

PUBLIC UTILITIES COMMISSION

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



November 15, 2022

Greg Ferree
Vice President
Distribution Business Line
Southern California Edison
3 Innovation Way
Pomona, CA 91768

Tara S Kaushik
Managing Director,
Regulatory Relations
Southern California Edison Company
601 Van Ness Avenue, Suite 2030
San Francisco, CA 94102

Mr. Ferree and Ms. Kaushik:

Southern California Edison (SCE) is hereby cited \$1,020,000 (One million, twenty thousand dollars) for violation of General Order (GO) 95, Rule 31.1, related to a fire, the Easy Fire, which occurred on October 30, 2019. Through its investigation, the Safety and Enforcement Division (SED) found that SCE violated General Order (GO) 95, Rule 31.1, for failing to install and maintain its 66 kV conductor and insulator adequately and safely. The attached Citation # D.16-09-055 E.22-11-001 is issued today pursuant to Decision 16-09-055. Please find attached the citation and its enclosures.

If confidential information exists within any enclosures to the citation, please send SCE's proposed redactions, including your justification for each proposed redaction, by 5:00 p.m. on November 22, 2022, to Fadi Daye, Electric Safety and Reliability Branch, at fadi.daye@cpuc.ca.gov.

Please contact me if you have any questions.

Sincerely,

Leslie L
Palmer

Digitally signed by
Leslie L Palmer
Date: 2022.11.15
06:17:19 -08'00'

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



Public Utilities Commission
STATE OF CALIFORNIA

Citation Date: November 15, 2022
Citation #: D.16-09-055 E.22-11-001
Utility/Operator ID#: U338E

CITATION
ISSUED PURSUANT TO DECISION 16-09-055

Electrical Corporation (Utility) To Which Citation is Issued:

Southern California Edison (U338E)

OFFICERS OF THE RESPONDENT

Greg Ferree
Vice President
Distribution Business Line
Southern California Edison
3 Innovation Way
Pomona, CA 91768

Tara S Kaushik
Managing Director,
Regulatory Relations
Southern California Edison
601 Van Ness Avenue, Suite 2030
San Francisco, CA 94102

CITATION

Southern California Edison Company (SCE or Utility) is cited for one violation that lasted 170 days, resulting in a financial penalty of \$1,020,000 (One million, twenty thousand dollars) . The Safety and Enforcement Division (SED) discovered the violation in its investigation of the Easy Fire, Incident Number E20191030-05[redacted] which occurred on October 30, 2019. [redacted] SED found that SCE violated General Order (GO) 95, Rule 31.1 for failing to install and maintain its 66 kV conductor and insulator adequately and safely.

VIOLATIONS

SCE is cited for violating General Order (GO) 95, Rule 31.1, for failing to install and maintain its 66 kV conductor and insulator adequately and safely in order to prevent them from contacting the steel pole when swinging during wind conditions.

General Order (GO) 95, 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.

A supply or communications company is in compliance with this rule if it designs, constructs,



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and maintains a facility in accordance with the particulars specified in General Order 95, except that if an intended use or known local conditions require a higher standard than the particulars specified in General Order 95 to enable the furnishing of safe, proper, and adequate service, the company shall follow the higher standard.

GO 95, Rule 31.1, requires SCE to design and maintain its conductors and insulators safely and adequately. In order to accomplish this, SCE should install and maintain its 66 kV conductors in such a way to prevent them from coming into contact with steel poles during wind conditions that are normal to the area.

ENCLOSURES:

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

Enclosure 1 – SED Incident Investigation Report, dated April 08, 2022

Enclosure 2 – SED Notice of Violation (NOV), dated April 11, 2022

Enclosure 3 – SCE Response to SED’s NOV, dated May 20, 2022

Enclosure 4 – SCE’s Initial Incident Report

Enclosure 5 – SCE’s Section 315 Letter

Enclosure 6 – Ventura County Fire Department’s (VCFD) investigation report

Enclosure 7 – 2017 National Electric Safety Code

Enclosure 8 – United States Department of Agriculture, Bulletin 1724E-200, Design Manual for High Voltage Transmission Lines, December 2, 2015.

STATEMENT OF FACTS

The above violation has been documented in the attached *Enclosure 1 – SED Incident Investigation Report* which is based on the following: SED’s field observations; SED’s review of SCE’s records and data request responses, industry standards including the United States Department of Agriculture 2017 Bulletin 1724E-200 Design Manual for High Voltage Transmission Lines and the 2017 National Electric Safety Code, and the Ventura County Fire Department’s (VCFD) investigation report.

BACKGROUND

On October 30, 2019, at 06:07 AM, a relay on the Moorpark-Royal 66 kV circuit operated and interrupted the circuit during a red flag warning. At 6:09 AM, Ventura County Fire Department (VCFD) reported a fire that was referred to as the Easy Fire, near the vicinity of Easy Street in Simi Valley, California.

During the investigation, SED inspectors observed a black burning mark on pole number 4244905 E, and discoloration and deformation on the lowest suspension insulator. Both the pole and the suspension insulator were in proximity of the origin of the fire and the observed damage appeared to be the result of an arc between the insulator’s clamp (where the conductor is attached) and the steel



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pole.

The violation began on May 13, 2019, when SCE installed the 66 kV insulator and conductor on the Moorpark Royal No. 1 66 kV circuit and continued through the date of the incident on October 30, 2019. The incident occurred because SCE failed to install and maintain its 66 kV conductor and insulator in such a way to prevent them from coming into contact with steel poles during wind conditions that are normal to the area.

SED CITATION ANALYSIS

Factor	Staff Finding
Number of violation(s) and duration of violation(s)	One violation of GO 95, Rule 31.1, from May 13 to October 30, 2019, for not installing and maintaining its insulator and conductor in such a way to prevent them from coming into contact with steel poles during wind conditions that are normal to the area. Thus, SCE failed to avoid unsafe and dangerous conditions.
Severity or gravity of the offense	<p>Economic Harm: The incident resulted in a fire that damaged two properties and burned 1,806 acres in a Tier 3 High Fire Threat District (HFTD).</p> <p>Physical Harm: The incident resulted in a fire that injured three firefighters.</p> <p>Regulatory Harm: SED identified one violation of GO 95, Rule 31.1 in the course of its investigation.</p> <p>Number of Violations: SED identified one violation of GO 95, Rule 31.1.</p>
Conduct of the utility	<p>GO 95, Rule 31.1, requires SCE to design and maintain its conductors and insulators safely and adequately. In addition, GO 95, Rule 31, requires that 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.</p> <p>The National Electric Safety Code version 2017, has a specific provision entitled, “Protection against arcing and other damage while installing and maintaining insulators and conductors”, which requires that “precautions shall also be taken to prevent, as far as is practical, any arc from forming and to prevent any arc that might be formed from injuring or burning any parts of the supporting structures, insulators, or conductors.”</p>



