

From: Malkin, Joseph M.
Sent: 10/24/2013 9:31:08 AM
To: Gruen, Darryl (darryl.gruen@cpuc.ca.gov); 'Bone, Traci' (traci.bone@cpuc.ca.gov)
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(/O=PG&E/OU=Corporate/cn=Recipients/cn=SBResponderGroup); Gas Ops Data
Requests (/O=PG&E/OU=Corporate/cn=Recipients/cn=SanBrunoIncidentData);
Smith, Bruce T (/O=PG&E/OU=Corporate/cn=Recipients/cn=BTS1); Smith, Bruce
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Margaret Felts (margaret@mfelts.com); Tom Long (tlong@turn.org)
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Bcc:

Subject: RE: ORA prioritization of outstanding data requests - and related issues

Traci,

Thank you for ORA's prioritization of its outstanding data requests. PG&E will address them in the priority order you have provided. We will work to respond to these and the other parties' DRs as quickly as we can and certainly by October 31. We responded to your clarifying DR yesterday.

While we continue to work through the DRs, we cannot agree at this time that we will meet the schedule you have proposed. Nor, since it was not included in ALJ Bushey's schedule, can we agree to your proposed date for ORA testimony (or making it contingent on what you have

called priority 1 discovery being “completely produced”). In fact, from your email, we do not know whether the testimony you contemplate relates to Line 147 or to the three pressure restoration orders.

As we explained on last Friday’s call, most of the DR responses do not have a “sponsor.” They were prepared by teams of people. I’m at a loss to know what value the list of everyone who worked on DR responses would be, and I doubt that, today, we could tell you who worked on which specific DRs. If you will explain why you term this information “critical,” we will try to get you a list of everyone who worked on DR responses.

We will work on a privilege log but, as you can understand, will make it a lower priority than the substantive responses.

With respect to the FTP, Tom Roberts and Bruce Smith have been communicating directly about this, and I will leave it to them.

In light of ALJ Bushey’s clear direction that the first priority for the November 18 hearing should be Line 147, perhaps we should all get back on the phone to talk about scheduling alternatives.

Joe

From: Bone, Traci [<mailto:traci.bone@cpuc.ca.gov>]
Sent: Tuesday, October 22, 2013 3:32 PM
To: Malkin, Joseph M.; Gruen, Darryl
Cc: [Redacted]; Ramaiya, Shilpa R; PGE Sharp, Shell; Roberts, Thomas; Paull, Karen P.; 'SKS@CPUC.CA.GOV'; 'margaret@mfelts.com'; 'darryl.gruen@cpuc.ca.gov'; 'austin.yang@sfgov.org'; 'bstrottman@meyersnave.com'; 'grubens@adcl.com'; bts1@pge.com; Garber, Stephen (Law); Smith, Bruce T; [Redacted]; Gas Ops Support; Gas Ops Data Requests; [Redacted] Sabino, Pearlie Z.; Skinner, Nathaniel; Cadenasso, Eugene; Vallejo, Alejandro (Law); Garber, Stephen (Law); Berdge, Patrick S.; Margaret Felts; [Redacted]; Hairston, Eric Matthew; Tom Long (tlong@turn.org)

Subject: ORA prioritization of outstanding data requests - and related issues

Joe:

1. Prioritization of Outstanding Data Requests In Preparation for Nov. 18 Hearing: Please find an Excel document attached that prioritizes ORA's outstanding data requests. We will need responses to questions identified as highest priority or "1" no later than October 28 in order to meet the hearing schedule. Please feel free to forward this to whomever at PG&E requires this information. I have tried to cc everyone involved, but I might have missed someone.
2. **One Set Of Clarifying Questions Require An Immediate Response:** ORA has a follow up question based on its review of the PFL data provided with Mr. Johnson's Exhibit A, attached as ORA-OSC-5. **If the answer is a simple "yes" – ORA would like to know that within the next 24 hours. If the answer requires more clarification, ORA asks that PG&E respond no later than this Friday, October 25. ORA cannot analyze the PFLs provided without getting clarification on this issue.**
3. ORA Testimony – ORA will not know if it wants to sponsor testimony until it receives at least all of the priority 1 data responses from PG&E. In the event ORA decides to sponsor testimony, it will serve the testimony either November 12 – 10 business days after the Oct. 28 priority one due date, or if PG&E is late providing those data responses, 10 business days after PG&E serves the last of the priority 1 discovery responses (assuming for both cases that those responses are complete and responsive).
4. FTP – ORA understands that PG&E has established an FTP to allow access to the data responses, but that there is no data actually available in the FTP. PG&E needs to upload all of its data responses to the FTP. Presumably, this will save PG&E the time of copying and mailing/delivering data discs to all of the parties, and should ensure more timely access for all parties to the data.
5. New Sumeet Singh Declaration – We understand that there is additional material that needs to be provided in support of Mr. Singh's new declaration. ORA may need to do additional discovery on this material, and to the extent ORA identifies it as priority 1 discovery, PG&E would need to meet the October 28 due date for that discovery. Given this new information, and the need to perform discovery on it, yet still leave time for parties sponsoring witnesses to prepare testimony, ORA questions whether the current schedule is feasible, but we will try to work with it.
6. Identification of PG&E Data Response Sponsors – It is critical that ORA understand who is sponsoring various data responses as soon as possible. If a team of people respond to a data response, then each member of the team should be listed. PG&E needs to start providing this

information with its data responses on October 28 and should provide this information all data responses that it has not yet provided this information for on October 28, and for all data responses going forward.

7. Privilege Log – It is also critical that PG&E prepare a privilege log for any data response for which it is claiming a privilege. PG&E should provide such a log no later than November 1.

8. Proposed Schedule - ORA proposes the following schedule working towards the Nov. 18 hearing date.

- October 23 – PG&E notifies ORA if the answer to ORA OSC-5 Question 1(a) is “yes.”

- October 25 – If the answer to ORA OSC-5 Question 1(a) is not “yes,” PG&E answers the remainder of ORA OSC-5.

- October 28 - PG&E finishes providing priority 1 discovery responses and **PG&E identifies sponsors of data responses already provided, and provides such information on a going forward basis with all further data responses**

- Nov. 1 - PG&E finishes providing priority 2 discovery responses and a privilege log for all data responses provided up to this date.

- Nov. 12 - ORA provides witness testimony (or 10 business days after priority 1 discovery is completely produced by PG&E, whichever is later)

- Nov. 18 - Hearing

Thank you for your attention to these important matters.

Traci Bone

Staff Attorney

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