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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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

ADMINISTRATIVE LAW JUDGE'S RULING SETTING LAW AND MOTION HEARING AND PREHEARING CONFERENCE

Summary

This Ruling sets a Law and Motion Hearing for February 5, 2019 at 1:00 p.m. at San Francisco, California and a Prehearing Conference for April 4, 2019 at 1:30 p.m. at San Francisco, California.

1. Law and Motion Hearing

A Law and Motion Hearing is set for February 5, 2019, at 1:00 p.m. at the Commission Courtroom, 505 Van Ness Avenue, San Francisco, California 94102. This hearing will address three topics: 1) The proposed redactions to the investigative report prepared by the Commission's Safety and Enforcement Division (SED); 2) The motion for party status of the Public Advocates Office. 3) Clarification of the scope of the proceeding. These topics may be addressed at the hearing in any order.

Proposed Redactions to Report

The Order Instituting Investigation (OII) in this proceeding is based on a report prepared by SED.¹ In response to the OII, Pacific Gas and Electric Company (PG&E) has proposed redactions to the SED Report.² SED responded to PG&E, and argues that PG&E has over-redacted information (particularly the identity of witnesses), and that additional information should be made public.³

The Law and Motion Hearing will address PG&E's proposed redactions and SED's response. Parties should be prepared to address the basis for keeping information confidential or making it public, particularly the identity of witnesses. No later than January 31, 2019, PG&E shall deliver to the assigned Administrative Law Judge (ALJ) a confidential hard copy of the SED Report and attachments showing the proposed redactions, but with the underlying information visible.

Public Advocates Office

The Public Advocates Office filed a motion for party status, which has not yet been ruled upon. This motion will be addressed at the Law and Motion Hearing. The Public Advocates Office should be prepared to describe the expected nature of their participation in this proceeding and the issues they intend to address.

The Public Advocates Office also served and attempted to file a response to PG&E's proposed redactions, in which the Public Advocates Office did not

¹ *Investigative Report into the Operations and Practices of Pacific Gas & Electric Company's Damage Prevention and Locate & Mark Programs* (SED Report).

² *Response of Pacific Gas and Electric Company to Commission Request Regarding Confidential Information Contained in Safety and Enforcement Division Investigative Report* (PG&E Response).

³ *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* (SED Response to PG&E).

oppose PG&E's proposed redactions.⁴ The Public Advocates Office should be prepared to discuss their response at the Law and Motion Hearing.

Clarification of Scope

The text of the OII focuses upon the locating and marking of PG&E's natural gas facilities, but the case caption and the list of "Issues Presented" are more general, and could apply to electric facilities as well as gas facilities. In order to clarify the scope of the proceeding, at the Law and Motion Hearing:

- 1) PG&E should be prepared to discuss the structure and organization of its locate and mark unit, in particular whether there are separate staff, management and processes for locating and marking electric facilities and gas facilities; and
- 2) SED should be prepared to discuss whether its allegations and contentions apply to the locating and marking of electric facilities as well as gas facilities.

2. Prehearing Conference

A prehearing conference, for the purpose of discussing the scope, schedule and other procedural matters, is set for April 4, 2019, at 1:30 p.m. at the Commission Courtroom, 505 Van Ness Avenue, San Francisco, California 94102.

IT IS RULED that:

1. A Law and Motion Hearing is set for February 5, 2019, at 1:00 p.m. at the Commission Courtroom, 505 Van Ness Avenue, San Francisco, California 94102.

⁴ This pleading was not accepted for filing because the Public Advocates Office was not a party to the proceeding at the time.

2. A Prehearing Conference is set for April 4, 2019, at 1:30 p.m. at the Commission Courtroom, 505 Van Ness Avenue, San Francisco, California 94102.

Dated January 14, 2019, at San Francisco, California.

/s/ PETER V. ALLEN
Peter V. Allen
Administrative Law Judge