BEFORE THE

PUBLIC UTILITIES COMMISSION OF THE STATE OF

Order Instituting Rulemaking)
on the Commission's Own Motion)
to Adopt New Safety and Reliability Regulations) Rulemaking 11
for Natural Gas Transmission and Distribution Pipelines
and Related Ratemaking Mechanisms)

Comments of Utility Workers Union of America (UWUA)
On
Changes to General Order 112
Proposed by Safety Enforcement Division Staff

Carl Wood William Julian II
Regulatory Affairs Director 43556 Almond Lane
Utility Workers Union of America Davis CA 95618
2021 S. Nevada Street Phone: (538) 219
Oceanside CA [illegible] E-mail: billjulian@sbcglobal.net
Phone: (951) [illegible]
E-mail: cwood@uwua.net

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Comments of Utility Workers Union of America, AFL-CIO on Proposed Changes to General Order 112 by Safety Enforcement Division Staff

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Comments of Utility Workers Union of Ameri[...]
Changes to General Order 112
Proposed by Safety Enforcement Division Staff (SED)

<u>**Introduction**</u>

It is now just over three years since [...] a [...] neighborhood in San Bruno. Since then the [...] the causes, provide appropriate monetary sanctions and [...] operational failures that led to the catastrophe. [...] Commission have also undertaken a broader effort to [...] California's natural gas transportation industry. This [...] – R.11-02-019, commenced February [...] 2011 [...] introduced by Senator Mark Leno [...] earlier on February 18, 2011 [...] January 1, 2012 (Stats. 2011, ch. 522) [...] parallel to [...] from a reactive [...] compliance" to [...] proactive [...] culture [...] the Commission [...] objective in its initial order [2] in th[...]

> "We must ensure that our gas utilities recognize [...] is not enough. Safe pipeline operations must begi[n] [...] management and the culture it creates in the [...] crews of [...] the utility [...] operators [...] corporate [...] have a [...]

[1] Report of the Independent Review [...] "To move [...] regulatory model based on performance and effectiveness will [...] mindset of the entire agency and will require courage [...] Report of the [...] Volume 2, page [...] expenditures for projects authorized in rates are the driving forces [...] investment and maintenance program of [...] PG&E [...] gas [...] may or may not be running a safe system [...] regulation leads to an overall approach of process [...] (emphasis [...] added)

[2] D.12-01-0[...] at page [...] "We [...] are [...] resolute in our commitment [...] safety [...] natural gas transmiss[ion] [...] this context, it is absolutely essential that our regulated [...] candor and [...] honesty [...] our Constitutional and statutory duties, we [...] forthright [...] explanations of the issues, as well as comprehensive [...] advantages and disadvantages of [...]" (emphasis [...] added)

> <u>and workplace culture that places safety</u>" as their ... (emphasis added)

This echoes and amplifies the Legislature's command:

> Pub. Util. Code Section 963(b)(3):
>
> It is the policy of the state that the commission and each gas corporation place safety of the public and gas corporation employees as the top priority. The commission shall take all reasonable and appropriate actions necessary to carry out the safety priority policy of this paragraph consistent with the principle of just and reasonable cost-based rates.
>
> Public Util. Code Section 961(d):
>
> The plan developed, approved, and implemented pursuant to subdivision (b) shall set forth how the gas corporation will implement the policy established in paragraph (3) of subdivision (b) of Section 963 and achieve the following:
>
> ...

The current effort to redefine the basic gas operator rules in General Order 112 presents the Commission with an opportunity to advance the operational safety culture changes that California's policymakers demand and to consolidate their forward-looking post-San Bruno efforts. It is important that Commissioners explicitly acknowledge they are faithfully implementing the Legislature's comprehensive gas safety legislation, The Natural Gas Pipeline Safety Act of 2011, Pub. Util. Code Sections 955 through 958.5, enacted in 2011.

The SED Staff's proposed changes, while well-intentioned and reflecting significant progress in some areas of record keeping and reporting and incorporating some of UWUA's specific recommendations, fail to move as comprehensively as the Commission and Legislature have ... Most prominent, the SED Staff Proposals take significant steps backward in the areas of leak repair and leak response, the opposite of what the Legislature and the public demand. UWUA urges the Commission to take steps to develop a comprehensive leak reduction strategy for California as ... this docket.

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I. Legal Framework Issues CO Subpart A (Preamble and) Definit

A.렙□η **Standards Legal**렙□η

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added렙□η to렙□η the렙□η Public렙□η Utilities Code Chapter렙□η 4.5렙□η on렙□η Gas렙□
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955렙□η through렙□η 970,렙□η inclusive.렙□η [illegible] chapter렙□
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216,렙□η Stats.렙□η 2011렙□η SB Ch. 520 (Leno),렙□η 2 and렙□η SB Stats. 879
2011렙□η Ch. (Padilla) 522렙□η Legislature렙□η declares렙□η that the safety public렙□η and
employees렙□η is렙□η the렙□η top operating priority 렙□η gas렙□η (Pub. system Util.렙□η Code렙□
section렙□η 963(b)렙□η added렙□η by렙□η SB requires 705) gas렙□η utilities렙□η and렙□η the
develop렙□η and렙□η implement렙□η safety렙□η plans렙□η safety-related렙□η objectives렙□η specif

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(Pub. Util. Code section 961.) In addition, SB 705 formally ... the CPUC as the state's ... responsible for implementing and enforcing ...

pipeline safety standards. (Pub. Util. Code section 955(b), added ...

Any re-write of GO 112 by the Commissioners should acknowledge the Legislature's objectives ... since ... Legislature ... that ... confers authority on the Commission ... of ... gas delivery system ... its scope. (Cal. Const. Art. XII, ...) ... GO 112 ... should explicitly acknowledge and implement SB 705 as ... and include language ... that replicates language from SB 705 (PU Code 961(c), 961(d) and 961(e)(3)).

As UWUA suggested in its ... Workshop Recommendations, GO ... should contain the following new language as Section 102.1 in Sub... note that this language is tweaked slightly from the June ...

Section 102.1 Move current content ... 102.1 ... language implementing the Natural Gas Pipeline Safety ...

