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PUBLIC UTILITIES COMMISSION

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

Appeal Of Pacific Gas And Electric Company
From Citation No. ALJ 274 15-01-004 Issued
By The Safety And Enforcement Division

Citation No. ALJ-274 15-01-004
(Issued on January 30, 2015)

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**PACIFIC GAS AND ELECTRIC COMPANY'S NOTICE OF APPEAL AND
APPEAL FROM CITATION ALJ 274 15-01-004**

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Attorneys for
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Dated: February 9, 2015

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OF THE STATE OF CALIFORNIA**

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From Citation No. ALJ 274 15-01-004 Issued
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Pursuant to Resolution ALJ-274, Resolution ALJ-299 and the Safety and Enforcement Division's (SED's) Directions for Submitting an Appeal to Citation Issued Pursuant to Resolution ALJ-274, Pacific Gas and Electric Company (PG&E) appeals Citation ALJ 274 15-01-004 (Citation) issued by SED on January 30, 2015.

PG&E believes it has corrected the violations alleged in the Citation and confirms that those alleged violations did not present an on-going safety hazard to PG&E's employees, contractors or the general public.

The Citation is Vague and Ambiguous

The Citation finds two violations of 49 C.F.R. § 192.605(b)(8), for failure to adopt adequate review procedures for normal operation and maintenance activities, and one violation of 49 C.F.R. § 192.605(c), for failure to adopt adequate procedures for responding to, investigating, and correcting the cause of abnormal operations. In this appeal, PG&E challenges the asserted violations of 49 C.F.R. § 192.605(b)(8).

Neither the Citation nor the underlying investigation report offer *any* explanation for why or how two violations of 49 C.F.R. § 192.605(b)(8) could have been found, for a total of three violations. The Citation caption states, "The Utility did not have *two procedures* as required by Title 49, CFR §§ 192.605(b)(8) and 192.605(c)." (Emphasis added). The Citation itself describes the purported failure to adopt adequate review procedures as a single violation of that

provision, *see* Citation at 1-2, and the attached investigation report explicitly characterizes the alleged breach of the provision as one violation, *see* Citation, Encl. 1 at 5-6 (finding that, “of the 21 [alleged] violations,” only one violation of 49 C.F.R. § 192.605(b)(8) and one violation of 49 C.F.R. § 192.605(c) were not addressed by “PG&E’s corrective action plans”). The other documents enclosed with the Citation, an audit report and PG&E’s response, similarly reference only one violation of § 192.605(b)(8). *See* Citation, Encl. 2 at 8 (describing single violation of 49 C.F.R. § 192.605(b)(8)); Citation, Encl. 3 at 19 (referring to “this finding”). Indeed, because 49 C.F.R. § 192.605(b)(8) is a single regulatory provision that prescribes a single regulatory requirement—*i.e.*, to adopt procedures for “[p]eriodically reviewing the work done by operator personnel to determine the effectiveness[] and adequacy of the procedures used in normal operation and maintenance and modifying the procedures when deficiencies are found”—a failure to satisfy that requirement can constitute only one regulatory violation.

Lastly, to effectively remediate and address purported regulatory deficiencies, PG&E should be afforded a full opportunity to understand the nature, scope and bases of all alleged violations. SED’s Citation and supporting documentation currently lacks that requisite level of clarity and precision.

Conclusion

The Commission should for these reasons vacate the second asserted violation of 49 C.F.R. § 192.605(b)(8) in the Citation, and reduce the total penalty imposed against PG&E by an appropriate amount, which would seem to be the \$50,000 attributable to that violation. At a minimum, the Commission should direct SED to provide an adequate explanation and support for this violation, to allow PG&E to identify and assess the violation (and potential grounds for appeal) and adopt remedial measures as appropriate.

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Respectfully submitted,



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Attorneys for
PACIFIC GAS AND ELECTRIC COMPANY

Dated: February 9, 2015

ATTACHMENT A

**Notice of Appeal Form
Appeal of PG&E from Citation ALJ 274 15-01-004
issued by Safety and Enforcement Division
(For A Citation Issued Pursuant to Resolution ALJ-274)**



Public Utilities Commission
STATE OF CALIFORNIA

Citation Date: January 30, 2015

Citation #: ALJ 274 15-01-004

Operator ID#: 15007

Notice of Appeal Form

Appeal of PG&E from Citation ALJ 274 15-01-004 issued by Safety and Enforcement Division (For A Citation Issued Pursuant to Resolution ALJ-274)

Appellant:

Pacific Gas and Electric Company
6111 Bollinger Canyon Road, Room 4590-D
San Ramon, CA 94583

Citation Date: January 30, 2015

Citation #: ALJ 15-01-004

Operator ID#: 15007

Appeal Date: February 9, 2015

*Appeal of Pacific Gas and Electric from ALJ 274 15-01-004 issued by Safety and Enforcement Division"

Statements supporting Respondent's Appeal of Citation (You may use additional pages if needed and/or attach copies of supporting materials along with this form).

Please see: "Appeal of Pacific Gas And Electric Company From Citation ALJ274 15-01-004 Issued By The Safety And Enforcement Division."

CERTIFICATE OF SERVICE

I, the undersigned, state that I am a citizen of the United States and am employed in the City and County of San Francisco; that I am over the age of eighteen (18) years and not a party to the within cause; and that my business address is 77 Beale Street, San Francisco, California 94105.

I am readily familiar with the business practice of Pacific Gas and Electric Company for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence is deposited with the United States Postal Service the same day it is submitted for mailing.

On February 9, 2015, I served a true copy of:

**PACIFIC GAS AND ELECTRIC COMPANY'S NOTICE OF APPEAL
AND APPEAL FROM CITATION ALJ 274 15-01-004**

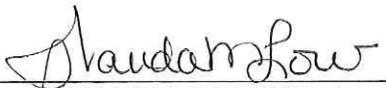
By Electronic Mail – serving the enclosed via e-mail transmission to each of the parties listed on the official service list for Citation No. ALJ-274 15-01-004 with an e-mail address.

By Hand Delivery: I caused such envelope(s) to be delivered by hand to all parties listed on the attached service list for Citation No. ALJ-274 15-01-004.

By U.S. Mail – by placing the enclosed for collection and mailing, in the course of ordinary business practice, with other correspondence of Pacific Gas and Electric Company, enclosed in a sealed envelope, with postage fully prepaid, addressed to those parties listed on the official service list for Citation No. ALJ-274 15-01-004 without an e-mail address.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed in San Francisco, California on February 9, 2015.


WANDA M. LOW

Service List for Citation #ALJ274 15-01-004
Issued January 30, 2015

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