



**Pacific Gas and  
Electric Company**

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**BY E-MAIL AND U.S. MAIL**

Fred Harris, Staff Counsel  
California Public Utilities Commission  
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**Re: Comments of Pacific Gas and Electric Company on Resolution L-459  
Authorizing Disclosure of Records of the California Public Utilities  
Commission Consumer Protection and Safety Division's Investigation of an  
Electrical Incident That Occurred on April 16, 2013 in San Jose, California**

Dear Mr. Harris:

Pacific Gas and Electric Company (PG&E) hereby submits these comments on Draft Resolution L-459 (Draft Resolution), issued on February 6, 2014, which would grant a request for disclosure of Commission records concerning the investigation of an electrical incident that occurred on April 16, 2013, in San Jose, California. The incident involved an attack on PG&E's Metcalf Substation and is the subject of an ongoing FBI investigation.

PG&E supports the general principle that the people have the right to access information concerning the conduct of the people's business, as well as the general policy of the California Public Records Act ("CPRA") that favors disclosure of public records. Further, PG&E acknowledges that the Commission has ordered disclosure of records concerning completed safety incident investigations on numerous occasions.

However, PG&E believes there is reason to refrain from disclosing specific information related to this particular incident given the ongoing investigation and which, in the wrong hands, may be utilized to do harm to PG&E's electric system and to public and employee safety.

The Commission has noted that it may be appropriate to refrain from making available to the public certain information. The Commission has stated:

“Disclosure of detailed schematic diagrams, facility location information and unnecessary employee information may in some situations create a risk of harm to utility facilities, employees and the public without providing significant additional insight into the operations of the utility and the CPUC.” (Res.L-436, at p.8.)

The Commission has further stated:

“There are, of course, situations in which an inspection, investigation or audit is not routine, and/or where there is a prospect of enforcement activity. In such situations, a more individualized resolution of disclosures issues may be necessary. For example, when our staff participates in a National Transportation Safety Board (NTSB) investigation of an accident involving utility facilities or if working with law enforcement agencies or other governmental entities, public disclosure of our investigation records and/or of investigation records we receive from such entities may be prohibited by law, and /or restricted by our need to conduct our investigation efficiently and effectively. Public disclosure of such records may be both unlawful and inappropriate.” (Res.L-436, at p.10.)

Finally, an agency is justified in not disclosing certain information when the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (Gov't. Code 6255.)

PG&E respectfully requests that the Commission modify the draft resolution and hold that, under the particular facts of this case, the public interest served by not disclosing certain information clearly outweighs the public interest served by disclosure. While most of the documents in question can, PG&E believes, be released, examples of such information which should remain confidential include specific plans PG&E has to improve facility security, specific details about how the attack was undertaken, internal Company protocols associated with security breaches, names of PG&E inspectors and other internal PG&E information which may be utilized by an individual or individuals seeking to initiate other such attacks. For example, PG&E has a procedure for the response to alarms at our critical/NERC defined transmission substations. These procedures provide detailed information on how PG&E security and law enforcement would respond to these types of intrusion alarms. The procedures also provide specific information concerning the type of security that we have in place to protect these facilities and how security assesses the different types of alarm activation. As noted above, this type of information needs to remain confidential to ensure that our security is not compromised by an intruder.

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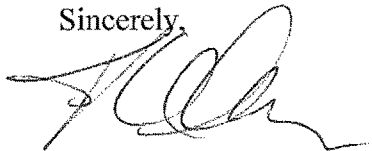
While such information noted above should remain confidential, PG&E can state that its electric transmission system is resilient, with redundancy and technology that allows us to reroute power around damaged equipment and help keep the lights on for our customers.

Regarding this particular incident, immediately after the attack, PG&E increased security. Among other measures, we deployed security guards to provide 24/7 coverage and increased patrols from local law enforcement. The company also cut back vegetation around the substation to eliminate potential hiding places. In addition to these actions already taken at critical facilities, the Company intends to make significant investments over the next four years on substation security for the highest priority facilities<sup>1/</sup>. Among other measures, our plans include adding buffer zones through additional fencing, enhanced intruder detection systems and improved lighting and camera systems.

Moreover, PG&E continues to work with the Federal Energy Regulatory Commission, NERC, as well as with federal and local law enforcement at all levels regarding the incident. The utility industry and stakeholders like the Edison Electrical Institute are meeting with policy makers, government officials and law enforcement to engage in constructive dialogue and share information and best practices on how we can work together to protect the grid across the country.

PG&E respectfully requests that the Commission not disclose information that may be utilized to do harm to PG&E's electric system and to public and employee safety.

Sincerely,



Brian K. Cherry  
Vice President, Regulatory Relations  
On Behalf of Pacific Gas and Electric Company

cc: Rebecca Smith

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<sup>1/</sup> PG&E has requested authorization for recovery of costs related to increased security on critical facilities in its TO15 case at FERC and plans to seek recovery in future TO cases as well given the cycle for a TO case is one year.