

**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 & Electric Company's Natural Gas Transmission System in Locations with High Population Density.	I.11-11-009 (Issued November 10, 2011) (Not Consolidated)

**NOTICE OF NEW AUTHORITY**

The City and County of San Francisco (San Francisco) respectfully files this Notice of New Authority with respect to its reply brief, filed on June 7, 2013. San Francisco learned that a case cited in its reply brief, *Horne v. United States Department of Agriculture* (9th Cir. 2011) 673 F.3d 1071, was overturned yesterday by the United States Supreme Court in *Horne v. United States Department of Agriculture*, 569 U. S. \_\_\_\_ (2013). The Supreme Court opinion is attached. The case was overturned on grounds other than those for which it was cited. San Francisco cited the case with respect to the constitutionality of the fines imposed under the

Eighth Amendment's ban against excessive fines. The Supreme Court did not address this issue in its opinion.

Dated: June 11, 2013

Respectfully submitted,

DENNIS J. HERRERA  
City Attorney  
THERESA L. MUELLER  
Chief Energy and Telecommunications Deputy  
JEANNE M. SOLÉ  
WILLIAM K. SANDERS  
MARGARITA GUTIERREZ  
Deputy City Attorneys

By: \_\_\_\_\_ /s/  
Jeanne M. Solé

Attorneys for  
City and County of San Francisco  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Telephone: (415) 554-4700  
Facsimile: (415) 554-4763  
email: [jeanne.sole@sfgov.org](mailto:jeanne.sole@sfgov.org)