<u>102.1. The purpose of these rules is ... California Natural Gas Pipeline Safety Act of 2011, Pub. Util. Code ... and specifically to implement and enforce ... the ... public and employees ... top priority in the operation ... delivery systems in California.</u>

2. Relationship Between State and Federal ...

Up to now the Commission has specifically ... regulations adopted by the Pipeline and Hazardous Materials Safety ... 49 CFR Part 192, to provide substantive standards for gas system operation and maintenance, including documentation, testing, repairs and ... general this may be appropriate, since PHMSA has ... industry expertise than has the Commission ... safety on a ... However, this has meant in practice that the Commission ... matters as rigorously or systematically as it might have ... consequence ... the case of PG&E and the San Bruno ... PHMSA ... standards ... national ... common denominator for O&M ... that may be appropriate for California.

our heightened emphasis on safety in the wake of

response.

This is of particular concern because [overlapping text: systematically PHMSA] excluded direct employee input in the formulation of

and DIMP rules that are now driving much pipelin

level.[3] In California the [overlapping text: legislature both ... the Commission]

employees participate directly and continuously at all l

planning. Pub. Util. Code section 961(e) [overlapping text]

adopting whistleblower protections.

Any [overlapping text: rewrite of] GO 112 should retain [overlapping text: reference/incorporation of PHMSA]

regulations contained in 49 CFR 19[overlapping text: explicitly note that]

national lowest common denominator for operation and maintenance ... m

appropriate cases. [overlapping text: California] is [overlapping text: preempted] ... this area

any intrastate pipeline or transportation ... Subpart A should

following language in an amended Section 101.2:

> 101.2. [overlapping text: Adopted rules in addition] to the federal
> regulations, specifically Title 49 of the Code of
> 191, 192, 193 and 199, which also govern t
> Operation, and Maintenance of [overlapping text] Gas Piping Systems
> gas pipeline [overlapping text: intrastate facilities] of California. These r
> the federal pipeline safety regulations but are su
> regulations, except that specific standards or requirem
> more stringent than a federal [overlapping text: intrastate standard applicable]
> facilities or transportation are declared to be con
> standard and will control, pursuant to Pub. Utilit
> 970, and 49 USC 60104(c).

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[3] [overlapping text: Comments See] the Utility Workers Union of [overlapping text] Pipeline
Forum, April 18, 2011, [overlapping text] these Comments as Attachment B.

[4] 49 USC section 60104(c) provides in pertinent
submitted a current certification under section 60105(a) of
or more stringent safety [overlapping text: standards for intrastate pipeline] facilities or intras
transportation only if those standards are compatible with
prescribed under this chapter. A state authority may
standards [overlapping text]

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(Please note that this language ... slightly ...

A.10 ... re-write should specify ... California ... approaches to repo

and documentation; testing; construction, including materials and

and maintenance, which in some cases exceed and supe

as appropriate to California's circumstances. ... UWUA

Workshop Recommendations, there should be a general

concerning California's intention and authority in this a

<u>102.3. These rules establish, in addition to federal pipeline s</u>
<u>regulations, applicable requirements for the design, co</u>
<u>materials, locations, testing, operations and maintenance</u>
<u>regulated gas pipelines and facilities used in the gathering, transmission</u>
<u>distribution of gas and liquefied natural gas facili</u>
<u>health, comfort and convenience of the public an</u>
<u>and public welfare and to provide service that is safe ... be</u>
<u>maintained by gas utilities operating under the ju</u>
<u>commission.</u>

This general language ... Subpart A ... be accompanied by specifi

in important areas involving reporting, documentation, operation and maintenance

that are more stringent ... the SED Staff ... Proposals offe

significant improvement in some areas involving reporting

(especially RC-5), which UWUA supports ... as recommended below. ...

UWUA, GO ... re-write should also specify California-specific standards for

transmission, storage distribution and ... operation and maintenance functi

may exceed and supersede 49 CFR 191 and 192, i

adequacy requirements.

<u>B. Workforce Adequacy Definition – Section 105</u>

The Legislature has directed gas utilities ... develop and ... the

implement gas safety plans that ... "set forth how the ... gas ... incorporation

the policy established in paragraph (1) of ... Section ... subdivision

... an adequately sized, qualified ... and properly ... workforce

carry out" the Pub. Util. Code section 961(d)(10) [illegible] inadequate [illegible]

undersized, untrained, unqualified [illegible] cause safety-related procedures to go [illegible]

unfulfilled, or inadequately executed. The Commission [illegible]

employ workforces sized and skilled to meet their [illegible]

safety-related policies and procedures that [illegible] provide [illegible]

public and policy makers expect. UWUA members have [illegible]

failure to carry out necessary procedures due to a[illegible]

erosion of safety-related procedures to accommodate an inadequat[illegible]

unable to perform procedures [illegible] (See [illegible] Weeks at [illegible] Ryder at pp. [illegible]

The Commission has committed to addressing this [illegible]

R.11-02-019. In D.13-05-010, the Southern California Gas General [illegible]

decision, the Commission found that

236 [illegible] § 961 [illegible]

237 [illegible] 11-02-019 [illegible] § 961 [illegible]

D.13-05-010, Findings of Fact 236 and 237, page [illegible]

UWUA proposes to define the term "adequate" [illegible] enabling [illegible]

the utility to meet the Commission's standards and [illegible]

according to their own terms on a timely basis

Section 101.

<u>(h) ***Adequate Workforce*** for purposes of implementing Pub. [illegible] section 961(d)(10) and for employing the rules [illegible] means [illegible] trained and qualified workers necessary to carry out th[illegible] these rules requirements of the utility's adopted ope[illegible] maintenance procedures according to their terms [illegible] and [illegible] order to promote the safety, health, comfort, and [illegible] employees and the public.</u>

This is, at first, a relatively [illegible] standard that prevent utilities from unde[illegible]

their own efforts to meet the Commission's and th[illegible]

adequate safe, reliable service delivered on a timely basis [illegible] simple [illegible]

employing enough regular employees to actually do the work.

A separate issue is the related questions of [illegible] regulations, which currently are [illegible] require [illegible] only [illegible] 12 [illegible] standard, [illegible]

"qualification program," that otherwise permits unqualified employees to perform [illegible]

covered tasks if "directed and observed" by [illegible] an [illegible] 49 [illegible]

805(c)[5] The UWUA proposal would require that [illegible]

performed by a qualified employee, not an unqualified [illegible]

someone else.

