

**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 to Determine Violations of Public Utilities Code Section 451, General Order 112, and Other Applicable Standards, Laws, Rules and Regulations in Connection with the San Bruno Explosion and Fire on September 9, 2010.**

**I.12-01-007**

**(Filed January 12, 2012)**

**(Not Consolidated)**

**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)**

**(Not Consolidated)**

**Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Pacific Gas and Electric Company's Natural Gas Transmission Pipeline System in Locations with Higher Population Density**

**I.11-11-009**

**(Filed November 10, 2011)**

**(Not Consolidated)**

**Order Instituting Rulemaking on the Commission's Own Motion to Adopt New Safety and Reliability Regulations for Natural Gas Transmission and Distribution Pipelines and Related Ratemaking Mechanisms**

**R.11-02-019**

**(Filed February 24, 2011)**

**(Not Consolidated)**

**MOTION FOR PARTY STATUS OUT-OF-TIME  
OF THE SACRAMENTO MUNICIPAL UTILITY DISTRICT**

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October 9, 2012

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**MOTION FOR PARTY STATUS OUT-OF-TIME  
OF THE SACRAMENTO MUNICIPAL UTILITY DISTRICT**

In accordance with Rule 1.4(a) of the Rules of Practice and Procedure of the California Public Utilities Commission ("Commission"), the Sacramento Municipal Utility District

(“SMUD”) respectfully submits this Motion for Party Status Out-Of-Time in the above-captioned proceedings. In support of its Motion, SMUD states as follows:

**I. DESCRIPTION OF SMUD**

SMUD is a customer-owned municipal utility district engaged in the generation, distribution, purchase, and sale of electric power to approximately 1.4 million consumers within its boundaries, which encompass most of the County of Sacramento and a small portion of the County of Placer, both in California.

**II. STATEMENT OF INTEREST**

SMUD and Pacific Gas and Electric Company (“PG&E”) have entered into a Co-ownership Agreement relating to the shared use and operation of a portion of certain PG&E gas transmission pipelines. Under the Co-ownership Agreement, PG&E has agreed to operate, maintain and protect these transmission pipelines. These transmission pipelines are a part of the PG&E gas pipeline backbone, and are unrelated to the San Bruno pipeline rupture. However, SMUD has a direct interest in any outcome of these proceedings because: (1) this investigation into PG&E’s past operating practices could reveal how PG&E operated the pipelines that SMUD co-owns; (2) findings of compliance with applicable standards, laws, rules and regulations could affect the rights of the parties under the Co-ownership Agreement; (3) settlement of claims in these proceedings could affect the rights of the parties under the Co-ownership Agreement; and (4) any proposals presented in these proceedings could directly affect the safety and operation of PG&E's gas transmission system in which SMUD has an equity interest.

SMUD is included on the individual service list (for informational purposes) in the above-captioned proceedings and has been actively monitoring the various cases. Up until this

point, SMUD's interests in these proceedings were sufficiently protected by its ability to evaluate the direct and answering testimony filed by parties to the public proceedings. SMUD anticipated that resolution of the issues presented in these proceedings would be by the finder of fact in publicly available orders. However, in light of the pending motion to suspend the procedural schedule to afford interested parties the opportunity to resolve these proceedings through settlement(s), and the possibility that certain issues will not be resolved by the finder of fact, and further that there is no limit in form or substance on how such settlements can be tailored, SMUD believes that it now needs to be present in such negotiations to protect its ownership interests and the interests of its customers.

SMUD therefore files this Motion for Party Status Out-Of-Time in order to afford it the opportunity to participate as an active party in settlement discussions, and if necessary, further proceedings, to preserve its rights under the Co-ownership Agreement. In support of its Motion, SMUD affirms that its interests, and those of its customers, are not represented by any other party to these proceedings, and SMUD's participation will be directly relevant to the issues raised in these cases and any ensuing settlement discussions.

Further, good cause exists to grant SMUD's motion at this stage of the proceeding. SMUD's designation as a party at this time will not prejudice any other party, or cause any undue burden or delay. While testimony already has been filed, neither the Commission nor the Administrative Law Judge ("ALJ") has taken formal action on the substance of the matters at issue in these proceedings. Indeed, the ALJ has not issued a proposed decision on the substantive issues at hand and, consequently, parties have not been afforded an opportunity to comment on any such proposed decision. Rather, the issue before the ALJ at this juncture is strictly one of procedure – *i.e.*, whether to suspend the procedural schedule to allow for

settlement discussions. Assuming the ALJ issues an order favorable to proceed with settlement negotiations, CPUC Rule 12.1 –12.2 establishes a clear procedural timeframe for proposing, discussing, and commenting on all or part of any settlement that might be proposed for adoption. Since all of these dates are prospective, and since settlement discussions have yet to commence pending an order by the ALJ, no party will be prejudiced by SMUD’s designation as an active party at this stage.

As stated above, SMUD has been actively monitoring these cases, and SMUD agrees to take the current record as it stands. SMUD’s participation as an interested party at this time, then, will not cause an undue delay to the current schedule or the settlement process, nor will it prejudice any party or broaden the issues or scope of this proceeding.

Finally, denying SMUD the ability to effectively represent the interests of its customers in the settlement process, despite the fact that the neither the ALJ nor the Commission has ruled on the substance of this case at this time, would be contrary to the public interest.

### **III. CORRESPONDENCE AND SERVICE**

All correspondence, pleadings, notices, orders and other communications in these proceedings should be addressed to the following:

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### **IV. CONCLUSION**

SMUD believes its designation as party status at this point in the proceeding will not prejudice any party to these proceedings, nor will it delay the current schedule or broaden the

scope of these proceedings. For the above-stated reasons, SMUD respectfully requests that the Commission grant this Motion for Party Status Out-Of-Time, and designate SMUD as an interested party in the above-captioned proceedings

Respectfully submitted,

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October 9, 2012

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing

**MOTION FOR PARTY STATUS OUT-OF-TIME  
OF THE SACRAMENTO MUNICIPAL UTILITY DISTRICT**

on all parties of record in proceedings I.12-01-007, I.11-02-016; I.11-11-009; and R.11-02-019  
by serving an electronic copy on their e-mail addresses of record and by mailing a properly  
addressed copy by first-class mail with postage prepaid to each party for whom an e-mail  
address is not available.

Dated at Washington, DC, this 9<sup>th</sup> day of October, 2012.

/s/ Kelly A. Daly  
Kelly A Daly



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