

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA. 94102-3298



November 22, 2021

Wade Smith
Senior Vice President, Electric Operations
Pacific Gas and Electric Company
77 Beale Street
San Francisco, CA 94105
Wade.Smith2@pge.com

Mr. Smith

Pacific Gas and Electric Company (PG&E) is hereby cited \$5,000,000 for violations of Public Utilities Code (PU Code), Section (§) 451, and General Order (GO) 95, Rules 18, 31.1, and 31.2, related to inadequate inspections of the Ignacio-Alto Sausalito transmission lines from 2008 through 2019 and for failure to correct 22 high priority deficiencies within the time allowed. The attached Citation, #D.16-09-055 E.21-11-001 is issued today pursuant to Decision 16-09-055. Please find attached the citation and its enclosures.

Please contact me if you have any questions.

Sincerely,

Digitally signed by Leslie Palmer
Date: 2021.11.21 13:56:38 -08'00'

Leslie Palmer,
Director
Safety and Enforcement Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

cc (electronically):

Meredith Allen – Senior Director, Regulatory Relations, Pacific Gas and Electric Company at MEAe@pge.com

Nika Kjensli – Program Manager, Safety and Enforcement Division, California Public Utilities Commission at nika.kjensli@cpuc.ca.gov



Public Utilities Commission

STATE OF CALIFORNIA

Citation Date: November 22, 2021

Citation #: D.16-09-055 E.21-11-001

Utility/Operator ID#: U 39 E

CITATION

ISSUED PURSUANT TO DECISION 16-09-055

Electrical Corporation (Utility) To Which Citation is Issued:

Pacific Gas and Electric Company (U 39 E)

OFFICERS OF THE RESPONDENT

Wade Smith
Senior Vice President, Electric Operations
Pacific Gas and Electric Company
77 Beale Street
San Francisco, CA 94105
Wade.Smith2@pge.com

CITATION

Pacific Gas and Electric Company (PG&E or Utility) is cited for 22 violations, resulting in a financial penalty of \$5 million. On May 31, 2019, the Safety and Enforcement Division (SED) started to investigate PG&E's Sausalito Emergency Project under Incident Number E20190531-02 and identified the violations. PG&E failed to thoroughly inspect the Ignacio-Alto-Sausalito transmission lines (IAS Lines) from 2008 through 2019. Had PG&E's inspections of these lines been complete, it would have identified the Priority Code A deficiencies and noted that the IAS Lines were not in good condition. After identifying the 22 high priority deficiencies, PG&E failed to correct them within the time allowed.

VIOLATIONS

PG&E is cited for violating Public Utilities Code (PU Code), Section (§) 451 relating to violations of General Order (GO) 95, Rule 18.B.(1)(a)(i),¹ 31.1, and 31.2.

In March 2019, PG&E started to inspect the Ignacio-Alto-Sausalito transmission lines (IAS Lines) as part of its Wildfire Safety Inspection Program (WSIP). As a result of PG&E's follow up inspections, PG&E found 22 high priority findings that it defined as Priority A deficiencies. These deficiencies are equivalent to the Level 1 violations as described in GO 95, Rule 18.B.(1)(a)(i), which requires PG&E to correct any Level 1 deficiencies immediately.² These

¹ General Order 95, January 2020 version:

<https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M338/K730/338730245.pdf>

² Table 5 of PG&E's *Electric Transmission Preventive Maintenance Manual, TD1001M, November 20th, 2018, Revision 04*, specifies that for Priority A deficiencies, "The condition is urgent, and requires immediate response and continued



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deficiencies risked the safety and reliability of PG&E's transmission facilities and jeopardized the safe and reliable delivery of electric power to the City of Sausalito.

Violation 1

General Order (GO) 95, Rule 31.2, Inspection of Lines states:

"Lines shall be inspected frequently and thoroughly for the purpose of insuring that they are in good condition so as to conform with these rules. Lines temporarily out of service shall be inspected and maintained in such condition as not to create a hazard."

PG&E failed to thoroughly and properly inspect the IAS Lines from 2009 through 2018. Had PG&E inspected the IAS Lines thoroughly during this time, it would have identified the Priority Code A deficiencies and noted that the IAS Lines were not in good condition. When PG&E did inspect the IAS Lines as part of its 2019 WSIP inspections, it found a total of 22 high priority safety hazards that should have been identified during the patrols and detailed inspections conducted prior to 2019. Because PG&E failed to ensure that the IAS Lines were in good condition through its inspections, it is in violation of GO 95, Rule 31.2.

