

**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)

**RESPONSE OF THE UTILITY REFORM NETWORK TO  
PACIFIC GAS AND ELECTRIC COMPANY'S MOTION REGARDING  
THE CITATION OF MATERIALS OUTSIDE THE RECORD  
OF THE PROCEEDING**

The Utility Reform Network ("TURN") hereby submits this response to the April 5, 2013 Motion of Pacific Gas and Electric Company ("PG&E") regarding the citation of materials outside the record of this proceeding. In the Motion, PG&E contends, among other things, that, in light of ALJ Yip-Kikugawa's March 28, 2013 e-mail ruling regarding PG&E's earlier motion for official notice, ALJ Yip-Kikugawa should order TURN to remove a citation from its opening brief in this case.<sup>1</sup>

The citation in question – from page 20, footnote 61 of TURN's opening brief -- is to the written testimony of PG&E's witness Harrison in I.12-01-007. In I.12-01-007, PG&E

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<sup>1</sup> The Motion also seeks reconsideration of the March 28, 2013 ruling. In the alternative, PG&E seeks an order directing TURN, the CPUC's Division of Ratepayer Advocates, the CPUC's Consumer Protection and Safety Division, and the City and County of San Francisco to remove certain citations from their opening briefs.

raised the same issue with respect to TURN's citation of Mr. Harrison's written testimony in I.11-02-016. In response to that motion, TURN pointed out that Mr. Harrison's cross examination testimony relating to both sets of written testimony was deemed to be in the record of both cases, and that it should follow that the *written* testimony on which the cross examination was based should also be in the joint record. In an e-mail ruling dated April 8, 2013, ALJ Wetzell agreed with TURN and ruled that it was reasonable to take official notice of Mr. Harrison's written testimony in the other proceeding.

The same rule should apply here and PG&E's request with respect to TURN's brief should be denied. TURN has no objection if the Commission similarly takes official notice in both proceedings of the written testimony of all joint witnesses, including Msrs. Slibsager and Kazimirsky, as requested by PG&E.

Dated: April 10, 2013

Respectfully submitted,

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