

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



July 7, 2022

Ms. Janisse Quinones
Senior Vice President, Gas Engineering
Pacific Gas and Electric Company
Gas Transmission and Distribution Operations
6121 Bollinger Canyon Road
San Ramon, CA 94583

SUBJECT: Closure letter for Notice of Probable Violation (NOPV) Issued for the August 25, 2021 San Jose Incident (DOT Incident #1314710)

Dear Ms. Quinones,

The Safety and Enforcement Division (SED) of the California Public Utilities Commission (Commission) has reviewed the Pacific Gas & Electric Company's (PG&E) responses of June 8, 2022, to the Notice of Probable Violation (NOPV) forwarded to PG&E on May 9, 2022, for an incident that occurred at the intersection of Race Street & Park Avenue in San Jose on August 25, 2021.

A summary of findings documented by SED, PG&E's 30-day response to SED's findings, and SED's evaluation and conclusion of PG&E's response taken for each finding is attached with this letter.

This letter serves as an official closure of the G20210825-3258 incident in San Jose (DOT incident #1314710).

If you have any questions, please contact Kai Cheung at (415) 940-8836 or by email at Kai.Cheung@cpuc.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Dennis Lee". The signature is written in a cursive, flowing style.

Dennis Lee, P.E.
Program and Project Supervisor
Gas Safety and Reliability Branch
Safety and Enforcement Division

CC:

Susie Richmond / PG&E
Terence Eng / PG&E
Joel Tran / PG&E

SUMMARY OF INVESTIGATION FINDINGS

I. SED Findings

In its NOPV letter dated May 9, 2022, SED found PG&E in violation of Title 49 CFR §192.605(b)(3) for not making accurate maps available to operating personnel and §192.614(c)(5) for failing to provide accurate temporary markings of buried pipelines in the area of excavation activity before the activity began.

Based on the information gathered, SED found PG&E's Plat map did not show the 3-inch gas main damaged by the third-party excavator in this incident. PG&E admitted in its investigation that its locate and mark personnel did not mark the damaged 3-inch gas main due to the incorrect Plat map.

II. PG&E's 30-Day Response

PG&E disagrees with SED's findings of probable violations in their letter of June 8, 2022. In its letter, PG&E states in part:

"The damaged 3-inch main was installed in June 1930, more than 30 years before the California Public Utilities Commission implemented General Order 112 to codify pipeline regulations and recordkeeping requirements. Since pipeline regulations were enacted, PG&E has performed its due diligence and made its best efforts to accurately map all known assets with their corresponding configurations, and to make these maps available to its operating personnel. When PG&E responded to USA ticket #X118101646, PG&E marked all assets per the mapped configurations, which unfortunately did not accurately reflect how the subject 3-inch dead-end main tied into adjacent facilities."

"As indicated in the dig-in investigation report that was previously provided, PG&E believes that this incident could have been avoided if the third-party excavator (Lightwave Construction) had exposed the gas facility with hand tools before using power-driven equipment as required by California Government Code 4216.4(a)(1). PG&E's investigation found that Lightwave Construction failed to pothole and visually locate PG&E's adjacent 8-inch main within its tolerance zone and at the location where the horizontal directional drilling (HDD) path crosses this pipeline. The requirement of exposing these pipeline crossings in the HDD path is also in the excavation permit issued by the City of San Jose. Had Lightwave Construction taken this critical step, the subject 3-inch dead-end main may have been exposed along with the 8-inch main, helping to avoid this dig-in incident."

"Since the incident, PG&E has made the original 1930 and post-incident as-built packages available to its operating personnel, mapped the subject 3-inch dead-end main as a deactivated pipeline and mapped the cutoff location as a response to the incident."

III. SED's Investigation and Discussion of Code Violations

SED disagrees with PG&E's response. PG&E stated that "the damaged 3-inch main was installed in June 1930, more than 30 years before the California Public Utilities Commission implemented General Order 112 to codify pipeline regulations and recordkeeping requirements." However, both codes SED cited, §192.605 and §192.614, are under Subpart L – Operations, which is retroactive. Therefore, §192.605 and §192.614 still apply.

PG&E also stated that the third-party excavator did not pothole and expose the properly marked 8-inch main with hand tools before using power-driven equipment as required by California Government Code 4216.4(a)(1). In addition, the entry point of the horizontal directional drilling machine was within the 24-inch tolerance zone. Since the excavator did not hit the 8-inch main but the unmarked 3-inch main, and the point of damage,

according to PG&E's investigation narrative, was 40 inches away from the nearest visible yellow marking. Therefore, SED found PG&E in violation of §192.614(c)(5).

SED appreciated the explanation PG&E provided regarding the role of the third-party excavator in this incident. However, SED only regulates gas operators and has no jurisdiction over third-party excavators.

IV. SED's Conclusion

After considering the response PG&E submitted on June 8, 2022, SED is satisfied with the appropriate remedial actions taken by PG&E and decided not to issue PG&E a citation for the San Jose incident at this moment.