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

Order Instituting Investigation and Ordering
Pacific Gas and Electric Company to Appear
and Show Cause Why It Should Not Be
Sanctioned for Violations of Article 8 and Rule
1.1 of the Rules of Practice and Procedure and
Public Utilities Code Sections 1701.2 and
1701.3.

Investigation 15-11-015
(Filed November 23, 2015)

**JOINT STATUS REPORT OF THE CITY OF SAN BRUNO, THE CITY OF SAN
CARLOS, THE OFFICE OF RATEPAYER ADVOCATES, THE SAFETY AND
ENFORCEMENT DIVISION, THE UTILITY REFORM NETWORK, AND PACIFIC
GAS AND ELECTRIC COMPANY**

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Dated: October 14, 2016

Attorneys for
PACIFIC GAS AND ELECTRIC COMPANY

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GAS AND ELECTRIC COMPANY**

Pursuant to the Assigned Administrative Law Judge’s email ruling of October 10, 2016, Pacific Gas and Electric Company (“PG&E”), on behalf of the Parties,¹ files this Joint Status Report to update the Commission on progress made subsequent to the last Status Report of August 12, and to propose a schedule for resolution of the proceeding.

I. UPDATE ON CATEGORIES

As previously discussed in the Parties’ Joint Process Report,² the Commission’s Joint Ruling,³ and the August 12 Status Report, the Parties have organized the pertinent alleged ex parte communications into three categories.

Category 1 consists of 135 communications for which the Parties agreed that any factual or evidentiary issues can be resolved by the Commission without further discovery. The Parties

¹ The City of San Bruno, the City of San Carlos, the Office of Ratepayer Advocates (“ORA”), the Safety and Enforcement Division (“SED”), The Utility Reform Network (“TURN”) collectively are referred to as the “Non-PG&E Parties.” Together with PG&E, they are referred to as the “Parties.”

² *Joint Meet and Confer Process Report of the City of San Bruno, the City of San Carlos, the Office of Ratepayer Advocates, the Safety and Enforcement Division, The Utility Reform Network, and Pacific Gas and Electric Company* (“Joint Process Report”), filed on April 18, 2016.

³ *Assigned Commissioner and Administrative Law Judge’s Joint Ruling Revising Preliminary Scoping Memorandum* (“Joint Ruling”), dated July 12, 2016.

agreed, and the Commission approved, that for each of these 135 communications, PG&E would complete stipulations in accordance with the sample format provided to the Commission in the Joint Process Report. PG&E submitted the Parties' Category 1 stipulations to the Commission on September 1, 2016.

Category 2 contains 24 communications for which the Non-PG&E Parties served Data Requests, and PG&E agreed to conduct diligence in accordance with a negotiated Protocol set forth in the Joint Process Report. PG&E completed the agreed upon diligence and provided Data Request Responses to the Non-PG&E Parties regarding Category 2 on September 1, 2016.

Category 3 consists of 21 communications for which the Commission permitted discovery, noting that the results of such discovery will determine whether any Category 3 communications should be included within the scope of this proceeding. The Non-PG&E Parties served Data Requests concerning 19 of the Category 3 communications, and PG&E agreed to conduct diligence in accordance with a more narrowly tailored protocol negotiated by the Parties. In the August 12 Status Report, PG&E estimated that it could complete the Category 3 diligence by approximately September 21, 2016. PG&E completed this diligence and provided Data Request Responses to the Non-PG&E Parties regarding Category 3 on September 21, 2016.

II. MEET AND CONFER

After PG&E provided the last due diligence on September 21, the Parties scheduled a meet and confer for October 13, 2016. As part of that meet and confer, the Non-PG&E Parties provided Data Requests to PG&E seeking additional information on the Category 2 and Category 3 Data Responses served by PG&E. PG&E indicated that it would take approximately three weeks to respond to the new Data Requests.

The Non-PG&E Parties indicated that they will no longer seek inclusion within the scope of the proceeding two communications from Category 2, and 10⁴ of the 21 communications from Category 3. The Non-PG&E Parties also indicated that they request to include within the scope

⁴ Those 10 communications no longer pursued by the Non-PG&E Parties are 3-1, 3-2, 3-3, 3-5, 3-6, 3-13, 3-14, 3-15, 3-16 and 3-21.

of this proceeding eight⁵ of the 21 communications from Category 3. They also said they would rely on three⁶ additional Category 3 communications as part of the evidence regarding other communications at issue in this OIL. While PG&E does not agree that the eight additional Category 3 items the Non-PG&E Parties wish to include constitute ex parte violations, PG&E does not object to their inclusion in the scope of this proceeding.

To complete the record and reduce the factual disputes, the Non-PG&E Parties requested, and PG&E agreed to draft, proposed stipulations for the Category 2 and Category 3 communications, similar to those provided for Category 1 on September 1, 2016. The Parties recognize that certain facts are addressed in the Data Request Responses of PG&E, so the form of the Category 2 and Category 3 stipulations may vary from that for Category 1.

III. PROPOSED SCHEDULE

After meeting and conferring, the Parties agreed on the following joint proposed schedule for resolving this matter.

Date(s)	Activity
11/3/16	PG&E Responds to new Category 2 and Category 3 Data Requests
11/18/16	Parties file proposed Stipulations for Category 2 and Category 3 Communications
11/30/16 – 1/12/17	In person settlement discussions on multiple dates beginning November 30, 2016 and continuing into January 2017 as necessary to resolve this proceeding or determine that the Parties cannot reach a settlement
1/13/17	Parties provide Joint Status Report regarding settlement discussions and the need for further proceedings

⁵ The eight communications the Non-PG&E Parties request to be included in this proceeding are 3-4, 3-8, 3-9, 3-11, 3-12, 3-17, 3-19 and 3-20.

⁶ The three communications to be relied upon as evidence are 3-7, 3-10, and 3-18.

1/27/17	Opening Briefs (if necessary)
2/17/17	Reply Briefs (if necessary) ⁷

Although this schedule extends beyond the November 23, 2016, one year anniversary of the issuance of this OII, the Parties respectfully request this additional time to: exchange information; further narrow the issues and develop the record for decision in this proceeding by stipulation; conduct settlement discussions; and, if necessary, brief their respective positions regarding the legal issues presented by the communications at issue. The Meet and Confer process at the early stage of this proceeding was productive in reaching areas of agreement, and the Parties request the time allowed in the above schedule so they may continue to pursue an efficient resolution of this proceeding.

Respectfully Submitted on behalf of the Parties,,

By: /s/ Kirk A. Wilkinson
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⁷ San Bruno and San Carlos reserve the right to seek evidentiary hearings after stipulations and briefing are complete.