

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



February 12, 2018

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

Ron Nichols
Sr. Vice President
Regulatory Affairs and Nuclear
Southern California Edison
2244 Walnut Grove Avenue
Rosemead, CA 91770

Mr. Ferree and Mr. Nichols:

Southern California Edison (SCE) is hereby cited \$300,000 for violations of General Order (GO) 95, Rule 31.1, Rule 48, and Rule 47 related to injuries received from a low-hanging SCE 12 kV conductor due to a SCE crossarm failure, which occurred on August 1, 2015.

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 February 20, 2018, to Charlotte TerKeurst, Electric Safety and Reliability Branch, at charlotte.terkerust@cpuc.ca.gov.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizaveta Malashenko".

Elizaveta Malashenko
Director, Safety and Enforcement Division
California Public Utilities Commission
320 W 4th Street, Suite 500
Los Angeles, CA 90013

Cc: Lee Palmer, Deputy Director, Safety and Enforcement Division, CPUC
Charlotte TerKeurst, Program Manager, Electric Safety and Reliability Branch, CPUC
Fadi Daye, Program Project Supervisor, Electric Safety and Reliability Branch, CPUC
Koko Tomassian, P.E., Senior Utilities Engineer, Electric Safety and Reliability Branch, CPUC



Public Utilities Commission
STATE OF CALIFORNIA

Citation Date: February 12, 2018
Citation #: D.16-09-055 E.18-02-001
Utility/Operator ID#: U338E

CITATION
ISSUED PURSUANT TO DECISION 16-09-055

Electrical Corporation (Utility) To Which Citation is Issued:

Southern California Edison (U338E)

OFFICER OF THE RESPONDENT:

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

CITATION:

Southern California Edison (SCE or Utility) is cited for three violations that lasted 2 days each, resulting in a financial penalty of \$300,000. Safety and Enforcement Division (SED) discovered these violations in its investigation of Incident Number E20150801-01, which occurred on August 1, 2015. One person was injured when he struck a low-hanging energized conductor while riding an off-road vehicle, and two people were injured when they contacted the energize conductor while trying to provide aid to the injured individual. The total financial penalty for this citation is \$300,000.

VIOLATIONS:

SCE is cited for violating General Order (GO) 95, Rule 31.1, Rule 48, and Rule 37, as described below. These violations occurred when an SCE crossarm broke, causing an energized conductor it initially supported to become suspended in the air with reduced above-ground clearance. Subsequently, one person was injured when he struck the energized conductor while riding an off-road vehicle, and two people were injured when they contacted the energized conductor while trying to provide aid to the injured individual.

1. General Order 95, Rule 31.1 Design, Construction, and Maintenance, states:

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.

The crossarm failed and broke under conditions that were not abnormal, causing a piece of the crossarm to fall to the ground and the conductor it supports to be suspended in



Public Utilities Commission
STATE OF CALIFORNIA

Citation Date: February 12, 2018
Citation #: D.16-09-055 E.18-02-001
Utility/Operator ID#: U338E

the air. SCE is in violation of GO 95, Rules 31.1, for failing to ensure that the crossarm was installed and maintained in a way that it does not break during conditions normal to the area.

2. General Order 95, Rule 48 Strength of Materials, states:

Structural members and their connection shall be designed and constructed so that the structures and parts thereof will not fail or be seriously distorted at any load less than their maximum working loads (developed under the current construction arrangements with loadings as specified in Rule 43) multiplied by the safety factors in Rule 44. Values used for the strength of material shall comply with the safety factors specified in Rule 44.

The above rule requires utilities to ensure that a crossarm is designed, installed, and constructed so that it does not fail or become seriously distorted at any load less than its maximum working load multiplied by the safety factors in Rule 44. There are no indications that there were any abnormal conditions at or just before the time of the incident that could have caused a properly designed, installed, and maintained crossarm to break. SCE is in violation of GO 95, Rule 48, for failing to ensure that its crossarm did not fail or become seriously distorted at a load that was less than the maximum working load multiplied by the safety factor in Rule 44.

