

# Safety and Enforcement Division



**Monthly Performance Report,**

**December 2015**

**Safety Action Plan Deliverable #1**

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## California Public Utilities Commission | Safety and Enforcement Division

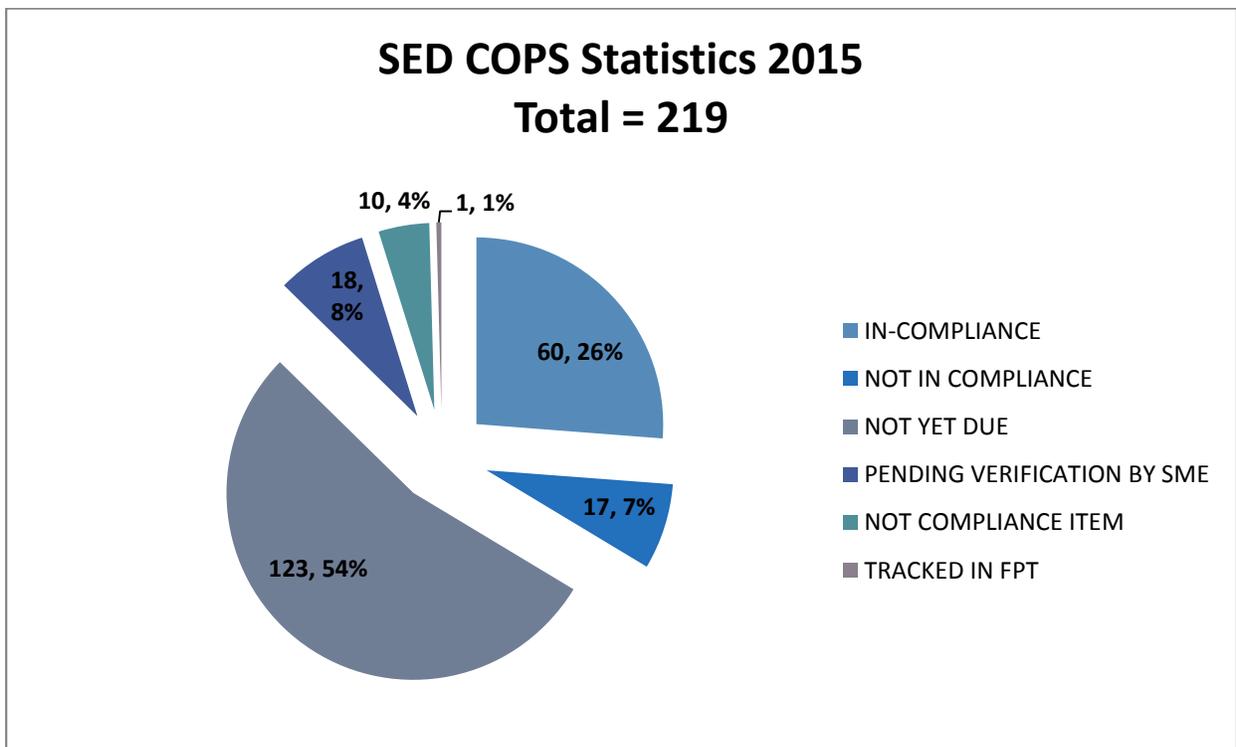
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### Disclaimer

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## COMPLIANCE WITH ORDERING PARAGRAPHS (COPS)

With the launch of the Commission’s new Compliance with Ordering Paragraphs (COPs) effort, SED is including our year to date summary statistics. Through December 2015, SED has 219 entries in the COPS system. We have cleared the backlog of entries, and all have been assigned a subject matter expert. These statistics cover all major program areas (Utility Safety and Enforcement, Rail, and Transportation) currently in SED. Note, the category of “tracked in financial payment tracker” (FPT) has been verified and has been deemed “in compliance.”