Violation 2

General Order (GO) 95, Rule 31.1, Design, Construction and Maintenance states in part:

"Electrical supply and communication systems shall be designed, constructed, and maintained for their intended use, regard being given to the conditions under which they are to be operated, to enable the furnishing of safe, proper, and adequate service."

For all particulars not specified in these rules, design, construction, and maintenance should be done in accordance with accepted good practice for the given local conditions known at the time by those responsible for the design, construction, or maintenance of communication or supply lines and equipment."

Because the 22 Priority Code A deficiencies that were not corrected within the allottable time, these deficiencies significantly risked the safe and reliable delivery of electric power to the City of Sausalito and did not ensure that PG&E furnished safe, proper, and adequate service to the City of Sausalito. Therefore, PG&E is in violation of GO 95, Rule 31.1.

Violation 3

General Order (GO) 95, Rule 18.B.(1)³ Reporting and Resolution of Safety Hazards Discovered by Utilities states in part:

action until the condition is repaired or no longer presents a potential hazard. SAP due date will be 30 days to allow time for post-construction processes and notification close-out."

³ General Order 95, January 2020 version:

<https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M338/K730/338730245.pdf>



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(a) *The maximum time periods for corrective actions associated with potential violation of GO 95 or a Safety Hazard are based on the following priority levels:*

(i) *Level 1 -- An immediate risk of high potential impact to safety or reliability:*

- *Take corrective action immediately, either by fully repairing or by temporarily repairing and reclassifying to a lower priority.”*

The 22 Priority A deficiencies are equivalent to Level 1 violations of GO 95, Rule 18.B.(1)(a)(i), which need to be corrected immediately. Once PG&E identified the 22 deficiencies as Priority Code A deficiencies, the corrective actions it implemented failed to resolve these deficiencies within 30 days as defined in its Electric Transmission Prevention Maintenance Manual (ETPM)⁴ and as required in GO 95, Rule 18.B.(1)(a)(i). Therefore, PG&E is in violation of GO 95, Rule 18.B.(1)(a)(i).

Violation 4

Public Utilities Code (PU Code), Section (§) 451 states in part:

“Every public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities, as defined in Section 54.1 of the Civil Code, as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.”

PG&E is in violation of Public Utilities Code (PU Code), Section (§) 451 because 1) prior to the 2019 WSIP inspection, PG&E failed to ensure that the IAS Lines were in good condition through its routine patrols and inspections, and 2) after PG&E found the 22 Priority A deficiencies along the IAS Lines, PG&E failed to correct the Priority A deficiencies in a timely manner and in accordance with its own ETPM. As a result, PG&E failed to maintain adequate, efficient, just, and reasonable service, equipment, and facilities that are necessary to promote the safety, health, comfort, and convenience of its customers in the City of Sausalito using the electric power delivery services of the IAS Lines, its employees working around the IAS Lines, and the public accessing recreational areas along the corridor of the IAS Lines, including the Golden Gate National Recreation Area (GGNRA).

ENCLOSURES

The following enclosures were used to establish the findings of fact:

Enclosure 1 – SED’s Incident Investigation Report, dated April 23, 2021

Enclosure 2 – SED’s Notice of Violation (NOV), dated April 23, 2021

Enclosure 3 – PG&E’s Response to SED’s NOV, dated May 21, 2021

STATEMENT OF FACTS

The above violations are documented in the attached *Enclosure 1 – SED Incident Investigation Report* which is based on the following: SED’s field observations; SED’s interviews with witnesses of PG&E personnel, and SED’s review of PG&E’s records and responses to SED’s data requests.

⁴ PG&E ETPM Manual, November 20, 2018, Revision 04, page 19 of 94, Table 5.



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SED CITATION ANALYSIS

Element	Staff Finding
Number of violation(s) and duration of violation(s)	<p>One violation of PU Code 451 for a total of 6,819 days. This includes:</p> <p>22 violations of GO 95, Rule 31.1 and 31.2 for the number of days in the range of 237—258 days, during which PG&E failed to thoroughly and adequately inspect the IAS Lines and failed to furnish safe, proper and adequate service to the City of Sausalito. These violations are equivalent to one violation of PU Code 451 for 5,430 days. This includes violations of GO 95, Rule 18.B.(1)(a)(i) for number of days in the range of 1—285 days, that PG&E failed to correct the Priority A deficiencies within 30 days. These violations are equivalent to one violation of PU Code 451 for 1,389 days.</p>
Severity or gravity of the offense	<p>The 22 high priority deficiencies risked PG&E’s transmission facilities, compromised the safety and reliability of electric power supply to customers in the City of Sausalito, and posed a risk to the public.</p>