II. Leaks

A. Overview: Comprehensive Leak Reduction Strateg[illegible]

Leaks and the operator's approach to preventing [illegible]

among the defining characteristics of a gas pipeline tran[illegible]

and [illegible] crucial issue for a [illegible]-based performance approach to assuring system [illegible]

Every category of threat [illegible] and [illegible] of system performance listed [illegible]

document Managing System Integrity for [illegible] Gas Pipelines [illegible] American [illegible]

Society of Mechanical Engineers (ASME) [illegible] is B31.8S [illegible] measured [illegible]

part by leak [illegible] occurrence and [illegible] frequency.

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[5] PHMSA [illegible] defines person as "qualified" if the person has [illegible] "perform assigned covered tasks." 49 CFR 803. "Ev[illegible] does not require any experience or demonstration [illegible] This [illegible] could lead to a scenario in which an inexperienced supervisor with [illegible] "observe" an unqualified utility employee, or contractor employ[illegible] directions, and comply with the PHMSA standard.

[6] This document is incorporated [illegible] integrity management [illegible] in its regulations. See generally 49 CFR 192.7 and [illegible] incorporating the four general [illegible] measures [illegible] ASME B31 [illegible] the [illegible] of threat in Table [illegible] and Appendix A.

- External Corrosion
- Internal Corrosion
- Stress corrosion cracking
- Manufacturing
- Construction
- Equipment
- Third Party Damage
- Incorrect Operations
- Weather-related and outside forces[7]

Currently GO 112 contains only limited matters specifically addressed to ... including limited leak survey (GO 112, Section 143.1) and a ... requirement (not expressly stated in the regulation) that the pipeline operator ... in the aggregate repaired and leaks pending repair during ... calendar year, as a component of its annual report ... and 49 CFR sections 191.11 and 191.17 (incorporating the PHMSA Annual ...

The lack of the Commission's addressing leaks ... have encouraged gas utilities to regress in their le... as will appear in the Leak section below. The Commiss... utilities must development and a comprehensive leak reduction ... urged by UWUA to demonstrate their determination to place ... addressing the public's greatest ... Both UWUA and ... St... GO 112 Section 143 and "Transmission and Distribution systems," signal that 112 will ... address operation and maintenance issues comprehensively.

UWUA proposed that GO 112 should contain a comprehen... reduction strategy, including leak survey and identification; leak reportin... response and repair for each pipeline facilities including timelines. UWUA proposed and more effective regulations for each element it ... including specifically more robust leak repair procedures and ... timelines for repairing leaks in proximity to residential dwellings ... constitute a "comprehensive" strategy because it focuses ...

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[7] ASME B31.8S, Table 1, page 30.

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areas; it does not directly address the environmental … associated with leaky transmission … it should.

The Commissioners should adopt the UWUA recommendation … also … institute a focused proceeding on repair and maintenan… conjunction with the more robust procedures for leak … classifying leaks proposed by UWUA, and the reporting … SED Staff as modified by UWUA's suggestions

SED Staff partially responded to these proposals … reporting procedure … comprehensive and detailed leak … and a new section … for purposes of response … 143.2).

supports … PRC and opposes … PRC

SED Staff did not propose … an omission that should be corrected.

The … leak categorization procedures represent a major step … on leak repair will result in more leaks, leaking for … increased threats as compared … SED … proposal … although intended to respond affirmatively to UWUA's … a significant step backward … compared … should be rejected in favor … focused … approach … risers (Proposed GO 112 section 143.4) and (2) … this docket (a) establishing goals for leak reductions … threat identified by ASME for services, transmission … pipelines and storage … (b) prescribing … standards … permanently reduce and eliminate leaks though prompt … repair.

B. An Improved, Transparent Leak Report (GO 112, Section 123.2)

Improved transparency and accountability on operational issues [...] that has been promoted by the Commission from [...] to San Bruno. In no area is this more [...] we know this, regarding leak [...] effort to reduce leak[s] [...] Understanding and reporting the scope of the problem is the [...] proposed new GO 112 section requiring leak report as [...] element of the annual report required by Pub. Util. Code section 958.5 (added by AB 56 (Hill)).

123.2. Annual Leak Report

(a) Each operator shall submit to the Comm[ission] [...] required by Pub. Util. Code 958.5 a report on [...] escape of gas reported to the operator by th[e] [...] workforce and the response to the report includi[ng] [...] condition allowing uncontrolled release was addressed [...] report shall include the location of the operator's sys[tem] [...] the leak on at the surface including the pro[ximity] [...] severity or degree of hazard of the leak; the [...] reported; the timeliness of the operator's response [...] the procedures employed to eliminate the leak.

(b) The report shall include a description [...] the frequency and severity of the identified leaks [...]

SED in its PRC responded by proposing a new [...] that contains a much more comprehensive and detailed [...] annually along with the annual report to PHMSA. [...] proposed report is an improvement over the UWUA's generalized [...] topics and should be approved, with the changes/ improvements noted below. There are several new items that [...]

[8] *Report of the Independent Review Panel* (June 2011), Recommendations [...] 5.4.4.5, page 75; Comments of UWUA in R.11-02-019, filed April 11, 201[1] [...] through 13 responding to Assigned Commissioner [...] March 24, [...]

(1) the detailed report of response times for reports … SED Staff proposed Section 123.2(c)

(2) the granularity of reporting requiring disclosure of leaks … terms of the ASME B31.8S threat categories (SED Staff proposed Section 123.2(g))

(3) reporting the time between report and repair (SED Staff proposed Section 123.2(h)) … aggregate … that reveals only … of leaks repaired and pending repair does not … effectiveness of leak repair performance. It only describes … proposal will improve the Commission's ability to … leak repair and thus reduce threats both to the public …

(4) reporting certain "near misses" events, giving Staff … proposed Section 123.2(d), including items that are … incident reporting procedures of Sections 122, 122.1 and … damage occurred.

(5) the requirement of a granular analysis of Lost and Unaccounted For Gas (LAUF) in SED Staff proposed section 123.2(i). … the extent to which allowances for LAUF may be … not to repair leaks or otherwise tighten the sys…

(6) the requirement in SED Staff proposed section … therefore provide a basis for shortening the time … update … information for use in planning and in the field …

There are several areas where the PRC … improved

(1) Reporting employees engaged in O&M leak activities (leak … prevention) by job classification and employer (utility or contractor). Proposed section 123.2(d) proposes to report … disqualifications but without providing the context of … engaged in the work … responsibility … qualification

(2) Reporting leak … Proposed subsections 123.2(a) and (g) should add … the additional information about leak location by ge…

within the system, so that threat identification and targeted.

