

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

Order Instituting Rulemaking to Develop a Risk-Based Decision-Making Framework to Evaluate Safety and Reliability Improvements and Revise the General Rate Case Plan for Energy Utilities.

And Related Matter.

Rulemaking 13-11-006
(Filed November 14, 2013)

**COMMUNITIES FOR A BETTER ENVIRONMENT
MOTION FOR PARTY STATUS**

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Dated: March 6, 2014

Attorneys for Communities for a Better Environment

**COMMUNITIES FOR A BETTER ENVIRONMENT
MOTION FOR PARTY STATUS**

Pursuant to Rule 1.4 of the Commission's Rules of Practice and Procedure, Communities for a Better Environment ("CBE") hereby moves for party status in the above-captioned proceeding and future related proceedings.

I. INTRODUCTION AND PARTY DESCRIPTION

CBE is an environmental justice organization with members throughout the state of California, many of whom live near power plants. CBE's mission is to achieve environmental health and justice in California's low-income communities of color by preventing and reducing pollution, and building green, healthy and sustainable communities and environments. CBE is a non-profit public interest organization.

II. CBE'S INTERESTS IN THIS PROCEEDING

CBE is working to achieve environmental justice for low-income communities and communities of color throughout the state of California. CBE represents its members who live in low-income communities and communities of color overburdened by pollution, such as from power plants and related infrastructure, including pipelines. Many of these members are utility customers who share a concern for the environment. The concerns of these members distinguish their interests from the Commission's Office of Ratepayer Advocates and other California ratepayers participating in this matter.

CBE has significant institutional experience in striking a balance between industry's safety practices and industry's profit margins. In particular, CBE is advocating for policies at the federal, state, regional, and local levels that protect the health and safety of workers and community, both of whom are on the front lines of potential catastrophic disasters as a result of industrial operations. Following the August 6, 2012 fire at the Chevron Richmond Refinery, CBE engaged with multiple agencies, including the federal Chemical Safety Board, which has recommended implementing the Safety Case Regulatory Regime at refineries. In addition, CBE drew on its past experience in successfully advocating for amendments and greater worker and community protections in the Contra Costa County Industrial Safety Ordinance. As a result, CBE was a driving partner to establish the Refinery Action Collaborative in Northern California,

a partnership of labor and community concerns that provided critical input to the Governor's Interagency Working Group on Refinery Safety.

CBE supports the use of inherently safer systems in risk-based decision making, and is actively pursuing adoption of the Safety Case Regulatory Regime at industrial facilities, such as power plants and their related infrastructure, such as pipelines. CBE has advocated for the Safety Case regime at federal agency public hearings, workshops, listening sessions, and now hopes to bring the same protections of worker and community health and safety to the attention of the Commission. CBE offers organizing, legal, and research resources to the communities most at risk from harmful incidents that occur at these facilities in the absence of such policies.

III. ANTICIPATED SCOPE OF CBE'S PARTICIPATION

Given these interests, CBE anticipates addressing the following issues related to risk-based decision making and safety procedures identified by the Commission in the Order Instituting Rulemaking on this matter:

- (1) Would developing a review process similar to the Current CEQA review process, where internal review by the Commission staff is supplemented by technical review conducted by consultants, be effective, adequate, and desirable? (Order Instituting Rulemaking (OIR) section 4.1.)
- (2) How should the Commission develop a new RCP for energy utilities in a way that will link strategy and goals to resource allocation? What kind of reporting requirements are needed in order to identify the framework, method, practices and activities used in assessing risk of safety, security, and/or reliability deficiencies and linking it to the requested funding in a GRC? (Preliminary Scoping Memo, section 4.2.)
- (3) What criteria should be used by the Commission to evaluate whether a utility has produced an adequate risk-informed GRC filing? (Preliminary Scoping Memo, section 4.2.)
- (4) Is the development of safety, reliability, and security assessment and review tools that could be used internally or externally desirable and sufficient for investment review purposes? (Preliminary Scoping Memo, section 4.2.)
- (5) Who should bear the cost of developing safety assessment and review tools that the Commission might be using? (Preliminary Scoping Memo, section 4.2.)
- (6) Are these or other differences relevant for purposes of the RCP? If there are material differences, should they be reflected in the plan itself or addressed case-by-case? (Preliminary Scoping Memo, section 4.5.)
- (7) How much variation (if any) should be allowed between different utilities, between the gas and electric industries, or on any other basis? (Preliminary Scoping Memo, section 4.5.)

CBE may also address questions regarding the complexity of the General Rate Case application process in order to allow for increased transparency and meaningful public participation in these matters. As a result, CBE may also address the following questions:

- (1) What kind of process changes might be helpful for stakeholders to enable them to review the application in an expedited manner? For example, would a presentation by the utility filing the application right after the submittal be helpful to familiarize the stakeholders with the application early in the process? (Preliminary Scoping Memo, section 4.6.)
- (2) What kind of process changes would be helpful for the general public to better understand the impact of rate case and participate in the proceeding? (Preliminary Scoping Memo, section 4.6.)

At this time, CBE anticipates participating actively in the remaining aspects of this proceeding which address the questions above, by representing the environmental, public health, and ratepayers' interests as described above. CBE may elect not to participate in issues that have no clear effect on its members or the environment.

CBE is already working with members of the legal, technical, labor groups, and affected ratepayer and environmental justice communities throughout the state to discuss the safety issues to be considered in this proceeding. CBE intends to ensure environmental, public health, and ratepayer interests are protected, by participating in all related conferences and hearings, offering testimony, and briefing legal issues. To the extent possible, CBE will coordinate its participation with other parties in the proceeding to avoid duplication.

At a minimum, CBE intends to participate in any opportunities for commenting and briefing on these topics. Should the Commission determine that evidentiary hearings are appropriate, CBE will likely participate in the hearings and may present expert testimony. Recognizing that some parties have already filed comments, CBE accepts the record as established prior to CBE becoming a party.

IV. CONTACT INFORMATION

CBE requests that all correspondence, pleadings, notices, orders, rulings, and other communications concerning this proceeding be provided to the following:

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V. CONCLUSION

CBE respectfully moves for party status in the 13-11-006 rulemaking and related proceedings to assist the Commission in its consideration of matters concerning the serious ratepayer, environmental, public health, and environmental justice issues implicated by the lack of adequate risk-based decision making in General Rate Case applications and plans.

Respectfully submitted,

March 6, 2014

/s/ Roger Lin
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/s/ Maya Golden-Krasner
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