



FILED
11-30-15
04:59 PM

**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 Service Effective on
January 1, 2017. (U39M)

Application 15-09-001
(Filed September 1, 2015)

**MOTION FOR PARTY STATUS BY COLLECTIVE APPROACHES TO
UTILITY SAFETY ENFORCEMENT (CAUSE)**

SCOTT RAFFERTY
1913 Whitecliff Court
Walnut Creek CA 94596
(202)-380-5525
rafferty@gmail.com

Attorney for CAUSE

Date: November 30, 2015

**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 Service Effective on January 1, 2017. (U39M)

Application 15-09-001
(Filed September 1, 2015)

**MOTION FOR PARTY STATUS BY COLLECTIVE APPROACHES
TO UTILITY SAFETY ENFORCEMENT**

Pursuant to Rule 1.4(a)(4) of the Commission's Rules of Practice and Procedure, Collective Approaches to Utility Safety Enforcement ("CAUSE") hereby files a motion for party status in the above-referenced General Rate Case Application of Pacific Gas and Electric Company. CAUSE is a California unincorporated association that has filed a statement pursuant to California Corporations Code Section 18200 and is awaiting notice of its acceptance by the Secretary of State.¹ CAUSE expects to create a nonprofit corporation using a similar name in the near future, probably pursuant to Section 501(c)(4) of the Internal Revenue Code, and may also form a paired foundation qualified under Section 501(c)(3). CAUSE has California residential ratepayers in the service territory of PG&E as members and expects to add as members residential ratepayers in the service territories of other utilities.² If, for any reason, the Commission declines to

¹ If the Secretary of State requires a change in name, the undersigned will promptly notify the Commission and seek to amend this motion accordingly.

² As authorized by the directors, nonprofit corporations may also be members of the unincorporated association,

extend party status to CAUSE, this motion requests that it grant party status to Dr. Rafferty, a residential ratepayer of PG&E, as a category 1 intervenor.

CAUSE is being created in response to President Picker's suggestion that the Commission may expand the role of safety intervenors in relevant proceedings, as part of a larger process to ensure that regulated utilities have the strongest safety systems, driving toward zero safety incidents to the extent consistent with just and reasonable rates. CAUSE notes that the motions for party status do not reveal an intervenor whose primary focus is safety. Dr. Rafferty has conferred with several of the intervenors who have represented ratepayers and employees in past proceedings and have appeared in this case to understand the extent to which they intend to take discovery and provide testimony with regard to safety issues. He has testified for or coordinated closely with several of the organizations in proceedings before this Commission and other state utility regulators in the past.

As a party to this proceeding, CAUSE would coordinate with other intervenors, engage in discovery, submit testimony including expert testimony, participate in workshops and evidentiary hearings, and file briefs as well as comments on the adequacy of the investments, programs, and corporate commitments that PG&E has made to ensure that gas and electricity is sourced, transported, and delivered in as safe a manner as possible, avoiding injury and liabilities to ratepayers, employees, members of the public, and the environment.

provided that they do not currently project any financial backing other than (1) contributions from ratepayers of California utilities or (2) activities authorized by the directors of the unincorporated association. For tax purposes, the association may ask the Commission to remit fees to such a corporate entity.

CAUSE expects to develop metrics for evaluating PG&E's expenses and investments in risk mitigation, and its exposure to liabilities, in the context of ensuring that ratepayers receive service at reasonable rates. In past proceedings, Dr. Rafferty has been aggressive and successful in achieving rate relief sought by the state agencies for which he has testified. CAUSE witnesses will not allow safety to become a blank check for non-economic expenses and capital investments.

In the en banc, President Picker suggested that a safety intervenor should provide expertise comparable to that offered by intervenors who focus on economic issues. CAUSE observes that, to be fully useful to the Commission, testimony and argument may require expertise from a variety of disciplines, such as engineers, business consultants, academics in risk administration, labor relations, and management science. Many potential witnesses in these fields may not be familiar with, or willing to accept, the system of deferred compensation that has supplied regulatory economists to Commission proceedings. Although CAUSE has not resolved how best to obtain adequate funding, it is committed to providing the best contribution possible. Since CAUSE has not reached financial arrangements with such witnesses, its notice of intent to seek intervenor compensation identifies only Dr. Rafferty. He has testified before approximately one dozen state commissions, on behalf of state agencies, consumers, or employee unions. Dr. Rafferty is as well prepared as possible to organize an effective safety intervenor, given the inherent economic challenges in supplying high-quality experts over a full range of disciplines related to utility safety.


CAUSE recognizes that rate cases provide significant opportunities for the Commission to advance utility safety. However, CAUSE also believes that the implementation of an effective safety culture at PG&E is a continuous process that cannot be supervised solely in the adversary context of rate proceedings. CAUSE expects to participate in other proceedings to define and monitor PG&E's internal efforts to eliminate injuries to persons and property, recognizing that ratepayers share an interest in safety with PG&E employees, management, and investors. Because the opportunity to improve safety is not limited to PG&E, CAUSE may intervene in other cases or provide input to the governing boards of municipal utilities.

CAUSE expects to advocate for an approach to safety that focuses on management systems that provide "continuous improvement," such as those based on ISO 9000 and similar international standards. With regard to its nuclear generation, PG&E already participates in an industry collective (the Institute of Nuclear Power Operations) that conducts peer inspections and implements risk mitigation. While a useful model, it may be difficult in the short term to extend collective implementation to other PG&E operations, primarily because the number of sizeable peer utilities within California is too small. CAUSE will, however, advocate for an internal compliance system that engages most PG&E employees in periodic certifications that identify regulatory infractions and mitigatable risks.

CAUSE notes that the Consumer Federation of California (CFC) has indicated its intent to examine PG&E compliance with safety directives made by this

Commission. Dr. Rafferty has worked with CFC and its national affiliate in the past. CAUSE will coordinate with CFC to avoid duplication.

For the reasons described above, CAUSE respectfully requests that the Commission grant its Motion for Party Status. If the Commission grants this Motion, CAUSE requests that the Commission add the following contact information to the "Parties" service list:


SCOTT RAFFERTY
1913 Whitecliff Court
Walnut Creek CA 94596
(202)-380-5525
rafferty@gmail.com
Attorney for CAUSE

Date: November 29, 2015


/s/ SCOTT J. RAFFERTY
By: SCOTT J. RAFFERTY
1913 Whitecliff Court
Walnut Creek CA 94596
(202)-380-5525
rafferty@gmail.com

Attorney for CAUSE