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Element	Staff Finding
Conduct of the utility	<p>Public Utilities Code 451 states in part:</p> <p><i>“Every public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities, as defined in Section 54.1 of the Civil Code, as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public”</i></p> <p>PG&E failed to thoroughly and adequately inspect the IAS Lines from 2009 through 2018. Had PG&E inspected the IAS Lines thoroughly and adequately between 2009 and 2018, it would have identified the 22 Priority Code A deficiencies and noted that the IAS Lines were not in good condition. PG&E failed to ensure that the IAS Lines were in good condition through its lack of frequent and thorough inspections. Therefore, PG&E is in violation of GO 95, Rule 31.2.</p> <p>PG&E failed to correct 22 Priority Code A deficiencies in accordance with Table 5 of its Electric Transmission Preventive Maintenance Manual which requires Priority Code A deficiencies to be corrected immediately (within 30 days). The 22 Priority Code A deficiencies that were not corrected within the allotted time significantly risked the safe and reliable delivery of electric power to the City of Sausalito and did not ensure that PG&E furnished safe, proper, and adequate service to the City of Sausalito. Therefore, PG&E is in violation of GO 95, Rule 31.1.</p> <p>The 22 Priority Code A deficiencies posed an immediate risk to the safety of PG&E’s transmission facilities and to the electric power supply for the City of Sausalito. To correct the 22 Priority Code A deficiencies identified, PG&E initiated the Sausalito Emergency Project (SEP) and divided the 21 towers into two groups. For the Group 1 towers, PG&E decided to replace these towers with two temporary shoo-flies. PG&E did not complete these corrective actions on the Group 1 towers until September 2019. For the Group 2 towers, PG&E began correcting the 13 Priority Code A deficiencies in June 2019 but did not finalize its completion of all corrections until April 14, 2020.</p>



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Element	Staff Finding
	<p>Once PG&E identified the deficiencies as Priority Code A deficiencies which are equivalent to Level 1 violations of GO 95, Rule 18 B.(1)(a) (i), the corrective actions it implemented for both Group 1 and Group 2 towers failed to resolve these deficiencies immediately and in accordance with its Electric Transmission Preventive Maintenance Manual. Therefore, PG&E is in violation of GO 95, Rule 18.B.(1)(a)(i).</p> <p>In summary, PG&E failed to maintain adequate, efficient, just and reasonable service, equipment, and facilities that are necessary to promote the safety, health, comfort, and convenience of its customers in the City of Sausalito using the electric power delivery services of the IAS Lines, its employees working around the IAS Lines, and the public accessing recreational areas along the corridor of the IAS Lines, including the GGNRA.</p>



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Element	Staff Finding
Prior history of similar violation(s)	<p>SED's incident investigations have found PG&E in violation of policies and laws similar to PU Code § 451 no fewer than five times since May 2019. Examples include:</p> <ul style="list-style-type: none">• E20170415-01: On April 15, 2017, one of the Action Tree employees, was fatally injured while removing one of the hazard trees. PG&E violated California Public Utility Code 451 and GO 95, Rule 31.1 because PG&E failed to evaluate and verify qualifications and safety records of Action Tree. <p>SED's incident investigations GO 95, Rule 31.1 no fewer than four times since August 2020. Examples include:</p> <ul style="list-style-type: none">• E20190528-01: On May 27, 2019, on Walnut Street, Chico, Butte County, a pole failed that interrupted electric power supply to 2,253 customers. PG&E violated GO 95, Rule 31.1 because PG&E failed to correct the Priority A deficiency immediately.• E20200511-01: On May 11, 2020, on Carlyn Court, Sunnyvale, Santa Clara County, a structure fire occurred. PG&E violated GO 95, Rule 31.1 and Rule 35 because PG&E failed to properly inspect the incident tree and the incident service drop during its routine inspections.• E20200922-01: On August 14, 2020, on Bloomfield Avenue, Gilroy, Santa Clara County, a transformer caught fire and damaged customer facilities. PG&E violated GO 95, Rule 31.1 because PG&E failed to maintain the transformer to ensure that it was operated within rated capacity or to replace it with a higher capacity one.• E20200815-01: On August 15, 2020, at the Interstate 280 and Lawrence Expressway, San Jose, Santa Clara County. A dead or dying tree fell onto a nearby pole and its guy wire, caught a grass fire and interrupted electric power supply to 4,535 customers. PG&E violated GO 95, Rule 31.1 and Rule 35 because PG&E failed to identify and remove the tree that caused this incident.