3. GO 95 Rule 37, Minimum Clearances of Wires above Railroads, Thoroughfares, Buildings, Etc., states in part:

Clearance between overhead conductors, guys, messengers or trolley span wires and tops of rails, surfaces of thoroughfares or other generally accessible areas across, along or above which any of the former pass; also clearances between conductors, guys, structures, or other objects, shall not be less than those set forth in Table 1, at a Temperature of 60°F and no wind...

The above rule requires supply conductors of 750-22,500 volts installed above ground along thoroughfares in rural districts or across other areas capable of being traversed by vehicles or agricultural equipment to maintain a minimum ground clearance of 25 feet. At the time of the incident, the SCE overhead conductor had an above ground clearance less than 8 feet, which is less than the GO 95 minimum requirement of 25 feet. SCE is in violation of GO 95, Rule 37 for failing to ensure that its 12 kV overhead conductor maintained at least a 25 foot ground clearance above a thoroughfare capable of being traversed by vehicles.

ENCLOSURES:

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

Enclosure 1 – SED Incident Investigation Report, dated April 15, 2016

Enclosure 2 – SED Notice of Violation (NOV) Letter, dated April 11, 2017



Public Utilities Commission
STATE OF CALIFORNIA

Citation Date: February 12, 2018
Citation #: D.16-09-055 E.18-02-001
Utility/Operator ID#: U338E

Enclosure 3 – SCE Response to SED's NOV, dated May 12, 2017

Enclosure 4 – SCE's Initial Incident Report

Enclosure 5 – SCE's Section 315 Letter

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 and measurements; SED interviews with witnesses and SCE personnel; and SED's review of SCE's records and data request responses.



Public Utilities Commission
STATE OF CALIFORNIA

Citation Date: February 12, 2018
Citation #: D.16-09-055 E.18-02-001
Utility/Operator ID#: U338E

SED CITATION ANALYSIS

Element	Staff Finding
Number of violation(s) and duration of violation(s)	<p>One violation of GO 95, Rule 31.1 from August 1, 2015 to August 2, 2015 (2 days), for failing to ensure that the crossarm was installed and maintained in a way that it does not break during conditions normal to the area. Total penalty: \$100,000.</p> <p>One violation of GO 95, Rule 48, from August 1, 2015 to August 2, 2015 (2 days), for failing to ensure that its crossarm did not fail or become seriously distorted at a load that was less than the maximum working load multiplied by the safety factor in Rule 44. Total penalty: \$100,000</p> <p>One violation of GO 95, Rule 37, from August 1, 2015 to August 2, 2015 (2 days), for failing to ensure that its 12 kV overhead conductor maintained at least a 25 foot ground clearance above a thoroughfare capable of being traversed by vehicles. Total penalty: \$100,000.</p>
Severity or gravity of the offense	<p>The incident resulted in injuries to three members of the public ("victim 1", "victim 2" and "victim 3"). Victim 1 [REDACTED] Victim 2 [REDACTED] Victim 3 [REDACTED]</p>



Public Utilities Commission
STATE OF CALIFORNIA

Citation Date: February 12, 2018
Citation #: D.16-09-055 E.18-02-001
Utility/Operator ID#: U338E

Conduct of the utility

On July 29, 2015, SCE's Twentynine Palms region began experiencing wind gusts of up to 70 mph. As a result, SCE activated its normal emergency operations at the local district level.

On July 30, 2015, SCE assigned damage assessment teams (DATs) to perform storm damage control in the Twentynine Palms district. In response to reports from DATs of widespread damage, inaccessible roads, and other logistical considerations, SCE ordered a helicopter patrol of SCE's overhead facilities in the Twentynine Palms district. The patrol revealed extensive crossarm damage over a large area on one of the circuits in the service territory, which resulted in the helicopter troubleman requesting DATs be dispatched to the area when weather and road conditions permitted for further investigation.

On August 1, 2015, three members of the public were riding off-road vehicles when they contacted an SCE conductor and received injuries. The crossarm that supported the conductor was broken, causing the conductor to be suspended in the air.

