

**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.

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

**REPLY COMMENTS OF THE CITY AND COUNTY OF SAN FRANCISCO
ON THE ALTERNATE PROPOSED DECISION OF COMMISSIONER FERRON
IMPOSING SANCTIONS FOR VIOLATION OF RULE 1.1 OF THE COMMISSION'S
RULES OF PRACTICE AND PROCEDURE**

DENNIS J. HERRERA
City Attorney
THERESA L. MUELLER
AUSTIN M. YANG

Attorneys for:
THE CITY AND COUNTY OF
SAN FRANCISCO
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4682
Telephone: (415) 554-6761
Facsimile: (415) 554-4763
E-Mail: austin.yang@sfgov.org

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I. INTRODUCTION

Pursuant to the Commission's Rule of Practice and Procedure 14.3(d), the City and County of San Francisco ("San Francisco") submits these reply comments on the Alternate Proposed Decision of Commissioner Ferron Imposing Sanctions For Violation Of Rule 1.1 Of the Commission's Rules of Practice and Procedure (the "Alternate Proposed Decision"). San Francisco responds to comments filed by PG&E, San Bruno, the Office of Ratepayer Advocates ("ORA"), and TURN.

San Francisco supports the the Alternate Proposed Decision. San Francisco also supports the comments from San Bruno, ORA and TURN that PG&E had an obligation to disclose public safety issues to the Commission in a timely fashion and that PG&E's five month delay in disclosing the discrepancy in its records was unreasonable. San Francisco also supports TURN's proposed modification to page 10 of the Alternate Proposed Decision to remove unnecessary language.

A. **PG&E Should Have Disclosed Its Discovery of "Known Errors" to the Commission No Later Than November 16, 2013.**

San Bruno, ORA and TURN each argue that PG&E should have disclosed the "known errors" to the Commission and the public when its senior management became aware of the records discrepancy for segment 109 of Line 147. San Francisco agrees with this recommendation. PG&E, in contrast, asserts that the Alternate Proposed Decision's "findings regarding PG&E management's actions and conclusions consist of baseless conjecture."¹

Although PG&E attempts to marshal procedural arguments that the Alternate Proposed Decision reaches beyond the evidentiary record, there is ample evidence in the record to show that the continuing violations should have begun as early as November 14, 2012, two days earlier than the Alternate Proposed Decision begins the continuing violation. PG&E admitted that the

¹ PG&E Opening Comments on Alternate Proposed Decision at p. 3.

pipeline engineer who discovered the pipeline discrepancy on segment 109 of Line 147 shared his discovery with others in PG&E via email on November 14, 2012.² According to PG&E, “the pipeline engineer sent an email notification of the leak repair and his observation of a potential discrepancy with the PFL [Pipeline Features List] for Line 147 to various departments, including MAOP Validation, Integrity Management, Operations, PSEP, Hydrotest, and Gas Planning.”³ Based on this discovery, PG&E then began to take a number of remedial actions, including an investigation of why the records were incorrect, a re-review of the specifications for Line 147, and revalidation of the appropriate MAOP.⁴ When PG&E took these actions, it knew it had a problem and it should have disclosed these issues to the Commission and the public.

Given the purpose of the reporting requirements in the federal regulations and General Order 112-E for safety-related conditions,⁵ PG&E should have disclosed this records discrepancy as early as November, 14, 2013, the date the pipeline engineer emailed the major pipeline groups within PG&E about this is problem. Based on the discovered “records discrepancy,” PG&E admitted that the operating pressure for segment 109 on Line 147 was not commensurate with the class location.⁶ In PG&E’s words “we concluded that applying a conservative joint efficiency factor of 0.8 rather than 1.0 for DSAW still resulted in an MAOP above 365 psig, but would require the pipe to operate ‘one-class-out’ pursuant to the strength test provisions in 49 C.F.R. § 192.611.”⁷ It is important to note that PG&E now admits that its previous interpretation of operating pipelines “one class out” was unlawful.⁸ In essence, PG&E had been operating the pipeline above the appropriate maximum allowable operating pressure for many years.

² August 30, 2013 Verified Statement of PG&E at ¶ 33.

³ *Id.*

⁴ *Id.*

⁵ See 49 CFR Part 191 and General Order 112-E Section 124.

⁶ August 30, 2013 Verified Statement of PG&E at ¶ 33.

⁷ *Id.*

⁸ *Id.* ¶ 59 (“As a result, PG&E came to the conclusion that it cannot rely on a post-1974 strength test to operate a segment one-class-out if that segment experienced a class change prior to 1971. We reached this conclusion, not as a matter of public safety, but based on a strict reading of the federal code sections.”) and ¶ 62 (“However, as discussed above, our interpretation of the code

The purpose of the safety-related conditions reporting requirement is for operators to inform the regulators of potential problems as soon as possible. In order to comply with the purpose of the regulations, when PG&E realized that it was exceeding the maximum allowable operating pressure for segment 109 of Line 147, it should have promptly informed the Commission and the public.

Dated: December 2, 2013

Respectfully submitted,

DENNIS J. HERRERA
City Attorney
THERESA L. MUELLER
Chief Energy and Telecommunications Deputy
AUSTIN M. YANG
Deputy City Attorney

By: /S/
AUSTIN M. YANG

Attorneys for:
CITY AND COUNTY OF SAN FRANCISCO
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4682
Telephone: (415) 554-6761
Facsimile: (415) 554-4763
E-Mail: austin.yang@sfgov.org

has changed, and we are no longer relying on the 2011 strength test to be able to operate one-class-out.”).

CERTIFICATE OF SERVICE

I, KIANA V. DAVIS, declare that:

I am employed in the City and County of San Francisco, State of California. I am over the age of eighteen years and not a party to the within action. My business address is City Attorney's Office, City Hall, Room 234, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102; telephone (415) 554-4700.

On December 2, 2013, I served:

**REPLY COMMENTS OF THE CITY AND COUNTY OF SAN FRANCISCO
ON THE ALTERNATE PROPOSED DECISION OF COMMISSIONER FERRON
IMPOSING SANCTIONS FOR VIOLATION OF RULE 1.1 OF THE COMMISSION'S
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by electronic mail on all parties on the attached Service list in CPUC Proceeding

No. R.11-02-019 The following addressee(s) without an email address were served:

- BY UNITED STATES MAIL: Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

JIM MCQUISTON
MCQUISTON ASSOCIATES
6212 YUCCA STREET
LOS ANGELES, CA 90028-5223

TRANSMISSION EVALUATION UNIT
CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET, MS-46
SACRAMENTO, CA 95814-5512

ROCHELLE ALEXANDER
445 VALVERDE DRIVE
SOUTH SAN FRANCISCO, CA 94080

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 2, 2013, at San Francisco, California.

/S/

KIANA V. DAVIS

Email Service List R.11-02-019

anginc@goldrush.com
StephanieC@greenlining.org
SLG0@pge.com
pucservice@dralegal.org
jboehme@nicor.com
michelle.d.grant@dynegey.com
Ethan.Jones@Valero.com
justin.brown@swgas.com
STomkins@semprautilities.com
info@lbcgla.com
npedersen@hanmor.com
bob.gorham@fire.ca.gov
douglas.porter@sce.com
carlwood@uwua.net
maguirre@amslawyers.com
rkohut@sandiego.gov
ek@a-klaw.com
Faith.MabuhayAlliance@gmail.com
cjackson@sanbruno.ca.gov
grubens@adcl.com
rkoss@adamsbroadwell.com
djk@cpuc.ca.gov
tbo@cpuc.ca.gov
austin.yang@sfgov.org
marcel@turn.org
cpj2@pge.com
sgs@dcbsf.com
bcragg@goodinmacbride.com
nformosa@winston.com
bkc7@pge.com
smeyers@meyersnave.com
lencanty@BlackEconomicCouncil.org
service@cforat.org
michaelboyd@sbcglobal.net
berlin@susieberlinlaw.com
dcarroll@downeybrand.com
westgas@aol.com
wwester@smud.org
ajahns@jahnsatlaw.com
Dave.Weber@nwnatural.com
jason.dubchak@niskapartners.com
ESelmon@Jemzar.com
a2mx@pge.com
artfrias@uwua.net
cadowney@cadowneylaw.com
cassandra.sweet@dowjones.com
ssc.chrissy@gmail.com
christine.tam@cityofpaloalto.org
CMM6@pge.com
efn2@pge.com
ellen.isaacs@asm.ca.gov
enriqueg@greenlining.org

Email Service List R.11-02-019

gburke@ap.org
gclark@lodistorage.com
jheckler@levincap.com
jjav@pge.com
j2ti@pge.com
jleslie@McKennaLong.com
j7se@pge.com
julien.dumoulin-smith@ubs.com
karla.Dailey@CityofPaloAlto.org
kmmj@pge.com
lauren.duke@db.com
mchediak@bloomberg.net
MNBs@pge.com
wmc@a-klaw.com
unionnancy@gmail.com
nsuetake@turn.org
nes@a-klaw.com
ppatterson2@nyc.rr.com
rajeev.lalwani@morganstanley.com
tcollier@buckeye.com
timothyrea@hotmail.com
ttutt@smud.org
mrw@mrwassoc.com
regrelcpuccases@pge.com
dwtcpucdockets@dwt.com
GasOpsSupport@pge.com
dmarcus2@sbcglobal.net
scott.senchak@decade-llc.com
mfallon@taloncap.com
jonathan.arnold@db.com
kfallon@sirfunds.com
agay@carlsoncapital.com
ted@PointState.com
jdangelo@catapult-llc.com
mgoldenberg@luminusmgmt.com
NStein@LevinCap.com
John.Apgar@baml.com
stephen.byrd@morganstanley.com
NKhumawala@WolfeTrahan.com
randall@nexusamllc.com
andrew.greenberg@cwt.com
wschmidt@buckeye.com
ken.irvin@cwt.com
malp@pge.com
terence.healey@cwt.com
daniel.j.brink@exxonmobil.com
kirby.bosley@jpmorgan.com
paul.gendron@JPMorgan.com
Paul.Tramonte@jpmorgan.com
catherine.mazzeo@swgas.com
christy.berger@swgas.com
jim.mathews@swgas.com

Email Service List R.11-02-019

Priscila.Kasha@ladwp.com
robert.pettinato@ladwp.com
GHealy@semprautilities.com
JLSalazar@SempraUtilities.com
Naftab@semprautilities.com
SHruby@SempraUtilities.com
MFranco@SempraUtilities.com
DNg@SempraUtilities.com
RPrince@SempraUtilities.com
rothenergy@sbcglobal.net
dtorres@sogate.org
pat.jackson@teaminc.com
klatt@energyattorney.com
michael.alexander@sce.com
sendo@cityofpasadena.net
eklinkner@cityofpasadena.net
slins@ci.glendale.ca.us
douglass@energyattorney.com
LBleveys@burbankca.gov
rmorillo@ci.burbank.ca.us
carneycomic@sbcglobal.net
angelica.morales@sce.com
case.admin@sce.com
Francis.McNulty@sce.com
gloria.ing@sce.com
Robert.F.Lemoine@sce.com
janet.combs@sce.com
patricia.borchmann@yahoo.com
marcie.milner@shell.com
CentralFiles@SempraUtilities.com
sjkeene@iid.com
jhunter@riversideca.gov
waltowaiji@tustinca.org
cguss@anaheim.net
ssciortino@anaheim.net
laura@messimer.com
RobertGnaizda@gmail.com
kfabry@sanbruno.ca.gov
gcaldwell@sanbruno.ca.gov
jmaltbie@cityofsancarlos.org
JMauldin@AdamsBroadwell.com
mdjoseph@adamsbroadwell.com
joc@cpuc.ca.gov
theresa.mueller@sfgov.org
njohnson@consumercal.org
bfinkelstein@turn.org
tlong@turn.org
apa6@pge.com
bts1@pge.com
dlct@pge.com
jldavis@dcbsf.com
j1pc@pge.com

Email Service List R.11-02-019

jmalkin@orrick.com
filings@a-klaw.com
kck5@pge.com
nes@a-klaw.com
SRRd@pge.com
tnhc@pge.com
wvm3@pge.com
aaron.joseph.lewis@gmail.com
jarmstrong@goodinmacbride.com
mmattes@nossaman.com
jkarp@winston.com
cem@newsdata.com
AXVU@pge.com
grant.kolling@cityofpaloalto.org
Jeff.cardenas@asm.ca.gov
Service@spurr.org
sean.beatty@nrgenergy.com
kowalewskia@calpine.com
bstrottman@meyersnave.com
jmullan@meyersnave.com
cathy@barkovichandyap.com
tomb@crossborderenergy.com
rrussell@lodistorage.com
billjulian@sbcglobal.net
bburns@caiso.com
gvanpelt@caiso.com
Vrogers1994@yahoo.com
kelder@aspenerg.com
john@clfp.com
atrowbridge@daycartermurphy.com
kuprewicz@comcast.net
carolina.contreras@cpuc.ca.gov
kpp@cpuc.ca.gov
AppRhg@cpuc.ca.gov
nws@cpuc.ca.gov
tony.marino@sen.ca.gov
SanBrunoGasSafety@cpuc.ca.gov
aad@cpuc.ca.gov
aly@cpuc.ca.gov
ag5@cpuc.ca.gov
ako@cpuc.ca.gov
ang@cpuc.ca.gov
caj@cpuc.ca.gov
chh@cpuc.ca.gov
cjp@cpuc.ca.gov
dbp@cpuc.ca.gov
edd@cpuc.ca.gov
emm@cpuc.ca.gov
eim@cpuc.ca.gov
cpe@cpuc.ca.gov
hym@cpuc.ca.gov
jzr@cpuc.ca.gov

Email Service List R.11-02-019

jf2@cpuc.ca.gov
jmh@cpuc.ca.gov
kcl@cpuc.ca.gov
kab@cpuc.ca.gov
ljt@cpuc.ca.gov
mpo@cpuc.ca.gov
mab@cpuc.ca.gov
map@cpuc.ca.gov
mk3@cpuc.ca.gov
nb2@cpuc.ca.gov
oe2@cpuc.ca.gov
pap@cpuc.ca.gov
pzs@cpuc.ca.gov
ram@cpuc.ca.gov
rmp@cpuc.ca.gov
skh@cpuc.ca.gov
sni@cpuc.ca.gov
tcr@cpuc.ca.gov
ttf@cpuc.ca.gov
janill.richards@doj.ca.gov
rkennedy@energy.state.ca.us
sbender@energy.state.ca.us
ms8@cpuc.ca.gov