

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



September 9, 2010

Mr. Tim Melgaard  
Director of Engineering & Construction  
Astound Broadband, LLC  
215 Mason Circle  
Concord, CA 94520

Subject: Audit of Astound Broadband LLC's San Francisco Peninsula Facilities, Aug 16-18, 2010

Dear Mr. Melgaard:

On behalf of the Utilities Safety and Reliability Branch of the California Public Utilities Commission, Terence Eng and I conducted an audit of Astound Broadband LLC's (Astound's) San Francisco Peninsula area facilities on August 16-18, 2010. Our audit included a review of Astound's General Order 95 and 128 maintenance programs.

During our audit, we identified violations of one or more General Orders. I have enclosed a copy of the audit summary itemizing those violations. Advise me by October 11, 2010 of all planned or completed remedial actions and the corresponding expected or actual completion dates. You may email an electronic copy of the response to [kh2@cpuc.ca.gov](mailto:kh2@cpuc.ca.gov), or send a hard copy to:

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

Should you have any questions concerning this letter I can be reached at by phone at (415) 703-2875 or by email at [kh2@cpuc.ca.gov](mailto:kh2@cpuc.ca.gov).

Sincerely,

Kenneth How  
Utilities Engineer  
Utilities Safety and Reliability Branch  
Consumer Protection and Safety Division  
California Public Utilities Commission

Enclosures: CPUC Audit Summary  
GO 95 Rule 18

CC: Terence Eng, Utilities Engineer, CPUC  
Raymond Fugere, Program and Project Supervisor, CPUC  
Dave Womack, Construction Supervisor, Astound

# AUDIT SUMMARY

## Programmatic Violations

### 1) **GO 95 Rule 18: Reporting and Resolution of Safety Hazards Discovered by Utilities**

*All companies shall establish an auditable maintenance program for their facilities and lines*

Astound Broadband LLC (Astound) does not have an auditable maintenance program. Astound must have a written, auditable maintenance program that meets the requirements of General Order (GO) 95. The maintenance program should, at a minimum, include: 1) the scope and frequency of Astound's inspections 2) priority levels for maintenance, and 3) procedures to notify other parties of safety hazards found on facilities not belonging to Astound.

I have attached a copy of GO 95 Rule 18 in its entirety to this summary for your reference.

### 2) **GO 95 Rule 31.2: Inspection of Lines**

*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.*

### **GO 128 Rule 17.2: Inspection of Lines**

*Systems shall be inspected by the operator frequently and thoroughly for the purpose of insuring that they are in good condition and in conformance with all applicable requirements of these rules. (See Rule 12.3)*

Astound inspects its facilities for GO 95 and 128 issues during its annual Cumulative Leak Index (CLI) survey and also during its normal course of business when its technicians are completing their scheduled work. Neither of these methods constitutes a thorough and frequent inspection program.

The inspections that Astound performs in tandem with its CLI surveys are frequent, but are not thorough. CLI surveys consist of a yearly drive-through patrol of Astound's entire system. Inspections during these surveys are thus also done yearly and are frequent, but their thoroughness is in question due to the driving speed of the inspection vehicles and because the inspectors have a limited field of vision while inside their inspection vehicles.

The inspections that Astound technicians perform during the normal course of business provide an opportunity for thorough inspections, but are not necessarily frequent. Since a technician would usually exit his vehicle during routine field work, he/she would have a chance to completely and carefully examine nearby facilities for GO 95 and 128 issues. However, if an Astound service location does not experience problems for an extended period of time, a technician might never visit the site. As a result, the facilities in that service area would not receive a frequent inspection by this thorough method.

## Field Violations

This section tabulates the GO 95 and 128 violations that we identified during our facility site visits. For these site visits, we chose locations that should have been inspected for GO violations per Astound's maintenance program recent to our audit date.

	<u>Location</u>	<u>Violations</u>	<u>Last Visited by Astound Staff</u>
1)	620 Costa Rica Ave. San Mateo, CA	<p>Rule 84.8D4: Above or below Supply Service Drops: The radial clearance between communication service drop conductors and supply service drop conductors may be less than 48 inches as specified in Table 2, Column C, Cases 4 and 9; Column D, Cases 3 and 8 , but shall be not less than 24 inches. Where within 15 feet of the point of attachment of either service drop on a building, this clearance may be further reduced but shall be not less than 12 inches.</p> <p><b>Less than 1 inch of clearance between Astound service drop and PG&amp;E service drop</b></p>	5/24/2010 CLI
2)	711 Costa Rica Ave. San Mateo, CA	<p>Rule 84.6: Ground wires, other than lightning protection wires not attached to equipment or ground wires on grounded structures, shall be covered by metal pipe or suitable covering of wood or metal, or of plastic conduit material as specified in Rule 22.8-A</p> <p><b>Broken ground moulding</b></p>	5/24/2010 CLI
3)	38 Crystal Springs Rd. San Mateo, CA	<p>Rule 87.7D1: Risers shall be protected from the ground level to a level not less than 8 feet above the ground</p> <p><b>Gap in riser at ground level, exposed cable</b></p>	5/1/2010 SRO #003133312
4)	619 1 <sup>st</sup> Ave San Mateo, CA	<p>Rule 84.6: Ground wires, other than lightning protection wires not attached to equipment or ground wires on grounded structures, shall be covered by metal pipe or suitable covering of wood or metal, or of plastic conduit material as specified in Rule 22.8-A</p> <p><b>Broken ground moulding</b></p>	5/7/2010 SRO #003134701

5)	930 El Dorado St San Mateo, CA	Rule 84.8D4: Above or below Supply Service Drops: The radial clearance between communication service drop conductors and supply service drop conductors may be less than 48 inches as specified in Table 2, Column C, Cases 4 and 9; Column D, Cases 3 and 8 , but shall be not less than 24 inches. Where within 15 feet of the point of attachment of either service drop on a building, this clearance may be further reduced but shall be not less than 12 inches.	7/16/2010 SRO #003152086
		<b>Astound service drop touching PG&amp;E service drop</b>	
		Rule 84.6: Ground wires, other than lightning protection wires not attached to equipment or ground wires on grounded structures, shall be covered by metal pipe or suitable covering of wood or metal, or of plastic conduit material as specified in Rule 22.8–A	
		<b>Gap in ground moulding</b>	
6)	495 23 <sup>rd</sup> Ave San Mateo, CA	Rule 84.8C2b Over residential driveways, lanes or over property accessible to vehicles, service drops shall not be less than 12 feet. EXCEPTION: If the building served does not permit an attachment which will provide this 12 foot clearance without the installation of a structure on the building, the clearance shall be as great as possible, but in no case less than 10 feet	5/12/2010 SRO #00313461
		<b>Astound Service drop has less than 10 ft of vertical clearance from driveway</b>	
7)	719 Olive Ave South San Francisco, CA	Table 2 Case 16C 3 in. separation between communication conductors	2/23/2010 Power Supply Maint # S.S.F. 32
		<b>Astound Service drop to 716 Olive is touching phone service drop at mid span</b>	
8)	645 Chestnut Ave South San Francisco, CA	Table 2 Case 3C 2 ft. separation between communication conductors	3/5/2010 Power Supply Maint. # S.S.F 117
		<b>Broken lashing on Astound conductor causing insufficient clearance from phone conductors</b>	

9)	671 Villa St Daly City, CA	Rule 84.6: Ground wires, other than lightning protection wires not attached to equipment or ground wires on grounded structures, shall be covered by metal pipe or suitable covering of wood or metal, or of plastic conduit material as specified in Rule 22.8–A	3/30/2010 Power Supply Maint. # DC 80
		<b>Broken ground moulding</b>	
		Rule 31.6 Lines or portions of lines permanently abandoned shall be removed by their owners so that such lines shall not become a public nuisance or a hazard to life or property. For the purposes of this rule, lines that are permanently abandoned shall be defined as those lines that are determined by their owner to have no foreseeable future use.	
10)	420 91 <sup>st</sup> St Daly City, CA	31.1 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.	7/14/2010 SRO #003150716
		<b>Flashing red light on power supply unit may indicate battery problems.</b>	
11)	991 Carolina St San Francisco, CA	Rule 31.6 Lines or portions of lines permanently abandoned shall be removed by their owners so that such lines shall not become a public nuisance or a hazard to life or property. For the purposes of this rule, lines that are permanently abandoned shall be defined as those lines that are determined by their owner to have no foreseeable future use.	5/1/2010 SRO #003132392
		<b>Dangling abandoned Astound cable at pole serving this address.</b>	

### Concerns and Recommendations

This section lists any other miscellaneous concerns that arose during our audit. These concerns are not necessarily General Order 95 or 128 violations.

**1) Astound cannot track or filter out GO 95 or 128 issues from their Service Request Order (SRO) system. Astound also cannot track where an SRO originated from.**

Astound could not provide a list of GO 95 or 128 issues found during its recent inspections. Instead, Astound could only provide a list of all recent SROs. Since Astound issues an SRO for all problems requiring field work, including minor work (e.g. remote control replacements), only a minority of those SROs involve GO 95 or 128 issues. A method for tagging GO issues within Astound's SRO system would help Astound determine the timeliness of its GO related corrective actions and ensure its compliance with GO 95, Rule 18.

Furthermore, a method to categorize the origins of SROs in Astound's system (e.g. into SRO's generated from CLI surveys, complaints, course of normal business, etc.) would help Astound determine the effectiveness of its various inspection methods.

**2) Astound does not have a formal system to track GO related work sent to its construction contractors.**

GO related repair work that goes to Astound's construction contractors is not formally tracked in Astound's SRO system or otherwise. Instead, Astound tracks this work informally via emails and phone calls. As long as Astound keeps a record of those email and phone exchanges, this is not a GO violation. However, a formalized tracking system that can produce a report which summarizes contractor work, with issued and completion dates, may help streamline the tracking of future repair work. This may help Astound more efficiently determine if maintenance work has been scheduled or completed.

**3) Astound inspectors are not required to keep inspection records.**

Astound currently only keeps GO inspection records of its supervisors' quality control (QC) inspections. Astound supervisors only perform these quality control inspections after new installs and as a follow up inspection to 10% of Astound's completed field work.

Astound does not currently require non-supervisory inspectors to keep records of their routine inspections. Astound needs a form or checklist, similar to the QC form, which would go out with all inspectors, in order to be able to determine the thoroughness of its inspection methods.

## GO 95 RULE 18

### 18 Reporting and Resolution of Safety Hazards Discovered by Utilities

#### A. Resolution of Safety Hazards And General Order 95 Violations

Each company (including utilities and CIPs) is responsible for taking appropriate corrective action to remedy safety hazards and GO 95 violations posed by their facility. Upon completion of the corrective action, the company records shall show the nature of the work, the date and identity of persons performing the work. Prior to the work being completed, the company shall document the current status of the safety hazard, including whether the safety hazard is located in an Extreme and Very High Fire Threat Zone in Southern California, and shall include a scheduled date of corrective action. These records shall be preserved by the company for at least five years, and shall be of sufficient detail to allow Commission staff during an audit, if any, to determine that the safety hazard has been remedied. The records shall be made available to Commission staff immediately upon request. Additionally, for any work completed after the initial scheduled date of corrective action, the company shall document the reason or reasons that the work was not completed by the original scheduled date of corrective action.