(3) Reporting and Logging Incidents. Proposed section 123.2(h) seems idiosyncratic concerns (homeowners, basic information about the effectiveness of the system (how frequently associated with failure to call), during the excavation, UWUA has proposed a new this information and reports more frequently.

With these modifications UWUA supports SED's propo

UWUA notes that this is an annual report that public and the Commission for purposes of policy other reporting elements that UWUA and SED proposed below in Part IV.

C. Leak Detection and Leak Surveys

The foundation for a leak reduction strategy is prompt permanent repair. Leak detection involves way patrol and a more frequent leak survey. Patrol involves primarily visual inspection for evidence of leaks such ground or soil conditions, bubbles, vegetation, as well as other conditions indicating that the facilities have been incursions in the right-of-way by third parties. Currently GO 112 specifically addresses leak detection only for California regulations on leak detection for transmission inadequate PHMSA regulations (because of excessively long requirement for ground visual inspections. GO 112 addresses both transmission and distribution, both UWUA and SED proposed Section 143 (applicable to operation, maintenance, transmission and Distribution Systems

Patrol functions in distribution residential areas were often performed by meter readers who observe conditions warranting detailed leak survey to identify location of the leak on pipe. Elimination of meter readers following installation of of leak reports, and makes dependent on public reports by followed by timely response by utility field crews. inspect intervals and more frequent leak surveys is needed identification and repair.

With respect to transmission UWUA proposed that the Enhancement Plan (PSEP) for Southern California Gas measure a more robust (frequent) patrol procedure process of person observation and leaks assuring that access to valves) is unobstructed and that indications of disturbances pipe are investigated. (UWUA-1-002, Exhibit 2, Testimony of A. Robin 5, page 5, line 20.) SED has proposed keeping the intervals as in current GO 112, and has made surveys. SED has made a helpful suggestion that with leak detecting equipment.

UWUA's recommendations for detecting leak component of GO section 143 are as follows:

143.1 Distribution Leakage Surveys and Procedures

143.1. Distribution Leakage Surveys and Proced

(a) A gas detector leak survey must be conducted in business districts and in the vicinity of sc including tests of the atmosphere in gas, electric, system manholes, at cracks in pavement, and sid locations providing any opportunity for finding gas leaks, at exceeding 12 months

(b) A gas detector survey must be cc consequence areas for leaks at residential meters

c) The intervals for inspections in subdivisions (a) and (b) of this section shall be
to reflect the actual leak experience in the a
(d) The utility shall provide an adequate w
sufficient to perform surveys as provided herein.

(3) Amend Section 143.2 Transmission leak surveys and proce

143.2. Transmission Leak Surveys and Procedures

(a) A gas leak survey using gas leak detection equipment must be conducted
on foot for all transmission pipe annually.
(b) A gas leak survey using gas leak detection equipment must be conducted
on foot for all transmission pipe located in
annually.
c) The intervals for inspections in subdivisions (a
to reflect the actual leak experience the a
(d) The utility shall provide an adequate w
sufficient to perform surveys as provided herein.

Given the reduced patrol activity in distribution,
should be shortened to the public that identifying leaky
relating them to the pipe location so they can
transmission, the same rationale applies except that the
higher pressures involved significantly shorter interval in pop
consequence) areas. The requirement of adequate workforce
particularly important here.

D. Critique of PRC

UWUA has called for creating a comprehensive le
response, SED Staff has proposed a scheme for cla
on leaks well-intentioned proposal generated without hearings or
input from employees in the field who
on leaks and leaky pipes. However, the Commission
its current convene a series of hearings with the goal
for the purposes of both safety and the environment.
rule can emerge from that process.

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classification꿺□ηcharacterizes꿺□ηthe꿺□ηseriousness꿺□ηof꿺□ηthe꿺□ηleak꿺□ηa
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as꿺□ηsmell,꿺□ηpressure꿺□η(“hissing꿺□ηgas”)꿺□ηand꿺□ηqualified꿺□ηemployee꿺□ηjudgment꿺□η
exclude꿺□ηfrequently꿺□ηoccurring꿺□ηleak꿺□ηscenarios꿺□ηand꿺□ηconditions꿺
considered꿺□ηCode꿺□ηcompliant.꿺□η
꿺□η The꿺□ηso-called꿺□ηconcept꿺□ηof꿺□ηa꿺□ηGrade꿺□η1꿺□ηleak,꿺□ηwhich꿺□ηin꿺□
judgment꿺□ηof꿺□ηgas꿺□ηpipeline꿺□ηcompany꿺□ηpersonnel꿺□ηand꿺□ηthe꿺□
immediate꿺□ηhazard꿺□ηaction꿺□η143.2(1)(a).꿺□ηBy꿺□ηimporting꿺□ηelement꿺□ηof꿺□ηjudgment꿺□η
the꿺□ηproposed꿺□ηclassification꿺□ηcriteria꿺□ηinjects꿺□ηan꿺□ηelement꿺□
subjectivity꿺□ηthat꿺□ηmay꿺□ηresult꿺□ηin꿺□ηfewer꿺□ηactual꿺□ηrepairs,꿺□
uncontrolled꿺□ηrelease꿺□ηof꿺□ηgas.꿺□ηStaff꿺□ηhas꿺□ηopined꿺□ηthat꿺□ηa
an꿺□ηobvious꿺□ηsource꿺□ηof꿺□ηignition꿺□ηmake꿺□ηa꿺□ηleak꿺□ηhazardous,꿺□ηeven꿺□ηthough꿺□ηgas
migrate꿺□ηunderground꿺□ηas꿺□ηit꿺□ηcontinues꿺□ηto꿺□ηbe꿺□ηreleased.꿺□η
might꿺□ηdissipate.꿺□ηWhether꿺□ηa꿺□ηdecides꿺□η?
꿺□η Most꿺□ηimportantly,꿺□ηPRC-10꿺□ηdoes꿺□ηnot꿺□ηrequire꿺□ηthe꿺□ηleak
manner꿺□ηthat꿺□ηeliminates꿺□ηthe꿺□ηuncontrolled꿺□ηrelease꿺□ηof꿺□ηgas
provides꿺□ηa꿺□ηlist꿺□ηof꿺□ηactions꿺□ηthat꿺□ηdoes꿺□ηnot꿺□ηinclude꿺□

(i) Implementation of the gas pipeline company's [illegible]
49 CFR 192.615;
(ii) Evacuating the premises;
(iii) Blocking off an area;
(iv) Rerouting traffic;
(v) Eliminating sources of ignition;
(vi) Venting the area;
(vii) Stopping the flow of gas by closing valves or [illegible]
(viii) Notifying police and fire departments.

