

**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)

**PACIFIC GAS AND ELECTRIC COMPANY'S
OBJECTION TO "FRIENDLY" CROSS-EXAMINATION**

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As noted in the Joint Submission of Witness Schedule, etc., filed concurrently, CPSD and intervenors propose to "cross-examine" each other's witnesses. Pacific Gas and Electric Company (PG&E) objects to such "friendly" cross-examination. If the ALJ allows it, she should also allow PG&E to conduct additional direct examination of its witnesses.

This is a serious enforcement proceeding in which the Commission has said PG&E faces significant civil penalties. Under these circumstances, PG&E is entitled to the highest standard of due process.

CPSD and the intervenors are aligned in asserting that PG&E has violated rules and regulations. None of them would gain by cross-examination to test or undermine the testimony they are "cross-examining." Thus, in the name of "cross-examination," their questioning of each other's witnesses amounts to additional or supplemental direct testimony that will be used to provide the witnesses the opportunity to elaborate or further explain their positions. Stacking the deck by allowing the parties adverse to it to do additional direct while denying PG&E the same opportunity would not be consistent with the requirements of procedural due process. PG&E urges the ALJ to preclude "friendly" cross amounting to additional direct. If the

ALJ decides to permit it, then, in fairness, she should also allow PG&E to conduct additional direct of its witnesses.

Respectfully submitted,

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