The circuit-branch of the North Adobe 12kV circuit where the incident occurred was not identified by the helicopter patrol as requiring additional assessment.

SCE completed repairs to its facilities at the incident site the day after the incident.



Public Utilities Commission
STATE OF CALIFORNIA

Citation Date: February 12, 2018
Citation #: D.16-09-055 E.18-02-001
Utility/Operator ID#: U338E

Prior history of similar violation(s)

SED's incident investigations have found SCE in violation of GO 95, Rule 44, 15 times since 2011 (Rule 44 is referenced in Rule 48). Examples include:

- E20160106-01 – SCE in violation of Rule 44.3 for failing to show that a pole met the safety factors specified in Rule 44.1.
- E20150719-01 – SCE in violation of Rule 44.3 for failing to show that two poles met the safety factors specified in Rule 44.1.
- E20140818-02 – SCE in violation of Rule 44.3 for failing to show that two poles met the safety factors specified in Rule 44.1.

SED's incident investigations have found SCE in violation of GO 95, Rule 31.1, 12 times since 2011. Examples include:

- E20151118-01 – SCE in violation of Rule 31.1 for failing to maintain a one-bolt aluminum connector
- E20150921-01 – SCE in violation of Rule 31.1 for failing to upgrade a transformer that subsequently failed.
- E20140718-02 – SCE in violation of Rule 31.1 for failing to obtain the safety factors of two poles (that subsequently failed) to ensure compliance with Rule 44.

SED's incident investigations have found SCE in violation of GO 95, Rule 37, 3 times since 2011. Example include:

- E20140616-02 – SCE in violation of Rule 37 for failing to ensure a 16 kV conductor had sufficient vertical clearance above a walkable surface.



Public Utilities Commission
STATE OF CALIFORNIA

Citation Date: February 12, 2018
Citation #: D.16-09-055 E.18-02-001
Utility/Operator ID#: U338E

Self-reporting of the violation	Not self-reported; SED discovered the violations during investigation of the reported incident.
Financial resources of the utility	5.0 million electric customers, \$5.182 billion authorized General Rate Case revenues for test year 2015.
The totality of the circumstances	<p>Aggravating factors include the injuries to three members of the public.</p> <p>Mitigating factors include the actions SCE took, prior to the incident, to determine the damage to its facilities due to the storm. SCE also remedied the violations the next day of the incident.</p> <p>Other factors to consider are that SCE was generally cooperative during SED's investigation, and SCE possesses sufficient financial resources to pay the penalties.</p>
The role of precedent	N/A
Resultant Citation Taking All Of These Factors Into Account	\$300,000 consistent with the administrative limit on citations adopted in Decision 16-09-055.



Public Utilities Commission

STATE OF CALIFORNIA

Citation Date: February 12, 2018
Citation #: D.16-09-055 E.18-02-001
Utility/Operator ID#: U338E

RESPONSE:

Respondent is called upon to provide a response to this Citation by: **5:00 PM on March 14, 2018**. 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."



Public Utilities Commission
STATE OF CALIFORNIA

Citation Date: February 12, 2018
Citation #: D.16-09-055 E.18-02-001
Utility/Operator ID#: U338E

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.



Elizaveta Malashenko

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



Public Utilities Commission
STATE OF CALIFORNIA

Citation Date: February 12, 2018
Citation #: D.16-09-055 E.18-02-001
Utility/Operator ID#: U338E

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 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.



Public Utilities Commission
STATE OF CALIFORNIA

Citation Date: February 12, 2018
Citation #: D.16-09-055 E.18-02-001
Utility/Operator ID#: U338E

**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.



Public Utilities Commission
STATE OF CALIFORNIA

Citation Date: February 12, 2018
Citation #: D.16-09-055 E.18-02-001
Utility/Operator ID#: U338E

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 156 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.



Public Utilities Commission
STATE OF CALIFORNIA

Citation Date: February 12, 2018
Citation #: D.16-09-055 E.18-02-001
Utility/Operator ID#: U338E

Enclosures to Accompany Utility Appeal

Utility to add list of Enclosures as appropriate: