

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 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)

**CALIFORNIANS FOR RENEWABLE ENERGY OPPOSITION TO MOTION OF THE
CONSUMER PROTECTION AND SAFETY DIVISION
FOR PROCEDURAL RULINGS TO GOVERN THESE PROCEEDINGS**

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I. Introduction

Pursuant to Rule 11.1(a) of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure (Rules), CALifornians for Renewable Energy (CARE) hereby submits its opposition to the Consumer Protection and Safety Division (CPSD) motion for two procedural rulings to govern these proceedings that was submitted on July 8, 2013. The assigned Administrative Law Judges (ALJ) s should not grant the motion because the short time period eliminates the ability of CARE to participate in this proceeding. CARE asks for permission to file a reply to the CPSD Amended Reply Brief because of the turmoil and confusion that has been allowed in these proceedings.

CARE has been a party to the Order Instituting Investigation (I.) 11-02-016 since the beginning including participating in the prehearing conferences, the evidentiary hearings and writing an opening brief and a reply brief. This extraordinary request by the CPSD eliminates CARE's ability to respond to an as yet unknown brief. CARE did not cause or participate in the turmoil caused by Harvey Y. Morris in the Commission's Legal Division and CARE should not have its procedural rights denied by the turmoil. The only proper resolution of this motion should be to allow all parties to respond to the new positions and arguments that CPSD asks to submit as its CPSD Amended Reply Brief. This can only be done by following the Commission's Rules.

The Rules provide that the ALJs should determine the procedures for filing briefs. CARE requests that the parties meet and confer to determine a workable briefing schedule. CARE asks for permission to file a reply to the CPSD Amended Reply Brief because of the turmoil and confusion that has been allowed in these proceedings. CARE proposes allowing until August 1, 2013, for filing a response to the CPSD Amended Reply Brief.

CARE believes that there has been a major omission of the arguments filed in these proceedings because the parties have not evaluated the fact that the Commission's Annual Reports from the 1948 to 1961 period are the official history of the Commission's actions at the time that the gas transmission facilities in question were manufactured and installed.

CARE believes that the violations identified in the proceedings ignore the important issue of whether Pacific Gas and Electric Company's (PG&E)'s compliance with the applicable CPUC rules, orders, and regulations at the time of the alleged violations and under the oversight of the CPUC staff constitutes compliance with California Public Utilities (PU) Code section 451. The

Public Utilities Commission Annual Report issued in 1957 stated on page 53 that the Gas Section had enforced these new standards by a physical examination of all the regulated facilities to determine whether PG&E fully complied with General Order 94-A. Other Commission annual reports from the time period beginning in 1948 when the pipeline segments were manufactured until 1961 when the Commission adopted gas pipeline standards show that the Commission has overseen the installation and operation of PG&E's gas pipeline facilities.

CARE believes that the Commission did not issue an order specifying the required practices for maintaining and managing PG&E's gas system records because the Commission depended on periodic staff reviews of PG&E's records during general rate cases to ensure that PG&E was properly managing its records. In fact, the Commission staff has had opportunities to review PG&E's records and records management practices since 1955 and never identified any problems. The Commission staff includes personnel with current status as professional engineers who reviewed everything and found nothing to be improper. Any finding of problems would be communicated to the commissioners who had the authority to order corrections and changes in record management practices and yet did not do so.

CONCLUSION

CARE asks that the CPSD motion be denied because allowing a new position and a new briefing should also allow the other parties an opportunity to respond.

Respectfully submitted,

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