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 for Natural Gas Transmission and Distribution Pipelines and Related Ratemaking Mechanisms.) Rulemaking 11

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

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Comments of Utility Workers Union of America on Amendments and Changes to General Order 112 Proposed by Safety Enforcement Division Staff

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

Introduction

It is now just over three years since a [illegible] neighborhood in San Bruno. Since then the [illegible] the causes, provide appropriate monetary sanctions and [illegible] operational failures that led to the catastrophe. [illegible] Commission have also undertaken a broader effort to [illegible] California's natural gas transportation industry. This [illegible] commenced February [illegible] 2011, [illegible] 2015 [illegible] introduced [illegible] by Senator [illegible] earlier on February 18, 2011 [illegible] January 1, 2012 [illegible] 2011 [illegible] parallel to [illegible] from a [illegible] compliance" to [illegible] proactive [illegible] as the Commission [illegible] objective in its initial order in the

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

[illegible]

[1] Report of the Independent Review Panel, page 9 "To move [illegible] regulatory model based on performance and effectiveness will [illegible] mindset of the entire agency and will require courage [illegible] Report of the Panel, page 2, [illegible] [illegible] expenditures [illegible] for projects authorized in rates are the driving forces [illegible] investment and maintenance program of [illegible] operation. *may or may not be running a safe system. Rather, the [illegible] regulation leads to an overall approach of process* (emphasis added)

[2] [illegible] at page [illegible] 2015 [illegible] resolute in our commitment [illegible] natural gas transmiss[illegible] this context, it is absolutely essential that our regulated [illegible] candor and [illegible] *our Constitutional and statutory duties, we [illegible] forthright and timely explanations of the issues, as well as comprehensive [illegible] advantages and disadvantages of* (emphasis added)

and workplace culture that places safety as their (emphasis added)

This echoes the Legislature's command:

> Pub. Util. Code Section 963(b)(3):
>
> It is the policy of the state that the commission place safety of the public and The commission shall take all reasonable actions necessary to carry out the principle of
>
> Public Util. Code Section
>
> The plan developed, approved, and shall set forth how in paragraph (3) of Section 963 and achieve the following:
> ...

The current effort to basic gas operations in Gen 112 presents the opportunity to broaden the operational safety culture changes by California's policy to consolidate their Bruno has important that Commissioners explicitly acknowledge that they are implementing the Legislature's comprehensive gas safety legislative Natural Gas Safety Act of 2011, Pub. Util. Code Section 958 through

The proposed changes, while and reflecting significant progress in some areas of and incorporating some of UWUA's specific recommendations as comprehensively as the Commission and Legislature have prominent, Proposals take significant steps backward areas of the opposite of and the public The Commission to take develop comprehensive leak reduction strategy for California as this docket.

Related to this the SED Staff Recommendations to address ... crucial issue of workforce adequacy in the industry, ... or not the public will be safer than it has ... culminated in the San Bruno ... The Commissioners must de... leadership and commitment to actual operational improvement that ... and the public expect

The UWUA made a comprehensive set of proposa... in this proceeding in ... 2012. That submission ... these ... is ... Comments ... basis ... and is Attached ...

Recommended language for each of the UWUA R... at the appropriate place within ... these comments ... Please note that the recommended language differs in s... UWUA recommendations offered, based on the workshops ... counter-proposals.

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

A. Standards ... Legal

1. Acknowledging State Legislative Activity

In the session ... (2011-2012) the Legislature ... added to the Public Utilities Code ... 4.5 on Gas ... Safety including the Natural Gas Pipeline Safety Act of 2011, ... sections ... Pub. ... 955 through 970, inclusive. ... including ... Stats. 2011 Ch. ... 44, Stats. 2011 Ch. 52... 216, Stats. 2011 ... SB 879 ... 2011 Ch. ... declares ... the safety ... public and ... employees is the top priority ... California ... gas ... Public Utilities Code ... section 963(b) added by SB 705 requires gas ... utilities and the ... develop and implement safety plans ... safety-related ... objectives ... specif...

(Pub. Util. Code section 961, added by Stats. 2011, ch. 796, § 3.5); and to ensure that the state's responsibilities for implementing and enforcing pipeline safety standards (Pub. Util. Code section 958(b), added by Any waiver of GO 112 by the Commissioners shall acknowledge the Legislature's objectives in enacting legislation that confers authority on the Commission over gas pipeline safety and shall be limited in scope. Cal. Const. Art. [illegible], § 1, [illegible] Code section 112 should be explained and acknowledged and is implemented in section 705 as well as in the proposed language that replicates section 705 in PU Code section 961(d), 963(b)(3), 963(b)(4), and 963(b)(5).

