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

Application of Pacific Gas and Electric Company for
Authority, Among Other Things, to Increase Rates
and Charges for Electric and Gas Services Effective
on January 1, 2020

Application No. 18-12-009
(Filed December 13, 2018)

(U 39 M)

**MOTION OF PACIFIC GAS AND ELECTRIC COMPANY
(U 39 M) TO STRIKE THE REVISED TESTIMONY OF
THE UTILITY REFORM NETWORK**

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I. INTRODUCTION

Pursuant to Rule 11.1 of the Rules of Practice and Procedure of the California Public Utilities Commission (Commission), Pacific Gas and Electric Company (PG&E) respectfully submits this Motion to Strike the “Revised Prepared Testimony Of Jennifer Dowdell Addressing Issues Of Accountability And Pacific Gas and Electric’s Showing As Required By The 2017 General Rate Case Deferred Work Settlement” (Revised Testimony) served October 4, 2019 by The Utility Reform Network (TURN) on all the parties in this proceeding. The Revised Testimony purports to address PG&E’s 2019 work plan for cross bore inspections that PG&E presented in its gas distribution rebuttal testimony.

The Commission should reject this late attempt to submit revised testimony after PG&E’s gas distribution testimony was fully submitted and its gas witnesses testified at the evidentiary hearings. Contrary to TURN’s implication, PG&E did not present its revised 2019 cross bore work plan for the first time in September 4, 2019 rebuttal testimony. Rather, PG&E informed TURN in a written data request response on June 18, 2019 (more than 5 weeks before TURN’s original testimony was due on July 26) that it had revised its 2019 cross bore inspection program and that it intended to perform all imputed cross bore inspection units in the 2017-2019 period thereby eliminating deferred work in the program. Thus, TURN had ample time to respond to PG&E’s revised cross bore inspection program in its original testimony but chose not to do so. It

instead ignored PG&E's revised plan in that testimony.

Moreover, a full month has elapsed since PG&E submitted its September 4 Rebuttal Testimony in which it reiterated its plan to complete all imputed cross bore inspections and eliminate deferred work in the program.¹ TURN made no effort to revise its opening testimony after receiving PG&E's rebuttal testimony. TURN cross examined PG&E witnesses regarding the cross bore program on September 25, 2019. PG&E's opening and rebuttal gas distribution testimony and workpapers were admitted in the record without any objection by TURN to any part of that testimony.² TURN waited an additional 9 days following cross examination of PG&E witnesses to revise its prepared testimony. There is no justification for TURN to wait until now to address PG&E's rebuttal testimony, and TURN has provided none.

TURN's conduct is a misuse of the hearing process and is unduly prejudicial since PG&E's witnesses have had no reasonable opportunity to respond to TURN's revised proposals and were not aware that TURN would revise its testimony when they testified on September 25, 2019.

II. DISCUSSION

A. TURN Had Ample Time To Respond To PG&E's Revised Cross Bore Plan In Its Original Testimony

On June 18, 2019 more than 5 weeks before TURN's original testimony was due to be filed on July 26, 2019, PG&E informed TURN in a data request response³ that it had changed its cross bore inspection work plan, stating: "This plan moves the focus away from UTA cross bores in 2019, and instead targets completing the highest volume of inspections to meet regulatory imputed units while still performing inspections in high-priority areas thereby

¹ Hearing Exhibit 15, PG&E-17, Ch. 4, p. 4-13, lines 7-8.

² Hearing Exhibit 10 (PG&E-3 Gas Distribution Opening Testimony) was admitted October 1; Hearing Exhibit 15 (PG&E-17 Gas Distribution Rebuttal Testimony) was admitted October 1; Hearing Exhibit 6 (PG&E-16 Deferred Work Rebuttal Testimony) was admitted September 23.

³ PG&E Response to data request TURN_031-Q04, attached to Hearing Exhibit 15, Exhibit PG&E-17, Appendix A, p. AppA-16 to p. AppA-17. The data request response is attached to this Motion.

planning to eliminate deferred work in this program.” As a reason for this change, PG&E stated: “Performing the originally-planned 10,000 UTA cross bore inspections in 2019 has proved to be challenging. To complete UTA cross bores necessitates PG&E’s engagement with and support from other parties which has been slower than anticipated. Recognizing that these challenges can take time to resolve, and to continue with the program’s pace and objective of reducing cross bore risks, PG&E has re-evaluated its 2019 work plan.”⁴

PG&E did not revise its opening testimony filed December 13, 2018 to reflect the revised 2019 work plan because its expense forecast for cross bore inspections in 2020 remains the same. Notifying TURN of the revised 2019 work plan was a factual update regarding performance of work during the 2017-2019 rate case period that affected the analysis of deferred work under the deferred work settlement. Following filing of a GRC, work plans continue to shift and evolve; PG&E does not generally file revised testimony to reflect these changes unless the changes impact the filed forecast.