For purposes of this rule, "safety hazard" means a condition that poses a significant threat to life or property, including, but not limited to, the ignition of a wildland or structure fire. "Extreme and Very High Fire Threat Zones" are defined in the Commission decision issued in Phase I of R.08-11-005. "Southern California" is defined as the following: Santa Barbara, Ventura, San Bernardino, Riverside, Los Angeles, Orange, and San Diego Counties.

Companies that have existing General Order 165 auditable inspection and maintenance programs that are consistent with the purpose of Rule 18 shall continue to follow their General Order 165 programs. All companies shall establish an auditable maintenance program for their facilities and lines. Further, all companies must include a timeline for corrective actions to be taken following the identification of a safety hazard or violation of General Orders 95 or 128 on the companies' facilities.

The auditable maintenance program should be developed and implemented based on the following principles.

**(1)** Priorities shall be assigned based on the specifics of the safety hazard or violation as related to direct impact and the probability for impact on safety or reliability using the following factors:

- Type of facility or equipment;
- Location;
- Accessibility;
- Climate;
- Direct or potential impact on operations, customers, electrical company workers, communications workers, and the general public;
- Whether the safety hazard or violation is located in an Extreme or Very High Fire Threat zone.

**(2)** There will be three priority levels, as follows:

- a)** Level 1:
  - Immediate safety and/or reliability risk with high probability for significant impact.
  - Take action immediately, either by fully repairing the condition, or by temporarily repairing and reclassifying the condition to a lower priority.
- b)** Level 2:

- Variable(non-immediate high to low) safety and/or reliability risk.
- Take action to correct within specified time period (fully repair, or by temporarily repairing and reclassifying the condition to a lower priority).
- Time period for correction to be determined at the point of identification by a qualified company representative:
  - Overhead: 0-59 months
- Where communications company actions result in electric utility GO violations, the electric utility's remedial action will be to transmit a single documented notice of identified violations to the communications company for compliance.

**c) Level 3:**

- Acceptable safety and/or reliability risk.
- Take action (re-inspect, re-evaluate, or repair) at or before the next detailed inspection.

**d) Exceptions (Levels 2 and 3 only) –Correction times may be extended under reasonable circumstances, such as:**

- Third party refusal
- Customer issue
- No access
- Permits required
- System emergencies (e.g. fires, severe weather conditions)

**(3)** Upon completion of the corrective action, the company's records shall show the nature of the work, the date, and the identity of persons performing the work. These records should be preserved by the company for at least five years.

**(4)** The company shall prioritize implementing this maintenance plan within the Extreme and Very High Fire Threat Zones of Southern California. With the exception of a safety hazard or violation requiring immediate correction, a company must correct a violation or safety hazard within 30 days of discovering or being notified of a violation or safety hazard, if the violation or safety hazard violates a clearance requirement listed in columns E, F, or G of Table 1 in this General Order, or violates a pole overloading requirement in Rule 44.3 of this General Order, and is located in an Extreme and Very High Fire Threat Zone in Southern California. The company must correct a violation or safety hazard within 30 days if the utility is notified that the violation must be corrected to alleviate a significant safety risk to any utility's employees.

**B. Notification of Safety Hazards**

If a company, while inspecting its facilities, discovers a safety hazard on or near a communications facility, electric transmission or distribution facility involving another company, the inspecting company shall notify the other company and/or facility owner of such safety hazard no later than 10 business days after the discovery. The inspecting company shall also provide a copy of the notice to the pole owner(s). The inspecting company shall include in such notice whether the safety hazard which requires corrective action is located in a designated Extreme and Very High Fire Threat Zone in Southern California. To the extent the inspecting company cannot determine the owner/operator of other company, it shall contact the pole owner(s), who shall be responsible for promptly notifying the company owning/operating the facility with the safety hazard. The notification shall be in writing and must be preserved by all parties for at least five years. It is the responsibility of each pole owner to know the identity of each entity using or maintaining equipment on its pole.

Note: Added August 20, 2009 by Decision No. 09-08-029