As UWUA suggested in its Workshop Report, GO 112 should contain the following language (see section 102.1 in Subpart note that this language is tweaked slightly from the June

Section 102.1 Purpose. The current content of section 102.1 should be replaced with the following language implementing the Natural Gas Pipeline Safety

102.1. The purpose of this part is to implement and enforce the Natural Gas Pipeline Safety Act of 2011, Pub. Util. Code and specifically to implement and enforce the high public and employee safety is the top priority in the operation delivery systems in California.

2. Relationship Between State and Federal la

Up to now the Commission has specifically adopted by the Pipeline and Hazardous Materials Safety 49 CFR Part 192, substantive standards for maintenance, including documentation, testing, repairs and general this may be appropriate, since PHMSA has industry expertise than has the Commission, However, has meant in practice that the Commission matters seriously or systematically it, with have the case of PG&E and the PHMSA has adopted common denominator for O&M California

our 헍 heightened 헍 emphasis 헍 on 헍 safety 헍 in 헍 the 헍 wake 헍 of
response. 헍

헍 This 헍 is 헍 of 헍 particular 헍 concern 헍 because 헍 [illegible] 헍
excluded 헍 direct 헍 employee 헍 input 헍 in 헍 the 헍 formulation 헍 of 헍
and 헍 DIMP 헍 rules 헍 that 헍 are 헍 now 헍 driving 헍 much 헍 pipeli
level.[3] 헍 헍 In 헍 California 헍 the 헍 [illegible] 헍
employees 헍 participate 헍 directly 헍 and 헍 continuously 헍 at 헍 all 헍
planning. 헍 헍 Pub. 헍 Util. 헍 Code 헍 [illegible] 헍 20, 헍
adopting 헍 whistleblower 헍 [illegible] 헍

헍 Any 헍 [illegible] 헍 should 헍 retain 헍 [illegible] 헍
regulations 헍 contained 헍 in 헍 49 헍 CFR 헍 [illegible] 헍
national 헍 [illegible] 헍 operation 헍 and 헍 [illegible] 헍
appropriate 헍 [illegible] 헍 this 헍 area
any 헍 intrastate 헍 pipeline 헍 or 헍 transportation 헍 Subpart 헍 A 헍 should 헍
following 헍 language 헍 in 헍 an 헍 amended 헍 Section 헍 101.2:

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

헍

헍 헍 헍 [illegible]
[3] 헍 [illegible] 헍 the 헍 Utility 헍 [illegible] 헍
Forum, 헍 April 헍 [illegible] 헍
[4] 헍 헍 헍 49 헍 USC 헍 section 헍 60104(c) 헍 provides 헍 in 헍 pertinent 헍
submitted 헍 a 헍 current 헍 certification 헍 under 헍 section 헍 60105(a) 헍 of 헍
or 헍 more 헍 stringent 헍 safety 헍 [illegible] 헍
transportation 헍 only 헍 if 헍 those 헍 standards 헍 are 헍 compatible 헍 with 헍
prescribed 헍 under 헍 this 헍 chapter. 헍 헍 A 헍 state 헍 authority 헍 may 헍
standards 헍 헍

(Please note that this language has been revised slightly since the UWUA Workshop. A draft of the revised language is attached.)

A. Rule 102.3 Should Specify California Approaches to Reporting and Documentation; Testing; Construction, Including Materials and Maintenance, Which in Some Cases Exceed and Supersede as Appropriate to California's Circumstances. As Discussed at the UWUA Workshop Recommendations, There Should Be a General Statement Concerning California's Intention and Authority in This Area.

102.3. These rules establish the minimum requirements applicable to regulations, applicable requirements for the design, construction, materials, locations, testing, operations and maintenance regulated gas pipelines and facilities for gathering, transmission distribution of gas and liquefied natural gas facilities health, comfort and convenience of the public and and public welfare and to provide service that will be maintained by gas utilities operating under the jurisdiction commission.

This general statement would be accompanied by specific in important areas reporting, documentation, operation, maintenance that are more stringent than federal standards. The proposals offer significant improvement in some areas involving reporting (especially RCI-5), which UWUA supports as recommended below. UWUA, however, would also specify California standards for transmission, storage, distribution, operation and maintenance functions may exceed and supersede 49 CFR 191 and 192, in adequacy requirements.

