

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA



**FILED**

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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

**RESPONSE OF THE SAFETY AND ENFORCEMENT DIVISION  
TO PACIFIC GAS AND ELECTRIC COMPANY'S PROPOSED REDACTIONS  
TO THE SAFETY AND ENFORCEMENT DIVISION'S  
INVESTIGATIVE REPORT**

**(PUBLIC)**

**I. INTRODUCTION**

Pursuant to Ordering Paragraph 14 of the Public Utilities Commission's (Commission) Order Instituting Investigation and Order to Show Cause, issued on December 14, 2018, the Safety and Enforcement Division (SED) submits its response to Pacific Gas and Electric Company's (PG&E's) proposed redactions to SED's confidential *Investigative Report into the Operations and Practices of Pacific Gas & Electric Company's Damage Prevention and Locate & Mark Programs (SED Report)* and supporting attachments.

As discussed below, SED disagrees with PG&E's interpretation that "witnesses" includes all employees and contractors and believes PG&E has over-redacted information in some instances. SED has identified these areas below and urges the Commission to find that this information should be made public. SED reserves the right to request that additional information be unredacted in the future.

Finally, given the public interest in this proceeding, SED posted a copy of the *SED Report* and supporting attachments that contained PG&E's proposed redactions on the

Commission's website on December 27, 2018. Pursuant to Ordering Paragraph 15, SED will update this posted document as necessary if additional redactions are removed.

## **II. OBJECTIONS TO PROPOSED REDACTIONS**

### **A. Personal Identifying Information**

The majority of PG&E's proposed redactions are based on information being considered "personal identifying information." This includes employee names, titles, job responsibilities, or other identifying information. PG&E has stated that it has no objection to unredacting the names of its officers, but does not identify who are considered "officers."

SED opposes PG&E's proposed redactions as excessive, as it proposes to redact the names, titles and job responsibilities of all PG&E employees, including senior executives and directors. The Commission has noted: "Where appropriate, the Commission has redacted portions of investigation records which contain confidential personal information, the disclosure of which would constitute an unwarranted invasion of privacy, and other exempt or privileged information."<sup>1</sup>

SED urges the Commission to reject PG&E's proposed redactions of the names, titles, job responsibilities or other identifying information for all employees with managerial or supervisory responsibilities, as well as those employees whose performance appraisals include achieving certain locate and mark metrics. For the most part, disclosing this information would not constitute an unwarranted invasion of privacy. Most of PG&E's proposed redactions concern senior executives or directors who are already identified publicly, including on PG&E's website. More importantly, it is in the public interest to disclose which levels of employees were aware of, participated in, or condoned, actions to mask PG&E's failure to timely and accurately inform construction personnel and private persons on the location of PG&E's underground pipes and other infrastructure in light of the impact of these actions on safety. Accordingly, SED

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<sup>1</sup> Resolution L-473, p. 3, fn. 6.

requests that information in the *SED Report* and supporting attachments for the following categories of individuals be made public:



SED further requests that information for witnesses who had been subject to the examinations under oath, the transcripts of which are attached to the SED Report, be made public, with the exception of home address and phone number; Social Security, driver's license, or passport numbers; financial matters; and medical history. These witnesses have first hand knowledge of the activities within the Locate and Mark Program during the time in question. With the opening of the OII, there is no longer a need for their name, title, or job responsibilities to remain confidential. Therefore, information in the *SED Report* and supporting attachments for the following individuals should be made public:



**B. Facility, Security, or Critical Energy Infrastructure Data**

SED does not oppose PG&E's proposed redactions at this time.

**C. Customer Specific Information**

SED does not oppose PG&E's proposed redactions at this time.

**D. Third Party Information Subject to Non-Disclosure Agreement**

SED opposes PG&E's proposed redactions only in those instances where it appears PG&E has over-redacted information. SED believes that only the bolded words in each of PG&E's proposed redactions below should be confidential and therefore redacted:

Attachment 44, p. 73 –

[REDACTED]

Attachment 44, p. 115 –

[REDACTED]

Attachment 44, p. 317 –

[REDACTED]

Attachment 44, p. 319 –

[REDACTED]

Attachment 46, pp. 7, 8, 11, 12, 15, 16 – SED would like clarification why the phone number for “John Doe” is considered confidential.

### III. PROPOSED NEXT STEPS

Ordering Paragraph 15 of the Order Instituting Investigation (OII) directs SED to file and serve a public version of the *SED Report* and supporting attachments within 14 days of the issuance of the OII. SED requests that this due date be revised to 14 days after the Commission rules on SED’s objections to the proposed redactions. In this way, the record of the proceeding will not be cluttered with multiple versions of the *SED Report* and supporting attachments. Approving SED’s request will not prejudice the public nor any other party in this proceeding, since a redacted copy of the *SED Report* and supporting attachments has already been posted on SED’s website.<sup>2</sup>

### IV. CONCLUSION

For the reasons stated above, the Safety and Enforcement Division respectfully requests that the Commission limit PG&E’s proposed redactions and adopt SED’s proposed next steps.

Respectfully submitted,

AMY YIP-KIKUGAWA  
DARRYL GRUEN

/s/ AMY YIP-KIKUGAWA

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<sup>2</sup> A current public version of the SED Report and supporting attachments can be accessed at the following website: [http://www.cpuc.ca.gov/pipeline\\_safety/](http://www.cpuc.ca.gov/pipeline_safety/). The apposite links can be found under the heading on that page entitled: “Other Information”.