Of particular concern is the [illegible] releasing gas [illegible] the [illegible] atmosphere is a permissible method of leak response. [illegible] incentive to convert a Grade 1 leak to a Grade [illegible] a prolonged period.

A leak determined to pose an immediate hazard at the time of [illegible] but justifies scheduled repair based on future potential [illegible] for a Grade [illegible] proposed Section 143.2(2) [illegible] Action leak classificat[illegible] postponed for up to 15 months, [illegible] leaks [illegible] additiona[illegible] a segment of pipeline that is under consideration [illegible] Section 2(3)(a). Perhaps because of uneasiness with how [illegible] could become, the SED Staff proposal contains consider[illegible] ("should") suggesting periodic evaluations, offering scenarios calling [illegible] timely action," and offering potentially more rigorous [illegible] election of the operator [illegible] Section 143.2(2), subsections [illegible] through (e).

The action required by the proposed [illegible] is "repair [illegible] clear." [illegible] Section 143.2(2)(a). What action is involved in "clearin[illegible] Again, if venting is an appropriate [illegible] "clear [illegible] 3 (not hazardous and "reasonably expected [illegible] which remain [illegible] requires no further action, the proposed [illegible] represents a significant step [illegible] Uncontrolled releases of methane are never benign.

adopt Proposed Rule 143.2 at the threshold proposed a

above to address generally

E. Leaks at Risers

One type of leak needs to be addressed imm

preserves existing practices that are – leaks at risers

Risers are the piping in the service line that

from below grade (underground) and above district level

(up to 60 psi in the case of anodeless (AL)

case of steel risers) to the regulator, which then

enters a dwelling unit or other structure from the

through the meter.

Risers are frequent sources of leaks. For th

have considered leaks at risers to require immediate

reasons: because of the pressures involved; because

line (upstream of the regulator) that makes it impossib

release of gas; proximity of the leak to human

people to the leaking gas; and the possibility that

enclosed space [illegible]; and because of the impression o

leisurely approach to this highly visible system deficien

proposes to codify this practice.

Add new Section 143.4 on Leaks at Risers

<u>143.4. Leaks in approximity structures, including at m</u>
<u>risers</u>

<u>(a) Any leak in, or in close proximity</u>
<u>completely and permanently repaired on the same</u>
<u>including specifically a leak at the meter riser. The r</u>
<u>be performed by qualified employees of the oper</u>
<u>(b) the operator shall include these reports and</u>
<u>of the annual leak report</u> required by section

In its General Rate Case, Southern California Gas (SCG) requested and received
funding for repairing and replacing leaky risers.

For the past year, following the 2016 Commission's decision in its
General Rate Case, SCG has attempted to implement a new procedure
new approach that would permit delaying repair of leaks according to
policy of employing an insufficient number of distributi
work according to procedure. UWUA has resisted
them to not violate the Commission and its staff.
environmentally irresponsible. In February SCG agreed
around for leaks at risers, 4-hour window
satisfactory from a safety and an environmental standpoint. U
procedure.

Recently SCG has informed UWUA that it intends
invoking the USA (Underground Safety Alert) procedure
causing a delay of days before work can begin
riser leaks are on private property in the immedia
gas riser leak repair require excavation; riser leak repai
involve excavation and third party excavation, which procedur
permits without USA gas facilities in neighborhoods are not in
trench with other underground utility facilities; these gas
have priority are not ... UWUA transparent atte
prompt leak repair and SCG's failure to employ sufficie
make these important repairs. The Commission
urgency about maintaining public safety appearance and ir

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[9] The new approach involved a new procedure for
"non-hazardous." "Hazardous" leaks would continue to be
hazardous leaks would be repaired as scheduled up to
"hazardous/nonhazardous" would be made as a matter of
leak site using a "soap bubble" test that did not
field.

codifying the procedure in effect until recently approving UWUA's pr

regulation 14.3.4

III. ***More*** ***Robust*** ***Standards*** ***for*** ***Certain*** ***Operation*** ***and*** ***Maintenance*** ***functions***

As indicated above, California[10] more stringent operation maintenance standards than the federal minimums better concerns and physical conditions. promoting improvements safe in regulatin of valve maintenance, mark services (not covered by federal law.

A. Section 143.3 valve maint

Valves are a critical component of the gas Valves can serve a number including reducing or pressure; redirecting gas flow; flow, The legislature has expressed a particular concern functions. SB 216 (2011, Yee) and AB 56 (2011, section currently addresses Matters not in that a valve is operable in the manner 112 section 143. provides:

> **143.2 Valve Maintenance.** The use of wh for the safe operation of a distribution system, lubricated (where required) and partially operated at 15 months, but year.

The limitations in this (1) transmission (2) definition of "necessary for the safe operation of therefore guidance was to covered by the requirement dimensions of the valve covered by the specifications (3) about the outcome of the be

[10] Note that the California regulation omits crucia 192.745(b): "(b) Each operator must to correct found inoperable, unless the operator determines not document the operable condition of the valve the repair.

(4) excessively long intervals between the maintenance Other than procedu

renumbering the section as proposed by UWUA, SED

UWUA recommended a significantly revised based policy on appr

preventive scheduled maintenance

143.3 Valve Maintenance

(a) Each operator will make a valves inventory of its
a description the location, type, size, number of turns to
and criticality.
(b) Each valve, the use of which may
transmission or distribution system, will be annually inspected, serviced,
lubricated (where required) and left fully operational
inspection. "Fully operational" means that crew can a
and close the valve.
(c) The report of annual inspection must include: a
the valve as found at the beginning of the
maintenance procedures or other activities at the
condition at the conclusion of the ins
(d) The operator will ensure that each insp
equipment to lubricate and operate the valve at
(e) The operator will ensure that each
is fully trained to operate the size and type
he/she is assigned.