B. Workforce Adequacy Requirements Should Be Established Under Section 105

The Legislature has directed gas utilities to implement gas safety plans that will the highest level of protection the policy established in paragraph (1) of subdivision ... an adequately sized, qualified and properly trained

carry out its Public Utilities Code section 961(d)(10) and General Order 174 undersized, untrained, unqualified, or inadequately supervised workforces to perform tasks unfulfilled, or inadequately executed. The Commission employ workforces sized and skilled to meet their safety-related policies and procedures that provide the public and ratepayers expect. UWUA members have failure to carry out necessary procedures due to a erosion of safety procedures to accommodate an inadequat unable to perform procedures in accordance with Utility standards. (Opening Brief of UWUA, pp. The Commission has committed to addressing this R.11-02-019. In D.13-05-010, the Southern California Gas General decision, the Commission found th

> 236 G, 3 § 961 23q 236 - 6 , 1 3 3, - , - . 7 2 3
> 6-73 - . 23, - , 3 32- . 7 6 - 6 32- . 6 - . 6 - , - . -
> 3 - 36 - 23 . , 3 . 7 2 - . - " - . - 3q - 3, 1 6z 3
> q - , 73 - . 2 32, 1 2- . 3 - 6 2 2- . 2 7 2 3 + 221 3
> , - . "
>
> 237 . 3 9 11-02-019 6 - 2366. 3 2 7 2 3 66 36 3. 73 .
> G, 3 § 961 3 237 2- . 72 3 . 6 2 33 . - 3
> - 3q - 3 6z 3 7 G& ' 6 - 6 2 7 2 3 6 , 3

D.13-05-010, Findings of Fact 236 and 237, page 1 UWUA proposes to define the terms adequate the utility to meet the Commission's standards and according to their and timely basis

Section 1

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

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

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

adequate safe, reliable service delivered on a timely basis simple

employing enough regular employees to actually do the work

A separate issue is the related questions of

regulations, which currently are PHMSA only 192 standard,

"qualification program," that otherwise permits unqualified employees to perform

covered tasks if "directed and observed" by an

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

performed by a qualified employee, not an unqualified

someone else.

II. Leaks

A. Overview: Comprehensive Leak Reduction Strateg

Leaks and the operator's approach to preventing

among the defining characteristics of a gas pipeline tra

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

Every category of threat and system performance listed

document Managing System Integrity for Gas Pipelines American

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

part by leak occurrence and frequency

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

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

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

꿺□η

꿺□η Currently 꿺□η GO 꿺□η 112 꿺□η mentions 꿺□η 꿺□η specifically 꿺□η addressed 꿺□η to 꿺□η c
including 꿺□η 꿺□η limited 꿺□η leak 꿺□η survey 꿺□η (§ 192.706) 꿺□η and 꿺□η a 꿺□
requirement 꿺□η 꿺□η expressly 꿺□η stated 꿺□η in 꿺□η 꿺□η 꿺□η 꿺□η 꿺□η operator 꿺
in 꿺□η the 꿺□η aggregate 꿺□η repaired 꿺□η and 꿺□η leaks 꿺□η pending 꿺□η repair 꿺□η duri
calendar 꿺□η year, 꿺□η as 꿺□η a 꿺□η component 꿺□η of 꿺□η its 꿺□η annual 꿺□η repor
and 꿺□η 49 꿺□η CFR 꿺□η sections 꿺□η 191.11 꿺□η 꿺□η 꿺□η 꿺□η 꿺□η PHMSA 꿺□η 꿺□η
꿺□η The 꿺□η lack 꿺□η 꿺□η the 꿺□η Commission's 꿺□η 꿺□η addressing 꿺□η leaks 꿺□η ma
have 꿺□η encouraged 꿺□η gas 꿺□η utilities 꿺□η to 꿺□η regress 꿺□η in 꿺□η their 꿺□η le
as 꿺□η will 꿺□η 꿺□η 꿺□η 꿺□η 꿺□η 꿺□η below. 꿺□η 꿺□η The 꿺□η Commiss
utilities 꿺□η must 꿺□η develop 꿺□η 꿺□η 꿺□η comprehensive 꿺□η leak 꿺□η 꿺□η 꿺□η
urged 꿺□η by 꿺□η 꿺□η 꿺□η 꿺□η demonstrate 꿺□η their 꿺□η determination 꿺□η to 꿺□η place
addressing 꿺□η the 꿺□η public 꿺□η 꿺□η 꿺□η 꿺□η UWUA 꿺□η and 꿺□η 꿺□η St
GO 꿺□η 112 꿺□η Section 꿺□η 꿺□η 꿺□η Distribution 꿺□η 꿺□η 꿺□η 112 꿺□η will 꿺
address 꿺□η operation 꿺□η and 꿺□η maintenance 꿺□η issues 꿺□η 꿺□η comprehensively.

