

From: Tom Long

Sent: 3/5/2012 1:47:47 PM

To: mab@cpuc.ca.gov (mab@cpuc.ca.gov)

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Bcc:

Subject: Request for one-week postponement of hearings on PG&E's PSEP, R.11-02-019

ALJ Bushey,

Pursuant to Rule 11.6 of the Commission's Rules of Practice and Procedure, TURN, DRA, PLUMBERS & STEAMFITTERS UNION LOCAL NOS. 246 & 342, and the CITY AND COUNTY OF SAN FRANCISCO (collectively "Parties") request a one-week postponement of the evidentiary hearings now scheduled to begin on Monday, March 12, 2012. In accordance with Rule 11.6, Parties have made a good-faith effort to obtain the agreement of the other parties to this request. In addition to Parties, two other parties, Northern California Generation Coalition and Northern California Indicated Producers, have indicated that they support the request. Only one party, PG&E, has indicated opposition to the request.

The reason for the requested postponement is the size and scope of PG&E's rebuttal testimony and the inability of Parties to adequately prepare for evidentiary hearings under the current schedule. The rebuttal testimony totals 431 pages, consists of 19 chapters, and presents the testimony of 21 witnesses, including 8 new witnesses. The rebuttal includes both significant policy testimony and numerous chapters of highly technical factual testimony that warrant a thorough and fair opportunity to address with adequate preparation. It would be fundamentally unfair for PG&E to present so much new information in such an important case affecting billions of dollars of potential rates and not afford interested parties sufficient time to be able to meaningfully address that new information in the evidentiary hearings.

TURN further submits that a one-week postponement would yield significant dividends in reducing hearing time and focusing cross examination. Given the magnitude of the testimony, TURN is still conducting its review and analysis and has begun to serve data requests on PG&E on the most salient issues. TURN expects to need until the end of this week to complete its discovery requests on the rebuttal testimony. (In the interest of expediting this request and focusing on PG&E's rebuttal, TURN has not taken the time to survey other Parties regarding the state of their analysis of the rebuttal.) As you know, discovery serves the valuable purpose of facilitating preparation for and focusing cross examination. Without adequate time to propound discovery and digest responses, TURN and other parties will be forced to conduct discovery through cross examination, which inevitably lengthens hearings.

PG&E has expressed concern regarding the scheduling of out-of-town witnesses. TURN would certainly work cooperatively with PG&E to accommodate the scheduling needs of its witnesses and expects that other parties would do the same.

Thank you for your consideration of this request.

Tom Long
Legal Director
The Utility Reform Network (TURN)
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On Mar 2, 2012, at 5:22 PM, Tom Long wrote:

Parties to R.11-02-019:

Pursuant to Rule 11.6 of the Commission's Rules of Practice and Procedure, I write on behalf of TURN, DRA, PLUMBERS & STEAMFITTERS UNION LOCAL NOS. 246 & 342, and the CITY AND COUNTY OF SAN FRANCISCO (collectively "Parties") to seek your agreement to a one-week postponement of the commencement of evidentiary hearings. In light of the 431 pages of rebuttal testimony served by PG&E on February 28th, each of these parties believe they will not be able to adequately prepare for evidentiary hearings beginning on March 12th. At this point, Parties are still reviewing the testimony and determining any necessary data requests they need to submit. The task of preparing for hearings is made more difficult for Parties because of their commitments in other matters. Although Parties feel they need a two-week postponement in order to be fully prepared for the evidentiary hearings, they are only seeking a one-week postponement in the interest of minimizing disruption to the schedule for this case.

If you have an opinion on this extension request, please send me an e-mail conveying your view by noon on Monday, March 5th, so that Parties may comply with their obligations under Rule 11.6.

Parties further note that they will find it extremely difficult, if not impossible, to provide meaningful cross-examination estimates by noon on Monday, as they will not have had sufficient time to conduct the necessary analysis of the rebuttal testimony, particularly the PG&E testimony.

I am copying ALJ Bushey and Assigned Commissioner Florio's Advisor, Sepideh Khosrowjah, on this e-mail so that they may be apprised of Parties' intention to request a one-week postponement.

Tom Long
Legal Director
The Utility Reform Network (TURN)
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(415) 929-8876 x303

On Feb 29, 2012, at 5:09 PM, Klein, Kerry (Law) wrote:

**TO ALL PARTIES IN PG&E'S PIPELINE SAFETY ENHANCEMENT
PLAN (R.11-02-019):**

At the request of ALJ Bushey, PG&E is reaching out to the parties for estimates of cross-examination for hearings on PG&E's Pipeline Safety Enhancement Plan, scheduled for March 12-23. ALJ Bushey has advised that these hearings will conclude in the two weeks allotted. Assuming 5 hours of hearing time for 8 days of hearing, and 4 hours of hearing time on Fridays (per the ALJ's preference), PG&E estimates that 48 hours of hearing time has been set aside for PG&E's PSEP. ALJ Bushey has asked that the parties be mindful of the time constraints, and limit cross-examination to eliciting facts that are not already in the record, and that should be in the record. ALJ Bushey also encouraged the parties, where possible, to stipulate to the admissibility of documents in lieu of cross-examination.

Attached is a spreadsheet that lists all witnesses who have served testimony or rebuttal testimony, by party. Please enter your estimates of cross-examination time into the spreadsheet and return the spreadsheet to Kerry Klein (kck5@pge.com) and Kristina Castrence (kmmj@pge.com) no later than 12:00 p.m. on Monday, March 5. (PG&E has included a space for all parties that have submitted testimony to enter estimates for cross-examination, and an extra column for those parties that have not served testimony, but nonetheless wish to reserve time for cross-examination).

Also, if you know of any dates certain for your witnesses, please enter those dates on the spreadsheet. (ALJ Bushey has indicated that the order of testimony will generally be PG&E witnesses, followed by DRA witnesses, followed by other intervenor witnesses). PG&E will compile everyone's responses and send around the consolidated table by 5:00 p.m. on Monday. ALJ Bushey asked PG&E to submit the proposed witness schedule and cross-exam estimates to her in a status report next Wednesday, March 7. The ALJ encouraged us to collaborate and agree upon a cross examination schedule that fits within two week

hearing schedule. PG&E is available for a conference call with the other parties on Tuesday, between 2 and 4 to discuss the cross-examination estimates that are returned on Monday. Please let us know if that time works for you and if you would like to participate in the conference call (which PG&E will set-up).

Finally, PG&E solicits the parties' agreement to provide to counsel for the witness any documents that a party wishes to use during the cross-examination of that witness, 24 hours in advance of the examination of that witness. Please let me know if you are amenable to that agreement. If there are other administrative issues you would like to discuss prior to the commencement of hearings on March 12, please let me know.

Regards,

Kerry Klein

NOTE: The recipient portion of this e-mail may not reflect all the addressees who are being served. The service list has been split into 20-addressee groups, to avoid rejection by CPUC and other e-mail servers.

Please note that the PG&E law department does not maintain the official service list for docket no. R11 02 019. If you would no longer like to receive documents regarding this docket, please contact the CPUC Process Office directly via email at Process_Office@cpuc.ca.gov or by phone at 415-703-2021 to remove yourself from the official service list.

<R 11-02-019 PGE PSEP - Cross Estimates.xls>