

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

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 11-02-019
(Filed February 24, 2011)

**THE DIVISION OF RATEPAYER ADVOCATES'
SECOND MOTION TO ENTER EVIDENCE INTO THE RECORD OF
THE RULE 1.1 ORDER TO SHOW CAUSE PROCEEDING IN THIS
DOCKET AND MOTION TO SHORTEN TIME FOR RESPONSES**

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October 1, 2013

I. INTRODUCTION

In accord with the oral ruling made in the Order to Show Cause Hearing on September 6, 2013¹ and Article 13 of the Commission's Rules of Practice and Procedure, the Division of Ratepayer Advocates ("DRA") submits this "Second Motion To Enter Evidence Into The Record of the Rule 1.1 Order To Show Cause Proceeding In This Docket."

The record in the Rule 1.1 Order to Show Cause ("OSC") Proceeding is still open. As the Assigned Administrative Law Judge ("ALJ") stated at the conclusion of the September 6, 2013 morning hearing:

ALJ BUSHEY: Very good. All right. We'll have opening recommendations, brief recommendations focused on exactly what the Commission should do on September 26th, the responsive pleadings filed and served on October 1st. With the filing of the replies, the matter will be considered submitted to the Commission and the record will be closed on this issue.²

As the ALJ implicitly recognized, parties did not have a meaningful opportunity to prepare exhibits to be entered into the record during the hearing because parties did not know who would be testifying for Pacific Gas and Electric Company ("PG&E"), or what PG&E's witness(es) would say. Therefore, additional time was left to submit evidence into the record.

Yesterday, September 30, 2013, DRA received a data response from PG&E which is relevant to whether PG&E violated Rule 1.1 by making misrepresentations in its Verified Statement and its testimony in this proceeding. DRA attached the data response to DRA-OCS-1 as Attachment A to its Reply in this proceeding. That Reply is being filed concurrent with this motion.

This request to enter this data response into the record of this Rule 1.1 OSC is highly prescient in light of PG&E's Recommendation that the Commission

¹ 16A RT 2415: 16-24.

² 16A RT 2415: 16-24.

should conclude that PG&E did not violate Rule 1.1 because of the limited evidence before the Commission:

The only evidence before the Commission is that the decision to use the word “Errata” in the title of Exhibit OSC-1 reflects the good faith professional judgment of PG&E’s counsel, and that PG&E served and submitted the pleading for filing on July 3 because the work underlying it had been completed the day before.³

For all of these reasons, and for the reasons set forth in DRA’s Motion to enter evidence in this proceeding dated September 30, 2013, DRA requests that the document described above, and attached as Attachment A to its Reply in this proceeding, be entered into the evidentiary record of this Rule 1.1 proceeding.

Given that the ALJ’s oral ruling provides that the record shall close upon the submission of the Replies in this matter, DRA also requests that the ALJ shorten the time for responses to this motion accordingly, or extend the date for closing the record until a ruling is issued on this Motion.

Respectfully submitted,

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³ PG&E Recommendations, R.11-02-019, September 26, 2013, p. 2.