꿺□η UWUA 꿺□η proposed 꿺□η GO 꿺□η 112 꿺□η should 꿺□η contain 꿺□η a 꿺□η compreher
reduction 꿺□η strategy, 꿺□η including 꿺□η 꿺□η 꿺□η 꿺□η identification; 꿺□η leak 꿺□η reportin
response 꿺□η and 꿺□η 꿺□η 꿺□η 꿺□η 꿺□η facilities 꿺□η including 꿺□η 꿺□η 꿺□η
UWUA 꿺□η proposed 꿺□η 꿺□η and 꿺□η more 꿺□η 꿺□η each 꿺□η element 꿺□η it
including 꿺□η specifically 꿺□η 꿺□η 꿺□η 꿺□η 꿺□η 꿺□η 꿺□η repair 꿺□η procedures 꿺□η and 꿺
timelines 꿺□η for 꿺□η 꿺□η 꿺□η in 꿺□η proximity 꿺□η to 꿺□η 꿺□η 꿺□η 꿺□η 꿺□η 꿺□η
constitute 꿺□η a 꿺□η "comprehensive" 꿺□η strategy 꿺□η because 꿺□η it 꿺□η focuses 꿺□

[7] 꿺□η 꿺□η ASME 꿺□η B31.8S 꿺□η 꿺□η 꿺□η page 꿺□η 30.

areas;꿺□ηit꿺□ηdoes꿺□ηnot꿺□ηdirectly꿺□ηaddress꿺□ηthe꿺□ηenvironmental꿺
associated꿺□ηwith꿺□ηleaky꿺□ηtransmission꿺□ηlines꿺□ηthat꿺□ηit꿺□ηshould.
꿺□η The꿺□ηCommissioners꿺□ηadopt꿺□ηthe꿺□ηUWUA꿺□ηrecommendation꿺□ηalso꿺□η
institute꿺□ηa꿺□ηfocused꿺□ηproceeding꿺□ηon꿺□ηrepair꿺□ηand꿺□ηmaintenan
conjunction꿺□ηwith꿺□ηthe꿺□ηmore꿺□ηrobust꿺□ηprocedures꿺□ηfor꿺□ηleak꿺
classifying꿺□ηleaks꿺□ηproposed꿺□ηby꿺□ηUWUA,꿺□ηand꿺□ηthe꿺□ηreporting
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reporting꿺□ηprocedure꿺□ηfor꿺□ηa
comprehensive꿺□ηand꿺□ηdetailed꿺□ηleak꿺□ηrepair꿺□ηa꿺□ηnew꿺□ηsection꿺□η
for꿺□ηpurposes꿺□ηof꿺□ηresponse꿺□ηand꿺□ηgrouping꿺□ηleaks꿺□η(Proposed꿺□ηGO꿺□η112꿺□ηsection꿺□η143.2).
supports꿺□ηthe꿺□ηPRC꿺□ηopposes꿺□ηthe꿺□ηPRC
꿺□η SED꿺□ηStaff꿺□ηdid꿺□ηnot꿺□ηpropose꿺□ηa꿺□ηleak꿺□ηprioritization꿺□ηscheme꿺□η
an꿺□ηomission꿺□ηthat꿺□ηshould꿺□ηbe꿺□ηcorrected.
꿺□η The꿺□ηPRC꿺□ηleak꿺□ηcategorization꿺□ηprocedure꿺□ηrepresents꿺□ηa꿺□ηmajor꿺□ηstep꿺□
on꿺□ηleak꿺□ηrepair꿺□ηwhich꿺□ηresult꿺□ηin꿺□ηmore꿺□ηleaks,꿺□ηleaking꿺□ηfor꿺
increased꿺□ηthreats꿺□ηas꿺□ηcorrosion꿺□ηand꿺□ηother꿺□ηfactors.꿺□ηSED꿺□ηStaff꿺□ηproposal꿺□η
although꿺□ηintended꿺□ηto꿺□ηrespond꿺□ηaffirmatively꿺□ηto꿺□ηUWUA's꿺□η
a꿺□ηsignificant꿺□ηstep꿺□ηbackward꿺□ηas꿺□ηcompared꿺□ηwith꿺□ηcurrent꿺□η
should꿺□ηbe꿺□ηrejected꿺□ηin꿺□ηfavor꿺□ηof꿺□ηa꿺□ηfocused꿺□ηapproach꿺□ηto꿺□η
risers꿺□η(Proposed꿺□ηGO꿺□η112꿺□ηsection꿺□η143.4)꿺□ηand꿺□η(2)꿺□ηco
this꿺□ηdocket꿺□η(a)꿺□ηestablishing꿺□ηgoals꿺□ηfor꿺□ηleak꿺□ηreductions꿺□
threat꿺□ηidentified꿺□ηby꿺□ηASME꿺□ηfor꿺□ηvalves,꿺□ηdistribution꿺□ηmai
pipelines꿺□ηand꿺□ηstorage꿺□ηfacilities꿺□η(b)꿺□ηrecording꿺□ηstandards꿺□η
permanently꿺□ηreduce꿺□ηand꿺□ηeliminate꿺□ηleaks꿺□ηthough꿺□ηprompt꿺□
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B. Improved, Transparent, Leak Report Section 123.2

Improved transparency and accountability on operational issues that has been promoted by the Commission from to San In no area is this system is more we know this is a long-term effort to reduce leak Understanding and reporting the scope of the problem is the proposed new GO 112 section comprehensive leak report as element of the Legislature by Util. Code section 958.5 (added by AB 56 (Hill)).

