

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



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Order Instituting Investigation and Order to Show
Cause on the Commission's Own Motion into the
Operations and Practices of Pacific Gas and Electric
Company With Respect to Locate and Mark Practices
And Related Matters

Investigation 18-12-007
(Filed December 13, 2018)

**COMMENTS OF THE UTILITY REFORM NETWORK
ON THE ORDER INSTITUTING INVESTIGATION**



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I. INTRODUCTION

Pursuant to Section VI.D of the Order Instituting Investigation (“OII”) into the conduct and practices of Pacific Gas and Electric Company (“PG&E”) related to its locate and mark practices, The Utility Reform Network (“TURN”) submits these comments on the OII. TURN is simultaneously submitting a separate motion for party status.

The OII raises disturbing allegations of yet more profound gas system safety violations by a utility for which such violations have become all too regular. The OII’s allegations are particularly troubling because PG&E has repeatedly told the Commission that third-party dig-ins pose the most significant threat of rupture of gas transmission lines.

The OII generally provides an excellent summary of the allegations and the issues raised by those allegations. TURN offers these comments to recommend some clarifications and improvements concerning the scope and immediate corrective actions identified in the OII.

II. THE SCOPE OF ISSUES WOULD BENEFIT FROM CLARIFICATION

Section VI.A of the OII purports to identify nine issues that should comprise the scope of this case. However, the list of nine issues is demonstrably incomplete when compared with other issues identified elsewhere in the OII.

The following table identifies two additional issues that should be included within the scope, as well as the references to the OII in which these issues are identified:

Recommended Issue	OII Reference
What additional remedies, in addition to a fine or penalty, are appropriate for any proven violations?	p. 2: “This OII also directs PG&E to show cause as to why the Commission should not find violations in this matter, and why the Commission should not impose penalties, <i>and/or any other forms of relief</i> , if any violations are found.

	p. 10: “Further, if such violations are found, we will specifically consider what monetary fines <i>and other remedies</i> are appropriate in order to prevent PG&E’s locating and marking practices from endangering the public.”
Whether PG&E management participated directly or had knowledge of PG&E’s falsification of tickets so that they would not appear late.	p. 7: “Based on this investigation, SED recommends investigating whether <i>PG&E management participated directly or had knowledge of PG&E’s falsification of tickets so that they would not appear late. We agree this issue should be included in the OII.</i> ”

III. ADDITIONAL IMMEDIATE CORRECTIVE ACTION IS WARRANTED

Recognizing the serious threat that the alleged violations pose to the safety of the gas system – and therefore to the public and PG&E’s workers – Section VIII of the OII appropriately directs PG&E to provide within 30 days of the OII’s issuance four categories of information, as well as a sworn affidavit that “confirms it is conducting locate and mark efforts and programs in a safe manner.”¹

Given the seriousness of the alleged violations, which began in the wake of the San Bruno explosion, PG&E’s status as a convicted felon recently accused by the government of violating its terms of probation,² and PG&E’s numerous and serious adjudicated violations within this decade,³ the Commission should not trust even a sworn declaration from PG&E’s

¹ OII at 17.

² <https://www.mercurynews.com/2019/01/09/pge-feds-allege-utility-violated-terms-of-its-criminal-probation-in-the-san-bruno-explosion-judge-sets-hearing/>

³ In D.15-04-024, PG&E was penalized \$1.6 billion for thousands of violations of gas pipeline safety regulations related to the San Bruno explosion. In D.16-08-020 and in a related SED Citation (for the Carmel explosion), PG&E was fined over \$36 million for numerous violations of gas distribution recordkeeping requirements that undermined the safety of its locate and mark activities and caused significant property damage, large releases of gas, and service interruptions.

management that it has fully corrected its locate and mark program. Instead, the Commission should require that the required affidavit be supplemented by a certification by a qualified and independent third-party inspector that PG&E is now conducting its locate and mark efforts safely and in compliance with all legal requirements.

IV. PROCEDURAL MATTERS

TURN agrees with the OII that this case should be categorized as adjudicatory and that hearings will be necessary.

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Respectfully submitted,

By: _____/s/_____
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