

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)

**REVISED APPENDIX C TO THE  
OPENING BRIEF  
OF THE CONSUMER PROTECTION AND SAFETY DIVISION**

The Consumer Protection and Safety Division (CPSD)<sup>1</sup> herein files and serves a second revision of Appendix C to its Opening Brief (attached hereto), pursuant to the ALJ ruling on April 12, 2013.

On March 11, 2013, CPSD submitted its Opening Brief that included Appendix C, a table that lists a summary of the 55 violations described in Appendix B, with the date ranges that each violation was ongoing.

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<sup>1</sup> On January 1, 2013, CPSD officially changed its name to the Safety and Enforcement Division (SED). However, in light of all of the references to CPSD in the previous rulings by the Commission and the Administrative Law Judges (ALJs), pleadings, exhibits, testimony and cross-examination of witnesses and corresponding transcript references, to avoid confusion we will continue to refer to SED as "CPSD" in this brief and through the remainder of this proceeding.

On March 18, 2013, respondent Pacific Gas and Electric Company (PG&E) filed a Motion to Strike Appendix C, arguing that PG&E did not receive adequate notice of the violations described therein. On April 2, the ALJ ordered CPSD to provide a reference to the factual bases in the OII or one or more of its referenced documents that provides PG&E with notice of the allegations listed in Appendix C. On April 8, CPSD provided a revised Appendix C, that limited the references to the violations to those listed in PG&E's Motion, which all involved violations relating to PG&E's emergency response and plans. PG&E protested that the ALJ ruling was not limited to only those violations. On April 9, CPSD filed a Motion for Clarification regarding the scope and the meaning of the April 2 ALJ ruling.

On April 12, 2013, the ALJ issued a ruling stating that "Nothing in Paragraph 2 states or indicates that it is applicable solely to emergency response violations." The ALJ ruling ordered CPSD to provide another revised version of Appendix C, with the following clarifications:

1. CPSD is only required to provide the specific references that are sufficient to demonstrate that adequate notice of a violation was provided. CPSD is not required to provide in a revised Appendix C every single factual basis upon which each allegation is based.
2. To the extent that the OII referenced documents posted on the Commission's website, the term "OII or one or more of its referenced documents" as used in the April 2 Ruling includes those documents. CPSD may also refer to its direct testimony and references therein.

The ruling provided CPSD extra time to file and serve its second revision of Appendix C by no later than April 18, 2013. Attached hereto is the second revision of Appendix C.

Respectfully submitted,

/s/ TRAVIS T. FOSS

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