BEFORE THE

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking	)
on the Commission's Own Motion	)
to Adopt New Safety and Reliability	) R.11-02-019
for Natural Gas Transmission and Distribution Pipelines (Filed 2/24/2011)	)
and Related Ratemaking Mechanisms.	)

COMMENTS OF THE UTILITY WORKERS UNION OF AMERICA
on the DRAFT GAS SAFETY PLAN
Of the SOUTHERN CALIFORNIA GAS COMPANY,
Filed pursuant to
SENATE BILL 705 and D.12-04-010

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COMMENTS OF UTILITY WORKERS UNION OF AMERICA (UWUA)
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I. INTRODUCTION

It is just two years ago that the explosion of a gas transmission system in San Bruno rocked the world of the natural gas industry. In the United States public authorities in California at all levels responded with calls for fundamental cultural change in the industry and specific directives for change by gas system operators to assure the public that their gas transmission service is safe and would provide real additions to safety margins for all segments of gas delivery.

Including implementation of the Legislature's directives in SB 705, the Commission's Gas Safety Rulemaking[1] ranks safety as the highest priority and seeks to give effect to that priority through a process of developing and implementing safety plans. As the next step to restore the public's confidence, UWUA co‑sponsored SB 705 and fully supports the Commission's goal to implement it effectively.

These Comments address only the Draft Gas Safety Plan of the Southern California Gas Company (hereafter "SCG"). Though UWUA's views may be relevant to other utilities, UWUA stresses that the safety culture challenges of SCG are specific to SCG. Each of the utilities certificated to provide gas service in a geographic service territory will implement a safety plan in a specific and concrete setting that may be different. One reason that is that the Legislature and the Commission in its previous orders have

[1] D.12‑04‑010 issued March 17, 2012

[2] D.11‑02‑010 issued February 24, 2011

[3] "[O]ur efforts have not really addressed safety and whether we should adopt enhanced standards for safety representations …" D.11‑06‑010, page 2

desire to move beyond rhetoric and to meaningful on paper by everyone working in the gas delivery business ... of the utility operators and their workforces, their service representatives and and their local governments ... all together in ... specific ... ways under the general supervision and guidance of the ... Commission ... stated by the Commission is to move beyond compliance ... where prevention is the goal, safety margins ... everybody, ... including employees, is empowered to prevent incidents ... before they happen ...

In a telling ... by the Commission ... the ... Independent Review Panel ... recommended ... fifteen months ... the gas utilities that ... adopt a "maturity Framework" that ... reflect the importance ... advancement of thinking of pipeline integrity and ... safety ... This is also a vision of mature adults addressing one ... another ... differing vantage points and about the critical issues of safety ... infrastructure ... and ... safe operation of facilities ... services ... that deliver natural gas for use by the ... ever-changing physical and economic ... environments ... site ... different from static hierarchy of documents and ... unilateral ... compliance with ... "rules" distilled from those ... documents of ... many stakeholders

In the sections that follow UWUA ... Safety Plan ... critique ... the ... offered by SCG, concluding that the Commission should largely ... conforming to the Commission's ... IRP ... recommendations ... or to SB 705 requirements; (2) recommend an alternative framework that ...

"Our goal through all of these proceedings will ... that ... accord ... establish ... safety of gas ... utility ... the highest level ... *We ... significance ... That ... our ... gas ... utilities ... recognize that ... where ... Compliance is ... not ... enough* safe pipeline operations ... with utility management and the culture it creates in the work ... utility. The pipeline operators must have a corporate ethic ... safety as their first ... responsibility ... SCG page 8, emphasis added.

5 Report of the Independent Review ... Panel ... *Report* ... hereafter footnote omitted and emphasis added ... SCG page 12.

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addressing □ð over □ð time □ð the □ð concrete □ð threats □ð and □ð hazards □ð identifi

Commission's □ð Risk □ð Assessment □ð Unit □ð represented □ð employees; □ð (3) □ð

outline □ð a □ð process □ð of □ð training □ð employees, □ð including □ð managers, □ð t

work □ð in □ð collaboration □ð with □ð Commission □ð staff □ð to □ð undertake □ð

safety □ð journey □ð described □ð so □ð the □ð Independent □ð Review □ð Panel.

□ð Since □ð the □ð very □ð inception □ð of □ð the □ð Gas □ð Safety □ð Rulemaking

for □ð a □ð transparent, □ð institutionalized □ð communication □ð process □ð among □ð

employees, □ð managers □ð and □ð Commission □ð staff. □ð SB □ð 705 □ð this □ð concept □ð

central □ð to □ð the □ð culture □ð development □ð it □ð envisions. □ð UWUA □ð has □ð already □ð

Preliminary □ð Comments □ð raised □ð the □ð concern □ð that □ð SCG □ð has □ð attempted

UWUA in □ð an □ð attempt □ð to □ð manage □ð employee □ð communications, □ð avoid

involvement □ð in □ð an □ð institutional □ð communications □ð and □ð possibly □ð throw

safety □ð journey □ð off □ð course. □ð UWUA □ð reiterates □ð this □ð concern, □ð and □ð sugg

path □ð to □ð keep □ð the □ð journey □ð on □ð track.

□ð   □ð

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[6] *Comments □ð of □ð the □ð Utility □ð Workers □ð Union □ð of □ð America □ð (UWUA) □ð Locals □ð 132, □ð 483, □ð 522 □ð Representing □ð Employees □ð at □ð Southern □ð California □ð Gas □ð Company, □ð in □ð this □ð Safety □ð Rulemaking*, □ð filed □ð April □ð 14, □ð 2011. The □ð UWUA □ð on □ð the □ð Report □ð of □ð the □ð Independent □ð Review □ð Panel □ð filed □ð July □ð 15, □ð 2011.

