



RULE 28

PROVISION OF UTILITY RIGHT-OF-WAY INFORMATION

A. Process for Provision of Real Property Information

1. Purpose: This portion of the rule addresses the process for third parties to obtain information about SDG&E land rights and related information concerning real property on a nondiscriminatory basis. This information could include publicly recorded information and SDG&E proprietary and non-proprietary information.
2. Types of Information Addressed: This rule pertains to information pertaining to SDG&E transmission rights-of-way ("ROW") and fee-owned property, and includes recorded information like grant deeds, easements, records of survey, and assessor records; information not recorded and not deemed confidential in nature like licenses, certain route surveys, engineering drawings, topographical maps, and structure data; and information not recorded but deemed either proprietary, security sensitive, or otherwise confidential like facilities maps and alignment maps. This tariff does not apply to information addressed in, or required by, D.98-10-058.
3. Point of Contact: Requests for the foregoing information should be in writing and directed to the following:

San Diego Gas & Electric Company
Land Management
c/o Sempra Energy
Land Management Manager
8316 Century Park Court
San Diego, CA 92123-1582

4. Contents of Request for Information: A written request for information needs to contain the following:
 - a. Name, address, and daytime phone number of requestor.
 - b. Specific document or type of information being requested i.e., the legal description of the subject real property, APN or street address sufficient to identify the property, easement document, type of engineering drawings, drawing type, survey or map type.
 - c. The date by which information is needed (although allow sufficient time to be consistent with Section A. 6., below).
 - d. An inadequate request for information will be returned without action, with an explanation as to why it was not acted upon.
5. The Criteria Used to Process the Request for Information.
 - a. Only one request per week per requestor will be processed under this tariff.

(Continued)



RULE 28

PROVISION OF UTILITY RIGHT-OF-WAY INFORMATION

A. Process for Provision of Real Property Information (Continued)

5. The Criteria Used to Process the Request for Information (Continued)

- b. The information requested must be reasonably accessible from SDG&E's files. It will also be reviewed to determine whether it is publicly available information; whether it requests any sensitive or confidential information related to things such as system security, safety, pending legal action, or specific confidential customer information, and whether it contains any SDG&E proprietary information relative to existing contract or acquisition negotiations or other such highly confidential information or documentation.
- c. If the requested information or documentation is publicly available, then no nondisclosure agreement will be required. If the information or documentation is sensitive or confidential but release will not prejudice SDG&E's legal or property rights, then SDG&E, at its sole discretion, may require the requesting party to execute a nondisclosure agreement pertaining to the sensitive or confidential information as a condition precedent to releasing it to the requesting party. If the information pertains to sensitive contract negotiations or SDG&E competitive proprietary information then SDG&E, at its discretion, can refuse to release such information or release it under adequate protective arrangements of its choosing. Confidential customer information will not be released without the customer's prior written approval.
- d. NO WARRANTIES will apply as to any of the information provided. SDG&E makes no warranty, representation or guaranty (1) that it has identified all maps, surveys, or other requested documentation which is in its possession, (2) as to the completeness or accuracy of any information provided, or (3) that the information or the property which is the subject of the information is suitable for the use intended. SDG&E will not be liable for any damages due to delays in getting the information, but SDG&E will make reasonable efforts to meet required time frames. All information, maps, or data will be stamped with appropriate language reflecting this disclaimer.

6. The Timing and Costs Charged to Satisfy the Request for Information.

- a. When the request is received, SDG&E will provide an estimate of time and cost required to respond to the request for information. Those estimates will not be binding on SDG&E.
- b. Normally requests for information pertaining to public records will require 10 days for processing. In certain cases, public records or other information may take longer depending upon numerous factors including the age of the information or documentation and the quantity of information or documentation requested. SDG&E may elect to hire a contractor, at requesting party's expense and upon requesting party's concurrence, to perform extensive or otherwise time-consuming searches. Except under unusual circumstances, SDG&E will fully respond within 30 days from receipt of a fully completed written Request for Information (see Section A.4., above).

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2C1
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RULE 28

PROVISION OF UTILITY RIGHT-OF-WAY INFORMATION

A. Process for Provision of Real Property Information (Continued)

6. The Timing and Costs Charged to Satisfy the Request for Information (Continued)

c. Upon receipt of the information requested, the requesting party shall pay to SDG&E the fully loaded labor costs and materials costs incurred by SDG&E for each employee used to gather and produce the information. The fully loaded labor costs shall be billed in quarter-hour segments for each SDG&E employee used to gather and/or produce the information. Materials will be billed at SDG&E's costs. Costs of outside contractors will be reimbursed in full (actual cost).

7. Notification Process: As directed by the requesting party, the completed package of information will either be delivered in person at SDG&E's offices or by mail directly to the requesting party. The requesting party shall pay SDG&E's actual costs incurred for such delivery.

B. Conflict Check and Compatibility Confirmation Process

1. Purpose: This portion of the rule describes SDG&E's conflict check process ("Conflict Check") which SDG&E follows when third parties voluntarily request information on SDG&E facilities and property rights in delineated portions of real property. SDG&E will continue to locate and mark its facilities as required by Government Code Sections 4216 et seq., and third parties will be required to comply with those provisions as well. This conflict check service is being offered by SDG&E to accommodate third parties' requests for information additional to that provided by the underground service alert provisions. It is not required that third parties' use this service, and it is not a substitute for compliance with the underground service alert provisions in the Government Code.

2. Types of Situations Addressed: This process shall be followed by SDG&E whenever a third party voluntarily requests information from SDG&E about SDG&E real property interests and/or SDG&E present or future facility installations in delineated areas of real property in which the third party also has real property interests and/or intends to install facilities or improvements. The purpose of this Conflict Check process is to provide information to the requesting party as to potential conflicts between its intended use or uses and SDG&E present or future uses. The Conflict Check transfers no interest or property right. It is for informational uses only. This Conflict Check process does not apply to proposed attachments to electric distribution and transmission poles, which are addressed by D.98-10-058.

3. Point of Contact: Third party requests for Conflict Checks should be in writing and directed to:

San Diego Gas & Electric Company
Land Management
c/o Sempra Energy
Land Management Manager
8316 Century Park Court
San Diego, CA 92123-1582

(Continued)



RULE 28

PROVISION OF UTILITY RIGHT-OF-WAY INFORMATION

B. Conflict Check and Compatibility Confirmation Process (Continued)

4. Contents of Requests for Conflict Check: The written request for Conflict Check needs to contain the following:

- a. Name, address, and daytime phone number of requestor.
- b. Real property legal description identifying specific real property affected and, if so desired by requesting party in order for SDG&E to confirm the existence, or lack thereof, of present or future conflicts, drawings showing the location, depth and size of requesting party's future facilities, uses, and/or improvements, as well as access to and from, cuts, fills, and other potential impacts, in as much detail as possible.
- c. If available, information that addresses how the future uses, facilities, or improvements will be built (i.e. method of construction), used, operated, and maintained including type of equipment or vehicles needed to build and maintain them. All access roads should be described in detail. All necessary environmental mitigation required to construct and maintain the future uses, facilities, and/or improvements should be described in detail.
- d. The date by which the Conflict Check is needed. NOTE: SDG&E will make reasonable efforts to meet requestor's schedule once all the above information is supplied in full, but does not warranty or guarantee timeliness and will not be liable for any damages if unable to meet requestor's schedule.
- e. Inadequate Requests for Conflict Check will be returned without action, with an explanation as to why the Conflict Check was not performed.

5. The Criteria Used to Process the Request for Conflict Check

- a. SDG&E provides this service as a convenience to third parties who desire input on SDG&E uses of its land rights which might be in conflict with the requesting party's improvements. SDG&E will use its best efforts to determine if a present or future conflict exists or will exist. However, NO WARRANTIES, REPRESENTATIONS, OR GUARANTEES will be provided as to any of the information or the completeness or accuracy of the information. All information provided will be stamped with appropriate disclaimers.
- b. This tariff does not address how conflicts determined through this Conflict Check process will be resolved. Such resolution will be accomplished, if at all, through individual negotiations between SDG&E and requesting party. However, one methodology for such is resolution may be entering into SDG&E's "Consent Agreement" (Form 142-01959).
- c. In performing its Conflict Check service, SDG&E's interest will be to maintain its present and future facilities and assets in a safe and reliable manner consistent with its public utility obligations.

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4C1
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B. Conflict Check and Compatibility Confirmation Process (Continued)

6. Notification Process and Related Information

- a. Within a reasonable time after SDG&E has received a completed Request for Conflict Check, SDG&E will notify the requesting party as to conflicts which it believes might exist now or in the future in a reasonable amount of detail.
- b. SDG&E's notification will be sent by U.S. Mail, or if requested by requesting party by courier (at requesting party's expense). Or, the notification may be made available for pick-up at SDG&E.

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