

**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)

**RESPONSE OF THE UTILITY REFORM NETWORK
TO THE MOTION OF THE CITY OF SAN BRUNO FOR
AN ORDER TO SHOW CAUSE REGARDING EX PARTE VIOLATIONS**



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August 12, 2014

The Utility Reform Network (TURN) submits this Response in strong support of the Motion of the City of San Bruno (San Bruno) for an Order to Show Cause regarding alleged violations of the Commission's ex parte rules committed by Pacific Gas and Electric Company (PG&E).

There should be no question that the e-mails attached to San Bruno's motion constitute violations of the ban on ex parte communications in these adjudicatory proceedings. Although communications such as these may not constitute ex parte communications in non-adjudicatory proceedings, in these cases, as San Bruno correctly explains, two of the central issues are: (1) PG&E's financial condition and ability to pay penalties of the magnitude recommended by TURN and other parties; and (2) PG&E's good faith in making remedial efforts after learning of the violations. As San Bruno shows, several e-mails clearly are private, extra-record efforts to support PG&E's claim that it cannot financially sustain severe penalties. And several other e-mails are similar back channel efforts to show that PG&E is attempting to make recompense to the San Bruno victims and to remedy its violations. These private communications were not subject to the scrutiny of cross-examination and evidentiary hearings and the parties were prevented from addressing them in their pleadings. Substantive communications like these on key issues in the proceeding are precisely the type of communications that the Commission's ex parte rules do not permit in adjudicatory cases.

For these reasons and the reasons given in San Bruno's Motion, as San Bruno requests, the Commission should issue an order directing PG&E to show cause why it should not be sanctioned for violations of the ex parte rules.

Dated: August 12, 2014

Respectfully submitted,

By: _____/s/_____
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