

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)

**CONSUMER PROTECTION AND SAFETY DIVISION'S  
MOTION FOR PERMISSION TO COMPEL THE  
HEARING PRESENCE OF TWO  
PG&E EMPLOYEE WITNESSES**

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September 4, 2012

CPSD respectfully requests an order that PG&E produce for CPSD examination under oath, two PG&E witnesses. Because PG&E contends that their names are protected by 583 concerns of privacy, CPSD will not identify their names in this pleading. Their names will be provided under any conditions set by ALJ Yip-Kikigawa.

Both are current PG&E employees. CPSD's questioning of these witnesses will take approximately 20 to 40 minutes apiece. CPSD expects to call these witnesses because they can present important testimony with respect to PG&E records management and its effect on safety.

CPSD has read certain transcripts and exhibits of depositions taken by private plaintiffs in San Mateo County court cases. During 2012 private plaintiffs deposed 42 persons associated with PG&E, with 22 of them finished in May or June. These deposition transcripts and attached exhibits were provided by PG&E in response to a CPSD data request.

CPSD has selected two witnesses to call at hearings. PG&E refuses to produce either of the two witnesses, on the grounds that there is no prepared PG&E testimony for CPSD to cross-examine, because PG&E has not sponsored them as witnesses in its case.

A PG&E data response lists "Subjects Addressed by the Witness" (in the private litigation) in this way:

#### **WITNESS 1**

"Gas Pipeline Engineering; Integrity Management Line 132, GIS, MOP, MAOP, Planned Pressure Increases" (DR 66-Q. 2 July 13, 2012 response, p. 1).

#### **WITNESS 2**

"Gas Transmission Pipeline Design, Integrity Management, Record Management, Line 132, GIS, Long Term Integrity Management Plan, Automatic Shutoff Valves and Remotely Controlled Valves" (Id at p. 4).

CPSD selected these two employees from a list of 42 potential witnesses, because their testimony is highly relevant and useful to the recordkeeping investigation. Among

other things, they both had responsibilities - as can be seen from the summaries provided by PG&E – for integrity management and line 132. Both testified in the private litigation about the relationship between PG&E’s records and PG&E integrity management of its transmission pipe. They testified also to deficiencies and errors in records for line 132 or other transmission lines. These are critical issues to this proceeding.

PG&E has not called these two witnesses to testify in its defense. But the fact is that, if CPSD is permitted to examine these witnesses, their testimony is likely to be a valuable asset for the Commission to consider in arriving at its decision.

The Commission has previously ruled that CPSD may compel the testimony of utility employee witnesses who may provide relevant testimony, despite the absence of prepared testimony. CPSD is not empowered to provide prepared testimony for employees of utility respondents to their investigation. But the Commission is empowered to compel the presence of utility witnesses who possess highly relevant information to the investigation. The Commission has permitted such testimony in at least two enforcement proceedings - the Southern California Performance Based Ratemaking Investigation (I. 06-06-014) and the Commission’s current enforcement investigation of the Malibu Fire (I. 09-01-018). The former testimony was compelled after a brief oral argument at hearings (two witnesses) and a Malibu case February 13, 2012 written ruling compelled other witnesses as well to be produced at hearings by the utilities.

We respectfully request that the matter be addressed and heard as soon as possible after hearings commence on September 5, and that PG&E be directed to produce the witnesses for hearing examination by CPSD.

Respectfully submitted,

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/s/ ROBERT CAGEN

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