



SAFETY AND ENFORCEMENT DIVISION  
**MONTHLY PERFORMANCE REPORT**

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November 2021



California Public  
Utilities Commission

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## Disclaimer

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This Report reflects Safety and Enforcement Division’s monthly work product. It has not been approved by the Commission rather it is information provided by the Division.

## INTRODUCTION

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The CPUC's Safety and Enforcement Division (SED) oversees the safety of electric and communication facilities, natural gas infrastructure and propane facilities. SED is comprised of three branches of utility engineers, analysts and investigators that focus on ensuring the safety of utility infrastructure and reducing utility caused wildfires. SED advocates for public safety through performing safety audits, conducting incident investigations, and appearing in CPUC safety proceedings. SED has the authority to issue citations with penalties against utility operators who violate public utility safety codes and requirements.

## Notes from SED Director Lee Palmer

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November was a busy month for SED. Most notably, SED issued two proposed Administrative Consent Orders (ACO), the first use of Resolution M-4846, the Commission's new Enforcement Policy. SED also took actions/advocated for customers in PG&E's Fast Trip program, now renamed Enhanced Power Line Safety Setting (EPSS) program.

In late July 2021, PG&E initiated the Fast Trip (EPSS) setting practice on 11,500 miles of lines in High Fire Threat Districts to reduce wildfire ignitions from power line contact. The practice caused hundreds of unplanned power outages and impacted thousands of customers.

On October 25, 2021, President Batjer sent a letter to PG&E with questions about its "Near-Term Transparency and Actions" with responses to SED.

On November 8, PG&E responded with descriptions of operational details, how PG&E will manage its Fast Trip settings approach and how it will reduce the scope, duration and frequency of outages, including data on the impact of EPSS on its Medical Baseline customers.

As the lead CPUC division, SED will conduct an informal inquiry into PG&E's EPSS program.

On November 1, SED and PG&E agreed to a proposed Administrative Consent Order (ACO) relating to the 2019 Kincade Fire. On November 2, SED and SCE agreed to an ACO relating to the 2017-2018 SoCal Fires.

SED was the first to use this Enforcement Policy since the Commission adopted it via Resolution M-4846 on November 5, 2020. Resolution M-4846 authorizes staff to negotiate settlements with regulated entities, subject to Commission approval.

Pursuant to M-4846, SED determined that the two situations did not warrant an Order Instituting Investigation (OII), so negotiated a proposed settlement with each IOU, and drafted proposed Resolutions SED-5 (SCE) and SED-6 (PG&E). Both will go before the Commission for approval.

The other administrative enforcement tool Staff can issue is an Administrative Enforcement Order (AEO) to use in lieu of a citation or other enforcement tool, subject to Commission approval. The AEO entitles Parties to a hearing if requested. M-4846 also created internal enforcement teams to oversee the efficiency, consistency and effectiveness of these Commission enforcement actions.

The purpose of the ACO is to reduce the "resource intensive" action and lengthy process of an OII. In situations that don't warrant an OII, the new Enforcement Policy allows staff to issue a proposed ACO (or AEO in the case of a citation). However, the Commission can reject the ACO and direct SED to prepare an OII.

On November 22, TURN and Cal Advocates filed Comments in Opposition to Draft Resolutions SED-5 and SED-6.

For more information on this Enforcement Policy, see the Staff presentation to the Policy and Governance Committee on July 1, 2020 [here](#).

Access the link to the CPUC’s Enforcement Policies which include the AEO and ACO process [here](#).

## GAS SAFETY AND RELIABILITY BRANCH (GSRB)

The Gas Safety and Reliability Branch (GSRB) ensures that intra-state natural gas and liquid petroleum gas (LPG) pipeline systems are designed, constructed, operated, and maintained according to safety standards set by the CPUC and the federal government. CPUC gas safety engineers are trained and qualified by the federal government. The CPUC enforces natural gas and LPG safety regulations; inspects construction, operation, and maintenance activities; and makes necessary amendments to regulations. Its mission is to protect and promote the safety of the public and utility employees that work on the gas pipeline systems. November activities included:

- A. SoCalGas/SDG&E leadership team meeting
- B. GSRB Branch meeting
- C. Meeting with 2EC, consultant conducting the safety culture assessment for SEMPRA/SoCalGas
- D. NAPSR Western Region meeting
- E. Meeting with Energy Division regarding Safety Model Assessment Proceeding (S-MAP) Reporting

SED has the authority to issue citations with penalties for operator violations of public utility safety codes and requirements<sup>1</sup>. The citation process allows the CPUC to act expediently in matters where violations of state and federal rules are clear and unambiguous. Citations may arise out of an ongoing investigation into related matters when a violation is brought to the CPUC’s attention directly. The table below shows the status of pending citations issued by SED. The citations can be found on the CPUC’s website [here](#).

Citation Number	Utility	Amount	Violations per GO 112-F	Date Cited	Description	Status
G-20-08-001	Glenview Mobile Lodge	\$50,000	192.605(a), 192.605(b)(3), 192.616(j), 192.723(b)(2), 192.747(a), 192.805, 192.1015(a), 192.357(a), 192.479(a), & 192.353(a)	8/24/20	The MHP failed to remediate violations discovered during an inspection	Alternative Dispute Resolution (ADR) conducted on 12/22/21. Pending.

<sup>1</sup> In December 2011, the CPUC created a citation process authorizing staff to impose fines for natural gas violations.

