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Sent: 7/11/2011 9:15:00 PM
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Subject: Fwd: SFGate: In court, PG&E deflects blame for San Bruno blast

Does he have his facts right here?

> Monday, July 11, 2011 (SF Chronicle)
> In court, PG&E deflects blame for San Bruno blast
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Writer
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> (07-11) 19:12 PDT SAN BRUNO -- Pacific Gas and Electric Co., which issued
> a public apology last month for the 2010 natural gas explosion in San
> Bruno, says in a new court filing that it should not have to make payouts
> to victims who have sued the company because the blast was caused by
> third-party damage to a "state of the art" pipeline.
> The company also indicated it would seek to assign some of the blame for
> the losses from the explosion to residents themselves.
> PG&E has offered unsolicited cash payments to residents of the
> neighborhood devastated in the Sept. 9 explosion, which killed eight
> people and destroyed 38 homes. Last month, the company bought full-page
> newspaper ads headlined, "We Apologize," and noted that federal
> metallurgists looking into the cause of the explosion have said the pipe
> ruptured at a faulty weld.
> However, in a July 5 filing in San Mateo County Superior Court in response
> to more than 100 lawsuits seeking millions of dollars in damages, PG&E's
> lawyers took a more combative stance. The company said it should not be
> held liable for the disaster because "unforeseeable, intervening and/or
> superseding acts of persons or entities" other than PG&E caused the blast.
> Sewer project
> The filing is not specific, but the only known activity around the
> pipeline was a 2008 sewer-replacement project that San Bruno commissioned.
> The city and the private contractor that performed the work, D'Arcy and
> Harty Construction of San Francisco, say they took steps to ensure that
> the work - which involved breaking up old sewer pipe and replacing it with
> a plastic line - did not damage the PG&E transmission pipe.
> Aside from its court filing, PG&E has said nothing publicly about the
> sewer work. It had an inspector at the job site who approved the
> construction plans, but he wasn't there while the work was performed.
> Pointing the finger
> However, in May, an industry trade group - which PG&E joined after the
> blast - said the sewer project had probably weakened the pipe and told
> federal investigators they should consider tests to account for the
> possibility.
> Last month, an expert hired by a state-appointed panel also suggested that
> the sewer work had probably played a role in the explosion. But the

> expert, Robert Nickell, later backed away from that finding, telling The
> Chronicle that fluctuations in gas pressure over the years could have
> damaged the already flawed weld that eventually failed.
> In its court filing, PG&E also said the blast victims themselves "may have
> been legally responsible under a doctrine of comparative negligence (or
> contributory negligence" - factors that assign a portion of blame to a
> plaintiff.
> PG&E's filing did not specify how residents might have been negligent, or
> how that negligence contributed to the fireball that consumed their homes.
> Company spokeswoman Brittany Chord said Monday that the filing was "a
> standard part of the legal process," and that the company would "continue
> to move forward and work to resolve the claims of all parties as quickly
> as possible." City surprised
> San Bruno City Manager Connie Jackson said PG&E's court filing was
> "completely surprising." She added, "It's unfortunate that they have
> thrown everything plus the kitchen sink in this, to cover their legal
> strategy."
> Michael Danko, an attorney who represents 40 blast victims, said PG&E
> officials "know no bounds."
> "I can forgive them for saying third party - you can forgive that," Danko
> said. "But you cannot forgive them at all for blaming the victims."
> He added, "They had time to figure this out and decide whether they really
> wanted to blame the victims who lost their homes or were burned. After
> thinking about it for nine months, they said the answer was yes." Already
> paid?
> PG&E also suggested the payments that the company has already made to some
> residents meant their lawsuits were invalidated "in whole or in part." The
> firm made cash payouts of \$15,000 to \$50,000 after the blast, on a scale
> that depended on the extent of damage, but said at the time that the
> payments had no bearing on civil damages.
> PG&E's filing also downplayed claims in the lawsuits that the company was
> running a shoddy pipeline system. The company said its transmission pipes,
> including the one that exploded, were "consistent with available
> technological, scientific and industrial state-of-the art and in
> compliance with applicable regulation." E-mail Jaxon Van Derbeken at
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