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	ý
Order 112, and Other Applicable Standards,) I.12-01-007
Laws, Rules and Regulations in Connection) (Filed January 12, 2012)
with the San Bruno Explosion and Fire on) (Not Consolidated)
Order Instituting Investigation on the	.)
Commission's Own Motion into the	ý
Operations and Practices of Pacific Gas and) I.11-02-016
Electric Company with Respect to Facilities) (Filed February 24, 2011)
Records for its Natural Gas Transmission) (Not Consolidated)
System Pipelines.	
Order Instituting Investigation on the	
Commission's Own Motion into the	ý
Operations and Practices of Pacific Gas and) I.11-11-009
Electric Company's Natural Gas Transmission) (Filed November 10, 2011)
Pipeline System in Locations with Higher) (Not Consolidated)
Population Density)

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. ¹ Moreover, the Commission's important consumer protection responsibilities² 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.

¹ 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.

² 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,

DENNIS J. HERRERA City Attorney THERESA L. MUELLER JEANNE M. SOLÉ Deputy City Attorneys

By:<u>/S/</u> Theresa L. Mueller

Attorneys for CITY AND COUNTY OF SAN FRANCISCO City Hall Room 234 San Francisco, California 94102-4682 Telephone: (415) 554-4640 Facsimile: (415) 554-4757 E-Mail: theresa.mueller@sfgov.org