123.2. Annual Leak Report

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

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

SED has PHMSA 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 items that

[8] *Report of the Independent Review Panel* (June 9, 2011), Recommendations 5.4.4.5, page 75, Commission Order, D.11-04-031, April 11, 2011, through 13 responding to the Assigned Commissioner's March 24,

(1) The detailed report of response times for reports

SED Staff proposed Section 123.2(c)

(2) The granularity of the requiring disclosure of leaks

terms of the ASME

(3) reporting the time between report and repair

Staff proposed Section 123.2(h), that reveals only

of leaks repaired and pending repair does not

effectiveness of leak performance. It only describes

proposal will improve the Commission's ability to

repair and thus reduce threats both the pub

(4) reporting certain "near misses" events involving

proposed Section 123.2(d), including items that are

incident reporting requirements of Sections 122, 122.1 and

damage occurred.

(5) the requirement of a granular analysis of

(LAUF) in SED Staff proposed section 123.2(i). The

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

information for use in planning and in the field

There are several areas where improved

reporting employees engaged in O&M activities (leak

prevention) by job classification and by

contractor). The proposed section 123.2(d) proposes to report

disqualifications but without providing the context of

engaged in , the per cent of work responsibility

(2) reporting leak proposed subsections 123.2(a) (a) should add

the additional information about leak location by ge

within the system, so that threat identification and targeted.

(3) Reporting and Recording Incidents. Proposed section 123.2(h) seems idiosyncratic concerns (homeowners, basic information about effectiveness of 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 typically 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, but 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, but both UWUA and SED proposed Section 143 (applicable to operation, maintenance, transmission and Distribution Systems

꿺□η Patrol꿺□ηfunctions꿺□ηdistribution꿺□ηpersonnel꿺□ηin꿺□ηareas꿺□ηwere꿺□ηoften꿺□η
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c) The intervals for inspections in subdivisions (a) and (b) may 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 of all transmission pipe conducted on foot for all transmission pipe annually.
(b) A gas leak survey of all transmission pipe conducted on foot for all transmission pipe located in annually.
c) The intervals for inspections in subdivisions (a) to reflect the actual leak experience in 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. More public that identifying leaky relating them to the pipe location so they can transmission, the same rationale applies except that the higher pressures involved interval in pop consequence) areas. The requirement particularly important here.

D. Critique of PRC

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

All gas utilities have established procedures for classifying le[illegible]

classification characterizes the seriousness of the leak a[illegible]

repair activities by utility employees. PRC-10 proposes a new system for [illegible]

leaks that is not completely consistent with [illegible] proposed [illegible] any cu[illegible]

Section 143.2 Leak classification and action criteria – Grade Definition Priority

of leak and repair. In the case of Southern California Gas Company (S[illegible]

PRC-10 "Grade 1, Grade 2, Grade 3" with Grade 1 [illegible]

completely different from what is currently in [illegible] Code [illegible]

with Code 1 being the most serious.

PRC-10 defines a Grade 1 leak as "a leak that represents [illegible] an [illegible]

probable hazard to persons or property and requiring [illegible]

repair, or continuous action until the conditions are [illegible]

143.2(1). The defining characteristics of a Grade 1 leak differ [illegible]

from the defining characteristics [illegible] leak [illegible] factors [illegible]

as smell, pressure ("hissing gas") [illegible] qualified employee [illegible] location [illegible]

exclude frequently occurring leak scenarios and conditions [illegible]

considered Code 1 at SCG.

The catch-all concept for classification [illegible] leak, which in [illegible]

judgment of gas pipeline company personnel [illegible] that [illegible] the [illegible]

immediate hazard. Section 143.2(1)(B) [illegible] importing element of judgment [illegible]

the proposed classification for [illegible] injects an element [illegible]

subjectivity that may result in fewer actual repairs, [illegible]

uncontrolled release. For example, SED staff has opined that [illegible]

an obvious source of ignition make [illegible] hazardous, even though gas [illegible]

migrate underground as it [illegible] experienced field personnel [illegible]

might disagree. Who decides?

Most important, PRC-10 does not require the [illegible]

manner that eliminates the uncontrolled release [illegible] Section 143.2(1)(a) of [illegible] gas [illegible]

provides a list of actions that does not include [illegible]

(i) Implementation of the gas pipeline company's
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
(viii) Notifying police and fire departments.

