric Company
77 Beale Street
San Francisco, CA 94105
Telephone: (415) 973-1133
Facsimile: (415) 973-0516
Email: EFL5@pge.com

JOSEPH M. MALKIN
Orrick, Herrington, & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105
Telephone: (415) 773-5505
Facsimile: (415) 773-5759
Email: jmalkin@orrick.com

Attorneys for
PACIFIC GAS AND ELECTRIC COMPANY

December 10, 2010

Appendix A

**BEFORE THE PUBLIC UTILITIES COMMISSION
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STIPULATION FOR ORDER EXTENDING DEADLINES

The Commission's Consumer Protection and Safety Division ("CPSD") and Pacific Gas and Electric Company ("PG&E"), by and through their counsel, hereby stipulate as follows:

RECITALS

- A. The Commission issued the above-captioned Order Instituting Investigation ("OII") on November 19, 2010.
- B. The OII orders PG&E to respond to a list of questions and information requests covering an 11-year period (January 1, 2000 to present) and to file a written report setting forth PG&E's contentions of fact and law and the evidence in support of each contention by December 17, 2010. Ordering Paragraph 7 of the OII provides that "for good cause shown the ALJ and/or Assigned Commissioner may extend the deadline of December 17, 2010, for any particular responses required."
- C. The ordered information and report are broad and involve materials spanning various internal divisions, departments, and regional offices at the company. PG&E estimates that collecting and assimilating this information will require thousands of person-hours of work.

D. PG&E believes that many of the individuals PG&E needs to assist in this effort are already heavily engaged in other pipeline safety-related matters.

E. With the intervening Thanksgiving holiday, the upcoming holidays, and the other demands on PG&E's personnel, PG&E is not able to fully respond to the OII by the present deadline of December 17, 2010.

F. CPSD and PG&E have discussed the information required of PG&E and the competing demands on PG&E's resources and agree there is good cause to modify the deadline set in the OII.

STIPULATION

In view of the foregoing Recitals, CPSD and PG&E stipulate to an order extending the OII deadlines as follows:

1. PG&E's response to the items required by the OII shall be as follows:

Item A	December 17, 2010
Items B-E, L	Rolling production, beginning on December 17, 2010, with the information most recent and most pertinent to Rancho Cordova, and continuing until completion on or before February 17, 2011. (Names and titles of people preparing data responses will be provided contemporaneously as part of each data response.)
Item F	February 17, 2011
Items G-L, M.2	March 17, 2010. (Names and titles of people preparing each portion of the report and witnesses to the information provided therein will be specified for each portion of the report.)

2. As requested in Item M.1 of the OII, PG&E agrees to reimburse the Commission for CPSD costs of investigating the Rancho Cordova explosion and the circumstances leading to it.

3. PG&E agrees that, with the redaction of certain names and personal information, as approved by CPSD, PG&E has no objection to the public release of CPSD's report and appendices. PG&E does not, therefore, intend to file a motion for protective order as provided by Ordering Paragraph 8 of the OIL.

Respectfully submitted,

/s/ Harvey Y. Morris

HARVEY Y. MORRIS
Assistant General Counsel
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
Telephone: (415) 703-1086
Facsimile: (415) 703-2262
Email: hym@cpuc.ca.gov

Attorney for
CONSUMER PROTECTION AND SAFETY
DIVISION

/s/ Erich F. Lichtblau

MICHELLE WILSON
ERICH F. LICHTBLAU
Law Department
Pacific Gas and Electric Company
77 Beale Street
San Francisco, CA 94105
Telephone: (415) 973-1133
Facsimile: (415) 973-0516
Email: EFL5@pge.com

JOSEPH M. MALKIN
Orrick, Herrington, & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105
Telephone: (415) 773-5505
Facsimile: (415) 773-5759
Email: jmalkin@orrick.com

Attorneys for
PACIFIC GAS AND ELECTRIC COMPANY

December 10, 2010

Appendix B

**BEFORE THE PUBLIC UTILITIES COMMISSION
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Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Pacific Gas and Electric Company, Regarding the Gas Explosion and Fire on December 24, 2008 in Rancho Cordova, California.

I.10-11-013
(Filed November 19, 2010)

[PROPOSED] ORDER EXTENDING DEADLINES

The Commission issued the above-captioned Order Instituting Investigation ("OII") on November 19, 2010. The OII orders Pacific Gas and Electric Company ("PG&E") to respond to a list of questions and information requests covering an 11-year period (January 1, 2000 to present) and to file a written report setting forth PG&E's contentions of fact and law and the evidence in support of each contention by December 17, 2010. Ordering Paragraph 7 of the OII provides that "for good cause shown the ALJ and/or Assigned Commissioner may extend the deadline of December 17, 2010, for any particular responses required."