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Factor	Staff Finding
	<p>A suspension insulator attached to an energized 66 kV conductor swung into an SCE steel power pole during wind conditions normal to the area. This resulted in an arc that ignited the fire. SCE did not follow GO 95, Rule 31.1 because it failed to design and maintain its facilities according to good and accepted industry practices such as the NESC. Specifically, SCE should have designed, installed, and maintained its insulators in such a way to prevent them from contacting steel poles during wind conditions that are normal to the area. Thus, SCE failed to avoid unsafe and dangerous conditions.</p> <p>According to the Ventura County Fire Department's Investigation Team (IT), the fire occurred when an insulator attached to the high-voltage power lines swung into a steel power pole, and the insulator revealed damage consistent with the insulator grounding to the steel tower. IT then concluded that power equipment owned and operated by SCE was the cause of the Easy Fire.</p> <p>On November 7, 2019, SCE replaced the pole and modified the insulator arrangements from a suspension type to a dead-end type insulator. According to SCE, this modification will help to ensure the clearance between the pole and insulators is maintained and will prevent arcing.</p>
Prior history of similar violation(s)	<p>SED's incident investigations have found SCE in violation of GO 95, Rule 31.1 no fewer than four times since October 2009. Examples include:</p> <ul style="list-style-type: none">• E20110114-01 – SCE violated Rule 31.1, by allowing two SCE 12 kV overhead conductors to come into contact with each other causing a third phase conductor to break, fall to the ground, and start a small grass fire.• E20171205-01 – SCE violated Rule 31.1, by allowing the conductors to make contact during wind conditions that are normal to the local area and. This demonstrates that SCE did not maintain its overhead conductors safely and with the proper clearance, resulting in a fire.• E20181108-02 – SCE violated Rule 31.1, by not maintaining the minimum clearances between SCE's communications conductor and the other communications conductors on the span which resulted in a fire.



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Factor	Staff Finding
	<ul style="list-style-type: none"> E20190904-01 – SCE violated Rule 31.1, for not maintaining its 33 kV conductors adequately to prevent them from contacting each other which created an arc and resulted in a fire.
Self-reporting of the violation	N/A
Financial resources of the utility	Approximately 5 million electric residential and commercial accounts, serving about 15 million people, \$14.9 billion in revenue in 2021.
The totality of the circumstances	<p>Aggravating factors include:</p> <ul style="list-style-type: none"> The fire burned 1,806 acres and damaged two houses in a Tier 3 High Fire Threat District (HFTD). The span, insulators, and conductors involved in this incident were located in a Tier 3 HFTD. Three firefighters suffered injuries. The wind speed at the time of the fire was 17 mph with a wind gust of 31 mph which was normal to that area. SCE failed to install and maintain its 66 kV conductor and insulator in a way to prevent them from contacting the steel pole in order to prevent arcing during wind conditions that are normal to the area. SCE did not follow a safety industry standard and good practice from the National Electric Safety Code of 2017. Prior to the Easy Fire incident, SCE violated Rule 31.1 at least four times since 2009 for allowing conductors not to meet minimum clearance requirements or allowing conductors to contact or come into near contact with other equipment. <p>Mitigating factors include:</p> <ul style="list-style-type: none"> SCE’s general cooperative nature with SED for the duration of the investigation. SCE informed SED that it has replaced the insulator with a different type of "dead-end" to prevent similar contact in the future. <p>Circumstantial factors include:</p> <ul style="list-style-type: none"> SCE self-reported this incident under the media attention criterion set forth in Resolution E-4184.



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Factor	Staff Finding
The role of precedent	The CPUC has not previously issued a citation to SCE for this type of violation. However, for each of the four incidents listed under the section <i>prior history of similar violation(s)</i> , SED issued a Notice of Violation (NOV) to SCE. However, the severity of this incident, which resulted in a fire and led to the injury of three firefighters, warrants such a citation.
Resultant Citation Taking All Of These Factors Into Account	The penalty is \$1,020,000 (One million, twenty thousand dollars). The per day penalty in this case is a maximum of \$100,000 per day and a minimum of \$500 per day for each violation under California Public Utilities Code Section 2107. M-4846 and D.16-09-055 provide the factors to apply to determine the appropriate penalty within that range, which are discussed in this citation analysis section. SED applies these factors, and determines a penalty of \$6,000 per day, and a 170 day duration of the violation.



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RESPONSE

Respondent is called upon to provide a response to this Citation by: **5:00 PM on December 15, 2022**. 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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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.

Leslie L
Palmer

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Leslie L Palmer
Date: 2022.11.15
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Lee 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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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 with a certified check or wire transfer made payable to the **California Public Utilities Commission** and sent to the below address. Please include the citation number on the memorandum line of the check 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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Enclosures to Accompany Utility Appeal

Utility to add list of Enclosures as appropriate: