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TRANSMITTAL COVER PAGE

PLEASE DELIVER THE FOLLOWING TO:

NAME: Stacey Karpinen - Attn: Deanna

FIRM: California ISO
351-2850

FAX PHONE: 916-944-8558

FROM: Charles E. Keen

FIRM: Geiger & Keen LLP

DATE: March 23, 2009 TIME: 4:45 p.m.

CLIENT: Sarale, Julie Ann - P. G. & E. matter

FILE NO.: 1969-2

SUBJECT: Appeal to the Board of Governors of the California ISO

TOTAL NUMBER OF PAGES, INCLUDING COVER PAGE: 37

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CONTACT: Kathleen
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March 23, 2009

Via Fax

Ms. Stacey Karpinen
Assistant Corporate Secretary
California ISO
151 Blue Ravine Road
Folsom, California 95630

Attn: Deanna

Re: Appeal to the ISO Board of Governors

Dear Ms. Karpinen:

I am faxing an appeal to be submitted to the California ISO Board of Governors for consideration at their meeting on Friday, March 27th. It is my understanding that this is on their agenda and I have been told to arrive prior to 11:30 a.m. If this is incorrect please advise. You can reach me at the above phone number or e-mail address.

Pursuant to the request in the letter of Mr. Shonkwiler to Mr. Charles E. Keen, the attorney who has been helping me with this, Mr. Shonkwiler requested that the correspondence be sent to you by today, thus I am faxing it.

Apparently, over the weekend Mr. Shonkwiler started e-mailing information to Mr. Keen. We have not had a chance to examine all of it yet but will as soon as possible. If we need to supplement anything in this document, we will do so before the close of business on Wednesday, March 25th.

Sincerely,


Julie Ann Sarale

Enclosure
cc: Mr. Charles C. Keen

1 Julie Ann Sarale
2 P.O. Box 7960
3 Stockton, California 95267
4 Telephone: (209) 478-4584

4 *In Re:*)
5)
6 **APPEAL TO THE BOARD OF**)
7 **GOVERNORS OF THE CALIFORNIA**)
8 **INDEPENDENT SERVICE OPERATOR**)
9 **CORPORATION OF THE DENIAL OF**)
10 **RECORDS AND DECISION ON APPEAL**)
11 **TO GOVERNANCE BOARD DATED**)
12 **MARCH 3, 2009**)

10 I.

11 STATEMENT OF APPEAL AND PROCEDURAL STATUS

12 This appeal relates to total or partial denial for Request for Records made by myself,
13 JULIE ANN SARALE, on December 31, 2008. A copy of my Request for Records is given at
14 Exhibit "A" hereto. Appeal is made on two general grounds:

- 15 1. CAISO's March 3, 2009, refusal and failure to identify and/or provide me with all
16 records which it was required to provide by law and its own Information Availability Policy
17 dated October 22, 1998 (Referred to below as "CAISO POLICY"); and
- 18 2. CAISO's denial of due process by failure to follow its own procedure as established
19 in the CAISO POLICY by (1) in failing to respond to my original Request for Records of
20 December 31, 2008; and (2) on March 3, 2009, in summarily and incompetently disposing of my
21 appeal of February 19, 2009; and (3) in providing evasive, unlawful responses, incomplete
22 production of documents, and documents redacted to the point of being meaningless by its
23 responses of March 3, 17, 20, and 21, 2009.

24 I made my original request following the CAISO POLICY which was approved by
25 Public Utility Code Section 345.5(c). CAISO's response to my request was due within 10 days.
26 No response was provided by CAISO, so I made a second request on January 19, 2009. The
27 second request was ignored as was my third request on February 2, 2009. The follow-ups are
28 attached at Exhibits "B" and "C". When my three requests went ignored and fifty(50) days had

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1 passed on a request to which a response was due in ten (10) days , an appeal was made on
2 February 19, 2009, to the Corporate Governance Board under Section 7 of the CAISO POLICY.
3 A copy of that appeal is given at Exhibit "D".

4 No response to my appeal was received from the Corporate Governance Board and, in
5 fact, later correspondence from CAISO counsel suggested that the Governance Board does not
6 exist. Ultimately a response was received signed by Assistant General Counsel -- Corporate,
7 Daniel Shonkwiler, stating that he was responding to both the original request of December 31,
8 2008, seemingly assuming the authority of the Board "to the notice of appeal" of February 19,
9 2008. Unless Mr. Shonkwiler is the Corporate Governance Board, he has no authority to hear or
10 decide an appeal under the CAISO POLICY. And since the Governance Board, (if it existed)
11 would have no right as an appellant tribunal to initially offer objections on appeal that had not
12 earlier been raised in the required initial response by CAISO, Mr. Shonkwiler's letter of March
13 3, 2009, is not only non-compliant with the CAISO POLICY, but is a misguided procedural
14 mistake disregarding the most basic concept of due process, i.e., he appears to be making the
15 rules up as he goes along. In any event, since Mr. Shonkwiler stated on behalf of the California
16 ISO he was disposing of my appeal to the governance board, albeit in disregard of CAISO
17 POLICY, this appeal is hereby presented to you, the Corporation's Board of Governors.

18 I have tried to comply with the CAISO's POLICY. To this point the CAISO response (or
19 lack thereof) suggest that those responding were either unaware of the Policy, chose to ignore
20 it, decided to make the rules up as they went along, or were waiting for PG&E to tell them what
21 to do.

22 I regret that this Board's time and attention has to be devoted to a routine request such as
23 this; however, the documents I am asking for are important to husband and I and to other
24 growers whose crop producing walnut trees have been destroyed by PG&E; who have been told
25 by PG&E and in newspaper articles written by PG&E that the CAISO standards and trimming
26 clearances mandated by CAISO required PG&E destroy their trees ; who have been actively
27 urged by CAISO's Vice President Manz in her letter of November 6, 2008, to cooperate in
28 compliance with these maintenance practices adopted by CAISO: and now have been told by

1 CAISO's response of March 3, 2009, that it cannot provide a copy of the maintenance standards
2 and practices by which it ordered PG&E's destruction of their trees because these documents ".
3 . are protected from disclosure as confidential . . ." There are other creative responses in Mr.
4 Shonkwiler's March 3, 2009, and later letters offered to avoid production in response to my
5 requests that are addressed below which, while not quite as ridiculous as telling me that I
6 cannot see the rules that Ms. Manz asked me to obey, are comparably inane.

7 Along with Mr. Shonkwiler's all-in-one decision on appeal/response were include several
8 link references (in lieu of documents) and small number of marginally responsive documents;
9 these were followed on March 13, 20 (after hours) and 21 (Saturday) by an emails attaching *with*
10 *PG&E's consent and redaction* what might otherwise have been useful copies of CAISO
11 Approved PG&E Practices of January 2002 and January 2005.¹ Unfortunately they were redacted
12 to the point of being useless, e.g., *PG&E redacted reference to trimming clearances*. Late last
13 Friday, March 20, 2009, *after 5:00 p.m. close of business hours*, and on the following Saturday
14 afternoon, with having earlier advised that your board required my submission of my written
15 appeal was due on the following Monday (today), Mr. Shonkwiler emailed a large quantities of
16 irrelevant matter which is still grossly incomplete, redacted to the point of uselessness, internally
17 duplicative, and in the case of annual maintenance reporting directly violative of Public Utilities
18 Code section 348.² We have done our best to sift through this last minute snowstorm and have
19 found a few useful documents, but the bulk of what we asked for and are entitled to has not been
20 produced. I may need to supplement this appeal after more review of the documents just
21 received.

22 II.

23 FACTUAL BACKGROUND OF APPEAL

24
25 ¹Also produced were CAISO approved Practices for 1997 and 1999 which were superceded by the 2002
26 document relevant to our claim and a 2006 document that does not show CAISO approval. No document relating to
the consideration of these practices was produced.

27 ²Many of these documents were produced by after hours email on Friday 3/20/09, and on Saturday March
28 21, 2009, which would be effectively received on 3/23/09 under normal business hours, but along with the other
belatedly produced documents bear a marginally annotated date of 3/3/09 – which is false.

1 My husband and I are walnut growers, with a small family operation of approximately 50
2 acres in northeastern San Joaquin County. PG&E had for over 80 years maintained power lines
3 (now 115kV) over approximately 3 of acres of our walnuts. For these 80 years PG&E
4 periodically trimmed the vegetation to a radial distance prescribed in PUC General Order 95 of
5 approximately 10 feet, which was more than adequate for safety. GO 95 is the only regulation
6 that we have found that specifies minimum clearances and clearances at time of trimming. Ten
7 foot trimming allowed the trees to grow to 17 feet and produce walnuts. I know Since my
8 husband started farming the land in 1983, there have been no fires, shorts, arcing or
9 encroachments within the 19 inch clearance specified by the General Order.

10 In 2004, PG&E started trimming to minimum radial clearance of 20 feet, rather than the
11 10 feet set in Appendix E to Rule 35 of General Order 95. This extra 10 feet of trimming
12 reduced what had been producing walnut trees into seven foot stumps that might produce 2 or 3
13 walnuts in a good year. PG&E told us when doing so, that it was complying with General Order
14 95, [which is not what I read in GO 95] and said it was required to do the new destructive
15 trimming by your corporation, the California ISO. Attached as Exhibits "E" and "F" are articles
16 from the October, 2005, and January, 2006, *San Joaquin Farm Bureau News*. Exhibit "E," the
17 October, 2005, article written by PG&E, says in the table at the lower left that the CAISO
18 Transmission Maintenance Agreement requires minimum sustained clearance distance of 10 feet
19 at all times. The diagram at the upper right of that article explains how when PG&E adds
20 another 10 feet [which it apparently made up] to CAISO's minimum sustained clearance of 10
21 feet, we end up with a seven foot stump.

22 Exhibit "F", the January, 2006, *Farm Bureau News* article states:

23 "The California Independent System Operator (CAISO) has approved
24 PG&E's vegetation management procedures, which include what many
25 farmers regard as severe to disastrous cuts."

26 Since, according to PG&E, it was CAISO that approved and required the new "disastrous
27 cuts," I am sure that the Board of Governors understands why it is reasonable for growers like
28 us, who had the disaster happen to them, to ask the CAISO to see its corporate documents which
spell out that rule and, also importantly, explain the analysis and evaluation that your board

1 made when it decided to give PG&E the order to destroy our walnut trees.

2 To avoid any misunderstanding on the board's part as to PG&E's giving you full credit
3 [and responsibility] for oversight of its vegetation management and that it is regulated by you,
4 the CAISO, not the PUC as to vegetation management standards, please refer to Exhibit "G,"
5 which part of PG&E's written comments to the te PUC in connection with ongoing Commission
6 proceedings related to revision of General Order 95³. You will be reassured that PG&E has
7 represented to the PUC that since 1998, ". . . The CAISO has actively regulated the field of
8 inspection and maintenance . . . including audits of PG&E's . . . vegetation management . . . And
9 maintenance programs . . ." Given CAISO's active regulation of PG&E, it is odd that in
10 response to my requests, your organization has found only a handful of documents related to
11 audit, inspection, or even communication with PG&E about its practices and standards.

12 Last year I searched your website and the internet for the regulations, standards and
13 practices that PG&E said that CAISO had mandated with respect to the new, destructive
14 trimming limits and had given up finding anything when the letter of November 6, 2008, to "all
15 Californian's" signed by Lora J. Manz, Vice President of Infrastructure Development, was
16 brought to my attention. The letter appears on the CAISO website. Her letter reads in part:

17 "In 1996, the California Legislature passed a law that requires the CAISO to adopt
18 standard for the maintenance of transmission facilities to provide for reliable
19 electric service. As part of these standards the CAISO has adopted the specific
20 transmission maintenance practices of the transmission owners Pacific Gas &
21 Electricity. . . *These transmission owners are required to comply with the CAISO
22 adopted maintenance practices. . .*

23 To insure reliable service in California, it is important that transmissions owners
24 adhere to these standards and practices *this requires cooperation from affected
25 landowners and government agencies to ensure that the transmission owners
26 have access to the transmission facilities and nearby area to trim or remove
27 vegetation or perform other maintenance. CAISO request all landowners and
28 agencies to cooperate in allowing the performance of these maintenance
standards and practices for the benefit of the CIASO system and the entire State
of California.* [Letter is attached as Exhibit "H; "Emphasis added]

25 The partial response to production request attached to Mr. Shunkwiler's reply to appeal
26 on March 3, 2009, indicates that the Manz letter of November 6, 2008, was drafted in concert

27
28 ³The entire document is available on the PUC website under proceeding R.08-11-005

1 with PG&E, i.e., the exact wording of the letter was suggested and its being published was
2 instigated by PG&E.

3 The few documents produced also indicate that PG&E really communicated within other
4 utilities on CAISO's committees sharing information and policies in connection with it
5 vegetation management practices. Sections 7 and 8 of Appendix C to the tariff you provided
6 require a committee of with members from the other power utilities to review PG&E proposed
7 maintenance practices.

8 III.

9 CAISO'S BASES OF DENIAL OF RECORDS WERE UNTIMELY AND
10 WERE MERITLESS

11 As a matter of due process, objections to otherwise lawful production of records are made
12 in initial response to a request, not invented on appeal. Objections to production were not
13 properly raised by timely response, since response was never made despite repeated follow-on
14 requests. Any objections – even if they were valid – were waived by failure to respond. The
15 objections interposed by Mr. Shonkwiler were made for first time in his disposition of appeal
16 were not only untimely but inappropriate to the point of being embarrassing. As mentioned
17 above, it is absurd to suggest that practices which CAISO Vice President Manz' publicly urges
18 "All Californians" to comply with under force of law are "confidential."

19 A second problem with the assertion of confidentiality is that PG&E waived any claim to
20 confidentiality by urging the CAISO over the course of many months to publicly issue Ms. Manz'
21 letter demanding citizen compliance with PG&E's "CAISO approved" maintenance practices.
22 Waiver of confidentiality was also publicly effected in the newspaper articles (Exhibits "E" and
23 "F") in which PG&E told growers they were required by law (CAISO's law) to allow PG&E to
24 cut their trees down to 7 feet and attributing grower outrage to outrageous cuts to the California
25 Independent System Operator approval of vegetation management procedures, which mandated
26 those cuts. (Exhibit "F")

27 Finally, the assertion of confidentiality to protect competitive, commercially valuable, or
28 sensitive information of PG&E is ridiculous. Utility vegetation management practices are neither

1 confidential nor economically significant in that they are done in the open; announced in writing
2 to growers; and the cost associated with them reimbursed by the PUC. Among the documents
3 produced were minutes of your maintenance coordinating committee which, on October 15,
4 1999, had "... completed its review of the PTO-submitted vegetation practices. ..." Unless I am
5 missing something, under the tariff appendix, this committee is made up of representatives of the
6 other TSO's in California who could be the persons remotely considered as competing. How can
7 you seriously suggest confidentiality, when the other TSO's not only read, but approved PG&E's
8 practices?

9 If, in fact, California Independent Service Operator has authorized an extra 10 feet of
10 trimming beyond that mandated by General Order 95, [19 inch minimum trimming clearance and
11 10 foot 'at time of trimming] by authorizing an new 10 foot 'at all times' clearance, and, under
12 that CAISO rule, PG&E destroyed my trees, there has been a taking of my property because it is
13 between that 7 and 17 foot high that the walnuts grow. So the extra trimming has turned what
14 were crop producing, economically useful trees and the land on which they sit into nonproductive
15 stumps on land unusable for growing walnuts. The documents are needed to determine if CAISO
16 has made any such law or rule under which my trees were destroyed and how and why they made
17 it.

18 IV.

19 **CAISO CANNOT REASONABLY DEMAND OR ENCOURAGE "ALL**
20 **CALIFORNIANS" COMPLIANCE WITH MAINTENANCE PRACTICES WHICH IT**
21 **REFUSES TO DISCLOSE**

22 The CAISO's refusal to produce documents in response to maintenance practices at
23 request 10, 11 and 13 are based on confidentiality. These are according to PG&E and VF Manz
24 the laws that PG&E and the other TSO's were "... required to comply with ..." (Exhibit "H").

25 As discussed above, any such confidentiality is doubtful based on publicly visible conduct
26 , absence of any hint of 'commercial sensitivity', and the fact that the other TSO's actually
27 approve each other's practices through required review by your TMCC. If it ever existed, any
28 hint of confidentiality was waived many times over by PG&E: CAISO has announced by letter
of November 6, 2008, published at the urging of PG&E, that compliance with the its practices is

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1 required and solicited citizen cooperation in compliance; PG&E has published statements in
2 letters and newspaper articles that excess and destructive trimming performed by it was
3 mandated by CAISO (Exhibits "F" and "G"), and PG&E openly and publicly executes the
4 practices it claims are confidential.

5 It is inconceivable that CAISO can demand, under color of law, cooperation by affected
6 landowners and their compliance with maintenance practices it has adopted and subsequently
7 deny those landowners copies of the rules it mandated they obey.

8 The objections made globally and specifically as to items 10, 11, and 13, by CAISO's
9 "all-in-one" response/denial of appeal (Shonkwiler, letter of March 3, 2009) are further
10 inappropriate in their reliance on Section 26.3 of the Transmission Control Agreement,
11 suggesting that the requested information is confidential based on that sections's definition of
12 confidential matter in Section 26.3.1; those definitions have nothing to do with vegetation
13 management and further, the subject matter neither economically "valuable" nor "confidential"
14 — other in the context of it being valuable fo public safety and grid reliability.. The standards
15 sought in my request deal with practices conducted in public as to the trimming of vegetation.
16 There is nothing "confidential" about them, nor are they "commercially sensitive" whether or not
17 they fall into the other specific criteria required for maintenance of confidentially. Considered in
18 the light of public welfare, vegetation management practices deal with public safety and grid
19 reliability. The information is not related to competition or trade secrets and is related to
20 assuring protection of the public. Public policy would demand that it be shared. What possible
21 reason would this board have to restrict access to information which, if exchanged, would further
22 the objectives this public benefit organization was formed to achieve?

23 Further, Section 26.3.3 requires the affected party to raise, *at its own expense* defense, to
24 disclosure rather than be granted veto or editing/redaction rights or be elevated to a position
25 requiring that it has to grant permission to the CAISO, which is supposed to be its regulator, to
26 obey the law.

27 As far as assertion of confidentially based on the definition of maintenance practices as
28 confidential, in Section 1 Appendix "C" of the Tariff No. 7, the maintenance practices

1 designated as confidential are those used by a PTO for the maintenance of that PTO's
2 transmission facilities. The tariff that defines "transmission facilities" (which appears in the
3 same sheet, 140 of Tariff No. 7) as 'equipment and components transferred by a PTO to the ISO
4 for operational control pursuant to Transmission Control Agreement, such as overhead and
5 underground transmission lines, stations, and associated facilities." The requested documents
6 deal with vegetation management, not to maintenance of any of these facilities. The objection is
7 inappropriate.

8 IV.

9 **CAISO'S RESPONSE BY REFERRING TO APPENDIX C OF THE TRANSMISSION**
10 **CONTROL AGREEMENT IN RESPONSE TO REQUEST NO. 1, 2, 3, 4, 5, AND 6 IS**
11 **MISLEADING AND AN EMBARRASSMENT TO YOUR CORPORATION**

12 Section 348 of the Public Utilities Code says that, "the independent system operator shall
13 adopt inspection, maintenance, repair and placement standards for the transmission facilities
14 under its control no later than September 30, 1997." The requests to which this inane response
15 was given ask simply for those standards applicable to vegetation management, trimming,
16 removal and, in particular, those standards to which CAISO Vice President Mans referred in her
17 letter of November 6, 2008,. The "clever" response given in CAISO's March 3, 2009, letter was
18 to refer me to Appendix C of the Transmission Control Agreement . I looked there and the
19 Transmission Control Agreement has no standard contained in it. In fact, as relevant to this
20 request, Appendix C makes only one oblique reference to management of vegetation, i.e., at
21 Section 5.2.1 of Appendix C, Section 5.2.11 of the tariff states that:

22 "As may be appropriate for the specific transmission lines circuits under the ISO's
23 operational control each PTO's maintenance practices shall describe maintenance
24 activities for the various attributes listed below: . . .
25 • "Vegetation management"

26 While it may be embarrassing to candidly admit in response to a request for a document
27 that the Legislature commanded the CAISO to publish back in 1997, that no such document
28 exists, it might have been more honestly stated that the CAISO has not yet adopted a
maintenance practice rather than to interpose this meaningless response, however clever, that

1 avoids the question and insults the intelligence and wastes the time of the person who asked it.
2 My family is going to be out over \$100,000 in lost crops because of PG&E's over trimming. We
3 want to find out who ordered or authorized the trimming that destroyed our trees and find out
4 why was ordered. This request is not a joke or a game. If the response is that CAISO has adopted
5 no such standards of its own, i.e., that no such standards exist, it is appropriate that it be honestly
6 stated by the CAISO. The furnishing of a link to a non-responsive provision of a Tariff which
7 avoids the question and insults my intelligence is neither responsive, nor particularly honest, nor
8 befitting a corporation created for the public benefit.

9 V.

10 **THE REFUSAL TO DISCLOSE DOCUMENTS BASED ON VAGUE ASSERTION OF**
11 **PRIVILEGE IS INAPPROPRIATE**

12 The pervasive suggestion in responses that "some of these withheld documents are also
13 privileged, as work product and trade secrets" does not make sense. If documents are being held
14 based on work product or lawyer-client privilege, please identify them and tell the specific
15 privilege involved. It is called a privilege log. As to claiming trade secret privilege for a
16 function openly performed in public regulated by a public agency, CAISO cannot be serious. A
17 practice submitted to the CAISO for approval giving it the force of law approved by a
18 committee consisting of the other TSO's is not a secret. Outside the CIA budget, I do not think
19 we have secret laws in this county. It is just not the American way and I think there may be an
20 issue of due process. In addition, CAISO should not be asserting privilege for the companies it is
21 supposed to be regulating and would seem to have no right or standing to assert this privilege as
22 to PG&E. Further, Policy 4.3.1 does not provide for blanket holding of preliminary drafts,
23 notes, memoranda, but only those which are "not retained in the ordinary course of business." It
24 would appear that there are some memoranda or other notes which "*were maintained in a*
25 *normal course of business.*" They should be produced.

26 The response to Item 9 is unnecessarily evasive. The links do not lead to anything
27 responsive to this request. I do not mind following a relevant link on the internet to find my
28 document, but it is useless if it links to a dead end or reference to an IEEE standard I cannot

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1 access. If you have these documents (and you should) please attach a copy to an email. And
2 please do not include links that have nothing to do with my request. One link to which I was
3 referred was a 691 page document containing technical data and mathematical formulas, none of
4 which have to do anything with trimming or vegetation management. Unless Ms. Manz
5 contemplated that "all Californians" of whom she asked compliance with these standards had a
6 Ph.D. in math, the response is a sad commentary on the CAISO. If there is a relevant
7 FERC/NERC standard that has to do with vegetation management in the possession of CAISO,
8 the CAISO should follow its information policy and the law and produce that document, not send
9 the citizen requesting information on a wild goose chase.

10 As to item 13, you might find it odd that someone who lives in San Joaquin County
11 requested the maintenance standards for SDG&E⁴. There is a good reason for the request. We
12 know growers to the South who have overhead lines who have *not* have their trees destroyed.
13 Other utilities have used mechanical trimmers which have managed to trim the trees safely and
14 quickly and leave them big enough to produce crops. In other cases they adjusted the line height
15 to allow for safety and for the grower to use the land productively. The reason we want the
16 documents is to convince you or whoever is supposed to be regulating PG&E, that there might
17 be another approach to vegetation management besides destroying crop producing trees. We
18 have knowledge that vegetation management is working for both the growers and the utilities in
19 other areas which you regulate. It is worth checking out and we need the documents. One other
20 item as to safety. My husband, Bill, attended a public PUC hearing in Santa Cruz earlier this
21 month (the matter related to Exhibit "G "). During the hearing, the PUC Commissioner present,
22 Commissioner Timothy Alan Simon, asked the PUC official with him if there had ever been a
23 fire related to agricultural vegetation coming into contact with the lines. The answer given was
24 "No." If that is correct, there may be no valid safety or system reliability concern involved with
25 the 20 foot trimming clearances under which PG&E used to destroy my trees. I would ask that in

26 _____
27 ⁴ Mr. Shonkwiler's after hours document production of March 20, 2009, included some of SDGE's
28 practices which, like PG&E had been redacted to remove all useful information. This is surprising since SDGE had
been reputed to be reasonable in its trimming practices and fair in its dealings with growers..

1 approving trimming clearances, assuming you look at them before you approved them, you do
2 not authorize PG&E to save a couple thousand in trimming expenses which results in eliminating
3 tens of thousands of dollars of my family's income.

4 VI

5 SUMMARY

6 CAISO's response to this citizen's request for documents which, *under statute and*
7 *CAISO's policies*, CAISO is obligated to produce, is an unnecessary embarrassment. My inquiry
8 was triggered by Vice President Mans's November 6, 2008, letter urging that "all Californians"
9 comply with standards CAISO has adopted. I am a citizen of California who asked for those
10 standards and documents related to them. At first my request was ignored; when I resorted to
11 appeal under CAISO policy, I was initially given hollow responses, specious assertions of
12 confidentiality, a token production of documents and, essentially, stonewalled. Since the initial
13 response, I had initially been provided with a handful of PG&E documents and, over the
14 weekend, with a mass of other documents which were redacted beyond recognition and were
15 timestamped as being produced two weeks earlier. Last week, Mr. Shonkwiler advised that my
16 request for CAISO documents was being reviewed for possible additional production, i.e., two
17 and one half months and CAISO will agree to look for the documents. Last Friday, after close of
18 business and on Saturday my lawyer got a email deluge of mostly irrelevant matter, aka chaff.

19 The CAISO's assertions of confidentiality are ludicrous. The subject of my request is
20 vegetation management. Trimming is done in the open; it is not commercially sensitive; it is in
21 no way related to competitive advantage in that the utilities are reimbursed for these services and
22 the area of trimming is related to public safety and grid reliability. Under your committee system,
23 the utilities sit on the TMCC which reviews and approves each others practices. Emails
24 produced show the CAISO's attorney and PG&E who drafted Ms. Manz' letter and urged her to
25 publish it are now hesitant to produce the very standards they asked her to enforce, i.e., PG&E
26 set her up in the uncomfortable position of blindly urging compliance with something they did
27 not consent to make public. PG&E's instigation of this letter *and participation in its drafting*
28 waived any suggestion it might have that the matter is confidential. PG&E has asked CAISO to

1 use its muscle and statutory mandate to ensure compliance with standards which PG&E wrote
2 and, supposedly, CAISO has adopted. Outside of national security, there should be no such thing
3 as a 'confidential' law.

4 RELIEF REQUESTED

5 There is no valid reason that the documents requested should not have been produced in
6 10 days or, allowing for the weekend, on January 12, 2009. There is no valid reason that I be
7 required to submit two follow-up requests, seek the assistance of a lawyer, and have to submit an
8 appeal – waiting 62 days before the CAISO made its first written acknowledgment of my request.
9 And there is no conceivable reason that after 62 days the responses given me by CAISO, was
10 devoid of centrally relevant documents, interposed frivolous objections, and were procedurally
11 non-compliant with CAISO owned statutorily approved policy. The relief I ask on this appeal is

12 First: that CAISO comply procedurally with its own policy document. In doing so it
13 would obey the law and might afford me some minium level of due process. I am following your
14 rules; you should;

15 Second: that CAISO produce the documents requested – including not only the standards
16 and practices it has mandated that I obey, but also the internal non-privileged documents related
17 to the practices that it has originated and acquired in the course of regulating vegetation
18 management. I understand that truly privileged documents are not in play; I have not asked for
19 lawyer-client communications or documents relating to price-setting, economic strategy, or
20 technical trade secrets. We are talking about documents related to trimming trees in public view
21 under an ANSI standard.

22 Third, I ask that CAISO make an independent determination as to what is to be provided
23 under the law and the policy which was approved by the legislature, i.e, that CAISO, not PG&E
24 decide my request. I do not think you statutory mandate envisioned my waiting for two months
25 to be advised that you were waiting for approval from the entities you regulate.

26 In closing I would suggest that the CAISO update its procedure to reflect the
27 corporations existing structure and its policy so that it is not going through hoops to protect
28 information that the law, public policy, and the CAISO's reason for existence demand should not

1 be withheld from the public. As to my present request and future requests that I or other citizens
2 might make in the future, it would also suggest that the CAISO not designate a person to be in
3 charge of responding to the request who might have a personal stake in the matter or be
4 embarrassed by its outcome. In this instance, documents produced indicate that the attorney who
5 is handling my response and the "appeal below" had also participated in drafting Manz' letter
6 which triggered the request for documents and he had done so in concert with PG&E. He is now
7 in an uncomfortable position of answering to your vice president as to why he set her up with the
8 unnecessary and embarrassing letter and to PG&E whose interests he is vigorously trying to
9 protect. The CAISO's interests and PG&E's may also be in conflict. He is probably a fine
10 lawyer and a good individual , but his handling of this matter seems inconsistent with common
11 sense, with CAISO's own policy and with the law. Thank you for your consideration of this
12 appeal.

13 Dated: 3-23-09

14 
15 Julie Ann Sarale

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P. O. Box 7960
Stockton, California 95267

December 31, 2008

Records Coordinator
California ISO
P.O. Box 639014
Folsom, California 95762-9014

RE: Requests for Records Pursuant to Public Utilities Code § 345.5 (c) (3)

Dear Records Coordinator:

This letter is to request access to records in the possession of the California Independent System Operator for purpose of inspection and copying, pursuant to Pursuant to Public Utilities Code § 345.5 (c) (4) consistent with the California Public Records Act, Government Code Section 6250 et seq. This request was discussed earlier with your counsel, Dan Shonkwiler. He has asked that he be advised by you when this request has been received.

The records that I am asking to inspect and copy are:

1. Every maintenance standard related to vegetation management adopted by CAISO pursuant to Public Resources Code § 348 since formation of CAISO.
2. Every maintenance standard related to vegetation trimming adopted by CAISO pursuant to Public Resources Code § 348 since formation of CAISO.
3. Every maintenance standard related to vegetation removal adopted by CAISO pursuant to Public Resources Code § 348 since formation of CAISO.
4. Every maintenance standard related to vegetation management which are subject of the request for cooperation by landowners made by Vice President Laura Mantz in the second paragraph of her letter dated November 6, 2008, a copy of which is attached for your reference at Exhibit "A" to this request.
5. Every maintenance standard related to trimming of vegetation which are subject of the request for cooperation by landowners made by Vice President Laura Mantz in the second paragraph of her letter dated November 6, 2008, a copy of which is attached for your reference at Exhibit "A" to this request.
6. Every maintenance standard related to vegetation removal which are subject of

EXHIBIT "A"

the request for cooperation by landowners made by Vice President Laura Mantz in the second paragraph of her letter dated November 6, 2008, a copy of which is attached for your reference at Exhibit "A" to this request.

7. Every document received by CAISO from PG&E or its agents or attorneys which was in any way related to the letter of Vice President Laura Mantz of November 6, 2008, a copy of which is attached for your reference at Exhibit "A".

8. Every document (other than those documents excepted from production under para 4.3.1, 4.3.3, and 4.3.5 of CAISO Information availability policy dated October 22, 1998) which is any way related to purpose, content, or issuance of the letter of Vice President Laura Mantz of November 6, 2008, a copy of which is attached for your reference at Exhibit "A".

9. Every maintenance standard related to vegetation management, trimming, or removal including but not limited to North American Electric Reliability Standards approved by the Federal Energy Regulatory Commission to which transmission owners are subject which standards are referred to in the request for cooperation by landowners made by Vice President Laura Mantz in the first paragraph of her letter dated November 6, 2008, a copy of which is attached for your reference at Exhibit "A" to this request.

10. Every description of maintenance practices related to vegetation management submitted by PG&E to CAISO pursuant to para 2.3 Appendix "C" CAISO FERC Electric Tariff No. 7, a copy of which is attached for your reference at Exhibit "B" to this request, for the years 1999 through 2007 inclusive.

11. Every document relating to maintenance practices related to vegetation management relating to PG&E or submitted by PG&E to CAISO pursuant to para 5.2.1.1 Appendix "C" CAISO FERC Electric Tariff NO. 7, a copy of which is attached for your reference at Exhibit "B" to this request, for the years 1999 through 2007 inclusive.

12. Every document relating to complaints of excess trimming relating to PG&E for the years 1999 through 2007 inclusive.

13. Every description of maintenance practices related to vegetation management submitted by SDG&E to CAISO pursuant to para 2.3 Appendix "C" CAISO FERC Electric Tariff NO. 7, a copy of which is attached for your reference at Exhibit "B" to this request, for the years 2002 through 2007 inclusive.

I believe there exist no provisions of law exempting the records from disclosure under the

Records Coordinator
December 31, 2008
Page 3

Public Utilities Code or Pursuant to Government Code Section 6257, so I ask that you notify me and make the records available to me for inspection within 10 days pursuant to para 5.2 of CAISO Information availability policy dated October 22, 1998. Since CAISO's Vice President has asked all Californians to cooperate in complying with these maintenance standards and practices, I doubt that any privacy or confidentiality concerns would relate to the bulk of these documents.

If you believe a portion of the information I have requested is exempt from disclosure by express provisions of the law or other authority including Government Code Section 6257 additionally requires segregation and deletion of that material in order that the remainder of the information may be released.

If you believe that an express provision of law exists to exempt from disclosure all or a portion of the material I have requested, Government Code Section 6256 provides you notify me of the reasons for the determination not later than 10 days from your receipt of this request. I assume that under the mandate of consistency with that law as set forth in Public Utilities Code § 345.5 (c) (4), you will provide those reasons.

Finally, if you plan to charge me for any expense incurred in complying with this request, please notify me in advance. Thank you for your timely attention to my request. If it is more convenient for you, you may respond to my attorney, Charles E. Keen of Geiger, Coon & Keen LLP, 311 East Main Street, Suite 400, Stockton, California 95202; Telephone: (209) 948-0434.

Sincerely,

Julie Ann Sarale

cc: Charles E. Keen, LLP

P. O. Box 7960
Stockton, California 95267

January 19, 2009

Records Coordinator
California ISO
P.O. Box 639014
Folsom, California 95763-9014

RE: Requests for Records Pursuant to Public Utilities Code § 345.5 (c) (3)

Dear Records Coordinator:

On December 31, 2008, I sent you a letter requesting information. To date I have had no reply. A copy of said letter is enclosed for your reference.

Again, I request documents, as indicated in the enclosed letter. I request that you respond to said request according to law and your policy.

Once again, if it is more convenient for you, you may respond to my attorney, Charles E. Keen of Geiger, Coon & Keen LLP, 311 East Main Street, Suite 400, Stockton, California 95202; Telephone: (209) 948-0434.

Sincerely,


Julie Ann Sarale

cc: Charles E. Keen, LLP

EXHIBIT "B"

THIRD
REQUEST

Please respond

P. O. Box 7960
Stockton, California 95267

February 2, 2009

VIA FAX

Unable
to send
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always
busy.

Records Coordinator
California ISO
P.O. Box 639014
Folsom, California 95763-9014

RE: Requests for Records Pursuant to Public Utilities Code § 345.5 (c) (3)

Dear Records Coordinator:

On December 31, 2008, I sent you a letter requesting information. Again on January 19th I sent and faxed you the request. To date I have had no reply.

I believe you have ten (10) days to provide me with the information. Since the time has certainly passed, I request that you respond to said request as soon as possible.

Again, if it is more convenient for you, you may respond to my attorney, Charles E. Keen of Geiger, Coon & Keen LLP, 311 East Main Street, Suite 400, Stockton, California 95202; Telephone: (209) 948-0434.

Sincerely,


Julie Ann Sarale

cc: Charles E. Keen, LLP

EXHIBIT "C"

P. O. Box 7960
Stockton, California 95267

February 19, 2009

Certified Mail - Return Receipt Requested

Corporate Secretary of California Independent Service Operator
for presentment to California Independent Service Operator Corporate Governance Board
in accordance with Information Availability Policy dated October 22, 1998 and California
Public Utilities Code section 345.5 (c)(4)
151 Blue Ravine Road
Folsom, California 95830

RE: Notice of Appeal of Denial of Request for Records pursuant to Section 7, California
Independent Service Operator Corporate Governance Board Information Availability
Policy, October 22, 1998

Gentlepersons:

CAISO's Board of Governors adopted the corporation's Information Availability Policy on October 22, 1998. In enacting California Public Utilities Code section 345.5 (c)(4) the legislature subsequently recognized this policy as consistent with the CPRA and mandated CAISO maintenance of a policy no less consistent with the CPRA than that which was set forth in the policy document of October 22, 1998. CAISO's repeated refusal to respond to my lawful requests for records as described below violates its own policy and statute and necessitates this appeal.

