

BEFORE THE PUBLIC UTILITIES COMMISSION OF  
THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the  
Commission's Own Motion to Adopt New  
Safety and Reliability Regulations for  
Natural Gas Transmission and Distribution  
Pipelines and Related Ratemaking  
Mechanisms

R.11-02-019  
(Filed February 24, 2011)

OPENING COMMENTS OF DISABILITY RIGHTS ADVOCATES

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April 13, 2011

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## **I. INTRODUCTION**

In accordance with Rule 6.2 of the Commission’s Rules of Practice and Procedure and the schedule set in the Order Instituting Rulemaking, as modified first by the Assigned Commissioner’s Ruling issued on March 24, 2011,<sup>1</sup> and subsequently by the additional Assigned Commissioner’s Ruling issued on April 7, 2011,<sup>2</sup> Disability Rights Advocates (“DisabRA”) submits these comments. In these comments, we address the issues identified for immediate consideration by the Commission (including those set forth in Attachment A to the OIR and the clarifications and additions set forth in the March 24 ACR); we briefly comment on the additional items raised in the OIR, including the items specifically identified for near-term consideration (Attachment B to the OIR); we raise additional items to be considered as part of the scope of this proceeding, and we address the procedural issues identified in the OIR.

## **II. OVERVIEW**

The OIR initiating this proceeding identifies a number of primary objectives while it characterizes the rulemaking as “a forward-looking effort to establish a new model of natural gas pipeline safety regulation applicable to all California pipelines.”<sup>3</sup> The various objectives are described in detail in the OIR and include public input, expert review, safety improvements, risk assessment, ratemaking incentives for safety, transparency, whistleblower protection, and disaster planning.<sup>4</sup> As set forth in greater detail below, Disability Rights Advocates is participating in this proceeding in order to

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<sup>1</sup> Assigned Commissioner’s Ruling Adding Items to Previously-Scheduled Comment Cycle, Addressing Ex Parte Contacts, Scheduling Public Participation Hearings, Setting Prehearing Conference and Encouraging Participation by Pipeline and Hazardous Materials Safety Administration, issued on March 24, 2011 (hereafter “March 24 ACR”).

<sup>2</sup> Assigned Commissioner’s Ruling Requesting Comment on Proposal from Congresswoman Speier, Adding Topic to Report from Pacific Gas and Electric Company, and Revising schedule for Filing Comments on Order Instituting Rulemaking, issued on April 7, 2011 (hereafter April 7 ACR”)

<sup>3</sup> OIR at p. 1.

<sup>4</sup> OIR at pp. 4-5.

protect the interests of people with disabilities, who are particularly vulnerable in emergency situations, and who also are disproportionately low income. People with disabilities are also present in every geographic community in California. Because of the specific factors defining this community, DisabRA is particularly interested in those aspects of this proceeding that address community safety, emergency preparation, public involvement and understanding of natural gas issues, and rate impacts.

In particular, DisabRA has a strong interest in supporting this Rulemaking's efforts to develop a "culture of safety" to enhance safe utility operations for PG&E and all other pipeline operators. The OIR rightly contemplates a number of mechanisms to move in this direction, including anticipated reliance on a number of sources of feedback regarding the San Bruno explosion, plans to align ratemaking reviews with support for safety, consideration of targeted "feedback loops" to ensure that safety spending is completed prudently and effectively, and an effort to seriously consider the challenges of aging infrastructure and deferred investment in the pipeline system.<sup>5</sup>

The catastrophic system failure that took place in San Bruno and the information coming to light in its wake illustrate the historic strains on the existing natural gas system, both physical and regulatory, that will need to be addressed in a broad way to improve conditions going forward. The Commission has conveyed to the public that this proceeding will be a forum for meaningful change and not an endorsement of business as usual. It must make good on this promise. For many years, PG&E has made substantial and ever-increasing profits while failing to upgrade and invest in safety and infrastructure. At the same time, rates for PG&E's residential customers have steadily increased, and the rates paid by low income and low use customers are about to take a

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<sup>5</sup> *See generally* OIR at pp. 11-13. DisabRA expects to actively participate in this proceeding concerning various safety issues, including those identified above as well as reviews of catastrophic risk assessment (*see* OIR at § 7) and dig-in issues (*see* OIR at § 7, noting that these threats are far more common than any catastrophic events such as the San Bruno explosion).

substantial leap,<sup>6</sup> while the state economy remains in crisis and many people do not have the ability to pay more. To truly change business as usual, this proceeding will have to make an honest assessment about costs and sources of funding, along with safety and community impacts. In addition, it will have to truly provide an accounting, both of utility behavior and of the Commission's own actions, to the public, while enhancing public planning, increasing transparency, and ensuring that accurate information is available both about this Rulemaking and about its impacts on public safety. In proceedings before this Commission, public input is too often only given lip-service, and is ignored in actual policy-making. For people to have faith that the Commission can make change for the better at PG&E and other pipeline operators, as well as within its own culture, this proceeding will need to be more than a technical review and revision to rules that few people will ever read and even fewer understand. DisabRA hopes that the noble statements made by this Commission in describing its plans for this docket come to pass, and we intend to participate actively to support this effort.

### **III. INPUT ON PROPOSED IMMEDIATE CHANGES TO COMMISSION REGULATIONS (ATTACHMENT A TO OIR AND ADDITIONAL ITEMS IN MARCH 24 ACR)**

In this first set of comments to be filed in this proceeding, the OIR and subsequent rulings request that the parties address in detail certain proposed rule changes that would go into effect promptly while the other items raised in the proceeding continue through the rulemaking process. These proposed rule changes were identified in Attachment A to the OIR, and expanded upon in the March 24 ACR. DisabRA does not have the technical expertise to address in detail these proposed rule changes. However, DisabRA notes the following general matters as relevant to the consideration of these immediate rule changes:

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<sup>6</sup> This is addressed in greater detail at § VI.C.2, below; briefly substantial rate increases seem likely based on the currently pending Proposed Decision and Proposed Alternate Decision now out for comment in A.10-03-014.

**A. Proposed New Rule 145 Re: Strength Test Requirements**

While DisabRA does not have the technical expertise to address the specific pipeline characteristics identified in proposed new Rule 145, it stands to reason that any pipeline characteristics identified as potential safety risks would be the same regardless of which operator is responsible for the pipeline. As such, any pipeline that meets any finally adopted list of characteristics determining potential safety risks should be treated the same. In order to achieve this, any adopted rule should be extended to all California pipeline operators and should not be limited only to PG&E.

**B. Proposed Revisions to Rule 122.2 Re: Reporting Requirements**

The proposed revisions to Rule 122.2 set forth in Attachment A to the OIR and clarified in the March 24 ACR<sup>7</sup> would address reporting standards and requirements. The March 24 ACR notes specifically that that the proposed modifications to Rule 122.2(a) would create two reporting standards for notifying the Commission regarding various incidents concerning gas pipelines: most incidents would need to be identified in written quarterly reports, while certain more severe incidents would be required to be reported almost immediately upon occurrence. The March 24 ACR then specifically asks parties to address reporting for incidents where pipeline pressures exceed MAOP by less than 10% (with new suggested language) and to suggest appropriate reporting protocols. The March 24 ACR further notes that the proposed language for Rule 122.2(d) would exempt certain incidents from reporting requirements if the condition is corrected before the deadline for filing a report.

Because the stated goals of this proceeding include increasing transparency in pipeline operations and enhancing public confidence in our pipeline system, pipeline operators, and the Commission itself, DisabRA believes that rules should provide for expansive and timely disclosure of pipeline incidents. Thus, DisabRA agrees with the

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<sup>7</sup> Attachment A to the OIR includes proposed changes to both § 122.2(a) and § 122.2(d) of G.O. 112-E; these provisions are treated separately in the March 24 OIR.

comments submitted early by the utility workers arguing that “transparency principles would suggest that these incidents – near misses where risk increased but damage did not ensue – be reported, be subjected to root cause analysis and result in actions to eliminate or mitigate the hazards identified.”<sup>8</sup> DisabRA further agrees with the utility workers that immediate notification of any situation that may require an emergency response should be provided to potentially affected agencies so that response efforts can be initiated and coordinated.<sup>9</sup>

**C. Proposed Revised Rule 125 Re: Installation Reports**

DisabRA has no comments on proposed revised Rule 125.

**D. Proposed New Rule Requiring Inspection of Certain Types of Pipe**

While DisabRA does not have the technical expertise to assess the specific proposals set forth in the March 24 ACR and determine whether they would be effective to negate any existing incentive to increase natural gas pipeline pressure to MAOP for certain types of pipe, DisabRA strongly supports the intent of this provision. While no conclusions have yet been reached, it is clear from information provided to the public that PG&E’s past practice of spiking the pressure on certain gas lines, including the line in San Bruno that ruptured on September 9, 2010, is a cause of grave concern. The Commission should take all appropriate steps to reduce the incentives that any pipeline operators may perceive from increasing pressure beyond that required to safely and effectively serve their customers.

**IV. INPUT ON ADDITIONAL ITEMS UNDER CONSIDERATION**

In addition to the proposed rule changes issued for immediate comment and action, the OIR also sets forth a list of topics that are under consideration for development of additional rules to be implemented in the near term and identifies issues

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<sup>8</sup> Response of the Utility Workers Union of America (UWUA), Locals 132, 483, 522, Representing Employees at Southern California Gas Company, to R.11-02-019, Gas Safety Rulemaking (Worker Comments), filed on April 11, 2011, at p. 12.

<sup>9</sup> *Id.* at pp. 12-13.



to be addressed in the context of these proposed topics for rulemaking.<sup>10</sup> The specific topics to be considered for additional rulemaking are set forth in Attachment B to the OIR. In addition, the OIR identifies a number of questions and issues that will inform the development of additional Commission action, including questions concerning the Commission's use of enhanced penalties for life-threatening violations and the Commission's use of its existing enforcement authority as a means to address safety-related violations.<sup>11</sup> Further, the OIR raises issues of its ratemaking authority as a way to provide incentives for prudent utility operations.<sup>12</sup>

While the OIR does not specifically ask parties to address these topics at this time, DisabRA is using these comments as an opportunity to flesh out some of these items and the surrounding issues, and to identify nuances that should be given consideration as the process moves forward.

**A. Installing Automatic or Remote Valves**

DisabRA supports development of a rule that would require utilities to install automatic or remotely controlled valves located in appropriate areas. This is an important factor to improve community safety. Information provided to the public since the San Bruno explosion indicates that PG&E has resisted installing automatic or remote valves due to its belief that the damage from a pipeline incident would take place immediately, not over time. The events in San Bruno show this to be untrue: people were injured and homes were destroyed while first responders were unable to approach the disaster due to ongoing fires fueled by natural gas which was not shut off until long after the initial explosion. As noted above, the constituency represented by DisabRA is particularly at risk during emergency situations because people with disabilities are more likely than average to need assistance and they are more difficult to reach using standard forms of

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<sup>10</sup> OIR at pp. 7-10.

<sup>11</sup> OIR at pp. 8-9.

<sup>12</sup> OIR at pp. 11-13.

communication. Because of this, it is important to the disability community that all appropriate steps be taken to minimize risk of ongoing disasters such as that in San Bruno by installing automatic or remote shut-off valves.

**B. Strengthening Emergency Response Procedures**

DisabRA supports development of a rule that would improve the existing, non-specific requirements for incident responses that are “prompt and effective.” Such a rule will need to take into account the most effective ways of reaching different communities and different individuals within communities who may not be easy to reach with either assistance or information. Additionally, such a rule will need to take into account the various levels of need within a community that must to be met in order to provide an effective response. Some specific concerns about how to promptly and effectively provide information and assistance to people with disabilities are addressed below as additional issues that should be considered within the scope of this proceeding.

**C. Conducting a Comprehensive Catastrophic Risk Assessment, Including “Dig-In” Issues**

DisabRA supports the use of this Rulemaking to initiate a comprehensive catastrophic risk assessment process for all natural gas pipelines, and to address in a broad way concerns due to aging infrastructure and lack of understanding about the system as it exists today. This marks a key commitment to addressing overall safety concerns that the public may face. In particular, DisabRA supports the use of this proceeding to reduce risks of safety hazards such as those created by “dig-in” damage to pipelines, which are much more common than catastrophic failure.

While the overall hazards of excavation damage are less grave for any individual incident than those of a catastrophic event, the overall risk of harm to individuals and property is likely greater from a small occurrence. Thus, DisabRA supports efforts to improve procedures to reduce these risks, including incorporating the one-call law into the Commission’s general orders and requiring accurate markings by pipeline operators. DisabRA also supports enhanced public education targeting anyone who might be

conducting excavation activities (including homeowners) of the need to identify subsurface facilities before any excavation takes place, including efforts to ensure that educational materials are provided in appropriate formats for people who cannot use standard print materials or materials in English.