Following receipt of this data request response, TURN did not seek any additional information or conduct additional discovery it deemed necessary to respond to PG&E’s revised 2019 cross bore execution plan.

In its testimony submitted 5 weeks later, TURN made no reference to PG&E’s change of plan despite citing to part of PG&E’s response to TURN Data Request 31 Q. 4.⁵ Instead TURN ignored the changed plan (which was described in the second paragraph of the cited data request response) and argued that the cross bore program still met the definition of “deferred work”

⁴ On July 16, PG&E sent a supplemental response to TURN _031-Q04 that stated: “The challenges in performing UTA cross bores that have caused PG&E to revise its 2019 work plan are expected to continue into the 2020 GRC period. PG&E does not know how long these challenges will persist, but it is probable that PG&E will not be able to perform all of the 11,000 UTA cross bores forecast in 2020 and 2021.” The full supplemental response is attached.

⁵ See footnote 16 of TURN’s original July 26 testimony in which TURN cites PG&E’s response to TURN _031-Q04 for the proposition that PG&E’s original plan to perform fewer cross bore inspections than imputed was not due to a physical inability to perform all units.

because PG&E would not complete all imputed units from the 2017 GRC as set forth in PG&E's opening testimony, despite having received information to the contrary.

B. PG&E's Rebuttal Testimony On September 4 Repeated The Same Information Provided to TURN On June 18

In PG&E's rebuttal testimony submitted September 4, 2019, PG&E repeated that its revised 2019 plan was to complete all imputed units. PG&E stated: "As PG&E explained in its response to data request TURN_031-Q04, PG&E will be able to meet its original 2017-2019 targets"⁶ and

Performing the originally-planned 10,000 UTA cross bore inspections in 2019 has proved to be challenging. To complete UTA cross bores necessitates PG&E's engagement with and support from other parties which has been slower than anticipated. Recognizing that these challenges can take time to resolve, and to continue with the program's pace and objective of reducing cross bore risks, PG&E re-evaluated its 2019 work plan and decided to shift the focus away from UTA cross bores in 2019 and instead target completing the highest volume of non-UTA inspections to meet imputed units, while still performing inspections in high-priority areas. Therefore, PG&E expects to exceed its originally planned number of cross bore inspections of 23,887 in 2019. This will result in PG&E completing approximately 123,300 inspections over the 3-year period 2017 to 2019, meeting the 2017 imputed unit count, and eliminating deferred work in this program.⁷

Thus no new information was provided to TURN in the Rebuttal Testimony that it did not have in its possession on June 18, 2019.

C. TURN Did Not Seek To Revise Its Testimony Before Hearings Even Though PG&E Responded To All TURN's Discovery By September 19, And Instead Chose to Delay Until 9 Days After Cross Examining PG&E's Witnesses To Serve Revised Testimony

PG&E's September 4, 2019 Rebuttal Testimony repeated the information regarding PG&E's revised plan provided in PG&E's June 18 data request response. TURN then began to conduct discovery regarding the revised work plan. Between September 16 and September 19,

⁶ Hearing Exhibit 15, Exhibit PG&E-17, Ch. 4, p. 4-13, lines 7-8.

⁷ Hearing Exhibit 6, Exhibit PG&E-16, Ch. 2, p. 2-8, line 25 to p. 2-9, line 9.

PG&E responded to data requests propounded by TURN regarding PG&E's revised 2019 cross bore execution plan and the reasons for it.⁸ Thus before evidentiary hearings began, TURN had all additional information necessary to revise its testimony. Instead TURN chose to wait until October 4, 9 days after it had cross examined PG&E's cross bore deferred work witnesses before providing revised testimony.

It is important to note that these data requests could have, and should have, been issued in June after PG&E first notified TURN of its revised plan. As the table below shows, the June 18 response and the Rebuttal Testimony to which the TURN Data Request refers contain identical language. PG&E's rebuttal did not therefore provide any new information to TURN. There is no reasonable excuse as to why it took TURN almost 3 months to seek clarification of PG&E's revised workplan as described in the June 18 data response.