Acting in compliance with Information Availability Policy of October 22, 1998, I submitted a request for records on December 31, 2008. Receiving no response within ten day response deadline specified by your written policy, a follow-up request was made on January 19, 2009. It too was ignored. A second follow-up dated February 2, 2009 was submitted via certified mail on February 3, 2009. This, like earlier requests, was ignored. Copies of the earlier requests are attached. They were sent by confirmed facsimile as well as mailed.

Your policy at section 7 provides for appeal of requests which are "denied," but says nothing about those which are repeatedly ignored. In that the ignoring of repeated requests constitutes *de facto* denial, please consider this an appeal of CAISO refusal to provide the records. I am attempting to pursue all available administrative remedies.

EXHIBIT " D "

Corporate Secretary of California Independent Service Operator
February 19, 2009
Page Two

You have a clear statutory duty to respond and produce in compliance with the Information Availability Policy of October 22, 1998 and the law.

More than sufficient time has elapsed in which CAISO could have objected or requested additional time as is required by its written policy and the law; consistent with the CPRA, CASIO's right to object or further delay has been waived. Please respond to the instant appeal in writing confirming that you will make the requested documents available by March 6, 2009.

Sincerely,

Julie Ann Sarale

Enclosures

cc: Records Coordinator, California ISO
P. O. Box 639014
Folsom, California 95763-9014
and
151 Blue Ravine Road
Folsom, California 95830

Yakout Mansour, CEO
California ISO
151 Blue Ravine Road
Folsom, California 95830

Nancy Saracino, Agent for Service
California ISO
151 Blue Ravine Road
Folsom, California 95830

Charles E. Keen, Esq.
311 E. Main St., Suite 400
Stockton, California 95202

P. O. Box 7960
Stockton, California 95267

December 31, 2008

Records Coordinator
California ISO
P.O. Box 639014
Folsom, California 95762-9014

RE: Requests for Records Pursuant to Public Utilities Code § 345.5 (c) (3)

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Records Coordinator
December 31, 2008
Page 3

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Sincerely,

Julie Ann Sarale

cc: Charles E. Keen, LLP

P. O. Box 7960
Stockton, California 95267

January 19, 2009

Records Coordinator
California ISO
P.O. Box 639014
Folsom, California 95763-9014

RE: Requests for Records Pursuant to Public Utilities Code § 345.5 (c) (3)

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Sincerely,


Julie Ann Sarale

cc: Charles E. Keen, LLP

THIRD
REQUEST

Please respond

P. O. Box 7960
Stockton, California 95267

February 2, 2009

VIA FAX

Unable
to send
this to
your # -
always
busy.

Records Coordinator
California ISO
P.O. Box 639014
Folsom, California 95763-9014

RE: Requests for Records Pursuant to Public Utilities Code § 345.5 (c) (3)

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Sincerely,


Julie Ann Sarale

cc: Charles E. Keen, LLP

PG&E to trim walnut trees after harvest

Article written by PG&E

Earlier this month, representatives from PG&E met with San Joaquin Farm Bureau President Mike Robinson and Executive Director Bruce Blodgett, and Karen Mills of the California Farm Bureau Federation, to discuss the utility's upcoming walnut orchard trims, taking a positive step to improve communication with the growers and grower associations in San Joaquin County.

PG&E will soon begin marking the walnut trees for post-harvest trims. PG&E's director of the Electric Distribution Maintenance and Vegetation Management Department, Lisa Jordan, stated that PG&E wants to be sure growers are adequately notified about this work.

"We intend to explain what we are doing and why we are doing it, and how it will affect the growers' trees," Jordan said. "Growers have voiced their disappointment with previous communication efforts and we have heard them loud and clear."

By way of background, at the beginning of the 20th century, when the first San Joaquin farmers granted transmission line easements to PG&E and most of the lines were installed, San Joaquin County was primarily cultivated with grain or row crops unaffected by the transmission lines.

As years went by, many growers began cultivating their land with walnut

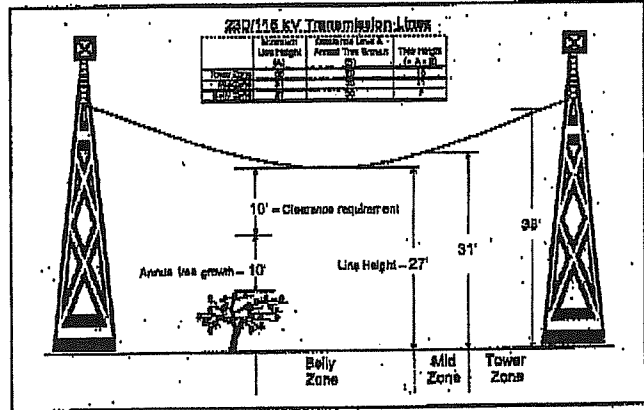
trees, including the land directly under the high voltage electric lines. As the walnut trees continued to grow and mature, serious concerns also grew about clearances between the trees and the electric lines which ensure the safety of the public and orchard workers, and the reliability of the state's electric system.

Stricter enforcement of regulations governing power line clearances has become necessary as the electricity demand in California continues to soar. Just last year, six contacts between walnut trees and high voltage power lines occurred, one of which created a power outage on a 230,000-volt transmission line. Power outages to key transmission lines can and have in the past affected the flow of electricity in the western United States.

"One branch from one tree has the potential to knock out power to the entire western U.S. and we simply cannot allow that to happen," Jordan said.

The California Independent System Operator (CAISO) is responsible for operating the transmission grid in California, and requires all Transmission Owners (such as PG&E) to develop vegetation management procedures to ensure safe and reliable electric service.

PG&E's vegetation management procedures, which have been approved and are enforced by the CAISO, require minimum clearances between vegetation and high voltage power



lines to exist at all times. Other regulations apply to PG&E's vegetation management practices as well.

According to Bob Fratini, PG&E's project manager, growers want to know how the tree work is determined and why so much of the tree must be trimmed in certain locations under the transmission lines. According to Fratini, trims are determined by three criteria: 1) the minimum ground clearance of the electric lines; 2) the necessary vegetation clearance between the line and the tree; and 3) the annual growth of the tree. The following diagram depicts how these criteria are applied.

Using these criteria, PG&E's inspectors have begun marking trees for subsequent, post-harvest trims. "To improve communication with the growers about this work, inspectors will attach white cards to the trees planted underneath transmission lines," commented Fratini. "Each card is about 4 inches square and will show information to help inform the grower about the height of the tree after trimming. It will also be used by the tree trimmers to determine exactly how

high to leave the trees."

As shown in the diagram, trees planted directly under the "belly" of the high voltage line will be trimmed in a manner that is not expected to leave much room for walnut production.

"PG&E understands the concerns growers have with the necessary tree trimming work, especially in the belly zone," Jordan explained. "It is unfortunate the trees' growth and nut production are affected by the need to ensure tree clearances are maintained at all times. There is no easy answer and not much flexibility, so it is important that we keep the lines of communication open and flowing."

In response to the growers' concerns and in an effort to provide a viable option to the future lost nut production from the trims, PG&E has developed an Orchard Tree Removal Incentive Program. "PG&E would prefer to have the trees removed from within the easement," Fratini indicated, "and especially underneath the belly zone." Fratini said the financial incentive will consider orchard land value with the easement encumbrance and the number of trees removed.

Minimum sustained clearance distances in feet (Must be maintained at all times)

	60-kV	70-kV	115-kV	230-kV	500-kV
CPUC General Order 95 - Rule 35	1.5	1.5	1.6	2.6	10
CAISO Transmission Maintenance Agreement	4	4			
North American Electric Reliability Council (NERC)*	n/a	1.5	2.5	5.1	14.7
California OSHA **	10	10	10	10	16
Federal OSHA **	10'4"	10'8"	12'2"	16	25

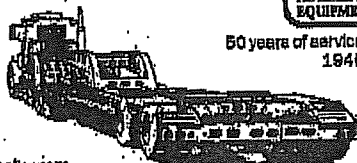
* proposed federal standard expected to be adopted by Jan 2005
 ** minimum approach distances for unqualified electrical workers

Note: California Public Resource Code 4293 has additional clearance requirements in forest and wildland areas throughout California

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EXHIBIT "E"

gan cultivating their land with walnut vegetation and high voltage power

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Vegetation Clearance Regulations

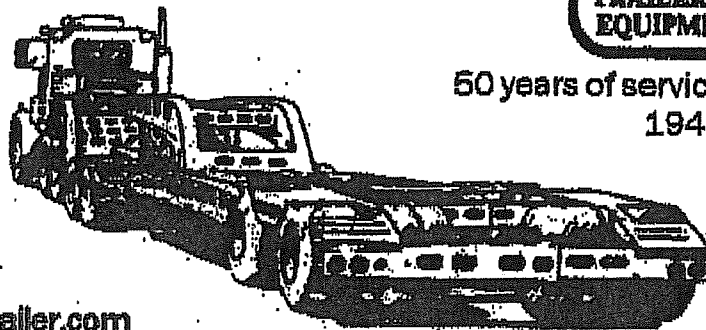
Minimum sustained clearance distances in feet
(Must be maintained at all times)

	60-kV	70-kV	115-kV	230-kV	500-kV
CPUC General Order 95 - Rule 35	1.5	1.5	1.6	2.6	10
CAISO Transmission Maintenance Agreement	4	4	10	10	15
North American Electric Reliability Council (NERC)*	n/a	1.3	2.5	5.1	14.7
California OSHA **	10	10	10	10	16
Federal OSHA **	10'4"	10'8"	12'2"	16	25

* proposed federal standard expected to be adopted by late 2005
** minimum approach distances for unqualified electrical workers

Note: California Public Resource Code 4293 has additional clearance requirements in forest and wildland areas throughout California

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EXHIBIT E-1

County growers upset at PG&E tree removal offer

By William West

Many growers who were shocked at PG&E's tree trimming regimen last year are dismayed over a new PG&E program that pays growers for tree destruction in the easements under their powerful transmission lines. While a few walnut growers have accepted the offer, many find the money offered is worth less than two years' production of the trees in question.

Ken Vogel, who has grown walnuts near Copperopolis Road for 40 years, was offered about \$20,000 on a set of trees that produce about \$12,000 per year.

"Last time I met with those concerned, they felt it wasn't enough money for what they had in the ground," said Kenny Watkins, past SJFB president and newly elected California Farm Bureau second vice president. "But some of the younger guys who have signed up don't have that long-term investment."

Vogel said it doesn't come close to fair compensation. "If they would let us have 15 feet from the lines, we could work. I could make some money and it would be 15 feet from their lines."

In response to last year's outcry over what many growers termed "butchery," PG&E says it is trying to reach out to farmers with information and better lines of communication. They designed the new program, which is called the Orchard Tree Removal Incentive Program, as part of an effort to ease a tough situation. Their mission is to protect the electric grid against growing between a walnut tree and a transmission line, which has the potential to cause massive power outages.

The California Independent System Operator (CAISO) has approved PG&E's vegetation management procedures, which include what many farmers regard as severe to disastrous cuts.

"For years we had a good relationship with PG&E," Vogel said. "They used to prune about 10 feet from the

line, but when they started doing 20 feet, it became a problem. Up until last year, it was OK."

To some growers it seems that PG&E is trying to solve a bad management practice with an inadequate buyout. Still, even Vogel is open to the Orchard Tree Removal Incentive Program if it allowed him to plant smaller trees to replace the walnuts.

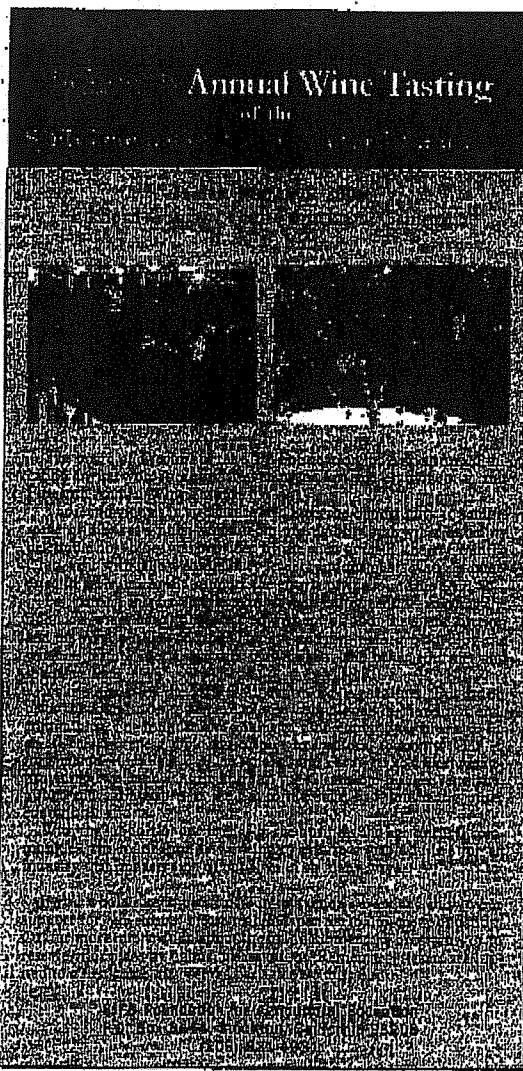
"It is unclear whether PG&E will allow such a deal, such as planting 11- to 12-foot cherry trees," Vogel said. "Part of their incentive program involves us signing a new easement, which we thought included the possibility of planting cherry trees. Now it is up in the air. We asked their program man (PG&E's Bob Fratini), who is a real cordial fellow, but we haven't heard back from him in over a month."

In the meantime, Vogel's trees have been chopped down to seven-foot stumps, even more drastic than last year.

"It seems like there is a lack of knowledge in the PG&E hierarchy in some ways," Vogel said. "They do a major cut like they have, and my fast-growing walnuts will storm back even faster, but not with productive growth. They'll have to cut them back again and again. If they did a moderate trim, like they used to, we would both win."

PG&E says it's highly sympathetic to the plight of the growers, but points out that they have state and federal laws with which they must comply. They also said growers were paid originally for the easements where the trees now grow.

The major disconnect between PG&E and the growers is the drastic difference in what is now the standard for tree cutback versus past years. As Vogel pointed out, up until last year there wasn't a problem. Moderate and correct pruning of the tree crowns allowed for production of walnuts and safety for the electric grid. The Orchard Tree Removal Incentive Program is an attempted resolution of that central disagreement. According to many growers, it is a well-intentioned attempt that falls short of reasonable solution.



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EXHIBIT " F "

California Farm Bureau second vice president. "But some of the younger guys who have signed up don't have that long-term investment."

Vogel said it doesn't come close to fair compensation. "If they would let us have 15-foot setbacks, it would work. I could make some money and it would be 15 feet from their lines."

In response to last year's outcry over what many growers termed "butchery," PG&E says it is trying to reach out to farmers with information and better lines of communication. They designed the new program, which is called the Orchard Tree Removal Incentive Program, as part of an effort to ease a tough situation. Their mission is to protect the electric grid against arcing between a walnut tree and a transmission line, which has the potential to cause massive power outages.