**D. Enhancing Threat Mitigation Planning**

DisabRA supports development of a rule that would improve planning to address mitigation efforts in response to pipeline threats. In particular, DisabRA believes that disclosure of detailed mitigation techniques furthers development of a heightened culture of safety and improved oversight. Additionally, DisabRA supports threat mitigation based on additional response training and drills, and additional inspection and maintenance programs.

**E. Adopting Rules for Enhanced Penalties for Life-Threatening Violations and Using Existing Enforcement Authority Earlier or More Aggressively for Safety-Related Violations**

DisabRA supports development of rules to apply enhanced penalties to utilities if life-threatening violations are found and use of existing authority earlier or more aggressively for safety-related violations. Together, these actions would provide important incentives to pipeline operators to prioritize safety and enhance development of a culture of safety. In addition, such actions would help restore public confidence in Commission oversight of regulated activities. Based on the public response in the wake of the San Bruno disaster, it is clear that a substantial number of people believe that the Commission is unwilling or unable to strongly discipline regulated utilities, even in the face of clear system failures. By developing and applying rules that include strong penalties for actions harming public safety, this perception will be reduced, and regulatory authority over regulated utilities will be reinforced.

**F. Using Ratemaking Incentives to Enhance Safety**

The OIR properly raises the issue of using the Commission's ratemaking authority to support a culture of commitment to safe utility operations, including targeted

responses to PG&E in light of San Bruno as well as broader concerns about increased investment in utility infrastructure.<sup>13</sup> DisabRA supports all efforts to ensure that ratepayers are not unduly burdened because of past failures by PG&E or any other pipeline operator to maintain adequate safety measures. To this end, DisabRA believes that the proposal put forward by the utility workers in their early filing is a good start in balancing responsibility.<sup>14</sup> DisabRA also recognizes the current pressures on residential customers who face substantial utility affordability issues even before any additional expenditures on infrastructure are addressed. DisabRA expects to be actively involved in discussions of rate impacts of infrastructure improvements and the need to ensure that ratepayers (particularly vulnerable ratepayers) are not inappropriately obligated to pay for necessary upgrades to the pipeline system. This is particularly true in light of a long pattern of deferred infrastructure upgrades, even during times of increasing record profits among utilities.

**V. THE SCOPE OF THE PROCEEDING SHOULD BE EXPANDED TO INCLUDE DIRECT PUBLIC CONCERNS**

Section 13.2 of the OIR invites parties to identify additional substantive issues “that should be included in the scope of this proceeding but are not stated in this order.”<sup>15</sup> DisabRA suggests expanding the scope to include the following two issues of direct concern to the public.

**A. The Scope of the Proceeding Should Be Expanded to Address Public Involvement with Emergency Preparation and Emergency Response**

DisabRA recommends that the scope of the proceeding be expanded to include emergency preparation and emergency response planning involving the public, including those members of the public that are difficult to reach. The OIR identifies as one of its

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<sup>13</sup> OIR at pp. 11-13.

<sup>14</sup> See Workers Comments at pp. 17-19 (arguing that “the commission should prevent ratepayers from directly or indirectly subsidizing unreasonable or imprudent actions by gas corporations” and providing specific examples of potential past problematic behavior).

<sup>15</sup> OIR at p.16

primary objectives the need to “expand our emergency and disaster planning coordination with local officials.”<sup>16</sup> While DisabRA strongly supports enhanced preparation and coordination between pipeline operators and local emergency authorities, we also believe that it is vital for the public to be directly educated about pipeline safety before any specific incident occurs, and for both pipeline operators and local emergency responders to have a plan for communicating directly to the public during an emergency. The Commission should expand the scope of this proceeding to develop mechanisms to require pipeline operators to engage in appropriate education and preparation for emergency communication with the public; it should also consider methods to encourage coordination on these issues between pipeline operators and local authorities.

In an emergency situation, members of the public should be prepared to take steps to maximize their own safety even before local first responders are able to take action. This means that emergency planning prior to any actual incident must routinely involve members of the public, and public education about pipeline safety must be ongoing. Pipeline operators and first responders must develop plans to provide emergency information to the public as a vital part of their safety efforts, not as an afterthought. In addition, specific plans must be developed and implemented to ensure that safety education is provided to those members of the public who are difficult to reach.