UWUA's recommendation proposes several improvements, beginning

comprehensive valve inventory. This enables an

and prioritizing valves of the which use may be necessary fo

a system. The problem that this addresses is

prioritization may leave many valves unaddressed a local con

uninspected for years, and potentially necessary in an emergency

such as occurred at San Bruno. The inventory

including the SED staff and employees to participate i

identifying the valves "necessary for safe operation" enables the Commission

assure that valve maintenance contributes to improving

decreasing the risk that an inoperable valve extends

occurred at [illegible] Bruno

Second, UWUA included both transmission and distribution valves

inventory. It is not clear that the valves inv

by existing section 143.3 (distribution only.) In th

inspection and maintenance standards must cover all v

Third, UWUA recommends a standard for assessing

of the inspection and maintenance procedure: valve must be "f

meaning that it can be "easily opened and closed." [illegible]

requirement that a valve be "partially operated" during

does not assure that a valve is capable of be

effectively operated during an incident. In connection

standard, UWUA proposes that operational condition at the beginning

conclusion of maintenance procedure [illegible] documented. [illegible] docume

actual condition of valves after maintenance, sometimes with tragi

Fourth, UWUA recommends that valve maintenance be fully

and qualified to perform the maintenance [illegible]

adopts a version of this proposal [illegible] equipment

in its proposed new subsection 143.4 [illegible] re

personnel as defined by PHMSA regulation 49 CFR

equipment at the actual work location [illegible] be a

<u>143.4 Operator Qualification</u> <u>equipment and facilities</u>
<u>pipeline company for training and qualification of</u>
<u>to the equipment and facilities on which the</u>
<u>covered task.</u>

Fifth, UWUA recommends maximum inspection interval for

"valves necessary for the safe operation [illegible] months

lengthy inspection interval permits [illegible] and to

a systemic safety risk that should be [illegible] an

primarily a function of workforce adequacy. [illegible] However,

of valves inspected to hand that ... will result from the valv

UWUA is recommending that the inspections be conduct

than semi-annually.

Valve maintenance is going to function that is depend

adequate workforce. The workforce adequacy definition

be approved if the Commission is to have an effec

B. Locate and Mark Requirements – Section 143.5 Locate a

Locate and mark activities are critical related to damage

to underground pipes. They are invoked when th

UWUA has proposed that it be performed by qualified

employees, including specifically utility employees who obse

can intervene to enforce utility procedures.

<u>143.5. Locate and Mark</u>

<u>(a) locators shall be employees fully qualified utilit</u>
<u>(b) excavations shall be observed by utility</u>
<u>empowered to enforce utility procedures for excavatio</u>
<u>facilities, including excavation by hand.</u>
<u>(c) each utility shall provide line of sight markers along its</u>
<u>transmission and distribution rights of way such that marks are</u>
<u>both directions from any given point on the</u>

UWUA has also proposed line of sight markers throughout distribution

transmission rights of way. This will make it muc

to ascertain proximity to utility facilities wherever PHMSA requir

necessary to identify the location of the transmission

possibility of damage or interference" (49 CFR 192.707(b)). UWUA's proposal

eliminates the subjectivity in the PHMSA rule by providing

sight of the adjacent marker

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C. After Meter Services

The Public Utilities Code specifically requires ... to provide gas "after meter services" and requires the Commission to include ... rates. Section 961(e)(4) (formerly Pub. Util. Code section 963(b)(3)) provides:

> (4) The commission shall require each gas corporation to ... include ... after-meter services and shall authorize ... sufficient employee staffing to provide for these services ... the provision of the public ... consistent with the policy ... implemented by the gas ... and approved by the commission pursuant to Section 961.

"After meter services" are defined by Pub. Util. Code ... Pub. Util. Code section 328.1):

> (1) "After meter services" includes, but is not limited to, inspecting customer appliances, carbon monoxide investigation, pilot relighting, and high bill investigation.

Some utilities are attempting to ... this statutory responsibility by directing ... customers seeking these services ... utility to third party contractors ... charge a separate fee. The Commission should faithfully execute ... UWUA proposed a new section 112 that declares ... Commission's intention to implement the law, using one ... Legislature in the Gas Safety and Pipeline Act: development and ... safety metrics pursuant to Pub. Util. Code section 970.[11]

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[11] Section 970 provides:

970. (a) The commission shall, ... 6 ... adopt safety performance metrics for pipeline safety.

(b) The commission shall, in adopting safety performance metrics, ... the following principles:

(1) Each safety performance metric shall be designed to ... safety ... performance.

(2) Each safety performance metric shall be ... evaluated ... a useful timeframe.

(3) Each safety performance metric shall be designated ... inputs that ... the ... are verifiable.

(4) The adopted metrics shall be ... as ... useful indicator of pipeline safety.

(c) The commission shall ... gas ... performance ... safety ... the ...

The UWUA's proposal is a new section 303.2:

After Meter Services

303.2. (a) The purpose of this section ... 970 for after meter services as defined by ...

(b) After allowing for meaningful, substantial and ong... utility employees through their designated representatives, ... employees of contractors, shall propose safety metrics ... customer service functions including but not limited ... leak reports from customers and the public; time... meter services including but not limited to pilot ... examination of connectors and other appurtenances fo... residential dwellings; timely order completion for resi... involving flowing gas including turn on, turn off, ... usage investigations.

(c) The commission shall adopt customer service safety ... metrics after review of the utility proposals and ...

(d) The commission shall convene a meeting of it... employees quarterly to review progress achieving the metrics.

This new provision enables the Commission to carry out its ... respect to these critical services and assure the public that they ... receiving "adequate service" for their rates are paying. ... section 451 ... "after meter services" ... the legislature has given ... and the Commission specific directive about the meaning ... service." It should be given effect.

IV. Subpart E: Documentation and Reports

1. Support for Staff Proposals

SED Staff has made several important proposals for ... documentation that UWUA supports. UWUA has alread... proposal for a report detailed in Section 123.2, which will ...

performance metrics adopted pursuant to (a) and may implement ... incentive program. The incentive program may contain penalties base... performance.

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foundation for a vigorous comprehensive leak reduction

come. UWUA also notes and [illegible] supports [illegible] include "near

misses" for [illegible] pressure [illegible] even in the incident

procedures in Staff proposed Section 122.2(a)(applicable to

122.2(d)(quarterly reports). Near misses are events th

into system conditions before they [illegible]

consistent with the basic command of the SB 705

Util. Code 961(d)(1) to

> "identify and minimize hazards and systemic risks
> accidents, explosions, fires, and [illegible]
> and the gas corporation [illegible] workforce;…

2. UWUA Proposals

UWUA has made additional [illegible] regarding [illegible] proposals [illegible]

Commissioners should adopt.

a. Reporting Safety-Related Conditions

Utilities file reports of safety related conditions a

CPUC covering transmission and storage (high [illegible] pressure)

112 Section [illegible] 49 CFR [illegible] 191.23 and 191.25. In th

Legislature [illegible] for [illegible] report to the Commission, e

to act with more timeliness and urgency on trans

identified by the utilities. Pub. Util. Code section

PHMSA reports [illegible] included in [illegible] Section 9

report to the [illegible] specifically corrective actions

taken. A specific issue not curre[illegible] Section

report [illegible] observations of [illegible] external conditions as observed

and leak surveyors. [illegible] UWUA [illegible] new section 124

follows:

> <u>124.2 Reporting [illegible] safety [illegible] conditions</u>

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(a) As an element of the report required by … shall include a compilation of all related reports … concern… made to pursuant to 49 CFR 191.23 and 19… repair or other response to the observed conditi…
(b) In addition to the matters described in 49 CFR repor… 191.25, the utility shall report any external … or coating on pipe observed during leak surveys, … repair or other response to the observed conditi…

b. Reporting on Dig-Ins

Damage related to excavations in the right-of-way is a significant … concern of both the Commission and the Legislature. … receive information so that it can work with the utilit… SED Staff proposed to include dig-in incidents in its proposed annu… modifications in proposed Section 123.2(h). However, … that proposal seems somewhat idiosyncratic and may n… of dig-in issues.

UWUA proposes a new Section 127 that provides … within 30 days and a compilation of all those for … transmission report. The Legislature has also indicated … issue and may provide further guidance. UWUA suggests that the … adopt its proposal for a new section with expedite… an amendment to reflect the Legislature's conclusions … communicated.

The UWUA proposed language is:

127. Excavation-related Incidents

(a) Each utility shall report to the Commiss… every incident where utility facilities are damaged … excavation in the proximity of its facilities in the right-of-way … shall include the following elements, and any other … Commission may prescribe: location of incident; … whether 811 was called; identity and qualifications of … any; whether utility personnel was on site; description …

techniques and equipment; description of utility facilit
of repairs to utility facilities and their cost.
(b) Each utility shall provide a report compilation
required by section 958.5

V. Process Recommendation

UWUA has made several recommendations that fall
process. These include a substantive matter on e
house-keeping matter making sure the Commission accurately conveys
text of its Decision and Order in a timely manner on

A. Subpart G Modifications

The Commission and the Legislature have both stresse
improving communication among utility employees, managers and the C
as an essential component of the Commission's journey
improvement pathway. The Legislature enacted Public Utilities Code section 961(e)
part of the Pipeline Safety Act. SB 705 (201

> (e) The commission and gas corporation shall pr
> meaningful, substantial, and ongoing participation by t
> workforce in the development and implementation of
> objective of developing a culture of safety that will mini
> accidents, explosions, fires, and dangerous conditions for the protection
> public and the gas corporation workforce.

The Commission added Subpart G to GO 112 to prot
12-009, and granted Motion of UWUA's Protective Order both this pr
and the SCG General Rate Case.[12] The Commission should clarify th
related to employee communications in the gas industr
whistleblowers by renaming Subpart G and adding a se
breadth of employee participation provided for by the

[12] *Assigned Commissioner and Administrative Law Judge's Ruling Rega*
the Utility Workers Union of America for a Protective Order ... *Directed to*
January 25, 2012 (*Ruling*) made permanent by D.15-10, Ordering Paragraph

UWUA proposes that the Commission

(1) Rename Subpart G "FACILITATING EMPLOYEE PARTICIPATION IN

(2) Add a new section 302.2 Participation by Util

302.2 Participation by Utility Employees

The commission and each utility shall provide op substantial, and ongoing participation by employees, gas including utilizing representatives of the employees' choosin of contractors, in the development and implementation and maintenance procedures including matters covered utility safety programs and plans, with the objective of industrywide culture of safety that will minimize and dangerous conditions for the protection of the corporation workforce.

B. Publishing Current Text of GO 112 on Commission Website

GO 112 has been modified several times over the period, including the addition of a new Subpart G address and extending reporting requirements for incidents without the text of the General Order being updated. UWUA recommends that the Commission add a new Section 104.3 to provide timely updates to the Commission website, so that the public is informed of the current state of the requirements, and

104.3 Timely Updates on Commission Website

The Commission shall update the text of GO after the issuance of a decision adding, deleting, General Order, or 15 days after any order which comes later.

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C. Summary of UWUA's Recommendations

UWUA has made a number of recommendations for [...]

revisions of existing sections of GO 112. They [...]

Section 101.2 Relation to Federal Law

<u>101.2. These rules are adopted in addition [...] regulations, specifically Title 49 of the Code of [...] 191, 192, 193 and 199, which also govern [...] Operation, and Maintenance of Gas Piping Systems and [...] gas pipeline facilities in the State of California. These [...] the federal pipeline safety regulations but are su[...] regulations, except that specific requirements standards in these rule[s] more stringent than a federal standard applicable [...] facilities or transportation are declared to be con[...] standard and will control, pursuant to Pub. Utilit[...] 970, and 49 USC</u> 60104(c).

Section 102.1 Purpose of Rules to Implement State [...]

<u>102.1. The purpose of these rules is to implement [...] California [...] Gas Pipeline Safety Act of 2011, Pub. Util. C[...] and specifically to implement and enforce the principle that [...] public and employees is the top priority in the operati[on] [...] delivery system in</u> California.

Section 102.3 Renumbered and Retitled former section 102.1

<u>102.3. These rules establish, in addition to the federal [...] regulations, applicable requirements for the design, co[...] materials, locations, testing, operations and maintenance [...] commission-regulated gas pipeline facilities used in the gathering, transmission, and [...] distribution of gas and liquefied natural gas facili[ties] [...] health, comfort and convenience of the public an[d] [...] and public welfare and to provide that safe [...] maintained by gas utilities operating under the ju[risdiction of the] commission.</u>

Section 104.3 Timely Update on Commission Website

<u>**104.3 Timely Update on**</u> **Commission Websi[te]**

The Commission shall update the text of GO [illegible] after the issuance of a decision adding, deleting, or General Order, or 15 days after any order comes [illegible]

Section [illegible] Adequate Workforce definition

(h) *Adequate Workforce* for purposes of implementing Pub. section 961(d)(10) and for employees [illegible] trained and qualified workers necessary to carry out these rules and [illegible] utility's [illegible] operation and maintenance procedures according to their [illegible] and order to promote the safety, health, comfort, and employees and the public.