Of particular concern is the release of methane gas into the atmosphere is a permissible method of leak response. incentive to convert a Grade 1 leak to a Grad a prolonged period.

A leak detected must pose an immediate hazard but justifies scheduled repair based on future a Grade 2 leak in Section 143.2(2). A leak classificat postponed for up to 15 months, leaks can a segment of pipeline that is under consideration Section 143.2(a). Perhaps because of uneasiness with how could become, the SED Staff proposal contains consider ("should") suggesting periodic evaluations, offering scenarios calling f timely action," and offering potentially more ra election of the Section 143.2(2), subsections through (e).

The acquired by the is proposed "clear." Section 143.2(2)(a). What action is involved in "clearing Again, if venting is an appropriate action to clear 3 (not hazardous and "reasonably hazardous") remain requires no further action, represents a significant step Uncontrolled releases of methane are never benign.

adopt Proposed Rule 143.2 [illegible] the [illegible] proposed above to [illegible]

E. Leaks at Risers

One type of leak needs to be addressed immediately because it preserves existing practices that are [illegible] Risers are the piping in the service line [illegible] from below grade and [illegible] (up to 60 psi in the case of anodeless (AL) case of steel risers) to the regulator [illegible] enters a dwelling unit or other structure from the through the meter.

Risers are frequent sources of leaks. For the have considered leaks at risers to require immediate reasons: because of the pressures involved; because line (upstream of the regulator) that makes it impossible release of gas; proximity of the leak to human people to the leaking gas; and the possibility that enclosed space [illegible] because of the impression leisurely approach to this highly visible system deficiencies proposes to codify this practice.

Add new Section 143.4 Leaks at Risers

143.4. Leaks in [illegible] at risers

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

(b) The operator shall include these reports and of the annual leak report 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 2010 Commission's decision in its
General Rate Case, SCG has attempted to implement a new procedure [9]
new approach that would permit delaying repair ...
policy of employing an insufficient number of distributi...
work according to procedure. UWUA has resisted ...
them to the attention of the Commission and its staff. ...
environmentally irresponsible. In February SCG agreed ...
around for leaks at risers, ... day window ... improvement but ...
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 ...
riser leaks are on private property in the ...
gas riser ... require excavation; riser leak repai...
involve excavation ... procedur...
permits without ... gas ... neighborhoods are not in...
trench with other underground utility facilities ...
have priority ... UWUA ... transparent atte...
prompt leak repair and SCG's ... employ sufficien...
make these important repairs. The Commission ...
urgency about maintaining ... appearance and ...

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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 the WUA's regulation

III. More Robust Standards for Certain Operation and Maintenance functions

As indicated above, California has more stringent operation and maintenance standards than the federal minimums better suited to local concerns and physical conditions. [10] By promoting these proven practices in regulating valve maintenance, [illegible] mark these services (not covered by federal law.

A. Section 143.3 valve maintenance

Valves are a critical component of the gas transmission system. Valves can serve a number of functions, including reducing or increasing pressure; redirecting gas flow; regulating flow, and [illegible]. The Legislature has expressed a particular concern that valves functions. See, e.g., AB 216 (2011, Yee) and AB 56 (2011, [illegible]). Section 143.3 currently addresses [illegible] in a manner that a valve is operable in the [illegible]. Section 143.3 provides:

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

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

[10] Note that the California regulation omits [illegible] crucial 192.745(b): "(b) Each operator must take prompt action to correct found inoperable, unless the operator designates the valve as not document the operable condition of the valve and plans the repair.

(4) excessively long intervals between [illegible] procedu
renumbering the section as proposed by UWUA, [illegible] SED

UWUA recommended a significantly [illegible] preventive scheduled maintenance

143.3 Valve Maintenance

(a) Each operator shall develop and maintain a written description of its valve inventory and criticality.

(b) Each valve, the use of which may [illegible] transmission or distribution system, shall be [illegible] serviced, lubricated (where required) and left fully operational [illegible] inspection. "Fully operational" means that the valve can be [illegible] and close [illegible] valve.

(c) [illegible] report [illegible] inspection must include: a [illegible] the valve as found at the beginning of the [illegible] maintenance procedures or other activities at the [illegible] condition at the [illegible] of the [illegible]

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

(e) The operator will ensure that each [illegible] is fully trained and [illegible] to operate the size and type he/she is [illegible] assigned.

UWUA's recommendation proposes several improvements, beginning [illegible] comprehensive valve inventory. This enables an [illegible] and prioritizing valves [illegible] may be necessary for a system. The problem that this addresses is [illegible] prioritization may leave many [illegible] valves addressed a local [illegible] uninspected for years, [illegible] necessary [illegible] emergency such as occurred at San Bruno. The inventory [illegible] including the SED [illegible] employees to participate [illegible] identifying the valves "necessary for [illegible] action" [illegible] assure that valve maintenance contributes to [illegible]

decreasing the risk that an inoperable valve extends

occurred at

Bruno

Second, UWUA included

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 procedures must be "fu

meaning that it can be "easily

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

conclusion of maintenance procedures

actual condition valves after maintenance, sometimes with tragi

Fourth, UWUA recommends that valve maintenance be fully

and qualified to perform

adopts a version

in its proposed new subsection 143.4

personnel as defined by PHMSA

equipment at the actual work locations be a

143.4 Operator Qualification

pipeline company for training and qualification of

to the equipment and facilities on which the

covered

Fifth, UWUA recommends maximum

"valves necessary for the safe

lengthy inspection interval for

a systemic safety risk that should

primarily a function of workforce

of valves is specified, that result from the valv
UWUA has recommending that the inspections be conduct
than semi-annually.

Valve maintenance is going forward is dependent
adequate workforce.

The workforce adequacy definition
be approved if the Commission is to have an effec

B. and Locate a

Section 143.5 Locate

Locate and mark activities are related to damage
to underground pipes.

They are invoked when th
UWUA has proposed its be performed by qualified
employees, including specifically utility employees who obse
can intervene to enforce utility procedures.

143.5. Locate and Mark

(a) locators shall be employees of the utilit
(b) excavations shall be observed by utility
empowered to enforce utility procedures for excavatio
facilities, including excavation by hand.
(c) each utility shall show reasonable diligence in maintaining its
transmission and distribution rights-of-way, such that marks are
both directions from any point on the

UWUA has also proposed that throughout distribution
transmission rights-of-way. This will make it muc
to ascertain proximity to utility facilities where PHMSA requir
necessary to identify the location of the transmission
possibility of damage to the 49 CFR 192.707(a) proposal
eliminates the objectivity the PHMSA rule by providing
sight of the adjacent marker

C. After Meter Services

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

> (4) The commission shall require the ... to include ... after-meter services and shall ... employee staffing to provide for these services ... of the pu... 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 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 Act: ... development and i... safety metrics pursuant to Pub. Util. Code section

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[11] Section 970 provides:

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

(b) The commission shall ... following ... adopting safety performance metrics:

(1) Each safety performance ... designed to ... safety ... performance.

(2) Each safety performance ... able to be evaluated ... a useful timeframe.

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

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

(c) The ... commission ... safety ... the s...

The UWUA's proposal is a new section 303.2:

After Meter Services

303.2. (a) The purpose of this section is to implement Public Utilities Code section 970 for after meter services as defined by Public Utilities Code section 970(b) allowing for meaningful, substantial and ongoing oversight of utility employees through their designated representatives, employees of contractors shall be for the purpose of safety metrics customer service functions including but not limited to leak reports from customers and the public; time meter services including but not limited to examination of connectors and other appurtenances for residential dwellings; timely order completion for involving flowing gas including turn on, turn off, usage and investigations.

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

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

This new provision enables the Commission to carry out its respect to these critical assessments that they receiving "after meter services" as rates are section 1 of "after meter services" and the Commission's directive about the meaning and service." It should be given effect.

IV. Subpart Documentation and Reports

1. Support for Staff Proposals

SED Staff has made several important proposals for documentation that UWUA supports. UWUA has already proposal for a new section 123.2, which will performance metrics adopted and may implement incentive program. The program may contain performance.

foundation for a vigorous comprehensive leak reduction program come. UWUA also notes and supports the inclusion of "near misses" for pressure and incident procedures in Staff proposed Section 122.2(a)(applicable to 122.2(d)(quarterly reports). Near misses are events that into system conditions before they 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 and the gas corporation workforce;...

2. UWUA Proposals

UWUA has made adding Commissioners should adopt.

a. Reporting of Safety Related Conditions

Utilities file reports of safety related conditions a CPUC covering transmission and storage (high 112 Section 192 CFR and 191.23 and 191.25. In the Legislature for a report to the Commission, to act with more timeliness and urgency on transmission identified by the utilities. Pub. Util. Code section PHMSA reports should be included in a Section report to the Commission, specifically corrective actions taken. A specific issue not currently the Section need report observations of external conditions as observed and leak surveyors. proposes adding a new section 124 follows:

> 124.2 Reporting of Safety

(a) As an element of the report required by [illegible] shall include a compilation of [illegible] related reports concerning [illegible] made to pursuant to 49 CFR 191.23 and 191.25, repair or other response to the observed condition

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

b. Reporting of Damages

Damage related to excavations of [illegible] is a matter of concern of both the Commission and the Legislature. [illegible] receive information so that it can work with [illegible] SED Staff proposed [illegible] to include [illegible] in its proposed annual modifications in proposed Section 123.2(h). However, that proposal seems somewhat idiosyncratic and may [illegible] of [illegible] issues.