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Element	Staff Finding
Self-reporting of the violation	PG&E self-reported this emergency. After PG&E self-reported this emergency, SED followed up with PG&E for the progress of the Sausalito Emergency Project.
Financial resources of the utility	PG&E provides natural gas and electric service to approximately 16 million people. PG&E's operating revenue in 2020 was \$18,469 million.
The totality of the circumstances	<p>Aggravating factors include:</p> <ul style="list-style-type: none">• Risks of safety and reliability for customers in the City of Sausalito;• PG&E's lack of thorough inspection to its transmission facilities on the IAS Lines; and• PG&E's lack of timeliness in correcting the identified emergency deficiencies. <p>Mitigating factors include:</p> <ul style="list-style-type: none">• PG&E's general cooperation with SED for the duration of the investigation; and• PG&E's possession of adequate and sufficient financial resources to pay the penalties.
The role of precedent	N/A
Resultant Citation Taking All of These Factors Into Account	\$5 million consistent with the administrative limit on citations adopted in Decision 16-09-055.



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RESPONSE

Respondent is called upon to provide a response to this Citation by: **5:00 PM on December 22, 2021**. By way of such response, Respondent, **within 30 calendar days**, must either pay the amount of the penalty set forth in this citation¹, or appeal² the citation. In addition, the Respondent must do one of the following:

- (1) For violations constituting immediate safety hazards: Respondent must immediately correct the immediate safety hazards.
- (2) For violations that do not constitute immediate safety hazards: Violations that do not constitute immediate safety hazards must be corrected within 30 days after the citation is served. If said violations that do not constitute immediate safety hazards cannot be corrected within 30 days, then the Respondent must submit a detailed Compliance Plan to the Director of SED within 30 days after the citation issues, unless the utility and the Director of SED, before the expiration of the 30-day period, agree in writing to another date, reflecting the soonest that the Respondent can correct the violations. The Compliance Plan must provide a detailed description of when the violation will be corrected, the methodology to be utilized, and a statement supported by a declaration from the Respondent's Chief Executive Officer or appropriate designee (CEO Declaration) stating that in the Respondent's best judgment, the time that will be taken to correct the violation will not affect the safety or integrity of the operating system or endanger public safety.

Note: Respondent will forfeit the right to appeal the citation by failing to do one of the options outlined above within 30 days. Payment of a citation or filing a Notice of Appeal does not excuse the Respondent from curing the violation. The amount of the penalty may continue to accrue until a Notice of Appeal is filed. Penalties are stayed during the appeal process. A late payment will be subject to a penalty of 10% per year, compounded daily and to be assessed beginning the calendar day following the payment-due date. The Commission may take additional action to recover any unpaid fine and ensure compliance with applicable statutes and Commission orders.

¹ For fines paid pursuant to Pub. Util. Code §2107 and D.16-09-055 Respondent shall submit a certified check payable to California Public Utilities Commission using the attached Citation Payment Form. Upon payment, the fine will be deposited in the State Treasury to the credit of the General Fund and this citation will become final.

² Respondent may Appeal this citation by completing and submitting a Notice of Appeal Form. Please see the attached document, "Directions For Submitting An Appeal To A Citation Issued Pursuant to Decision 16-09-055" for information on the appeals process and the attached "Notice of Appeal Of Citation Form."



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STATE OF CALIFORNIA

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NOTIFICATION TO LOCAL AUTHORITIES

As soon as is reasonable and necessary, and no later than 10 calendar days after service of the citation is effected, Respondent must provide a notification to the Chief Administrative Officer or similar authority in the city and county where the violation occurred. Within 10 days of providing such notification, Respondent must serve an affidavit to the Director of SED, at the mail or e-mail address noted below, attesting that the local authorities have been notified; the date(s) for when notification was provided; and the name(s) and contact information for each local authority so notified.

The CPUC expects the Utility to take actions, as soon as feasible, to correct, mitigate, or otherwise make safe all violations noted on the Citation regardless of the Utility's intentions to accept or appeal the violation(s) noted in the Citation.

Digitally signed by Leslie Palmer
Date: 2021.11.21 13:54:59 -08'00'

Leslie Palmer
Director
Safety and Enforcement Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
Leslie.Palmer@cpuc.ca.gov



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STATE OF CALIFORNIA

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CITATION PAYMENT FORM

I (we) _____ hereby agree to comply with this citation dated _____, and have corrected/mitigated the violation(s) noted in the citation on _____ and no later than _____, _____ all work to make permanent corrections to any mitigated, or otherwise remaining concerns related to the violation(s) will be completed as noted in the Compliance Plan we have submitted to the Director of SED and, herewith, pay a fine in the amount of \$ _____ as included in the citation.