Section [illegible] Annual Leak Report

UWUA has made [illegible] proposal for suggested improving the content proposed by SED. It is not proposing specific

Section [illegible] Hazardous Leak Conditions

124.2 Reportable Hazardous Leak Conditions

(a) As an element of the [illegible] shall include a compilation of all [illegible] made to pursuant to 49 CFR 191.23 and 19 repair or other response to the observed condit

(b) In addition to the [illegible] as reportable in 49 191.25, the utility shall report any external or coating on pipe observed during leak surveys, repair or other response to the observed condit

Section [illegible] Reporting Excavation related Incidents

127. [illegible] Excavation related Incidents

(a) Each utility shall report to the Commission w every incident where utility facilities are damaged excavation in the proximity of [illegible] shall include the following and any other matter that Commission may prescribe: [illegible] location of incident; whether [illegible] was called; identity and qualifications o

any;꿺□ηwhether꿺□ηutility꿺□ηpersonnel꿺□ηwas꿺□ηon꿺□ηsite;꿺□ηdescr
techniques꿺□ηand꿺□ηequipment;꿺□ηdescription꿺□ηof꿺□ηutility꿺□ηfacilit
of꿺□ηrepairs꿺□ηto꿺□ηutility꿺□ηfacilities꿺□ηand꿺□ηtheir꿺□ηcost.
(b)꿺□η꿺□ηEach꿺□ηutility꿺□ηshall꿺□ηprovide꿺□ηa꿺□ηcompilation꿺□η
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꿺□η
(a)꿺□η꿺□ηA꿺□ηgas꿺□η꿺□ηleak꿺□η꿺□ηdetector꿺□η꿺□ηsurvey꿺□η꿺□ηmust꿺□η꿺□ηbe꿺□η꿺□ηconducted
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system꿺□ηmanholes,꿺□ηat꿺□ηcracks꿺□ηin꿺□ηpavement,꿺□ηand꿺□ηsid
locations꿺□ηproviding꿺□ηan꿺□ηopportunity꿺□ηfor꿺□ηfinding꿺□ηgas꿺□
exceeding꿺□η12꿺□ηmonths,꿺□ηbut꿺□ηat꿺□ηleast꿺□η꿺□ηonce꿺□ηeach꿺□
(b)꿺□η꿺□ηA꿺□ηgas꿺□ηdetector꿺□ηsurvey꿺□ηmust꿺□ηbe꿺□ηconducted꿺□ηon
consequence꿺□ηareas꿺□ηfor꿺□ηleaks꿺□ηat꿺□ηresidential꿺□ηmeters꿺□
c)꿺□ηThe꿺□ηintervals꿺□ηfor꿺□ηinspections꿺□ηin꿺□ηsubdivisions꿺□η(a
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(d)꿺□η꿺□ηThe꿺□ηutility꿺□ηshall꿺□ηprovide꿺□ηan꿺□ηadequate꿺□ηw
sufficient꿺□ηto꿺□ηperform꿺□ηsurveys꿺□η꿺□η꿺□ηprovided꿺□ηherein.
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꿺□η
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(a) Each operator will make an inventory of a description, location, type, size, number, and criticality.

(b) Each valve, the use of which may transmission or distribution system, must be inspected, lubricated (where required) and left fully operational inspection. "Fully operational" means that it can be and close the valve.

(c) The report of inspection must include: a the valve as found at the beginning of the maintenance procedures or other activities at the condition at the conclusion of the inspection.

(d) The operator will ensure that each inspection equipment to lubricate and operate the valve at

(e) The operator will ensure that each is fully trained to inspect and operate the system he/she is assigned.

Section 143.4. Leaks in Risers

143.4. Leaks in proximity to Risers and Risers

(a) Any leak in, or in close proximity to completely and permanently repaired on the same including specifically a leak at the be performed by qualified employees of the operator.

(b) the operator shall include these reports and of the annual leak report required by section

Section 143.5. Locate and Mark

143.5. Locate and Mark and

(a) locators shall be employees of the utility.

(b) excavations shall be observed by utility empowered to enforce utility procedures for excavation facilities, including excavation by hand.

(c) each utility shall maintain its transmission and distribution rights-of-way that marks are both directions from any point on the

Section 302.2 Employee Communications

302.2 Participation by Utility Employees

The commission and each utility shall provide op
substantial, and ongoing participation by the gas
including utilizing representatives employees the choosing, and emp
of contractors, in the development and implementation
and maintenance procedures including matters covered
utility safety programs and plans, with the object
industrywide culture of safety that will minimize
and dangerous conditions for the protection of the gas
corporation workforce.

Section 303.2 Standards After Meter Services

303.2. Meter After Services

303.2. (a) The purpose of this section
970 for after meter services as defined by P
(b) After allowing for meaningful, substantial and ong
utility employees through designated representatives, and w
employees of contractors, the utility shall propose
customer service functions including but not limited
leak reports from customers and the public time
meter services including but not limited to pilot
examination of connectors and other appurtenances fo
residential dwellings; timely order completion for resi
involving flowing gas turn on, turn off, high b
usage investigations.
(c) The commission shall adopt specific customer service safety
metrics after review of the utility proposals and
(d) The commission shall meet with staff, utility,
employees quarterly to review progress on achieving

CONCLUSION

For the foregoing reasons UWUA requests that the

(1) adopt the proposals for new and amended provis

set out in Section V.C. above, and

(2) convene a new proceeding in this docket to

Reduction Strategy for California

Respectfully submitted,

/s/ /s/

Carl Wood William Julian II
Regulatory Affairs Director 43556 Almond Lane
Utility Workers Union of America Davis CA 95618
2021 S. Nevada Street Phone: (638) 219
Oceanside CA [illegible] E-mail: billjulian@sbcglobal.net
Phone: (951-) [illegible]
E-mail: wood@uwua.net

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