June 18 Data Request Response to TURN 31 Q. 4	September 4 PG&E Rebuttal Testimony	September 10 TURN Data Request No. 87
Performing the originally-planned 10,000 UTA cross bore inspections in 2019 has proved to be challenging. To complete UTA cross bores necessitates PG&E's engagement with and support from other parties which has been slower than anticipated. Recognizing that these challenges can take time to resolve, and to continue with the program's pace and objective of reducing cross bore risks, PG&E has re-evaluated its 2019 work plan. This plan moves the focus away from UTA cross bores in 2019, and instead targets completing the highest volume of inspections to meet regulatory imputed units while still performing inspections in high-priority areas thereby planning to eliminate deferred work in this program.	Performing the originally-planned 10,000 UTA cross bore inspections in 2019 has proved to be challenging. To complete UTA cross bores necessitates PG&E's engagement with and support from other parties which has been slower than anticipated. Recognizing that these challenges can take time to resolve, and to continue with the program's pace and objective of reducing cross bore risks, PG&E re-evaluated its 2019 work plan and decided to shift the focus away from UTA cross bores in 2019 and instead target completing the highest volume of non-UTA inspections to meet imputed units, while still performing inspections in high-priority areas. Therefore, PG&E expects to exceed its originally planned number of cross bore inspections of 23,887 in 2019. This will result in PG&E completing approximately 123,300 inspections over the 3-year period 2017 to 2019, meeting the 2017 imputed unit count, and eliminating deferred work in this program.	TURN 87 Q.1: "Regarding Answer 16 on p. 2-8 which states that PG&E's 2019 forecast included inspection of 10,000 unable to access (UTA) units and Answer 17 on pp. 2-8 to 2-9 which states that PG&E "re-evaluated its work plan and decided to shift the focus away from UTA cross bores in 2019" [Questions follow]

⁸ Responses to TURN_087-Q01 and Q05. These data request responses, which are identified as Hearing Exhibits 44 and 45, are attached to this Motion. A confidential version of the response to TURN_087-Q01 was provided to TURN on September 23, 2019.

June 18 Data Request Response to TURN 31 Q. 4	September 4 PG&E Rebuttal Testimony	September 10 TURN Data Request No. 87
Performing the originally-planned 10,000 UTA cross bore inspections in 2019 has proved to be challenging. To complete UTA cross bores necessitates PG&E's engagement with and support from other parties which has been slower than anticipated. Recognizing that these challenges can take time to resolve, and to continue with the program's pace and objective of reducing cross bore risks, PG&E has re-evaluated its 2019 work plan. This plan moves the focus away from UTA cross bores in 2019, and instead targets completing the highest volume of inspections to meet regulatory imputed units while still performing inspections in high-priority areas thereby planning to eliminate deferred work in this program.	Performing the originally-planned 10,000 UTA cross bore inspections in 2019 has proved to be challenging. To complete UTA cross bores necessitates PG&E's engagement with and support from other parties which has been slower than anticipated. Recognizing that these challenges can take time to resolve, and to continue with the program's pace and objective of reducing cross bore risks, PG&E re-evaluated its 2019 work plan and decided to shift the focus away from UTA cross bores in 2019 and instead target completing the highest volume of non-UTA inspections to meet imputed units, while still performing inspections in high-priority areas. Therefore, PG&E expects to exceed its originally planned number of cross bore inspections of 23,887 in 2019. This will result in PG&E completing approximately 123,300 inspections over the 3-year period 2017 to 2019, meeting the 2017 imputed unit count, and eliminating deferred work in this program.	TURN 87 Q.5: "Regarding Answer 17 on pp. 2-8 to 2-9 which states: "Performing the originally planned 10,000 UTA cross bore inspections in 2019 has proved to be challenging. To complete UTA cross bores necessitates PG&E's engagement with and support from other parties which has been slower than anticipated. Recognizing that these challenges can take time to resolve, and to continue with the program's pace and objective of reducing cross bore risk, PG&E re-evaluated its 2019 work plan and decided to shift the focus away from UTA cross bores in 2019 . . ." [Questions Follow]

D. TURN's Delay In Revising Its Testimony Until After Cross Examining PG&E's Witnesses Is A Misuse of the Hearing Process

Since June 18, TURN has had ample opportunity to timely obtain information about PG&E's revised cross bore inspection plan. TURN could have submitted its revised proposals in its original July 26 testimony, or revised its testimony after that date in advance of hearings. This would have provided PG&E some limited opportunity to respond to the revised TURN testimony, and allowed witnesses to be cross-examined on each party's submitted testimony.

Instead TURN's delays have put PG&E at a distinct disadvantage. Not only has PG&E been deprived of a reasonable opportunity to respond to TURN's revised proposals, but its witnesses were questioned without the chance to respond to TURN's revised proposals or without even being aware that TURN intended to change its approach.

To cram further testimony, rebuttal and cross into the few hearing days remaining is not fair or workable. PG&E assumes that TURN would oppose an attempt by PG&E to revise its testimony after cross-examining TURN's witness on her revised testimony. By the same token, the Commission should not allow TURN to revise its testimony after cross-examining PG&E's witnesses.

III. CONCLUSION

For all the foregoing reasons, the Commission should strike TURN's Revised Testimony.

Respectfully Submitted,

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