On December 10, 2010, Pacific Gas and Electric Company ("PG&E") filed an unopposed motion for an order extending certain deadlines for PG&E to respond to the Commission's requests for information. The Consumer Protection and Safety Division and PG&E have discussed the information required of PG&E and agree there is good cause to modify the deadline set in the OII. Good cause having been shown, PG&E's motion is hereby **GRANTED**. PG&E's deadline to respond to the items required by the OII shall be as follows:

Item A	December 17, 2010
Items B-E, L	Rolling production, beginning on December 17, 2010, with the information most recent and most pertinent to

Rancho Cordova, and continuing until completion on or before February 17, 2011. (Names and titles of people preparing data responses will be provided contemporaneously as part of each data response.)

Item F

February 17, 2011

Items G-L, M.2

March 17, 2010. (Names and titles of people preparing each portion of the report and witnesses to the information provided therein will be specified for each portion of the report.)

Dated: _____

Administrative Law Judge
California Public Utilities Commission

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 within cause; and that my business address is 77 Beale Street, San Francisco, California 94105.

On December 10, 2010, I served a true copy of:

**PACIFIC GAS AND ELECTRIC COMPANY'S (U 39 M) UNOPPOSED MOTION FOR
ORDER EXTENDING DEADLINES; PROPOSED ORDER – I. 10-11-013**

- [XX] By Electronic Mail – serving the enclosed via e-mail transmission to each of the parties listed on the official service lists for I. 10-11-013 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 lists for I. 10-11-013 without an e-mail address.

[XX]

**Harvey Y. Morris
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
E-mail: hym@cpuc.ca.gov**

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 10th day of December, 2010, at San Francisco, California.

/s/
PAMELA J. DAWSON-SMITH

**THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
EMAIL SERVICE LIST**

Last Updated: December 2, 2010

CPUC DOCKET NO. I1011013

BKC7@pge.com; cem@newsdata.com; dgenasci@DayCarterMurphy.com;
JLsalazar@SempraUtilities.com; jsw@cpuc.ca.gov; lhj2@pge.com; mshames@ucan.org;
NXKI@pge.com; rcosta@turn.org;

THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA SERVICE LIST

Last Updated: December 2, 2010

CPUC DOCKET NO. I1011013

Total number of addressees: 10

NICHOLAS KLEIN
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE ST, MC B9A
SAN FRANCISCO CA 94105
Email: NXKI@pge.com
Status: INFORMATION

CHRISTOPHER P. JOHNS
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE ST
SAN FRANCISCO CA 94105
FOR: Pacific Gas and Electric Company
Status: PARTY

John S. Wong
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES
505 VAN NESS AVE RM 5106
SAN FRANCISCO CA 94102-3214
Email: jsw@cpuc.ca.gov
Status: STATE-SERVICE

DIANA S. GENASCI ATTORNEY
DAY CARTER & MURPHY LLP
3620 AMERICAN RIVER DRIVE, STE. 205
SACRAMENTO CA 95864
Email: dgenasci@DayCarterMurphy.com
Status: INFORMATION

REGINA COSTA
THE UTILITY REFORM NETWORK
115 SANSOME ST, STE 900
SAN FRANCISCO CA 94104
Email: rcosta@turn.org
Status: INFORMATION

BRIAN K. CHERRY
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE ST, RM 1087
SAN FRANCISCO CA 94105
FOR: Pacific Gas and Electric Company
Email: BKC7@pge.com
Status: PARTY

LISE H. JORDAN
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE ST, MC B30A
SAN FRANCISCO CA 94105
FOR: Pacific Gas and Electric Company
Email: lhj2@pge.com
Status: PARTY

CALIFORNIA ENERGY MARKETS
425 DIVISADERO ST. STE 303
SAN FRANCISCO CA 94117-2242
Email: cem@newsdata.com
Status: INFORMATION

JEFFERY L. SALAZAR
SOUTHERN CALIFORNIA GAS COMPANY
555 W. FIFTH ST, GT14D6
LOS ANGELES CA 90013
Email: JLSalazar@SempraUtilities.com
Status: INFORMATION

MICHAEL SHAMES
UTILITY CONSUMERS' ACTION NETWORK
3100 FIFTH AVE, STE B
SAN DIEGO CA 92103
Email: mshames@ucan.org
Status: INFORMATION