The California Independent System Operator (CAISO) has approved PG&E's vegetation management procedures, which include what many farmers regard as severe to disastrous cuts.

"For years we had a good relationship with PG&E," Vogel said. "They used to prune about 10 feet from the

stumps, even mor

"It seems like knowledge in the some ways,"

major cut like the growing walnuts faster, but no growth. Yet they back again and moderate trim, I would both win

PG&E says it's the plight of the grower that they have stated which they must ease growers were past easements where

The major disconnect and the grower is what is now the situation versus past years.

up until last year the Moderate and crown crowns allowed for and safety for the Orchard Tree Removal

an attempted resolution agreement. According it is a well-intentioned short of reasonable

EXHIBIT F-1

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



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Order Instituting Rulemaking to Revise and Clarify Commission Regulations Relating to the Safety of Electric Utility and Communications Infrastructure Provider Facilities.

R.08-11-005
(Filed November 6, 2008)

U 39 E

COMMENTS OF PACIFIC GAS AND ELECTRIC
COMPANY (U39E) ON THE SCOPE, SCHEDULE, AND
PROCEDURES TO BE USED IN R.08-11-005

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EXHIBIT "G"

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**COMMENTS OF PACIFIC GAS AND ELECTRIC
COMPANY (U39E) ON THE SCOPE, SCHEDULE, AND
PROCEDURES TO BE USED IN R.08-11-005**

I. INTRODUCTION

Pacific Gas and Electric Company (PG&E) will be actively participating in this state-wide Rulemaking, and appreciates the opportunity to comment on the scope of the rulemaking, the schedule, as well as the process for reaching resolution on proposed rule changes. As the recent fires in Southern California demonstrate, there are high fire risk areas within California where electric and communications lines exist to provide service to California residents and businesses. When high winds combine with extremely dry weather and abundant fuel, the potential for a devastating fire escalates. While certainly the CPUC plays an important role in regulating electric and communications utilities to ensure public safety, many factors play into high fire danger, and understanding all of these factors is important to ensure that the Commission's rules and regulations effectively address what is within the utilities' purview.

PG&E shares the Commission's goal of ensuring that utilities provide safe service to customers. PG&E has always considered public safety in its design, construction and maintenance activities around its electric facilities, and welcomes a review of the regulatory requirements that govern these activities.

II. IN ITS ADOPTION OF NEW RULES, IT IS IMPERATIVE THAT THE COMMISSION ENSURE REGULATORY CONSISTENCY AND COST RECOVERY FOR THE UTILITIES

While this rulemaking will look at the CPUC's current rules and evaluate proposals for modifications or additions to the general orders, it is important to include all of the regulatory agencies that oversee utility practices in the area of fire prevention in this rulemaking. For instance, the California Department of Forestry and Fire Protection (CalFire) is the agency that enforces various vegetation management regulations promulgated by the California Board of Forestry (BOF) pursuant to the Public Resources Code. Ensuring that CalFire and the BOF participate in this proceeding will help to establish consistent and hopefully complimentary requirements.

Another important factor to consider in this proceeding is how any new rules or requirements will be implemented, and the environmental as well as financial effects of implementation. Given the size of California and its highly diverse mix of vegetation, climatic conditions, topography, and natural habitat, it is impractical and prohibitively expensive to completely eliminate all fire risks, perceived or actual, associated with utilities. However, it is possible that this rulemaking can achieve substantive improvements that do address actual risk. The CPUC's requirements, as well as other regulatory agencies' requirements, that apply to utilities to address public safety must be clear, effective, achievable, as well as economically and environmentally sound. In addition, in adopting new rules, the Commission should make clear that increases in costs incurred by the utilities to implement these new rules will be recoverable in rates, whether it be through their general rate cases, or through some other rate recovery process.

III. PG&E'S COMMENTS ON SCOPE

The Commission proposes to address six areas within this proceeding, and offers parties an opportunity to suggest other areas for consideration. At this point in the proceeding, PG&E is not proposing to add topics for consideration.

A. In Light of the CAISO's Jurisdiction Over Electric Transmission Inspection and Maintenance Activities, the Commission Should Not Adopt Regulations Over Electric Transmission Facilities

With respect to the six areas in the OIR, the only item PG&E proposes to eliminate is the suggestion that the Commission apply GO 165 or similar maintenance and inspection requirements to electric transmission facilities. In 1998, the legislature adopted Public Utilities Code section 348, which conferred upon the California Independent System Operator (CAISO) the obligation to adopt inspection, maintenance, repair and replacement standards for the transmission facilities under its control.¹ Since then, the CAISO has actively regulated the field of inspection and maintenance of PG&E's electric transmission facilities, including annual audits of PG&E's transmission vegetation management and facility inspection and maintenance programs. In its decision authorizing the conveyance of operational control of designated transmission lines to the CAISO, the Commission acknowledged the CAISO as the appropriate entity to oversee the maintenance and inspection of electric transmission facilities.²

B. Proposed Rule Changes Must be Effective by Demonstrating How They Will Mitigate or Prevent Public Hazards From Occurring, and Include a Benefit/Cost Analysis to Support the Adoption of the Rule Change

The remaining areas included in the OIR are all appropriate for exploration in the context of ensuring adequate regulations to address public safety. In order to ensure that the Commission adopts effective and reasonable rules, problems must be clearly defined and corresponding proposals should be supported with documentation and analysis that demonstrate

¹ P.U.C. section 348 states: The Independent System Operator shall adopt inspection, maintenance, repair, and replacement standards for the transmission facilities under its control no later than September 30, 1997. The standards, which shall be performance or prescriptive standards, or both, as appropriate, for each substantial type of transmission equipment or facility, shall provide for high quality, safe, and reliable service. In adopting its standards, the Independent System Operator shall consider: cost, local geography and weather, applicable codes, national electric industry practices, sound engineering judgment, and experience. The Independent System Operator shall also adopt standards for reliability, and safety during periods of emergency and disaster. The Independent System Operator shall report to the Oversight Board, at such times as the Oversight Board may specify, on the development and implementation of the standards in relation to facilities under the operational control of the Independent System Operator. The Independent System Operator shall require each transmission facility owner or operator to report annually on its compliance with the standards. That report shall be made available to the public.

² 78 CPUC2d 307, 312 (1998).



California ISO
Your Link to Power

California Independent System Operator Corporation

Laura J. Manz
Vice President, Market & Infrastructure Development

November 6, 2008

All Californians:

In 1996, the California Legislature passed a law that requires the CAISO to adopt standards for the maintenance of transmission facilities to provide for reliable electric service. As part of adopting these standards, the CAISO has adopted the specific transmission maintenance practices of transmission owners Pacific Gas & Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Western Area Power Administration, Sierra Nevada Region. These transmission owners are required to comply with the CAISO adopted maintenance practices. The transmission owners are also subject to mandatory North American Electric Reliability Corporation Reliability Standards approved by the Federal Energy Regulatory Commission.

To ensure reliable service in California, it is important that transmission owners adhere to these standards and practices. This requires cooperation from affected landowners and governmental agencies to ensure that the transmission owners have access to the transmission facilities and nearby area to trim or remove vegetation, or perform other maintenance. CAISO requests all landowners and agencies to cooperate in allowing the performance of these maintenance standards and practices for the benefit of the CAISO transmission system and the entire State of California.

If you have any questions please feel free to contact our current Grid Assets Manager through our website location: <http://www.caiso.com/contact.html>

Sincerely,

Laura Manz
Vice President Market & Infrastructure Development

EXHIBIT "H"