

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 with Respect to Facilities  
Records for its Natural Gas Transmission  
System Pipelines.

I.11-02-016  
(Filed February 24, 2011)

**MOTION OF THE CONSUMER PROTECTION AND SAFETY DIVISION  
TO FILE REBUTTAL TESTIMONY**

**I. INTRODUCTION**

In accordance with Rule 11.1 of the Rule of Practice and Procedure of the California Public Utilities Commission ("Commission"), the Consumer Protection and Safety Division ("CPSD") respectfully submits this motion to amend the Administrative Law Judge's Ruling Revising Schedule ("ALJ's Ruling"), issued on March 22, 2012 in the above-captioned proceeding, to allow CPSD to serve rebuttal testimony by August 7<sup>th</sup>, 2012.

**II. BACKGROUND**

The Assigned Commissioner's Scoping Memo and Ruling, issued on November 21, 2011, (Scoping Memo) initially allowed for Legal Division's report to be served on February 24, 2012.<sup>1</sup> With the ALJ's permission, Legal Division substituted its party status to become CPSD at a Pre-Hearing Conference on January 17, 2012.<sup>2</sup> Later, the

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<sup>1</sup> I.11-02-016, ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING, 11/21/2011, Page 3.

<sup>2</sup> Pre-Hearing Conference Transcript, January 17, 2012, Pages 187-189.

ALJ gave CPSD permission to file its report by March 12, 2012.<sup>3</sup> Then, the ALJ issued a Ruling on March 22, 2012, which set forth the following dates:

CPSD Supplemental Testimony to be served: March 30, 2012

Prepared Intervenor Testimony to be served: April 30, 2012

PG&E Response to be served: June 25, 2012

Joint Submission of witness schedule, time estimates for the August 30, 2012 cross-examination of witnesses, scheduling concerns, and the order of cross-examination:

Evidentiary Hearings September 5, 2012  
at 10:00 a.m. and each  
weekday through  
September 19, 2012, as  
needed.

### III. DISCUSSION

CPSD observes and wants to call the ALJ's attention to the fact that the schedule set out in this proceeding does not include CPSD rebuttal testimony. Providing CPSD an opportunity to serve rebuttal testimony in the current proceeding would be consistent with the other ongoing investigations involving PG&E.<sup>4</sup>

CPSD should be afforded adequate time to review PG&E's response testimony before submitting its rebuttal testimony. A date of August 7<sup>th</sup> affords CPSD a reasonable amount of time to review and respond to PG&E's June 25<sup>th</sup> testimony.

CPSD's proposal would not modify any of the other milestone dates set forth in the ALJ's Ruling.

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<sup>3</sup> ALJ email to Service List, March 5, 2012.

<sup>4</sup> I.12-07-007, ASSIGNED COMMISSIONER AND ADMINISTRATIVE LAW JUDGE'S JOINT SCOPING MEMO AND RULING AND NOTICE OF HEARING, March 13, 2012, Page 5; I.11-11-009, ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING, April 26, 2012, Page 4.

#### **IV. RELIEF REQUESTED**

CPSD requests permission to serve rebuttal testimony on August 7, 2012. No other milestones in the proceeding schedule should change.

#### **V. CONCLUSION**

The current procedural schedule should provide adequate time and opportunity for CPSD to prepare rebuttal testimony that is based on thorough review of the PG&E's response testimony. For the reasons stated above, CPSD respectfully requests that it be allowed to serve rebuttal testimony on August 7, 2012.

Respectfully submitted,

/s/ DARRYL GRUEN

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