One example of enhanced emergency preparation would involve maximizing the likelihood of effective communication at the time of an incident with people who are difficult to reach through standard channels, such as people who are blind or deaf.<sup>17</sup> DisabRA is aware that many local governments and other local emergency responders maintain databases that contain information regarding the most effective way to reach

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<sup>16</sup> OIR at p. 5, *see also* OIR at p. 15.

<sup>17</sup> DisabRA also notes the need to effectively develop and implement a plan to educate people who do not speak English as their primary language. While DisabRA has no specific recommendations for reaching these populations, it is self-evident from any review of demographic information in the state that emergency planning in English only is not sufficient.

people in an emergency situation Similarly, in response to agreements reached between each of IOUs and DisabRA, the utilities have begun to collect information on the most effective way to reach certain customers, including those on the Medical Baseline program and other customers with disabilities.<sup>18</sup>

These sources of information provide a starting point for targeting appropriate educational materials to a difficult-to-reach population. In addition, they provide instructions for effective emergency communications; by using a customer's preferred means of communication in an emergency situation, both pipeline operators and local emergency personnel improve the likelihood that the customer will receive the information and act accordingly to protect his or her own safety. Thus, one example of a safety enhancement that the Commission should consider would be to encourage pipeline operators and local emergency personal to develop protocols to share information about customer communication preferences and to ensure their use when emergency information is provided.

**B. The Scope of the Proceeding Should be Expanded To Address Other Customer Safety Issues**

In addition to the risks to public safety stemming from catastrophic incidents such as San Bruno, the OIR makes clear that it wants to evaluate and respond to less sensational, but no less real threats to pipeline integrity and public safety. In order to best evaluate areas for improvement, this proceeding should address other customer safety

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<sup>18</sup> PG&E has agreed to "conduct outreach in the form of a targeted mailing to current medical baseline/life support customers to identify those customers who would prefer alternative means of contact...PG&E agrees to revise its process for customer enrollment in the emergency notification program to allow new medical baseline/life support customers to specify their preferred means of contact for emergency notifications at the time of enrollment." Memorandum of Understanding between Disability Rights Advocates and Pacific Gas and Electric Company, in A.09-12-020, currently submitted and pending approval by the Commission, at §§ VII(E)(1)-(2). The Sempra Utilities have agreed to conduct outreach to customers classified as medical baseline/life support customers...to determine their preferred means of contact." Memorandum of Understanding between Disability Rights Advocates, San Diego Gas & Electric Company and Southern California Gas Company, adopted in A.06-12-009 and A.06-12-010 via D.08-07-046, at § 5.1. Southern California Edison, which does not operate any gas pipelines, has a similar agreement in place for emergency communications. Memorandum of Understanding between Disability Rights Advocates and Southern California Edison, adopted in A.07-11-011 via D.09-03-025, at §§ 6.1, 6.2.

issues such as responses to customer complaints about leaks or hazards, responses to customer requests for repairs, pilot relights and other customer service calls, and any additional service work that might involve hazards in customer premises.

## **VI. PROCEDURAL ISSUES**

As requested at § 13.2 of the OIR, DisabRA addresses certain procedural issues concerning this docket.

### **A. DisabRA's Interest in the Pending Proceeding**

Disability Rights Advocates has routinely intervened in proceedings before the Commission that directly affect our constituency, which consists of disabled utility customers throughout California. This proceeding will directly impact all Californians in multiple ways, including the most important consideration of public safety as well as the concerns, noted in multiple places in the OIR regarding the costs of necessary infrastructure improvements. While all consumers are impacted by these issues, and DisabRA looks forward to broad consumer participation in this docket, Californians with disabilities have particular concerns and interests that require direct consideration.

First, Californians with disabilities are particularly vulnerable to safety hazards stemming from unsafe pipeline infrastructure. This is because people with disabilities are more likely than the average utility customer to require assistance in an emergency, and evacuations are both more difficult and more risky for many of these customers. These customers have a direct interest in ensuring that hazards are minimized and that the gas pipeline system is operated safely. As described above, customers with disabilities that affect their ability to use standard forms of communications (primarily vision and hearing disabilities) are also more difficult to reach with information about safety risks, emergency plans, or other public safety materials. The needs of these customers must be given particular attention when developing improved emergency planning.

