

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

**SAFETY AND ENFORCEMENT DIVISION'S MOTION
TO INCLUDE ELECTRIC DISTRIBUTION IN THE SCOPE OF PROCEEDING**

Pursuant to Rule 11.1 of the Commission's Rules of Practice and Procedure, and Administrative Law Judge (ALJ) Peter Allen's request, Safety and Enforcement Division (SED) files this motion to clarify the scope of the Commission's Order Instituting Investigation, I.18-12-007, to include PG&E's Locate and Mark practices related to its underground electric distribution infrastructure.

At the Law and Motion Hearing, dated February 5, 2019, the ALJ stated,

"...by the prehearing conference, I want to have a clear idea of what the scope of the OII is. I am perfectly fine having it include electric distribution because it would seem that it would make sense to include all locate-mark activities within the group whose work is at issue here; so I have no problem with it including electric distribution."¹

SED has propounded discovery, which provides a factual basis for recommending inclusion of electric distribution into the scope of this OII.²

¹ Investigation (I.) 18-12-007, 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, Law and Motion Transcripts, February 5, 2019, p. 15, lines 9-17.

² At the time of writing this motion, an SED data request is pending to discover whether PG&E disputes any of the facts from its employee witness who made these statements.

I. SED'S DISCOVERY OF PG&E SINCE THE LAW AND MOTION HEARING

On March 6, 2019, SED conducted a deposition of Katherin Mack, [Expert Auditor for PG&E] and discovered the following facts.³ These facts can all be found in Attachment A, the transcripts of Ms. Mack's deposition.

- In many instances, PG&E's locators of natural gas lines often needed a Qualified Electrical Worker (QEW) to properly complete a locate and mark, but PG&E did not provide that Qualified Electrical Worker in a timely fashion.⁴
- When a QEW was needed to locate but one could not be had, PG&E was not following its own procedures.⁵
- When gas locators needed the help of a QEW to locate, but could not get that help, the gas locator sometimes did things that were not allowed in order to complete the locate.⁶
- When PG&E needed, but did not provide a QEW to help locate and mark, PG&E could often not properly locate the ticket within 48 hours.⁷
- When a QEW was needed, but the locator could not get their help, in at least one instance, a dig-in resulted,⁸ which was believed to have resulted in an injury.²

³ Ms. Mack also testified that she was the Superintendent for PG&E's Locate and Mark Teams, a supervisory role, as recently as 2017. See Deposition of Katherin Mack Transcripts, March 6, 2019, p. 99, lines 19-24.

⁴ Deposition of Katherin Mack Transcripts, March 6, 2019, pp. 44-47. ("And I think for whatever reasons many of them, the electric side, doesn't like to locate. The electric side didn't have the manpower. Maybe they have their own stuff going on. They're behind. They got, you know, all these things to do. There's a lot of reasons they didn't provide the help to the gas for the locate.")

⁵ Deposition of Katherin Mack Transcripts, March 6, 2019, p. 162, lines 7-11. ("Q: When a qualified electrical worker was needed to locate but one could not be had, was PG&E following its own procedures? A: No.")

⁶ Deposition of Katherin Mack Transcripts, March 6, 2019, pp. 48-49. (Q: "What would the response be of the locator when they have determined that they need an electric QEW, but they have trouble getting one? A: At times we caught them using poles, what QEW calls hot sticks to locate the facilities, which they're not allowed to use those. They would go ahead and get in and do it.")

⁷ Deposition of Katherin Mack Transcripts, March 6, 2019, p. 161, lines 12-25.

⁸ Deposition of Katherin Mack Transcripts, March 6, 2019, pp. 88-90.

² Deposition of Katherin Mack Transcripts, March 6, 2019, p. 90.

- In the case of that dig-in, the ticket was shown as complete and the mark was shown as done.¹⁰

Based on the above facts, SED requests that the scope of the OII include locate and mark practices with respect to PG&E's electric distribution facilities. Additionally, SED has issued discovery to determine whether PG&E falsified its locate and mark tickets of its electric transmission infrastructure so that they would not appear as late. Although SED currently does not expect to include electric transmission based on information known to date, based upon PG&E's response to this discovery, SED may later recommend that electric transmission be within the scope of this OII.

II. PROPOSED CLARIFICATION OF THE SCOPE OF THE PROCEEDING

Based upon the information that SED has discovered since the law and motion hearing, SED requests that the scope of the Order Instituting Investigation, I.18-12-007, be clarified to include the following:

Has PG&E employed Locate and Mark practices related to its underground electric distribution infrastructure that were unsafe and/or in violation of requirements such as PG&E's procedures; and/or Federal, State, or Commission requirements? This question should include, but not necessarily be limited to whether PG&E:

- Did not use a Qualified Electrical Worker when needed to complete a Locate and Mark ticket?
- Did not follow its own procedures when they required the help of Qualified Electrical Workers to complete a Locate and Mark ticket?
- Used techniques that were not allowed to complete a Locate and Mark when PG&E failed to provide a needed Qualified Electrical Worker to complete a Locate and Mark (Not Allowed Locate and Mark Techniques)?
- Did not timely Locate and Mark its underground natural gas infrastructure in compliance with California Government Code Section 4216 when PG&E failed to provide a needed Qualified Electrical Worker to complete a Locate and Mark?

¹⁰ Deposition of Katherin Mack Transcripts, March 6, 2019, p. 91, lines 5-7.

- Falsified Locate and Mark tickets so that they incorrectly showed as complete?
- Falsified Locate and Mark tickets so that they incorrectly showed as completed in a timely fashion in compliance with California Government Code Section 4216?
- Falsified Locate and Mark tickets so that they incorrectly omitted the use of “Not Allowed Locate and Mark Techniques”?
- Experienced dig-ins on its system due at least in part to Locate and Mark Practices that were unsafe, inaccurate, and/or in violation of requirements such as PG&E’s procedures; and/or Federal, State, or Commission requirements.
- Experienced injuries or casualties on its system related to dig-ins due at least in part to Locate and Mark practices that were unsafe, inaccurate, and/or in violation of requirements such as PG&E’s procedures; and/or Federal, State, or Commission requirements?
- Failed to properly acknowledge and assume responsibility for PG&E’s fault related to any dig-ins (including injury or casualty resulting from such dig-ins) when PG&E employed Locate and Mark practices that were unsafe, inaccurate, and/or in violation of requirements such as PG&E’s procedures; and/or Federal, State, or Commission requirements?
- Experienced other safety related consequences and/or problems due at least in part to PG&E’s employment of Locate and Mark practices related to its underground electric distribution infrastructure that were unsafe and/or in violation of requirements such as PG&E’s procedures; and/or Federal, State, or Commission requirements?

III. CONCLUSION

Based upon the facts articulated herein, and the reasonable basis such facts provide for further investigation, SED respectfully requests that the Commission include electric distribution within the scope of the OII in the fashion articulated in Section II of this motion.

Respectfully submitted,

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