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

The UWUA proposed [illegible] language is:

127. [illegible] Reporting [illegible] Incidents

(a) Each utility shall report to the Commission every incident where utility facilities are damaged by excavation in the proximity of [illegible] shall include the following elements, and any other Commission may prescribe: location of incident; whether [illegible] was called; identity and qualifications of any; whether personnel was on site; description [illegible]

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

V. Process Recommendations

UWUA has made several recommendations that fall within the process. These include a substantive matter on energy efficiency, house-keeping matters, and a matter that appropriately conveys its text of its Order in a timely manner on

A. Subpart G Modifications

The Commission and the Legislature have both stressed improving communication among utility employees, managers, and the Commission as an essential component of the Commission's journey improvement pathway. The Legislature recently enacted part of the Pipeline Safety Act. Wis. Stat. § 196.795 (201

(e) The commission and gas corporations shall promote meaningful, substantial, and ongoing participation by the workforce in the development and implementation of objective of developing a culture that will minimize accidents, explosions, fires, and hazards that endanger the public and the workforce.

The Commission added Subpart G to GO 1-12 to protect 12-009, and granted UWUA's Motion for Protective Order both this pro and the SCG Application. The Commission should clarify th related to employee communications in the gas industry 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 Regarding Motion of the Utility Workers Union of America for a Protective Order Directing Pacific Gas and Electric Company to Produce Documents Subject to Non-Disclosure Agreements*, Rulemaking 12-01-008, Ordering Paragraph 1 (January 25, 2012).

UWUA proposes that the Commission

(1) Rename Subpart FACILITATING EMPLOYEE PARTICIPATION IN

(2) Add a new section 302.2 Participation by Utility Employees

302.2 Participation by Utility Employees

The commission and each utility shall provide opportunities for substantial, and ongoing participation by employees, including bargaining representatives of the employees' choosing of contractors, in the development and implementation and maintenance procedures including matters covered by 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 Text of GO 112 on Commission Website

GO 112 has been modified several times including the addition of a new Subpart G addressing and extending reporting requirements for Order being updated. UWUA recommends that the Commission 104.3 to provide on the Commission website, so that the public is informed of the

104.3 Timely Update 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 comes later.

C. Summary of UWUA 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</u>
<u>regulations, specifically Title 49 of the Code of</u>
<u>191, 192, 193 and 199, which also govern</u>
<u>Operation, and Maintenance of Gas Piping Systems and</u> commission regulated
<u>gas pipeline facilities in the State of California. These</u>
<u>the federal pipeline safety regulations but are su</u>
<u>regulations, except that specific requirements standards of these rule</u>
<u>more stringent than a federal standard applicable</u>
<u>facilities or transportation are declared to be con</u>
<u>standard and will control, pursuant to Pub.</u> Utilit
<u>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</u> California Natural
<u>Gas Pipeline Safety Act of 2011, Pub. Util. C</u>
<u>and specifically to implement and enforce the principle that</u>
<u>public and employees is the top priority in the</u> operatio
<u>delivery system in</u> California.

Section 102.3 Renumbered and Expanded former section 102.1

<u>102.3. These rules establish, in addition to the</u> federal
<u>regulations, applicable requirements for the design, co</u>
<u>materials, locations, testing, operations and maintenance</u> commission-
<u>regulated gas pipeline facilities used in the gathering, transmission, and</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 that safe</u>
<u>maintained by gas utilities operating</u> under the ju
<u>commission.</u>

Section 104.3 Timely Update on Commission Website

<u>104.3 Timely Update on</u> Commission Websi

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

Section [illegible] Adequate Workforce definition

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

Section [illegible] Annual Leak Report

UWUA has made comments and suggestions proposed by SED. It is not proposing specific

Section [illegible] Condition

124.2 Reportable Safety Conditions

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

(b) In addition to those described 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] 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 elements and other matter that Commission may prescribe: 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.
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(a) Each operator will make an inventory of a description of the 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 and Risers

(a) Any leak in, or in close proximity 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. and

(a) locators shall be employees of the utility.

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

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

Section 302. 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 of the employees' 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 th
corporation workforce.

Section 303. Standards for Meter Services

303.2. Meter Services

303.2. (a) To implement 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 including turn on, turn off, high b
usage investigations.
(c) The commission shall adopt specific utility customer service safety
metrics after review of the utility proposals and
(d) The commission shall convene meetings 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) intervene a new proceeding in this docket to
Reduction Strategy for California

Respectfully submitted,

/s/

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