□ð

[7] □ð □ð Pub. □ð Util. □ð Code □ð section □ð 961(d) □ð provides □ð that □ð "[e]ach □ð gas □ð corporation □ð provide □ð opportunities □ð meaningful, □ð substantial, □ð and □ð ongoing □ð to □ð the □ð gas □ð corporation □ð workforce □ð in □ð the □ð development □ð and □ð implement □ð the □ð plan, □ð with □ð the □ð objective □ð of □ð developing □ð an □ð industrywide □ð safety □ð that □ð accidents, □ð minimize □ð explosions, □ð fires, □ð and □ð dangerous □ð for □ð the □ð protect □ð public □ð and □ð the □ð gas □ð corporation □ð workforce"

□ð

[8] *Preliminary □ð Comments □ð of □ð the □ð UWUA □ð on □ð the □ð Draft □ð Gas □ð Safety □ð Plan □ð of □ð the □ð Southern □ð Gas □ð Company □ð Filed □ð Pursuant □ð to □ð SB □ð 705* □ð filed □ð July □ð 20, □ð 2012. □ð See □ð below, □ð

□ð   5

In making these Comments and contentions UWUA does [not]
policy position articulated by Arturo [...], President of UWUA in Local 132,
Testimony in the SCG General Rate Case, A.10...

> As union workers in the gas industry we are commi[tted to]
> quality gas service to our friends and neighbors in [...]
> Southern California the public. We are proud of the [...]
> Southern California Gas and seek to uphold the public's [...]
> reliable and affordable service. When Southern California Gas [...]
> claims to be a leader in the issue of safety, they [...]
> claims about our work. SCG management and SCG w[orkers]
> are pledged to cooperate on safety issues.
>
> ...We intend to work in partnership with SCG, the C[...]
> advocates to rebuild public confidence by improving safety
> programs and services and by implementing a safety cu[lture]
> to eliminate hazards and deliver good safe service every [...]
> ...
> In making constructive suggestions for implementation w[...]
> do not disparage SCG or its management. ...
> Southern California Gas to promote safety in our indust[ry]
> of its operational goals respecting safety and service as [...]
> Smith and many of the witnesses whose knowledge and [...]
> to support its rate requests. SCG needs to walk [...]
> talk, and our recommendations are us-intended and to help [...wo]rk
> SCG to do that.
> ...We expect the same level of respect and consideration from [...]
> accord SCG and its management. We pledged to cooperation and [...]
> SCG to reciprocate, at the instigation of the Commission [...]
> SCG the great company we ought to be

Southern California Gas General Rate Case, A.10 Exhibit Q&531, at
page 3, line 10 through page 4. (emphasis added)

II. CRITIQUE OF SOCAL GAS DRAFT SAFETY PLAN

SB 705 directs the Commission to review the initial [...] modify or [...] reject" it.   Pub. Util. Code section 961(b)(2). [...] of the SCG Draft safety Plan because it fails to conform [...] fundamentally misreads [...] as permitting [...] continuation of the status quo.

A. OVERVIEW OF [...] 10, SB 705, and IRP RECOMMENDATIO[...]

D.12-04-[...] is an expansion of the [...] Commission's [...] post related activities, intended "explicitly to include issues addressed [...] 705]....[T]he issues stated in [SB705] join [...] safety [...] improve[...] progress...." (p.16)   The Commission intends to move forward [...] addressing what for it is the key issue in SB 705: [...] culture as required by Pub. Util. Code 961(a) [...] quoted [...] Th[...] first front is the development and implementation [...] a Saf[...] Section 3.1 pages 18 [...] The second front is an integrated set [...] retail gas utilities, beginning with a [...] management [...] [...] how revenue requirements are implemented in order to "...be[...] investment in safety we order provides [...] Section [...] 3.2, pages 20 [...] quoting [...] at page 12

With respect [...] Safety Plan [...] the Commission notes:

> The rationale for developing a *[...] gas plan utility [...]* *reflect- upon- its- existing- methods- and- for- it- to- change,- to- optimize,- or- [...]* *the- existing- methods,- using- the- elements- promulgated- by- SB-[...]705 and- the- l[...]* *learned- from- the- San- Bruno- Incident,- as- appropriate* ensure that the [...] utility has a prudent plan in place to protect public [...] Decision, Page 17, emphasis added

Similarly, the management audit is the intention [...] Commission to requirement [...] that the executive leaders of the gas corporations are fully [...] responsibilities...."

We will review the safety culture at each utility from management on down. We will consider [...] expressed that in [...] safety budgets, operational requirements, staffing, and priorities [...] primary objective of the audit is to assess the effect [...] management system in achieving the goal of public and [...]

D.12-04-[...] page 18

The focus in [...] is *improvement*, not preserving the status [...] D.12-04-[...] page 19. In this respect consistent with the in[...] Rulemaking and with the [...] caused before the Rulemaking[...] issued [...] its [...] confirming the Commission's safety culture direction.

In addition to its own directives, [...] Commission [...] in [...] incorporates two sets of issues/recommendations from other sou[...] Legislature (SB 705) and the Independent Review Panel [...] (IRP) [...] recommendations are especially important in mapping the directi[...] culture journey[...]

A1. SB 705 Issues

SB 705 added sections 961 and 963 to the Public [...]. 963(b)(3) add[...] and codif[...] statute the absolute priority for saf[...] by the Commission[...]

> (c) It is the policy of the state that [...] commission [...] place safety of the public and gas corporation employee[...] The commission shall take all reasonable and necessary and appropriate [...] to carry out the safety priority policy [...] of this paragra[...]

[9] [...] page 8: "Our goal in these proceedings will be to [...] and policies [...], [...], [...]7[...], 1[...], 4[...]5[...]5[...]7[...]7, [...]4[...]8[...]48[...]", [...]1[...]S F [...]4[...], [...]8[...], 4 [...] CB[...]: "Each gas corporation that provides basic [...] shall develop and implement for [...] the [...] safe operation maintenance of its [...] gas plant to prevent [...] accidents, [...] fires, and dangerous conditions, and to protect the public and [...] shall have priority [...] minimization cost considerations [...] shall be consistent with [...] practices in the gas industry [...] and federal pipeline safety [...]. Page 2, line 16 through page 3[...]." http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0701-0750/sb_705_bill_20110218_introduced.pdf

principle of just and reasonable rates based on cost

Section 9 adds the requirement safety plans to implement top priority for safety. Pub. Util. Code section 961(b)(1). approved by the Commission after a hearing, Pub. Util. Co the utility is to implement plans. Pub. Util. 961(b) sec The Commission must provide adequate funding, Pub. Util. Code 9 build in sufficient flexibility "...redirect activities ... to respond to requirements." Pub. Util. Code (b)(2). section After approval a plan is to reviewed and updated periodically. Pub. Util. Code (b)(4). Section 961(b) thus establishes both the Commission's ultimate control of plan its ongoing oversight of plan implementation, including redirection necessary.