Second, people with disabilities are disproportionately low-income, and thus are at risk of seeing their already high energy burden<sup>19</sup> skyrocket further if too much of the costs of safety improvements are allocated to ratepayers. PG&E's disabled customers are likely facing substantial rate increases in the near term, as PG&E's pending residential rate design application (A.10-03-014) appears likely to impose substantial new costs on low-income and low-use customers.<sup>20</sup> Customers of the other major IOUs that control natural gas distribution, the Southern California Gas Company and San Diego Gas and Electric Company, also face substantial potential rate increases if the proposed revenue requirements requested from these utilities are adopted in their pending consolidated general rate case applications.<sup>21</sup> If these rate increases are then followed by substantial additional increases in order to improve pipeline safety, many people with disabilities (as well as other low income utility customers) are likely to simply be unable to afford necessary energy use to support health and safety. As described above, the Commission must be alert to the risks that over-reliance on ratepayer funding will create for these customers.

**B. The Proceeding is Properly Categorized as Ratesetting**

DisabRA believes that this proceeding is appropriately classified as ratesetting.

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<sup>19</sup> See "Final Report on Phase 2 Low Income Needs Assessment," Prepared by KEMA, Inc. for the California Public Utilities Commission, September 7, 2007, at p. 5-15, Table 5-10 (stating that 56% of households including a person with a disability fall into the "high energy burden category" because these households spend more than 5% of their income on energy).

<sup>20</sup> At this time, both a Proposed Decision and an Alternate Proposed Decision on the PG&E Application have been released, and comments are due on April 25, 2011. This item will likely appear for a vote before the full Commission a short time after the comment cycle is complete. Both the proposed decision and the alternate would adopt various changes to PG&E's residential rate design that will substantially increase costs to low-use and low-income customers, including changes in the baseline allocation, the addition of a third tier for CARE customers, and a reduction in the price differential between tier 3 and tier 4 for non-CARE customers. The alternate decision would also impose a new customer charge on all customers.

<sup>21</sup> See A.10-12-005/A.10-12-006 (consolidated). In its protest to the applications, DRA calculates that residential gas rates would increase by 7.7% for SCG customers and 6.7% for SDG&E customers (who would also see an increase of 4.5% in electricity rates) if the entire revenue request is adopted and current allocation formulas remain in place. Protest of the Division of Ratepayer Advocates, filed January 18, 2011, at p. 3.



**C. DisabRA Believes Hearings Will Be Necessary**

**1. Evidentiary Hearings Will Likely Be Necessary**

Given the broad range of issues identified in the OIR and the expectation that additional issues will be identified by parties prior to the issuance of a formal scoping memo, it is not possible at this time to identify the specific evidentiary issues that will require hearings. However, DisabRA expects that there will be multiple areas of factual dispute, including disputes regarding the use of ratemaking authority to appropriately address safety investments<sup>22</sup> and the consideration of enhanced penalties or other increased scope of enforcement for various violations.<sup>23</sup> More issues of factual dispute will likely arise as the scope of the proceeding develops.

**2. Additional Opportunities for Public Input, Including Additional Public Participation Hearings, Will Be Necessary**

In addition to the need for evidentiary hearings, DisabRA believes that additional opportunities for public input will be crucial if this proceeding is to succeed in its goal of culture change for the utilities and for the Commission itself.<sup>24</sup> As an established practitioner before the Commission, DisabRA recognizes how easy it is for people absorbed in the area of utility regulation to become focused on arcane terminology and procedural minutia, and to dismiss the concerns of the general public as unsophisticated or otherwise unworthy of consideration. The public participation hearings that do take place in various proceedings often fail to effectively provide the public with information about the specifics under consideration by regulated utilities or the Commission, and the results of these hearings are rarely even addressed by the Commission in their policy-

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<sup>22</sup> See OIR at pp. 11-13; in particular, DisabRA expects PG&E and other pipeline operators to contest any effort to reduce rate of return on plant investments or impose cost-sharing requirements on shareholders.

<sup>23</sup> The OIR identifies the issue of increased enforcement authority as something that will be developed over the course of the proceeding, though it is not addressed in detail in this initial document. See the list of issues that are preliminarily identified at page 8 of the OIR.

<sup>24</sup> At this time, one public hearing has been held in San Bruno and additional hearings are scheduled shortly in Santa Rosa and Los Angeles. There has been no discussion of further opportunities for public input.



**CERTIFICATE OF SERVICE**

I certify that I have, by electronic mail to the parties to which an electronic mail address has been provided, served a true copy of “Opening Comments of Disability Rights Advocates” on all known parties to R.11-02-019

Dated April 13, 2011, at Berkeley, California.

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