Signature of Electrical Corporation’s Treasurer, Chief Financial Officer, or President/Chief Executive Officer, or delegated Officer thereof

(Signature) (Date)

(Printed Name and Title)

Payment must be made via certified check or wire transfer, payable to the **California Public Utilities Commission**. For payment made via check, please send to the address below. Please include the citation number on the memorandum line of the check or money transfer to ensure your payment is properly applied.

California Public Utilities Commission
Attn: Fiscal Office
505 Van Ness Avenue
San Francisco, CA 94102-3298

NOTE

A copy of the completed Citation Payment Form must be sent to the Director of the Safety and Enforcement Division, via email or regular mail, to the address provided on the Citation.



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**DIRECTIONS FOR SUBMITTING AN APPEAL TO A CITATION
ISSUED PURSUANT TO DECISION 16-09-055**

Within 30 calendar days of the Respondent being served with a **CITATION ISSUED PURSUANT TO DECISION 16-09-055**, Respondent may appeal the citation. Beyond 30 calendar days of being served with the citation, Respondent is in default and, as a result, is considered as having forfeited rights to appeal the citation. The Respondent must still correct the violation(s) as instructed in the Response section of this citation.

To appeal the citation, Appellant must file a Notice of Appeal (including a completed title page complying with Rule 1.6 of the Commission's Rules of Practice and Procedure, and attached Notice of Appeal Form) along with copies of any materials the Appellant wants to provide in support of its appeal with the Commission's Docket Office **and** must serve the Notice of Appeal, at a minimum, on

- 1) The Chief Administrative Law Judge (with an electronic copy to: ALJ_Div_Appeals_Coordinator@cpuc.ca.gov),
- 2) The Director of the Safety and Enforcement Division
- 3) The Executive Director
- 4) General Counsel
- 5) The Director of the Office of Ratepayer Advocates

at the address listed below within 30 calendar days of the date on which the Appellant is served the Citation. The Appellant must file a proof of service to this effect at the same time the Appellant files the Notice of Appeal. The Notice of Appeal must at a minimum state: (a) the date of the citation that is appealed; and (b) the rationale for the appeal with specificity on all grounds for the appeal of the citation.

California Public Utilities Commission
505 Van Ness Ave.
San Francisco, CA 94102
Attn: <Insert Title>

NOTE

Submission of a *Notice of Appeal Form* in no way diminishes Appellant's responsibility for correcting the violation described in the citation, or otherwise ensuring the safety of facilities or conditions that underlie the violations noted in the Citation.

Ex Parte Communications as defined by Rule 8.1(c) of the Commission's Rules of Practice and Procedure, are prohibited from the date the citation is issued through the date a final order is issued on the citation appeal.



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After receipt of the Appellant's *Notice of Appeal Form*, a hearing will be convened before an Administrative Law Judge. At least ten days before the date of the hearing, the Appellant will be notified and provided with the location, date, and time for the hearing. At the hearing,

- (a) Appellant may be represented by an attorney or other representative, but any such representation shall be at the sole expense of the Appellant;
- (b) Appellant may request a transcript of the hearing, but must pay for the cost of the transcript in accordance with the Commission's usual procedures;
- (c) Appellant is entitled to the services of an interpreter at the Commission's expense upon written request to the Chief Administrative Law Judge not less than five business days prior to the date of the hearing;
- (d) Appellant is entitled to a copy of or electronic reference to "Resolution ALJ-299 Establishing Pilot Program Citation Appeal and General Order I56 Appellate Rules (Citation Appellate Rules)"; and
- (e) Appellant may bring documents to offer in evidence (Rule 13.6 (Evidence) of the Commission's Rules of Practice and Procedure applies) and/or call witnesses to testify on Appellant's behalf. At the Commission's discretion, the hearing in regard to the Appellant's appeal can be held in a CPUC hearing room at either of the following locations:

San Francisco:
505 Van Ness Avenue
San Francisco, CA 94102

Los Angeles:
320 West 4th Street, Suite 500
Los Angeles, CA 90013

The hearing(s) held in regard to the Appellant's appeal will be adjudicated in conformance with all applicable Public Utilities Code requirements.



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Notice of Appeal Form

Appeal from Citation issued by Safety and Enforcement Division
(Pursuant to Decision 16-09-055)

Appellant:

[Name]

[Title]

[Utility Name]

[Mailing Address]

[City, CA Zip Code]

Citation Date: _____
Citation #: D.16-09-055 ____-____-____
Utility/Operator ID#: _____
Appeal Date: _____

“Appeal of _____ from _____ issued by Safety
 [Utility/Operator Name] [Citation Number]
and Enforcement Division”

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



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Enclosures to Accompany Utility Appeal

Utility to add list of Enclosures as appropriate: