

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion into the Maintenance, Operations and Practices of Pacific Gas and Electric Company (U39E) with Respect to its Electric Facilities; and Order to Show Cause Why the Commission Should not Impose Penalties and/or Other Remedies for the Role PG&E's Electrical Facilities had in Igniting Fires in its Service Territory in 2017.

I.19-06-015

**MOTION OF THE SAFETY AND ENFORCEMENT DIVISION
TO EXPAND THE PROCEEDING SCOPE TO INCLUDE
THE 2018 CAMP FIRE**

Pursuant to Rule 11.1 of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure and the Assigned Administrative Law Judge (ALJ) Ruling, dated October 9, 2019, the Commission's Safety and Enforcement Division (SED) files this motion to expand the scope of this proceeding to include the 2018 Camp Fire.

I. BACKGROUND

On June 27, 2019, the Commission opened this Order Instituting Investigation (OII) regarding the role Pacific Gas and Electric Company's (PG&E) electrical facilities had in igniting fires in its service territory in 2017. As initially scoped, the OII addressed 15 of the 17 fire incidents investigated by SED for 2017. The assigned Commissioner's Scoping Memo and Ruling, issued on August 23, 2019, noted that SED intended to file motion(s) to expand the scope of the proceeding to include alleged violations concerning the 2017 Lobo and McCourtney Fires, and the 2018 Camp Fire.

At the October 4, 2019 status conference, counsel affirmed SED's intention to file a motion to amend the scope of the proceeding to include the Lobo and McCourtney fires.¹ SED also made an oral motion to include the Camp Fire in the scope of the proceeding, stating that

¹ In response to SED's unopposed motion filed on October 18, 2019, the assigned Commissioner amended the scope of the OII on October 28, 2019, to include the Lobo and McCourtney fires.

SED anticipated filing its investigative report on the Camp Fire by mid-November.² The ALJ denied SED's oral motion in a ruling issued on October 9, 2019 on grounds that insufficient information was then available to include the Camp Fire. However, the ruling directed SED to file a motion to amend the scope of the proceeding to include the Camp Fire when SED had completed its Camp Fire investigation report (Camp Fire Report).

SED submitted a draft of its Camp Fire Report to CAL FIRE for a determination of whether any information in SED's report was subject to its non-disclosure agreement (NDA) with CAL FIRE. CAL FIRE has completed its review of the Camp Fire Report and identified the information that cannot be disclosed publicly. PG&E has reviewed a final draft of SED's Camp Fire Report containing CAL FIRE's redactions and proposed further redactions. SED has reviewed PG&E's proposed redactions, and they are consistent with the redactions contained in SED's 2017 fire investigation reports.

II. DISCUSSION

SED has completed its investigation of the Camp Fire. The Camp Fire Report (Appendix A to this motion) summarizes SED's findings and identifies the violations found by SED. Consistent with the ALJ's October 9, 2019 Ruling, SED files this motion requesting that the Commission expand the scope of this proceeding to include the Camp Fire. Because SED is prohibited from disclosing the information identified by CAL FIRE pursuant to the NDA and because PG&E's redactions consist of personal identifying information, SED cannot file a "confidential" version of the Camp Fire Report with all redacted information visible. Therefore, SED is concurrently filing a motion seeking a ruling from the assigned Administrative Law Judge to accept the Camp Fire Report as filed and to determine that no confidential version need be filed.

As described in the Camp Fire Report, SED has identified the following violations of General Order (GO) 95, GO 165, and Resolution E-4184; and Cal. Pub. Util. Code § 451:

² Reporters Transcript, Status Conference, p. 5:13-17.

General Order Rule, Public Utilities Code Requirements	Violations Found
GO 95, Rule 44.3	Failure to replace or reinforce the C-hook on Tower :27/222 (Incident Tower) before its safety factor was reduced to less than two-thirds of the safety factor specified in Rule 44.1, Table 4, which is a violation of Rule 44.3
GO 95, Rule 31.1	Failure to maintain the C-hook supporting the transposition jumper on the Incident Tower :27/222 for its intended use and regard being given to the conditions under which it was to be operated.
GO 95, Rule 31.2	Failure to inspect Incident Tower thoroughly and failed to detect an immediate Safety Hazard or Priority A condition on the incident C-hook.
GO 165, Section IV	PG&E failed to follow its procedures by failing to document the factors and reasons that led to the delay in the repair work on the Incident Tower.
GO 165, Section IV	<p>Failure to conduct detailed climbing inspections when conditions to trigger climbing inspections were evident as specified by internal procedures.</p> <p>Wear on the original working eyes that remained on the Incident Tower is an indication of a known condition with potential to recur on the added hanger plates with working eyes, which should have triggered detailed climbing inspection to examine the added hanger plates.</p>
GO 95, Rule 31.1	The condition of the C-hook (material loss > 50%) supporting the transposition jumper on Tower :24/199 demonstrates that PG&E did not maintain the tower for its intended use.
GO 95, Rule 31.2	Failure to inspect Tower :24/199 thoroughly and failure to detect an immediate Safety Hazard or Priority A Condition on the C-hook.
GO 165, Section IV	C-hook on Tower :24/199 had material loss of over 50%. PG&E failed to detect and correct the Priority A condition as specified in PG&E's procedures.
GO 95, Rule 18	PG&E assigned an incorrect priority for an immediate Safety Hazard (disconnected insulator hold-down anchor

General Order Rule, Public Utilities Code Requirements	Violations Found
	on Tower :27/221).
GO 165, Section IV	PG&E failed to follow its procedures by using an outdated inspection form during the detailed climbing inspections that PG&E conducted from September 19 to November 5, 2018.
D.06-04-055, as amended by Resolution E-4184	PG&E failed to report the reportable incident on the Big Bend 1101 12kV Distribution Circuit in a timely manner.
CA Pub. Util. Code § 451	Failure to maintain an effective inspection and maintenance program to identify and correct hazardous conditions on its transmission lines in order to furnish and maintain service and facilities, as are necessary to promote the safety and health of its patrons and the public.

Adding the Camp Fire to the scope of this OII will allow the Commission to consider all the violations associated with the 2017 and 2018 wildfires in PG&E’s service area in a comprehensive manner. Further, expanding the scope of the OII to include the Camp Fire will also promote efficient use of Commission and Intervenor resources.

SED recognizes that inclusion of the Camp Fire in this OII will require revision of the schedule in this proceeding to provide Intervenors an opportunity to review and respond to the new information presented. However, the Camp Fire is a pre-petition claim. Confirmation of PG&E’s plan of reorganization will extinguish pre-petition claims and liabilities that have not already been addressed or resolved. Further, based on the mandates of Assembly Bill 1054, pre-petition claims must be resolved before June 30, 2020, as part of PG&E’s bankruptcy plan of reorganization, if PG&E is to be able to participate in the Wildfire Fund consistent with its stated intent.³ This requirement is also an issue under consideration in Investigation (I.) 19-09-016, the Commission’s investigation in the ratemaking and other implications of a proposed plan of

³ See Cal. Pub. Util. Code § 3292(b)(1)(B) (Assembly Bill 1054, 2019), requiring that PG&E’s bankruptcy plan of reorganization provide for assumption or satisfaction of “any prepetition wildfire claims” as a prerequisite to eligibility for the Wildfire Fund.

resolution of PG&E's bankruptcy.⁴ Therefore, violations identified in SED's Camp Fire Report must be addressed and resolved before PG&E plan of reorganization can be approved.

Accordingly, the amount of process afforded to Intervenors must be balanced against the need to consider the Camp Fire within the bankruptcy, Assembly Bill 1054 timeframes, and the benefits to PG&E customers in meeting these deadlines.⁵

III. CONCLUSION

For these reasons, SED respectfully requests that the Commission grant SED's motion to expand the scope of this OII to include the 2018 Camp Fire.

Respectfully submitted,

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⁴ I.19-09016 at 7 (identifying whether a proposed plan of reorganization would satisfactorily resolve claims for monetary fines or penalties for PG&E's pre-petition conduct); *see also*, Assigned Commissioner's Scoping Memo and Ruling in I.19-09-016 at 6.

⁵ *See Horn v. Cty. of Ventura*, 24 Cal. 3d 605, 617, 596 P.2d 1134, 1140 (1979). Both the California and the United States Supreme Courts have rejected absolute due process rules in favor of balancing three considerations: "First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Today's Fresh Start, Inc. v. Los Angeles Cty. Office of Educ.*, 57 Cal. 4th 197, 213, 303 P.3d 1140, 1150 (2013).