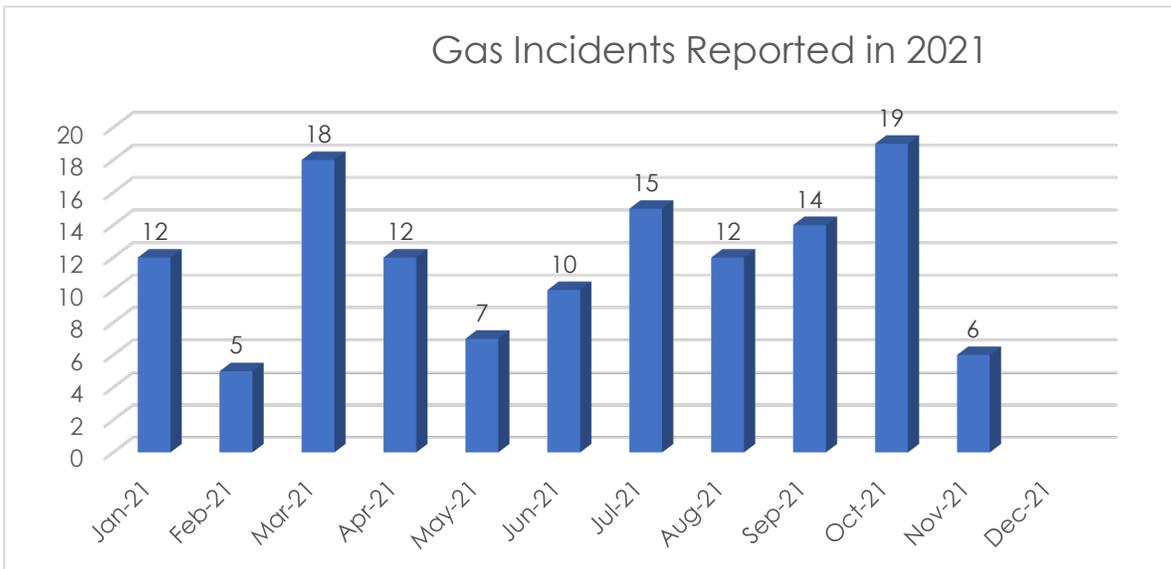
## Natural Gas Inspections (Year to Date)

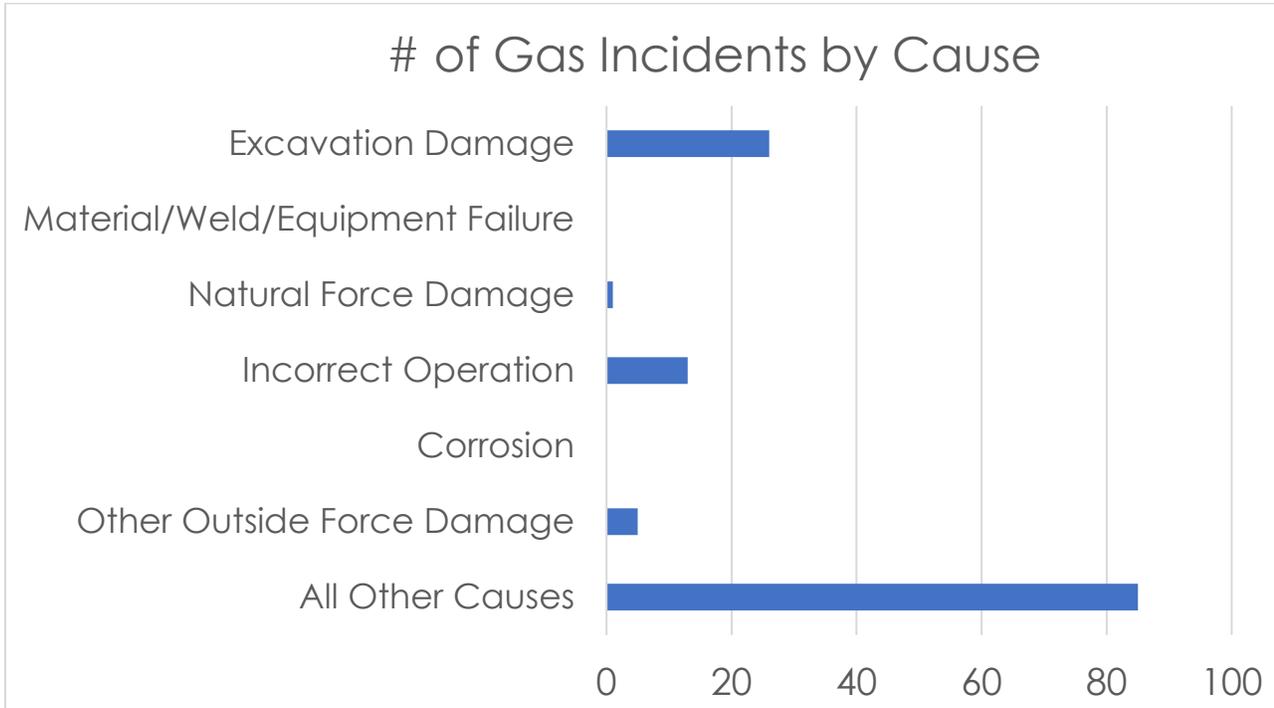
The purpose of GSRB’s inspections is to confirm that operators continue to construct, operate, and maintain their pipeline facilities in a manner that ensures the safety of workers and the public. In addition to routine inspections, GSRB also conducts on-site construction inspections. Typically, each inspection consists of records review of an operator’s past compliance activities, and field verifications. Results are documented in a final report and sent to the operator after the inspection. The expectation is to have a final report sent to the operator within 60 days of the inspection. GSRB will submit an Inspection Closure Letter to the operator within 120 days from the day the inspection is completed. The table below shows GSRB’s inspection activity year-to-date in 2021. Note that some of the final reports completed in 2021 were for inspections conducted in 2020.

