

**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	)	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)

**CITY AND COUNTY OF SAN FRANCISCO'S RESPONSE TO DRA'S MOTION FOR  
PUBLIC DISCLOSURE**

In accordance with Rule 11.1 of the Commission's Rules of Practice and Procedure, the City and County of San Francisco (City) respectfully files this response in strong support of the motion by the Division of Ratepayer Advocates (DRA) for public disclosure of three pieces of testimony and related documents served by the Commission's Consumer Protection and Safety Division (CPSD) and Pacific Gas and Electric Company (PG&E) in this proceeding that are the subject of evidentiary hearings next week: 1) testimony of Overland Consulting served by CPSD on September 17, 2012 ("Overland Report"), responsive testimony by Wells Fargo Securities served by PG&E on January 11, 2013 ("Wells Fargo testimony"), and rebuttal by Overland served on February 8, 2013 (collectively, "financial testimony"). A redacted version of the financial testimony has been served on all parties but it excludes key information in which the

public has a high interest. The City joins DRA and the City of San Bruno in requesting an order requiring CPSD and PG&E to publicly disclose those portions of the financial testimony that have been designated as confidential, absent a sufficient showing by PG&E of a need to keep specific information confidential. The City agrees with DRA that the order should extend to supporting documents produced in discovery, and related discovery responses.

As detailed in San Bruno's response to DRA's motion, the public has a strong and legitimate interest in understanding the basis for any penalty the Commission applies in this case. Moreover, as the Commission itself recently detailed in Resolution L-436, "the California Constitution, the [California Public Records Act (CPRA)], and discovery law require that most government records be available to the public." See Resolution L-436 at 2-3. Indeed, the law is clear that the Commission, as a state agency, is to conduct its business in public.<sup>1</sup> Moreover, the Commission's important consumer protection responsibilities<sup>2</sup> require the Commission to inform the public of what steps the Commission is taking to ensure safe and reliable utility service and provide for meaningful public participation.

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<sup>1</sup> The Bagley-Keene Open Meeting Act states:

It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed.

In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

<sup>2</sup> See, e.g., Decision No. 99-09-028, (I. 98-12-013), 1999 Cal. PUC LEXIS 635 at p. \*22-23, (recognizing Commission's consumer protection mandate in investigating a major electrical outage on PG&E's system).

For these reasons, the City strongly supports DRA's motion for public disclosure.

Dated: February 27, 2013

Respectfully submitted,

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