As the Commission has recognized, a crucial element of ongoing safety process development, approval and implement the creation of a safety culture based on

> ...opportunities for meaningful, substantial and ongoing participation by gas corporation workforce in the development and implement plan, *with the objective developing an industry culture of safety* Pub. Util. Code 961(e), emphasis added

This participatory inclusive approach to plan development and implement an essential aspect of safety priority the Legislature has establi D.12-04 itself the Commission has already given some su "meaningful, substantial and ongoing" participate requiring publication of plan, creation of a feedback mechanism for employees to for tracking employee/manager communication affirmative facilitation of protection for employees who communicate with the Comm

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10 D.12-04 Section 3, pages 16

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precluding "other procedures and procedures. [pages 18 to 6]

While acknowledging that the Commission has "gotten" the importance of bi-directional reciprocal communication, UWUA urges the Commission to ... that episodic, management-controlled approach ... has gone far enough to be "meaningful" or "substantial." UWUA advocated for an institutionalized communication procedure involving regular meetings and interactions ... represented workers, managers and commission staff.[11] The Commission should implement this approach given the decades-long relationships among worker representatives, workers, management and the Commission staff.

Section 961(e) ... the ... of a ... safety culture that promotes transparency and communication about hazards is ... and ... fully consistent with the Commission's jurisdiction and authority to ... require safe operation. Pub. ... 1(f). expressly preserves ... the ... powers of the Commission under Pub. ... Util. Code ... statutes ... that utility practices provide for the health and employee safety of ...

Sections 961 and 961(d) provide ... the plan must be consistent with best practices in the industry and statutes and regulations. Section 961(t). ... must address a list of eleven (1...) broadly characterized issues, which the Commission has grouped ... five (5) topics: (1) safety systems, (2) emergency response, (3) state a... (4) continuing operations, ... emerging issues.

The "safety systems" topic encompasses both identification

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[11] *Comments on The Report of The Independent Review Panel* filed July 15, 2011; *Initial Comments on The Gas Safety Rulemaking* filed on April ... 2011; ... *Arturo Frias* Exhibit 581... A.10 served September 19, 2011 ... Gas General Rate Case ... *Testimony of Carl Wood* Exhibit ... UWUA -1... served June 15, ... Gas Pipeline Safety Enhancement Plan pro... *Comments of UWUA on The Proposed Whistleblower Protection Rule* filed August 24, 2012.

hazards and (section 961(d)(1)) and identification of related safety systems to be deployed to identified hazards the (section 961(d)(2)). These provisions are at the heart of the statutory scheme preventive approach to safety require concrete identific hazards and deploy of systems concrete approaches to systematically mitigating and eliminating them minimize the identified hazards.

The "emergency response" topic encompasses timely response to and employee reports and other hazardous conditions and emergency events, including connection, reconnection, and pilot procedures (section 961(d)(6)), as well as emergencies such as earthquakes (section 961(d)(8)) and involving injury and damage (section 961(d)(5)).

The "continuing operations" includes issues related to adequate delivery capacity (section 961(d)(3)), adequate staffing and workf and size (section 961(d)(10)) important functions such as leak s and patrol (section 961(d)(12)) at page creates issues chart" using shorthand to statute describes that It is reproduced here. descriptive terminology List "Issues" portion of the chart should n understood to recast any of the statutory issues or limit Similarly, the "Commission Oversight Process" rubric must be the decision's purpose to inspire "reflection" and existing change," improve on them page

( ) .) 0 U , §§ 6 -L , 1 , 1	O , 1	, O 6 0 ,
Identify and minimize and systemic risks.	Safety Systems	Utility Operations and Main Plans in place, along wi Management for both trans and distribution systems to threats and systemic risks.
Identify the safety systems that will be		

minimize ☐ð hazards. ☐ð ☐ð☐961	☐ð	☐ð
Equipment ☐ð and ☐ð personnel procedures ☐ð to ☐ð limit ☐ð the from ☐ð accidents. ☐ð ☐ð961(d Timely ☐ð response ☐ð to ☐ð rep leaks, ☐ð hazardous ☐ð condition emergency ☐ð events. d☐(6)☐ð96 Prepare ☐ð for ☐ð and ☐ð respor earthquakes ☐ð and ☐ð other ☐ð events. ☐ð ☐ð961(d)(8)	Emergency ☐ð Response ☐ð ☐ð	Emergency ☐ð response ☐ð procedure required ☐ð by ☐ð 49 ☐ð CFR ☐ð 192 customer ☐ð service ☐ð response ☐ð General ☐ð Rate ☐ð Cases, ☐ðewith ☐ requirement ☐ð provided ☐ð to ☐ð m standards. ☐ð ☐ð Improving☐first and ☐ð utility ☐ð coordination, ☐ð and pipeline ☐ð facility ☐ð data ☐ð already in ☐ð Rulemaking☐ð ☐ð
Protocols ☐ð for ☐ð determining maximum ☐ð allowable ☐ð opera pressures. ☐ð ☐ð961(d)(7) Meet ☐ð or ☐ð exceed ☐ð the ☐ standards ☐ð for ☐ð safe ☐ð desi construction, ☐ð installation, ☐ð operation, ☐ð and☐maintenance ☐ð of gas ☐ð transmission ☐ð and ☐ð d facilities ☐ð prescribed ☐ð by ☐ð regulations. ☐ð ☐ð961(d)(9) Best ☐ð practices ☐ð in ☐ð the ☐ and ☐ð with ☐ð federal ☐ð pipeli statutes. ☐ð☐ð ☐ð 961(c) ☐ð	State ☐ð and Federal ☐ð Regulations ☐	Federal ☐ð regulations ☐ð currently ☐ maximum ☐ð allowable ☐ð operating☐ criter Since ☐ð September ☐ð 13, ☐ð 2010, warranted, ☐ð Commission ☐ð has ☐ð ordering ☐ð reductions ☐ð of ☐ð MAO by☐line☐by☐basis, ☐ð and ☐ð has ☐ð se any ☐ð authorized ☐ð resumptions; ☐ Commission ☐ð leads ☐ð the ☐ð U.S. ☐ all ☐ð gas ☐ð transmission ☐ð lines ☐ MAOP ☐ð established ☐ð by ☐ð pressu GO ☐ð☐112☐Grequirements ☐ð exceed regulations; ☐ð however, ☐ð staff ☐ð proposed ☐ð revisions ☐ð to ☐ð GO ☐ Rulemaking. ☐☐ð
Safety ☐ð of ☐ð the ☐ð public ☐ð corporation ☐ð employees ☐ð as priority, ☐take ☐ð all ☐ð reasonabl appropriate ☐ð actions ☐ð consis with ☐ð the ☐ð principle ☐ð of ☐ reasonable ☐ð ☐cost☐G ☐ð rates. ☐ 963(b)(3) ☐ð Provide ☐ð adequate ☐ð storage transportation ☐ð capacity ☐ð to reliably ☐ð and ☐ð safely ☐ð deli all ☐ð customers. ☐ð ☐ð☐961(d)(Provide ☐ð for ☐ð effective ☐ð pa inspection ☐ð to ☐ð detect ☐ð le 961(d)(4) ☐ð Ensure ☐ð an ☐ð adequately ☐ð s qualified, ☐ð and ☐ð☐properly☐trained gas ☐ð corporation ☐ð workforce	Continuing ☐ð Operations ☐ð	Federal ☐ð regulations ☐ð currently ☐ patrol ☐ð and ☐ð leak ☐ð survey ☐ð a inspect ☐ð for ☐ð leaks. ☐☐n ☐ð☐Staffm continually ☐ð stays ☐ð informed ☐ð detection ☐ð technologies ☐ð to ☐ð m activities ☐ð more ☐ð effective. ☐ð ☐ Cases ☐ð require ☐ð overall ☐ð review operations ☐ð which ☐ð includes ☐ð g transportation ☐ð capacity, ☐ð newly safety ☐ð phase ☐ð to ☐ð focus ☐☐☐on safety. ☐ð

961(d)(10)		
Any additional matter commission determines sh be included in the 961(d)(11)	Emerging Issues	Commission has opened Ru for longer... issues, with Commission Executive ...Dire empowered to take urgent needed, and enforcement p are the ultimate procedural mechanism.

In D.14... the Commission recognizes that the adequacy of "existing oversight processes" to assure that ...adequately utilities ha assessed risks and are properly implementing the required mi at issue, by acknowledging the ...recommendation...independent Panel D.12-04... page and 15 Appendix A. It is to those Recomme turn.

A2. R...11-02... and REVIEW PANEL RECOMMENDATIONS

R.11-02... has been the Commission's flagship for addres transformations in the gas ...industry concerns revolve around haza identification and abatement:

> Due to aging infrastructure, we are interested in assessing ... may be missing other natural gas pipeline safety issues risks that are currently unidentified... we pose the questions else is out there?" and "what can we... another tragedy from unexpected sources? R.11-02... at page 9, emphasis added.

The emphasis on concrete hazard mapping and abatement has from its inception. This concern is echoed in SB 705, s

R.11-02... has been the venue for receiving and impleme Report and the recommendations of the Independent Review the Commission two weeks after the San... explosion moves forward implementation recommendations related to safety cultu page 12. These recommendations include:

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□□ These □□ recommendations □□ are □□ couple series with of □□ recommendations □□ □ improving □□ the □□ skills, es □□ reand cedures for □□ regulatory □□ and □□ operational □□ □ oversight at □□ the □□ Commission Section Recommendations □□ in □□ Section □□ 6, □□ totaling □ separate □□ items. □□ □□ The □□ ultimate □□ recommendation □□ is

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(emphasis □□ added□)

□□ Hazard □□ mapping through □□ candid □□ interactions □□ among □□ knowledgeable □□ □ stakeholder, and □□ the □□ creation □□ of □□ specific □□ performance □□ standards □□ fo □ operation □□ and □□ maintenance □□ functions □□ are □□ essential □□ elements □□ of □ □ D,12□04□□□□G□ seeks □□ to □□ advance. □□ □□ These □□ elements □□ must □□ be □□ p □ plan □□ proposed □□ in ceeding this □□ pr

□□ □□

B. □□SOCAL □□ GAS □□ SAFETY □□ PLAN

□□ SCG appears □□ to fundamentally □□ misread □04□□□□ SB □□ 705 □□ and □□ the □ *Report* and □□ as □□ a □□ result □□ has □□ offered □□ little □□ more □□ than □□ a □□ co □ documents □□ describing □□ and □□ circulises that □□ their list □□ operational □□ □ and □□ safety □□ status □□ neglected □□ SCG □□ Commission's □□ Legislature's □□ the □

□□ 14

IRP's call for change, improvement, journeying toward safer, l[...] for workers and the public[...] transparent communication and accountability. SCG has omitted the hazard mapping and performa[...] deemed essential by the Commission[...] this IRP. [...] not to denigrate [...] management's [...] objective commitment to safety[...]. Rather, [...] against complacency and dismissiveness[...] management's toward [...] organized employee[...] and public engagement. [...] Commission the gas workers and the public have[...] SCG beyond the Commission, the [...] organized workers and the public[...] command[...] should[...] which [...] to move the journey forward on the basis of what SCG [...] *Draft-Safety-Plan*[...]

B1. EXECUTIVE SUMMARY

The Executive Summary is the [...] management's [...] setting and [...] aspirations. [...]articulate[s]" [...] pipeline safety performance expectations, poli[...] principles, and performance goals/objectives, and describe[s] our safety[...]related pipeline programs, policies, stan[...]*Draft-Safety-* proce[...] *Plan*, Executive Summary at page 17.

It contains [...] of[...] statements and assertions that [...] call [...] elaboration and/or revision. (See below) What it does [...] hazard identification (section 961(d)(1)); any specification of syst[...] deployed to abate hazards[...] (section[...]) any commitment to improving [...] record of timely emergency[...] response[...] customer service [...] for etc. (section 961(d)(6)); specific commitment to assuring an adeq[...] and trained workforce; (section). [...]961(d)(1[...] short, it appears that specific requirements of the[...] for [...] concrete action[...] not present[...] in t[...] *Safety-Plan.*

Further, *Draft-Safety-Plan* does not acknowledge[...] work on of the[...]

Commission staff and union to deploy its employees hazards and to abate them. The Commission expects accountability. It eschews the collaborative, transparent process contemplated by the statute in favor of a closed, insular process driven (by management). Even at that, SCG too often appears to truth, or to standards that may be at odds with the words fails on to the proper performance measures that could be the basis for accountability.

The Executive Summary contains several statements that need elaboration and clarification on a factual basis. These, without limitation, include:

- representations about the power of employees to "stop the job" (see Preliminary Comments at page 7 (July 20, 2012)

- representations about the efficacy of training and SCG supplied tools "needed to do the job safely" (See below, Section III.B2, page)

- representations about hiring and training sufficient numbers, including one-on-one coaching in the field;

- representations about employee participation in safety discussions and meetings, which is in fact by management invitation only.

The upcoming hearing, or workshop, will provide needed opportunity for clarification.

B2. SUBSTANTIVE PROVISIONS appearing in Attachment B

The substantive provisions of the Draft Safety Plan, Attachment B to the are organized by topic, not by the statutory SB provisions. As a result, the provisions in the Plan appear to be cursory and conclusory statements with vague references to a long compendium of SCG policies and policy number and by the Draft Safety Plan, Appendix A.

For example, Chapter 4 of the Draft Safety Plan, beginning on page 16 addresses the Safety Systems topic. It contains (over 50 words each) descriptions of the existing Transmission Integrity Management

(TIMP), Distribution Integrity Management (DIMP), the existing O&M [...] and the proposed Pipeline safety Enhancement Plan (PSEP). [...] separate "policies" that are merely listed by title in the [...] Chapter contains a general description of data gathering [...] about [...] to inform work plans "the continual improvement process" is a limited [...] year "review of the TIMP written plan." Ibid. at page 17. [...] approach to compliance, not a robust plan for improving s[...]

This approach renders *Draft Safety Plan* an utterly opaque document [...] Making it available [...] to and work the [...] public and does either [...] understanding or involvement.

B3. EMPLOYEE ENGAGEMENT (COMPLIANCE WITH SECTION [...]

In Chapter [...] of *Draft Safety Plan* [...] pages 11 through 14 describes an [...] extensive set of activities, including interactions between managers and [...] represented workers, intended to engage employees in plan d[...] implementation. This included meetings, surveys, focus groups, [...] internal website and intranet facilitated all interactions, formal or [...] informal communication [...] with UWUA. As discussed extensively UWUA's [...] *Preliminary Comments* filed on July [...] 2012, this unilateral approach creates a host [...] of problems for SCG, the UWUA, and [...] in part to the ambiguity [...] messages [...] apparently were communicated [...] stopping the job and [...] matters. It is not consistent with the link between [...] em[...] the creation of the safety culture envisioned by Section 96[...] unilaterally dominated by managers' coercive authority, without the [...] countervailing protective force of the collective bargaining represe[...] gamesmanship represented an implementation approach that seems designed t[...] evade the unions representing employees [...] consistent with the "maturity [...] framework" called for by the IRP. [...] and It [...] certainly [...] no[...]

constitute   the   "meaningful"   or   "substantial"   participation   called   fo

961(e).

The *Draft-Safety-Plan* is   silent   any   about   interaction   with   the   Commission

its   staff   on   any   of   the   matters   to   be   addressed   in   t

process.   This   apparent   inability   to   engage   Commission   staff   or   the

Assessment   Unit,   or   actively   engage   with   entatives,   employee   repr

fundamentally   different   direction   than   the   rest   of   the   stakehol

the   sort   of   open,   inclusive   safety   culture   envisioned   by   the

a   course   correction.

C. CONCLUSION: A   MISSED   OPPORTUNITY   A   SECOND   CHANCE

The   *Draft-Safety-Plan*   fails   for several   different   reasons.   It   does

identify   hazards   or   mitigations;   it   does   not   implement   a   tr

culture;   it   does   not   address   specific   matters   called these out   failing

stem   from   a   primary   the causel   or   inability   to   engage   ope

with   the   other   stakeholders   in   the   process   who represented   be

employees   who   do   the   work,   their   union   representatives   and

In   the   workshops   and   hearings   to   follow,   the   Commissi

SCG   to   engage   fully   and   candidly.   Before   approving   705,

Commission should   be   satisfied   that   opacity   has   turned   to   tran

the   people   who   work   at   SCG   are   committed   to   a   cultu

customers   and   the   employees   are   becoming safer know   the   r

hazards   and   are   moving   effectively.   to   address   them

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III. UWUA ALTERNATIVE APPROACH

Over the past months UWUA has consistently made a set
recommendations for culture change that can be distilled into
principles:

> *(1) create a transparent system of communication among
> workers, managers and Commission staff that permits
> consultation – the maturity framework for by the IRP and*
>
> *(2) Shift the emphasis prevention from reaction through proactive
> identification and elimination hazards and threats customer service,
> operations maintenance using the Systems of Safety (SOS)
> rather than reaction to incidents after. they have happen*

As suggested above, SCG has proposed an elaborate def
and has failed to conform to the expectation address SCG,
concrete identified hazards. There is a basis for redressin
activities by both the Commission staff and UWUA members.
the SCG Draft Safety Plan the Commission should seriously
approach.

The Commission has in a number of formal, informal
moved in the direction of culture change consistent with,
these principles. The November 2011 the subsequent activiti
the Risk Assessment (RAU) to map hazards in the industry throug
consultation with a variety of stakeholders is a constructive
prevention/reaction issue. As noted above, the silence of
on the RAU's activities unfortunate of an important regulatory
initiative. UWUA has made a number of concrete suggesti
abatement and management, based on the concept of establish
standards for safety customer service, operation maintenance and

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taking concrete steps to meet them. These proposals are below.

The issuance of protective orders to facilitate employee the Gas Safety Rulemaking and the SCG General Rate Case indications of the value that the Commission places on increased safety-related issues. The Commission references repeated to protecting employees who wish to communicate directly with the Commission itself and the proposal of a formal rule preventing reprisals who communicate are further indications that the Commission is the two-way communication scheme among workers, managers and staff that UWUA has advocated. As indicated elsewhere, the toward transparency and meaningful, substantial, and ongoing participation the gas corporation workforce should not stop with whistleblower protections.

The sections below elaborate on how that culture and Safety Plan templates should develop consistent with the Commission safety initiative. The goal of a safety culture should be to but especially the workers who deal with these very facilities, and engage fully in preventing injuries and damage element is the creation institutional framework for ongoing dialogue among key stakeholders about hazards and their remediation. This element is addressed Another crucial element is training workers to recognize hazards

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[12] A.10-12-05/006, *Ruling of the Assigned Commissioner and Administrative Law Judge regarding Motion of the Workers Union of ... for a Directive to Protect Employees*, dated January 25, 2012 Ca. Ruling of the Assigned Commissioner Granting, on an Interim Basis, the Motion of the Utility Workers Union of America, and Adopting Procedures for ... Regulation Regarding Whistleblower Protections, dated march 14, 2012

[13] *Workshop Report and Proposed Regulations Regarding Whistleblower Protections* July 23, 2012

[14] *Reply Comments of the Utility Workers Union of America (UWUA) on the Proposed Whistleblower Rule* filed August 24, 2012, at page 4.

This element will be addressed in Section IV. These reiterate points and positions already expressed in other proceedings.

A. TRANSPARENT INSTITUTIONAL COMMUNICATION

UWUA described the basic structure of the institutional transparency regime that should be *initiated* *developed* in this Rulemaking in April 2011. UWUA said at that time:[15]

> "A systems approach to safety requires no obstacles to reporting safety issues, both compliance and, *non* compliance, to regulators and enforcement agencies. The goal is a cooperative proactive that avoids damage before it happens, replacing a reactive approach to damage that might have been prevented. [A] regular and consistent flow of communication among utility employees and government agencies, in accordance with the principles:
>
> - Gas pipelines are essential *public utility facilities* critical and essential to the California public. Safe operation is of paramount employees of the utility and for the consuming public gas transport and delivery facilities.
> - There should be *institutionalized* channels of communications among the three sets of safety stakeholders with direct responsibilities (1) utility managers with operational responsibilities including monitoring and remediation including *locate and repair;* (2) utility employees performing transmission, distribution and field services (3) government agency investigative and enforcement personnel enable them to carry out their respective roles in assuring are operated and maintained in a safe and effective the public and consumers of gas service..
> - Utility employees through their bargaining representatives should fully and equally in development, implementation and interpret modification of programs for protecting the safety of the employees, recognizing that in the gas operations industry and all maintenance programs have implications for safety. They should in presentations to agencies with approval authority and should be when enforcement authorities come on the property to utility operation, maintenance, construction or other activities.

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[15] *Comments of UWUA Locals 132, 483 and 522, filed April-* *at pages 21, 22.*

- Utility employees through their bargaining representatives shou
  established channels of communication at regular intervals
  management with public agencies having regulatory and en
  responsibility."

In *Comments on The IRP Report* July at 2011 pages and 6 through

UWUA elaborated this concept of institutionalized, transparent com

"These two notion of comprehensive of fact discussion
among all stakeholders and among stakeholders including regula
– are critical to the creation called the for safety the Co
in its initial Order in this proceeding issued
February 24, 2011 at Section 6 of the essential stakeholde
the gas industry safety process at Southern employees G
represented by UWUA seek to contribute to discussion the in fact t
fully participate meaningful, substantial and ongoing dialogue "co
colloquy among stakeholders" including the Commission for called
Report.

…

…

Among the significant barriers to transparent communication
among stakeholders and a continuous commitment to safety
improvement, is what the IRP terms a [footnote of co
IRP Report at page 54]

'Compliance expenditures for projects authorized in rates
driving forces affecting the infrastructure investment and
program of PG&E's gas "compliant" company may or
not be running a safe system. Rather the only if of the
the regulation leads to an overall approach of proces
promoted.' (emphasis added)

"Related to this weakness is what the IRP strategy also "App
setting," which emphasizes image management over substance
"ultimately undermines the company's credibility with its e
as the public." [footnote IRP Report The Report 18] contrasts this
with what it calls a "mature [footnote culture." Report at

'An organizational maturity in the area of risk management
the priority, active thought serious effort it allocates to t
process. To meet the challenge of addressing the comple
risk management, the leadership of the needs organize stablish
and promote a thorough and honest companywide comm

system. Such a system ensures it receives all of the information it needs to identify the key risk decisions addressing and to make decisions about them in a systematic fashion. An organization with a mature risk culture is willing and able to meet the challenge of making significant decisions in a thorough and timely manner. That risk culture is set by the top management can be influenced by its Directors, and is informed by a workforce engaged in a communication process, underpinned by subject matter expertise... business.' (emphasis added)

By de-emphasizing a "gotcha" approach to enforcement and replacing it with a systems approach that identifies and proactively ... through a robust company-wide communication process, the IRP has outlined an organizational structure ... all employees participate in delivering to the public the level of safety that California residents, including UWUA members, ... what the Commission is driving toward in its efforts ...

...

Employee representatives can play a certain role in developing the agency element of the safety culture in several aspects: improving information in inspections and audits; providing practical feedback on procedures and programs between inspection and audit intervals; innovations and experiments. The use of knowledgeable employees in roles can reduce the resources needed for thorough and ... of utility safety activities.

Comments at pages 3, 6

In his testimony in the SCG General Rate Case from President UWUA Local described an implementation for this path concept.

Q13. Please describe the safety organization element of ... proposal.

A13. The UWUA and SCG have an existing structure of ... and conferences provides a framework for advancing the development of an effective safety culture. This existing structure ... incremental improvements, to achieve what the Commission ... have identified as the key to improved safety in the ... communication among the key—management, workers and ...

commission staff aimed at identifying hazards and preventing rather than punishing after the fact.

The organizational increments would facilitate transparen communication among employees, managers and Commission a UWUA's submissions in the Gas Safety Rulemaking, R. 1

The UWUA is recommending incremental changes to organizational structure for safety changes SCG These

- Designation by the of union employee/union representatives for each operating region (12 total) who can safety on incidents, inclu performing root cause analysis in incident investigation, verify and report implementation of safety systems conduct SOS improvements, safety training and work continuously with SCG and CPUC monitor and enforce safety plan implementation;
- Regular periodic meetings of all employees at the unit frequently than quarterly) to facilitate hazard mapping, syst analysis and development of hazard elimination approaches;
- Creation by the Commission of robust independent channel employee/union communication with CPUC inspector and staff enfo along regular organized lines as recommended by UWUA in the Gas Safety Rulemaking July 15, 2011.

These recommendations build on pilot programs that SCG discontinued, and on current informal safety practices in the transmission and storage area.

Southern California Gas General Rate Case, Exhibit 581, at pa 12-13.

The sum of these recommendations is this:

(1) Create regular channels of communication among worker rep managers and Commission staff, using existing/management such as safety committee meetings, and regular Commission visits and inspections, as well as direct interaction between managers and Commission staff. This provides a resource both for the public Commission staff.

(2) Provide funding for designated safety representatives to assure independent communications and views. (Ratepayers already fun representatives.)

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(3) consistent with the IRP recommendations, the onus in safety
enforcement from blame/punishment (compliance) to correction (non
conformance.)

B. PREVENTION: THREATS IDENTIFIED for PREVENTIVE TREATMENT

There are several approaches to a making the reach to
prevention, but they all depend on actually grappling with
operation and maintenance of facilities and the provision of

The Commission has identified several hazards particularly it co
significant and ripe for abatement. One risk is the rup
transmission pipe, of the type at issue in the San Brun
has embarked on a year process to test or replace pipe all transm
lacking documentation of a pressure test, at a potential co[16]

Another hazard identified by the Commission as particu
mapping and abatement is "accidental damage nearby to unrelated
excavation, often referred to in [17] at page 9 UWUA
concrete suggestions to address this, including improving surface
provide on-site marking, increasing the frequency of patrols
excavators, and improving enforcement of the system. SCG has
notengaged with UWUA or with the Commission staff on
maintenance and improved safety margins.

The UWUA has recommended shortening lower interval maintenance
procedures for critical structure, including valve maintenance, pipeline
and leak surveys. Of particular importance is assuring that
protection, which is the first defense against external corrosion and

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[16] in The SCG counterpart process is currently
examination in the Triennial Allocation proceeding.

[17] Testimony of Robin Down, GT & UWUA at page Q & A 4.

improved.[18] The suggestions are that will improve the safety ma... existing aging infrastructure, and make discovery of defects and ha... likely. They are prime candidates for immediate action by... utility as part of a safety plan that comports with SB 705

B1. PREVENTION: THREATS COMMUNICATED TO COMMISSION'S RISK ASSESSMENT UNIT (RAU)

The Commission's Risk Assessment Unit (RAU) process of su... stakeholders to rank classes of hazards or activities should i... the consideration and review of safety plan proposals. ... a set... risks and hazards it had developed through informal intervie... stakeholders assess the identified risks by frequency and ... responded as follows:

QUESTION	FREQUENCY	SEVERITY	LOCATION
...			
...	D	6	... / GV.G2
...	D	D	... / GV.G2
...	D	D	.?./ ... / GV.G2
			QQ.NI / ...
...	D	D	/ GV.G2
...	D	A	...
...	A	A	... / QQ.NI
...	...	????	... / QQ.NI
...	D	F	... / QQ.NI
...			
...	...	A	... / GV.G2
...	D	6	...
...			
...	D	D	... / GV.G2
...	D	F	... / GV.G2
...			
...			
...			
...	D	F	... / GV.G2

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[18] Ibid. pages 5 through 9, Q&As 5 through 9.