Inspections	2021 Year-to-Date
Conducted	30
Final Report Completed	31

## Natural Gas Incident Reports and Investigations in November 2021

As of November 30, 2021, GSRB Staff received reports of 130 incidents. All reported incidents are assigned to GSRB engineers to investigate and prepare a final report. The report indicates if there was any violation of GO 112-F committed by the operators. Operators report incidents based on criteria outlined in GO 112-F.





This bar chart above shows the 130 incidents by cause as of November 30, 2021. The table below shows the 130 incidents by level and status.

Status	Level 1	Level 2	Level 3	Level 4	TOTAL
Open	27	44	5	0	76
Closed	37	15	2	0	54
TOTAL	64	59	7	0	130

The table below provides a summary description of the levels and provides the timeframes/guidelines for incident reports to be completed and closed from the date of assignment of an investigation.

Levels	Definition of Incident Levels	Guidelines
1	Did not result in injury, fatality, fire or explosion; may be due to an unrelated event outside of the Operator's control.	60 days
2	Did not result in injury, fatality, fire or explosion; may or may not have caused a release of gas, have been reported due to Operator judgment.	120 days
3	Resulted in a release of gas but did not result in injury, fatality, fire or explosion.	150 days
4	Resulted in injury, fatality, fire or explosion caused by release of natural gas from the Operator's facilities.	≥ 180 days

## Natural Gas Utility Self-Identified Violation (SIV) Investigations

There was one Self-Identified Violation reported to GSRB in November by Southwest Gas Corporation (SWG). SWG reported that during a Vintage Steel Pipe (VSP) Replacement Project, a no gas service call prompted the inspection of 286 Meter Set Assemblies (MSAs) installed by a third-party contractor. Forty-three (43) of the MSAs required remediation which included repairing grade 3 (non-hazardous) leaks & replacing components not meeting the requirements specified in SWG's procedures.

## Customer Safety Complaints

GSRB received and investigated two (2) new customer complaints in November.

The two (2) complaints remain under investigation as follows: an IOU employee complaint regarding trenching and a public complaint regarding proposed IOU asset installation.

## Inspection Notices / Notice of Probable Violation Letters (NOPV)

SED may issue an NOPV based on an investigation, customer complaint, or inspection for a violation of an applicable law or regulation. In November, GSRB issued 1 inspection notice and 0 NOPV letters.

- November 10 – Southwest Gas Company's Distribution Integrity Management Program inspection letter – 0 probable violations found.

## Natural Gas Safety and Reliability: Proceedings

### **Aliso Canyon (I.19-06-016) (Commissioner Rechtschaffen /ALJs Hecht / Poirier) (SED**

**Advocacy):** Evidentiary hearings began on March 16, 2021. Please find proceeding highlights from the month of November 2021 below:

- On November 8, 2021, Southern California Gas Company (SoCalGas) filed a Response to Public Advocates Office's Motion to Compel responses to certain data requests regarding well kill issues, and certain other data requests regarding contracts and costs paid to Halliburton Energy Services (Halliburton), and Halliburton's subsidiary, Boots & Coots. Public Advocates Office filed this Motion to Compel on October 28, 2021.
- On November 8, 2021, SoCalGas also filed a Response to Safety and Enforcement Division's (SED) Motion to Compel Discovery. SED filed its Motion to Compel on October 27, 2021, and requested that SoCalGas be required to provide responses to SED data requests related to Boots & Coots, SoCalGas' well kill contractor hired for the Aliso incident. SED also requested that SoCalGas may not withhold substantive responses to SED discovery on the basis that evidentiary hearings have largely concluded.

- On November 8, 2021, Public Advocates Office filed an Objection to SoCalGas' Motion to Limit Discovery in the Aliso proceeding. SoCalGas filed its Motion to Limit Discovery on October 29, 2021. Also on November 8, 2021, SED filed a Response to SoCalGas' Motion to Limit Discovery. Among other things, SED requested SoCalGas' Motion be denied. SoCalGas' Motion to Limit Discovery requested all discovery related to SED's alleged Operations and Records Violations (Violations 1-88 and 327-331) and Order to Show Cause be deemed concluded, except for certain other matters.
- On November 8, 2021, the Administrative Law Judges denied SoCalGas' Motion for Reconsideration of a Prior Ruling granting Public Advocates Office's Motion to Compel responses to certain Data Requests. This ruling also denied SoCalGas' October 29, 2021 Motion to Stay the ALJs' October 15, 2021 Ruling. The ALJ's October 15 Ruling granted in part certain of Public Advocates Office's data requests related to SoCalGas' well kill witnesses, Boots & Coots. The October 15 Ruling also did not admit Boots & Coots testimony into the record.
- On November 9, 2021, the ALJs granted SED's request to file a Reply to SoCalGas' response to SED's Motion to Compel. The ALJs granted Cal Advocates' request to file a Reply to SoCalGas' opposition to Cal Advocates' Motion to Compel data requests 51, 52, 53, 54, and 56 no later than close of business Friday, November 18, 2021, and possibly sooner.
- On November 18, 2021, SED replied in support of Motion to Compel discovery requesting the ALJs to grant SED's Motion to Compel. Cal Advocates replied to SoCalGas' Response to Cal Advocates Motion to Compel data requests 51, 52, 53, 54, and 56 and requested the Commission to require SoCalGas to respond to the data requests in full by no later than November 23, 2021. SoCalGas responded in full to the data requests.
- On November 29, 2021:
  - The ALJs issued Order to Extend Statutory Deadline to December 31, 2022.
  - The ALJs granted SoCalGas' Motion to Compel Discovery filed on March 1, 2021, to the extent that SED shall make a thorough, good faith search for any version, draft, or form of the engineer's status report, provided with the SED Motion for Contempt filed on September 8, 2021, that dates from the period between May 1 and June 27, 2019. All other requests contained in the Motions to Compel Discovery filed by SoCalGas on January 21, 2021, and March 1, 2021, were denied.

**Mobile Home Parks (MHP) Utility Conversion Program (D.20-04-004) (Commissioner Rechtschaffen /ALJ Hecht) (SED Advocacy):** On April 24, 2020, the Commission issued Decision 20-04-004 which established the Mobile Home Park Utility Conversion Program which authorizes IOUs to install new gas and electric utility systems in mobile home parks to replace master-metered utility systems. The program goal is to convert 50% of all mobile home spaces by the end of 2030 according to a risk-based priority ranking system developed by GSRB. GSRB received forms of intent from 986 mobile home communities before the deadline on March 31, 2021. SED created a risk-prioritization list which included new applicants, and those parks still on the Pilot list from 2015, and ranked them according to their utility system's risk of failure. SED has delivered the priority lists to all participating investor-owned utilities, and the utilities are currently working with MHP

Owners to plan and execute conversion projects. There are currently 586 “Category 1” parks, which have a total of 37,890 spaces. SED estimates the utilities will start the conversion process with these Category 1 Parks sometime before the second priority list is produced in July 2025.

**PG&E Locate and Mark Practices OII (I.18-12-007) (Commissioner Rechtschaffen/ALJ Allen) (SED Advocacy):** On February 20, 2020, the Commission issued Decision 20-02-036 which ordered several shareholder-funded gas and electric System Enhancement Initiatives. On August 21, 2020, SED selected a consultant for the Compliance and Ethics Corrective Action Program Audit. On October 15, 2020, SED selected a consultant for the Locate and Mark Compliance Audit and the Locate and Mark Field Audit. On November 17, 2020, PG&E submitted its proposed methodologies for SED’s review and approval. On January 12, 2021, SED responded to PG&E’s proposed methodologies review request. On February 4, 2021, PG&E informed SED about a request from their 3rd Party consultant for the Locate & Mark Field Audit to solicit input from another external party (Exponent) to further develop their sampling methodology. SED responded on February 4, 2021. PG&E submitted its first Locate and Mark (L&M) Annual Report in accordance with Commission Decision (D.) 20-02-036 on April 26, 2021.

On June 4, 2021, the Locate and Mark Field Audit consultant submitted their methodology and SED approved this proposed methodology on July 13, 2021. The Locate and Mark Field Audit consultant has performed a pilot Locate and Mark Field Audit and implemented some improvements to the program that are described in a letter submitted to SED on August 25, 2021. On September 16, 2021, the Locate and Mark Field Audit consultant provided SED with the format of the Semi-Annual Report for the compliance audit using field reviews of a random sampling of gas and electric Locate and Mark tickets. On October 15, 2021, PG&E shared with SED their Enhanced Review of Cultural Survey Results, and the Compliance and Ethics Corrective Action Program Audit consultant also provided their audit reports to SED and PG&E. On October 23, 2021, SED received and began reviewing the September 2021 Locate and Mark Field Audit Status Report.

## **ELECTRIC SAFETY AND RELIABILITY BRANCH (ESRB)**

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The mission of ESRB is to enforce state statutes and regulations regarding the safety and reliability of electric facilities, communication facilities, and power plants that are within the jurisdiction of this Commission in California, to ensure that the facilities are operated and maintained in a safe and reliable manner to protect and promote the public health and safety, and to facilitate an environment inside and outside of the Commission that increases the safety and reliability of these facilities. November activities are below and include:

- Conducted 1 Electric Distribution audit, 2 Substation audits, and 2 Power Plant audits.
- Issued 4 Power Plant audit reports, 1 Substation audit report, and 1 Communication Infrastructure Provider (CIP) audit report.
- ESRB reviews daily outage reports from power plants. Outages could be forced or planned. ESRB reviews the status and cause of each outage, may issue data requests related to the status and cause of each outage, and will follow up with power plants regarding the outage as necessary. In November

2021, ESRB monitored the status of 29 planned outages and 16 forced outages reported by natural gas and renewable energy power plants.

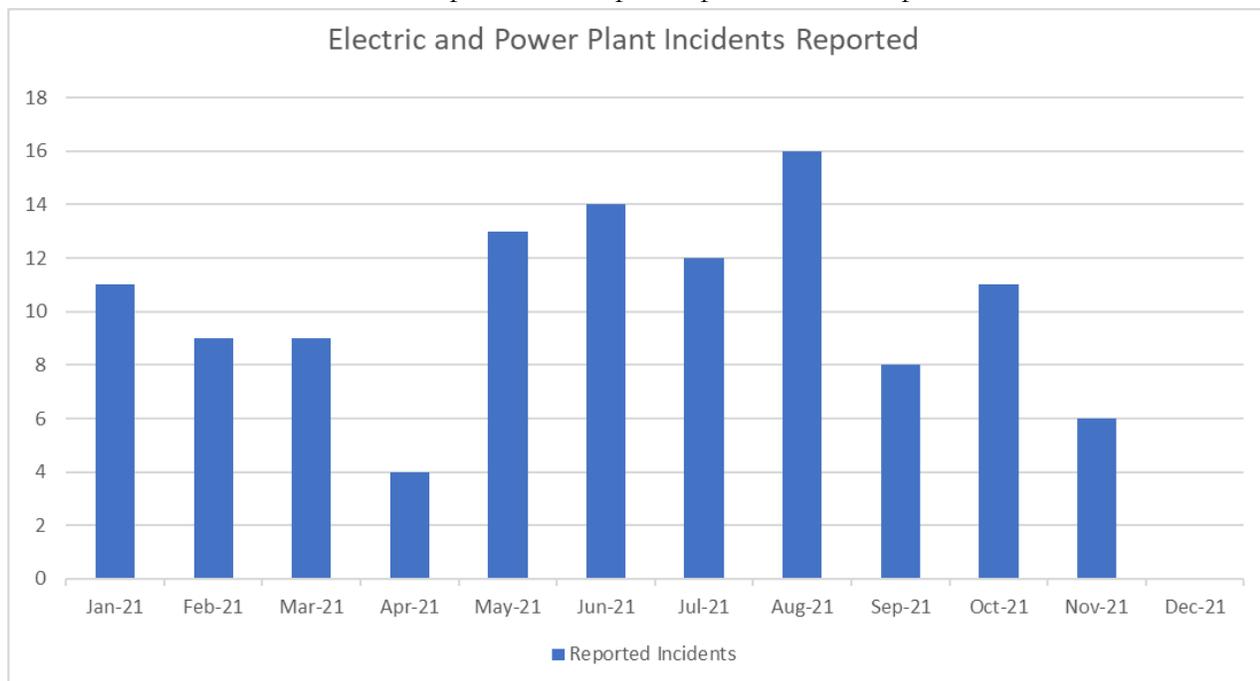
## Electric Facilities Citations

SED has the authority to issue citations with penalties for electric utilities and Communication Infrastructure Providers (CIPs) for violating Commission General Orders and PU Code rules. Citations may arise from violations discovered during incident investigations, audits, customer complaint investigations, whistleblower investigations, or other safety matters that are brought to the attention of SED. The table below shows the status of citations issued by SED in 2020 and 2021. All SED citations related to electric and communication facilities can be found on the Commission’s website [here](#).

Citation Number	Utility	Amount	Violations	Date Cited	Description	Status
D.16-09-055E.20-12-001	SCE	\$1,000,000	GO 128, Rules 17.1 and 17.7. PU Code, Section 451	12/4/2020	Failure to properly mark the location of SCE’s underground facilities which resulted in one injury	Paid in January 2021
D.16-09-055 E.21-11-001	PG&E	\$5,000,000	Public Utilities Code (PU Code), Section (§) 451, and General Order (GO) 95, Rules 18, 31.1, and 31.2	11/22/2021	Inadequate inspections of the Ignacio-Alto Sausalito transmission lines	Paid in December 2021
D.16-09-055 E.21-11-002	PG&E	\$2,500,000	General Order (GO) 165, III. Distribution Facilities B. Standards for Inspection	11/22/2021	Incomplete detailed inspection of distribution poles	Paid in December 2021

## Electric and Power Plant Incidents Reported through November 30, 2021

ESRB received 6 electric incident reports and no power plant incident reports in November.



## Electric Facilities and Power Plant/Generation Incident Investigations

Incident status		Level 1	Level 2	Level 3	Level 4	Total <sup>2</sup>
Total open incidents	Electric Facilities	4	13	71	58	146
	Generation	1	1	6	1	9
Total incidents reported in 2021	Electric Facilities	3	14	60	32	109
	Generation	1	1	3	1	6
Total incidents closed in 2021	Electric Facilities	8	14	52	46	120
	Generation	0	0	1	1	2
Total open 2021 incidents	Electric Facilities	2	8	46	26	82
	Generation	1	1	2	1	5
Incidents reported in November 2021	Electric Facilities	1	0	3	2	6
	Generation	0	0	0	0	0
Incidents closed in November 2021	Electric Facilities	0	1	8	4	13
	Generation	0	0	0	0	0

The above table shows information about ESRB incident investigations as of November 30, 2021, and incidents reported and closed in November 2021. The level designation indicates increasing severity, with Level 4 as the most severe. See footnote 2 for definitions of each level. The guidelines to close incident reports are similar to those GSRB follows (see Guidelines table on p. 3).

## Customer Safety Complaints

ESRB investigated 25 electric and communication safety and reliability customer complaints.

## Notice of Violation Letters

ESRB issued 2 Notice of Violation (NOV) letters in November. ESRB may issue an NOV in response to an investigation or customer complaint for a violation of an applicable law or regulation.

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<sup>2</sup> Level 1: A safety incident that does not meet Level 2, 3, or 4 criteria. Level 2: Incident involved a power interruption not due solely to outside forces (Level 2 for Generation: Incident that occurred during an Electric Alert, Warning or Emergency. Level 3: Incident involved damage estimated to exceed \$50,000 and caused, at least in part, by the utility or its facilities (Level 3 for Generation: Incident resulted in a significant outage that was due, at least in part, to plant equipment and/or operations). Level 4: Incident resulted in a fatality or injury requiring hospitalization and that was caused, at least in part, by the utility or its facilities or by equipment and/or operations (for Power Plants).

## Electric Safety and Reliability: Proceedings

**PSPS Order Instituting Investigation (I.19-11-013) (Commissioner Batjer/ALJ DeAngelis) (SED Advisory).** This OII was initiated by the Commission on November 13, 2019, to determine whether California’s investor-owned electric utilities prioritized safety and complied with the Commission’s regulations and requirements with respect to their Public Safety Power Shutoff (PSPS) events in late 2019. This OII is a companion to R.18-12-005, the Commission’s rulemaking to examine the practice of utility de-energization of powerlines during dangerous conditions. On November 16, 2020, parties filed reply comments regarding the Phase 2 Scoping Memo and Ruling. SED reviewed the reply comments and continues to provide advisory support. PG&E continues to file bi-weekly progress reports on PSPS corrective actions. On March 10, 2021, the ALJ send an e-mail ruling directing PG&E, SDG&E and SCE to file an accounting of PSPS events in the 2019 and 2020 calendar years, and how the PSPS events impacted revenue collections.

On June 3, 2021, the Commission approved Decision (D. 21-06-014) to address the late 2019 PSPS Events. It directs the three IOUs to forgo collecting a portion of their authorized revenue requirement from customers, hold utility working group meetings to share best practices and lessons learned to improve PSPSs, standardize 10-day post-event reporting, to improve communications with medical baseline customers dependent on electricity to survive, and other directives. On July 7, 2021, the Acton Town Council filed a Rehearing Request thus reopening this proceeding. Reopened.

**PG&E Locate and Mark Practices OII (I.18-12-007) (Commissioner Rechtschaffen/ALJ Allen) (SED Advocacy):** D. 20-02-036 approved several shareholder-funded gas and electric System Enhancement Initiatives but with a longer compliance audit period of four years and a \$110 million total penalty. In November 2020, ESRB staff reviewed PG&E’s One Call Concepts Timely Ticket Review Methodology and PG&E’s Field Review Methodology and provided comments to GSRB for consideration. On June 4, 2021, ICQ Professionals, LLC, submitted “Proposed Objectives, Methodology and Final Report Description for SED Consultation of Field Audits for Locate and Mark OII I.18-12-007 Settlement”. This submittal starts the process of consulting with the CPUC/SED on the objectives, methodology, and the final product description of the Field Audit of PG&E’s Locate and Mark Program by ICQ Professionals, LLC. The primary focus is to provide the sampling methodology that will be utilized to conduct this audit. In September, ESRB reviewed ICQ’s field audit report. On October 21, 2021, PG&E submitted a Self-report Letter to SED and stated that it did not locate and mark some of the empty subsurface electric ducts. PG&E also stated that it is developing a corrective action plan for this issue. ESRB staff reviewed the Self-report Letter and issued a data request to PG&E to investigate PG&E’s conduct and its corrective measures. In November, ESRB staff continued investigating PG&E’s efforts in improving its locating and marking the underground electric ducts. The improvement includes PG&E’s mapping record management and use of innovative locating tools. Pending.

**SCE Appeal of Twentynine Palms Citation (K.18-03-008) (ALJ Kim) (SED Advocacy):** ESRB investigated an incident that occurred on August 1, 2015, in Twentynine Palms. On February 12, 2018, SED issued a \$300,000 citation to SCE for violations related to the incident. SCE appealed the citation on March 14, 2018. On October 3, 2018, SED issued an \$8,000,000 amended citation that replaced the \$300,000 citation. The

amended citation was the result of new violations. Hearings were held in December 2018, February 2019, and March 2019. Briefs and reply briefs were filed in April 2019. Awaiting a draft Resolution on the Twentynine Palms incident. Pending.

**Creation of a Shared Database or Statewide Census of Utility Poles and Conduit (I.17-06-027); Communications Provider Access to Poles (R.17-06-028) (Commissioner Batjer/ALJ Mason) (SED Advocacy):** In 2017, the Commission opened a proceeding to address the feasibility of establishing a data management platform for pole owners and tenants to access pole data, attachment and conduit data. This investigation is being conducted in three tracks. In the current phase of the proceeding, parties addressed requirements for pole attachments via comments and are awaiting a proposed decision. On December 15, 2020, the Assigned Commissioner’s office issued a second amended scoping memo and ruling that outlined next steps in the consolidated Pole OII/OIR proceeding. On March 9, 2021, the ALJ issued a Ruling that requested parties to file comments by April 12, 2021, on a One-Touch-Make-Ready (OTMR) proposal.

On August 20, 2021, the Commission issued a proposed decision (PD) on Track 2 of the proceeding. The PD requires pole owners to include attachment data points in their pole databases and specifies rules for data management, access, and confidentiality. On September 9, 2021, SED filed opening comments on the proposed decision advocating for database pole terminology that was consistent with General Order 95, Commission clarity on the enforcement of rules, and shared responsibility among pole owners and attachers for the accuracy of pole database information. On October 26, 2021, the Commission issued Decision 21-10-019 which builds on the Commission’s Decision 20-07-004 in Track 1 of this proceeding by imposing on the five major pole owners in California the duty to include granular information about each electric attachment and communications attachment to each pole in each major pole owner’s data base. On November 29, 2021, Time Warner Cable LLC, Charter Fiberlink CA-CCO LLC, Cox California Telecom, LLC, and Cellco Partnership, MCI Metro Access Transmission, and XO Communication Services LLC (“Joint Attachers”) filed an application for rehearing of the Track 2 Pole OII/OIR decision. Pending.

**Physical Security of the Electric System and Disaster and Emergency Preparedness (R.15-06-009) (Commissioner Rechtschaffen/ALJ Kelly) (SED Advocacy):** On May 22, 2015, the Commission issued an OIR regarding policies and regulation of physical security for electric supply facilities and to establish standards for disaster and emergency preparedness plans. This rulemaking was conducted in two phases. Phase I addressed physical security for electric supply systems and was resolved by D.19-01-018. Phase II addresses disaster and emergency preparedness plans for electrical corporations and regulated water companies.

On July 1, 2020, the Safety Policy Division (SPD) submitted a letter dated June 26, 2020, from the Deputy Executive Director of SED and SPD to enact the Interim Trial Procedures (ITP) to allow Commission staff to receive major utility compliance deliverables. On July 10, 2020, the six IOUs submitted their Preliminary Assessments under the ITP process to SPD and subsequently presented their briefings regarding their Preliminary Assessment submissions to SPD and SED staff. Three IOUs submitted supplemental filings and met with SED and SPD to discuss their filings. On November 19, 2020, the Commission issued D. 20-11-048 which extended the statutory deadline for Phase II to May 30, 2021. On May 21, 2021, the Commission issued Decision 21-05-019 which updates electric utilities’ emergency plans under General Order (GO) 166 and water utilities under GO 103-A. Decision 21-05-019 incorporates requirements from PU Code 768.6 in Standard 14

of GO 166. The IOUs' Final Security Plans and the Publicly Owned Utilities' (POU) notice of final plan adoption were due July 2021, 30 months after the adoption of Decision 19-01-018. The Security Plans and Notices would be submitted to Safety Policy Division. The last decision, D.21-05-019, left the proceeding open to address the petition for modification that was filed concerning Decision 19-01-018 (Phase I Decision) in this proceeding. No substantial updates for November 2021.

## Other ESRB Activities

**Citations:** In November 2021, SED issued two citations. On November 22, 2021, SED issued a \$2,500,000 citation to PG&E for violating General Order (GO) 165, for failing to properly inspect 54,755 distribution poles from 2020 and earlier. Furthermore, on November 22, 2021, SED issued a \$5,000,000 citation to PG&E for violating Public Utilities Code (PU Code) Section 451, and General Order (GO) 95, for failing to adequately inspect the Ignacio-Alto Sausalito transmission lines from 2008 through 2019 and for failure to correct 22 high-priority safety deficiencies within the time allowed. Both citations are posted on the Commission website.

**2019 Wildfires:** In October 2019, California experienced devastating wildfires. In Northern California, the Kincade Fire burned more than 76,800 acres. The fire destroyed and damaged about 260 structures and caused injuries to two firefighters. In Southern California, the Saddleridge Fire, the Easy Fire, and the Maria Fire, burned more than 17,000 acres. The fires destroyed and damaged many structures and caused one fatality and eight injuries to firefighters. SED is currently working closely with CAL FIRE and other agencies to investigate PG&E, SCE, and the communications companies' compliance with the Commission's safety rules.

**2020 Wildfires:** In 2020, California again experienced devastating wildfires. In Southern California, the Bobcat Fire, which started in September 2020 burned approximately 116,000 acres, damaged 47 structures, destroyed 170 structures, and resulted in 6 injuries. The Silverado Fire which started in October 2020 near Santiago Canyon Road and Silverado Canyon Road in the unincorporated area of Orange County, burned approximately 14,000 acres and injured two firefighters. ESRB and WSEB are working closely with CAL FIRE, the United States Forest Service (USFS) and other agencies to investigate SCE and communications companies' compliance with the Commission's safety rules.

In Northern California, the Slater Fire started on September 9, 2020, in Butte County near the town of Happy Camp. The fire killed two people and injured three. It burned approximately 156,000 acres and damaged 197 residences and 243 structures. The Zogg Fire, which began on September 27, 2020, in Igo, Shasta County, resulted in four fatalities, one injury, 27 damaged structures and 204 destroyed structures.

**2021 Wildfires:** WSEB is currently investigating wildfires that are believed to be attributed to utility equipment. In Northern California, the Slope Fire began on May 31, 2021, in Fresno County. It burned 25 acres before being contained on June 2, 2021. The Blue Fire in the Sierra National Forest began on June 30, 2021. On July 13, 2021, the Dixie Fire began in Plumas County. Separately, the Fly Fire began on July 22, 2021, and quickly

merged with the Dixie Fire. Both fires are currently under investigation. The Mule Fire started on August 25, 2021 in Shasta County and was contained.

**Compliance with D.20-05-019 regarding PG&E’s 2017 and 2018 Wildfires (I.19-06-015):** On May 8, 2020, Decision 20-05-019 was issued approving a settlement agreement, with modifications, between SED, PG&E, Coalition of California Utility Employees (CUE), and the Office of Safety Advocates (OSA). On December 4, 2020, a Final Decision (D.20-12-015) was issued modifying D.20-05-019 and denying rehearing of D.20-05-019. In summary, the decision imposes penalties totaling \$2.137 billion consisting of \$1.823 billion in disallowances for wildfire-related expenditures, \$114 million in shareholder-funded System Enhancement Initiatives, and a \$200 million fine payable to the General Fund (the fine to be suspended). ESRB is monitoring PG&E’s work to ensure compliance with the settlement agreement and D. 20-05-019. On February 12, 2021, and consistent with D. 20-05-019, PG&E filed its first semi-annual report which provided updates and an overview of PG&E’s progress on each of the 20 corrective actions in the settlement agreement.

On August 16, 2021, PG&E filed its second semi-annual report which provided updates and an overview of PG&E’s progress on each of the remaining settlement initiatives that are pending.

**Compliance with D.17-09-024 regarding Long Beach Incident:** D.17-09-024 adopted a Settlement Agreement between SCE and SED. Under the settlement, SCE paid a \$4 million penalty and will spend \$11 million on various system enhancement projects in Long Beach intended to reduce the chance of public injury, reduce the risk of future system failures, and improve the utility’s operational awareness and network maintenance. ESRB is monitoring SCE’s work to ensure compliance with the settlement agreement.

**Transmission Maintenance Coordination Committee (TMCC):** TMCC is an advisory committee to help the California Independent System Operator (CAISO) develop, review, and revise Transmission Maintenance Standards. TMCC holds quarterly meetings to discuss recent improvements in construction and maintenance processes and techniques, and industry best practices. ESRB is a member of TMCC and attends meetings.

## **WILDFIRE SAFETY AND ENFORCEMENT BRANCH (WSEB)**

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SED’s WSEB is dedicated to the enforcement of public utility wildfire safety and Public Safety Power Shutoffs (PSPS) violations. WSEB is the lead investigator for utility incidents relating to wildfire, PSPS events and other aspects related to wildfire events. The staff conducts incident investigations and provides input into policy development. November 2021 activities for WSEB include:

- Currently investigating thirteen (13) utility-related wildfires. No fire investigations were completed in November 2021.
- Monitored three (3) PSPS events in November 2021.
- Continued monitoring and coordinating the SCE PSPS Corrective Action Plan implementation.
- Participated in IOU PSPS/Wildfire meetings.

## PSPS Activations, De-energizations & Post Event Reports - November 2021

WSEB	PG&E	SCE	SDG&E	Bear Valley	Pacific Corp	Liberty
Total PSPS Activations	0	2	1	0	0	0
Total PSPS w/ De-energization	0	2	1	0	0	0
Total PSPS Post Event Reports Reviewed	2	4	0	0	0	0

### PSPS Related Proceedings

#### **Rulemaking to Examine Electric Utility De-Energization of Power Lines in Dangerous Conditions (R.18-12-005) (President Batjer/ALJ Poirier /ALJ Stevens/ALJ Kao/ALJ DeAngelis) (SED Advisory):**

This OIR was opened to further examine policies and guidelines adopted in ESRB-8 regarding communication, notification, mitigation and other logistic and implementation issues of a PSPS event. Currently, there are two tracks in this OIR:

1. Continued examination of utility de-energization/PSPS practices and guidelines.
2. An Order to Show Cause (OSC) for why PG&E should not be sanctioned for violations of P.U. Code 451, D.19-05-042 (Phase I) and ESRB-8 concerning three PSPS events in Fall 2019. Briefs were filed in 2020 and the Presiding Officer's Decision (POD) was issued on May 26, 2021.

The POD penalizes PG&E \$106.003 million for its flawed implementation of the Fall 2019 PSPS events, offset by bill credits PG&E has already provided to customers. The penalty includes a PG&E shareholder contribution of \$1.418 million to provide qualifying customers access to backup portable batteries, a bill credit to the general group of customers in the areas affected by the Fall 2019 PSPS events and to the Medical Baseline customers in those affected areas. PG&E and CLECA filed appeals of the POD on June 25, 2021; both were denied.

3. On February 19, 2021, the ALJ issued a Phase 3 Scoping Memo and Ruling to consider whether existing de-energization guidelines (Phase 2) should be further updated, or if new guidelines should be adopted in advance of the 2021 wildfire season. Comments and reply comments were submitted in March 2021.

On June 24, 2021, the Commission approved and adopted the Proposed Decision's Phase 3 PSPS Guidelines. A link to the Phase 3 Guidelines is [here](#).

4. On September 23, the Commission adopted Decision 21-09-026 (the Modified Presiding Officer's Decision) that found violations including failure of PG&E's website, which was unavailable or non-functional during significant portions of the PSPS event; inaccurate online outage maps; inaccessible

secure data transfer portals to its public safety partners; and failure to provide advanced notification of de-energization events to approximately 50,000 customers and 1,100 Medical Baseline customers during the three PSPS events in Fall 2019.

The Commission penalized PG&E \$106.003 million to deter future violations and demand accountability for PG&E's flawed implementation of the Fall 2019 PPS events. The penalty will be offset by \$86 million for bill credits PG&E has already provided to some electric customers in 2019. The net penalty assessed on PG&E is \$20.003 million.

The penalty also includes a PG&E shareholder contribution of \$1.418 million to the PG&E's Disability Disaster Access & Resources Program, which provides qualifying customers access to backup portable batteries through grant, lease-to-own, or low-interest loan options; a PG&E shareholder-funded bill credit of \$12.185 million extended to all electric customers in the geographic areas affected by the Fall 2019 PPS events; and a PG&E shareholder-funded bill credit of \$6.4 million to the Medical Baseline customers in the geographic areas affected by the Fall 2019 PPS events.

**PSPS Order Instituting Investigation (I.19-11-013) (Commissioner Batjer/ALJ DeAngelis) (SED Advisory).** This Investigation was initiated to determine whether the IOUs that experienced PPS events in late 2019 prioritized safety and complied with the Commission's regulations and requirements in ESRB-8 and D.19-05-042 (Phase 1 PPS Guidelines). A Proposed Decision was issued for public comment on April 20, 2021, with comments due May 10, 2021. On June 7, 2021, Decision 21-06-014 was approved by the Commission. On July 7, 2021, the Acton Town Council filed a Rehearing Request which reopened this proceeding.

In compliance with Ordering Paragraph 61 of Decision 21-06-014 in Investigation 19-11-013 and Decision 19-05-042 in proceeding R.18-12-005, a draft template prepared by SED for use by electric investor-owned utilities when submitting post-event reports and lessons learned following a Public Safety Power Shutoff (PSPS) was sent out for comment on July 7, 2021. Comments were due August 6, 2021. Staff completed comment review in September and revised the draft template based on comments. The final approved template was issued on October 18, 2021.

## Monitoring the Whistleblower Website and Safety Hotline

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The Commission regulates privately owned utilities. It serves the public interest by protecting consumers and ensuring that utility services and infrastructure are safe, reliable, and available at reasonable rates. It is charged with ensuring that these regulated service providers comply with the regulations. Whistleblower complaints can result in investigations that may involve safety and other issues. In November 2021, (2) two whistleblower complaints were submitted online to SED. SED received one inquiry from the Safety Hotline inbox.