

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

Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Pacific Gas and Electric Company to Determine Violations of Public Utilities Code Section 451, General Order 112, and Other Applicable Standards, Laws, Rules and Regulations in Connection with the San Bruno Explosion and Fire on September 9, 2010.

I.12-01-007
(Filed January 12, 2012)
(Not Consolidated)

Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Pacific Gas and Electric Company with Respect to Facilities Records for its Natural Gas Transmission System Pipelines.

I.11-02-016
(Filed February 24, 2011)
(Not Consolidated)

Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Pacific Gas and Electric Company's Natural Gas Transmission Pipeline System in Locations with Higher Population Density.

I.11-11-009
(Filed November 10, 2011)
(Not Consolidated)

**CITY OF SAN BRUNO'S RESPONSE TO MOTION OF PACIFIC GAS AND
ELECTRIC COMPANY FOR PERMISSION TO FILE A PRELIMINARY RESPONSE
TO THE CITY OF SAN BRUNO'S MOTIONS**

On July 28, 2014, Pacific Gas and Electric Company ("PG&E") filed a motion entitled "Motion of Pacific Gas and Electric Company for Permission to File a Preliminary Response to the City of San Bruno's ("San Bruno") Motions." This motion further evidences PG&E's Modus Operandi: PG&E is entitled to its own special rules and can disregard the California Public Utilities Commission ("CPUC" or "Commission") Rules of Practice and Procedure¹

¹ See "MOTION OF THE CITY OF SAN BRUNO SEEKING THE RECUSAL OF ASSIGNED COMMISSIONER PEEVEY" and "NOTICE OF AVAILABILITY OF EXHIBITS SUPPORTING THE MOTION OF THE CITY OF SAN BRUNO SEEKING THE RECUSAL OF ASSIGNED COMMISSIONER PEEVEY" and MOTION OF THE CITY OF SAN BRUNO FOR AN ORDER TO SHOW CAUSE WHY PACIFIC GAS AND ELECTRIC COMPANY

which calls for a 15 day limitation to respond to motions.² One of the bases of San Bruno's Motion for Recusal and Order to Show Cause against PG&E motions is that PG&E violated and ignored the Commission's own rules and state law. Now PG&E is, once again, asking for special favors from the Commission and asking the Commission to disregard its own rules. Based on a review of the CPUC's Rules of Practice and Procedure, there is nothing in the rules that provides for a "preliminary response" to a motion.

Furthermore, in its motion, PG&E argues that "City of San Bruno has chosen to hold a press conference and issue press releases on this issue, PG&E is seeking permission to file (and serve on the Commissioners) a short preliminary response consisting of the attached letter by PG&E's President Chris Johns." Yes, San Bruno chose to hold a press conference and issue a press release on the fact that PG&E was violating the rules against ex parte communications and that the President of the Commission and his staff was giving legal and public relations advice to PG&E. However, unlike PG&E's actions, San Bruno didn't forward the press release to President Peevey and his staff (and the Commissioners who will be the final arbiters over the proceedings). PG&E can hold as many press conferences as it wants, the fact that San Bruno held a press conference doesn't give PG&E a hall pass to file a manufactured "preliminary response" motion. As well, a self-serving letter from PG&E's President Chris Johns after San Bruno exposed through email communications that PG&E and the President of the Commission were engaged in illegal ex parte communications doesn't serve as evidence. This argument advances San Bruno's position that PG&E is doing whatever it can to convince this Commission

SHOULD NOT BE HELD IN VIOLATION OF COMMISSION RULE OF PRACTICE AND PROCEDURE 8.3(B) (RULE AGAINST EX PARTE COMMUNICATIONS) AND FOR SANCTIONS AND FEES" filed on July 28, 2014

² See Rule 11.1(e)

of its position with off the record evidence.

PG&E should not get special preference to respond to San Bruno's motion. There are rules in place for parties to respond to motions. This is a calculated move by PG&E to present its defense to San Bruno's motion twice. PG&E's motion is more properly characterized PG&E's "Motion for a Second Bite at the Apple," it is not remotely justified by the rules. San Bruno respectfully requests that PG&E's motion be denied.

Respectfully Submitted,

/s/ Steven R. Meyers

Steven R. Meyers
Britt K. Strottman
Emilie de la Motte
Meyers, Nave, Riback, Silver & Wilson
555 12th Street, Suite 1500
Oakland, CA 94607
Phone: (510) 808-2000
Fax: (510) 444-1108
E-mail: smeyers@meyersnave.com
Attorneys for CITY OF SAN BRUNO

July 29, 2014