⬚⬚⬚⬚⬚⬚P⬚),⬚3⬚⬚6⬚⬚⬚N-⬚C			
3U34N⬚N3⬚⬚⬚C⬚⬚⬚	D	D	⬚⬚⬚/GV.G2
O1⬚⬚⬚⬚4P)⬚⬚4⬚⬚B	D	6	⬚OL/⬚QQ.NI
OO⬚1⬚⬚33⬚⬚⬚⬚4.4⬚N43	????		⬚⬚⬚⬚/GV.G2
⬚⬚3,44⬚⬚Q⬚6⬚⬚	D	6	⬚OL/⬚QQ.NI
⬚⬚B3⬚⬚/6⬚⬚,3	A	D	OL/⬚⬚⬚/GV.G2
⬚,U⬚⬚/B,⬚⬚4P)⬚⬚4⬚⬚B			
⬚⬚6⬚5,41,U⬚⬚3C⬚⬚3C			
N)⬚⬚⬚4/,,⬚⬚⬚⬚B⬚4⬚⬚B3C⬚⬚⬚⬚	D	6	OL/⬚⬚⬚/GV.G2
⬚⬚)⬚⬚P)⬚⬚4⬚⬚B	D	F	OL/⬚⬚⬚/GV.G2
⬚⬚446P)⬚⬚4⬚⬚B	D	6	⬚⬚QQ.NI/⬚O⬚
4⬚,43⬚O⬚O⬚⬚33⬚⬚1⬚,43⬚⬚6⬚			
⬚⬚⬚U),⬚⬚U⬚⬚3C⬚⬚⬚	D	F	OL/⬚⬚⬚/GV.G2
⬚4N⬚3⬚))46	D	6	⬚⬚QQ.NI/⬚O⬚
4q⬚⬚)⬚)N O1⬚⬚,3/⬚⬚3,44⬚⬚	A	F	⬚⬚QQ.NI/⬚O⬚
V⬚⬚B	A	A	OL/⬚⬚⬚/GV.G2
2⬚N-Q⬚NP)⬚⬚	????		OL/⬚⬚⬚/GV.G2
2⬚N-I⬚⬚5P)⬚⬚	????		OL/⬚⬚⬚/GV.G2
2⬚N-?,46⬚⬚N4⬚⬚⬚⬚P)⬚⬚	????		OL/⬚⬚⬚/GV.G2
2⬚N-⬚5,1P)⬚⬚	????		OL/⬚⬚⬚/GV.G2
			OL/⬚⬚⬚
2,⬚⬚⬚⬚4446P)⬚⬚4⬚⬚B	D	D	/GV.G2/⬚⬚QQ.NI
O5⬚⬚			

The term "SOS" refers to the Systems of Safety analy[zed] by UWUA in its Initial Comments[27] as an approach that can identify hazards proactively and remedy them before injury and[?] In its correspondence with UWUA the R... identified understaffing, unqualified personnel, inadequate training, fatigue as issues resulting with problem resol[ution] (actually getting the job accomplished) most serious problems. They be subsumed under the rubric of defective organizational design and can be used directly engaging with workforce issues.

They are remarkably consistent with the results of the conducted by SCG without notice to the union.

[19] *Comments*, filed April 11, 2011, footnotes 2 (page 6) and 3 ... Appendix A ... below, Part III.C.

B2. PREVENTION: THREATS IDENTIFIED BY EMPLOYEES SURVEYED BY SCG

SCG's management and filtering of employee viewpoints to obfu[scate] obstruct their communications to the Commission is illustrated [and referred] refer to in the Executive *Draft Safety Plan*. UWUA Local 132 recently received partial [20] [information] and other identifying information redacted) about the employee surveys from SCG. [24] Nancy L[...] Treasurer of Local 132, compiled the responses by issue:

ONGOING SURVEY RANKING REPORT

[O]....N...RG..O....VGY:: DDM

	NGI VG	0O VG
...N.NI :	E6	B
G.O.P KGG0.NI :	DL	L
.N0O2 G.:	AF	L
OO..:	AB	B
.G..:	AL	A
O....O..: P 0..:	B6	
P ..8..0.8 4)..-..N		
I .. :	BD	L
I .3 . .3....4..43....4.		
G..K.:	BL	L
...N.NI & ...G.Y:	.6	
I ..:	.F	L
I ..U..4)...&4 .3...		
OO...& . ..G....:	LE	L
G..K ...VGY:	L6	L
..&.K:	LD	L
0...:	LD	L
V..VG.:	LA	L
. ...G....NGO..:	ML	

As this compilation makes clear, concerns about the ade[quacy...]

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[20] This occurred some time after the UWUA filed its Preli[minary...] 2012.

the adequacy of tools are among the most frequent safety

the assertion by SCG Management that vend "the training and

need to do the job safely...." Inadequate staffing is and

concern, echoing the repeated assertions of UWUA witnesses

Arturo Frias, Nancy Logan and others about the systemic

understaffing at SCG and in the gas industry in general.

determine appropriate staffing levels to preserve the safety and in

pipeline system *Draft-Safety-Plan* at page 40 through SB 705 explicitly

this an issue Commission the and the stakeholders in the plan

Section 961(d)(1) However, its own employee survey corroborate the

assertions that this is a widespread responding employees of

B3. CORRECTING THE OMISSION OF CUSTOMER SERVICE-RELATED SAFETY THREATS

One of the significant oversight *Draft-Safety-Plan* is SCG's apparent

omission of customer-related service safety issues, including specifically th

to be addressed pursuant to in the Section 961(d)(6) General Rule. C

offered extensive testimony on the topic of timely response

timely response to the types of service order 6).[21] specified in

Recognizing that prompt and thorough customer service order

prevent customer-held self "wrangling" to provide for service, with

potential for serious injury, is an important and highly vis

hazards and rebuilding customer confidence in the system safety of

_____

[21] Exhibit 585, Testimony of Alex Robles, UWUA 6, Tab
pages 4 through 6; Exhibit 584, as Testimony A Exhibit 5, Sa page 7,
through page 9, line 2 documenting declining levels of timely
Exhibit 153, UWUA Cross Examination Exhibit for SCG Witness Ed
586, Testimony of Michael Harbir, UWUA pages documenting lengthy
in turn-on and reconnection orders.
.

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SB_GT&S_0681816

C. THE IMPORTANCE OF TRAINING FOR EMPOWERMENT

In the SCG General Rate Case Training National Director of UWUA made a detailed recommendation for training the entire work... Systems of safety, a training   program successfully implemente... other utilities around the country.   Testimony of The John Dev... importanceof this training program is that it engages and ... identify and act upon safety hazards.   UWUA reiterates its ... program and the values it instills of responsibility and int... aspect of the inclusive safety culture that the Commission ... seeking.   It is an important step on the journey.

IV. PROCEDURE RECOMMENDATIONS AND CONCLUSION

UWUA recommends that , as the Commission moves to ... convene workshops specifically addressed to the concrete realities ... respondent utility.   In the case of SCG, a workshop sho... SCG to engage with its employee representative, and explore ... three-way institutional dialogue described by UWUA and essential to ... a robust safety culture.

Respectfully submitted,

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