## NATURAL GAS SAFETY PROGRAM

### STAFF CITATION PROGRAM

Citation Number	Work Type	Utility	Amount	Violations	Date Cited	Status
<b>ALJ 274 15-01-001</b>	Inspection	PG&E	\$100,000	192.805	1/23/2015	Paid
<b>ALJ 274 15-01-002</b>	Inspection	PG&E	\$430,000	192.925, 192.935	1/23/2015	Paid
<b>ALJ 274 15-01-003</b>	Inspection	Sempra	\$50,000	192.751	1/23/2015	Paid
<b>ALJ 274 15-01-004</b>	Inspection	PG&E	\$150,000	192.605 (b) (8), 192.605 c	1/30/2015	Appealed/ Withdrawn & Paid
<b>ALJ 274 15-01-005</b>	Inspection	West Coast	\$15,000	192.739, 199.105, 199.225, 199.241	1/30/2015	SED & WCG reached settlement
<b>ALJ 274 15-01-006</b>	Inspection	PG&E	\$50,000	192.201	1/30/2015	Paid
<b>ALJ 274 15-03-001</b>	Other	PG&E	\$200,000	191.25	3/20/2015	Paid
<b>Total Cited 2015</b>			\$995,000			

As authorized by ALJ Resolution-274, SED Staff has citation authority for the enforcement of safety regulations for violations by Gas Corporations of General Order 112 and Title 49, Parts 191, 192, 193 and 199 of the Code of Federal Regulations.<sup>1</sup>

### INSPECTIONS

- **2015 Inspections:** We have conducted 73 scheduled inspections in Q1 through Q4, and have completed the final inspection report for 33 of these 73 inspections during 2015.
- **Pre-2015 inspection backlog remaining:**
  - 3 open inspections from 2013 (was 3 last month)
  - 7 open inspections from 2014 (was 7 last month)

<sup>1</sup> General Order 112-F was adopted by the Commission on June 25, 2015, via D.15-06-044.

INCIDENT INVESTIGATIONS

As of December 31, 2015, GSRB Staff have received 191 incidents<sup>2</sup> year to date. GSRB has implemented the following timeline expectations for incident levels.

Incident	Target Processing Times	2015 Incidents
Level 1	60 Days	145
Level 2	120 Days	32
Level 3	150 Days	12
Level 4	>150 <365	2

Backlog Metrics on Pre-2015 Incident Investigations:

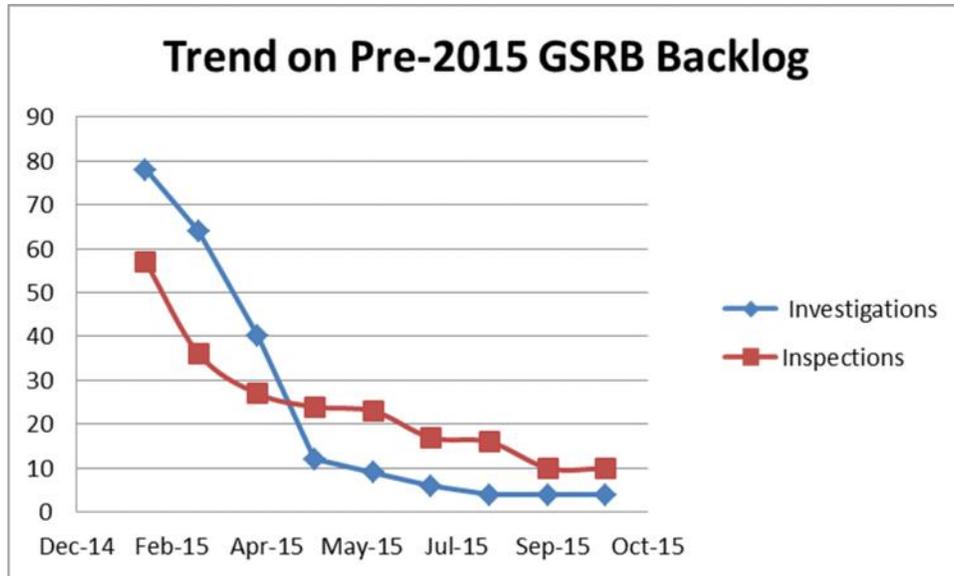
TOTAL reported in 2014	214	Percent
Open	2 <sup>3</sup>	1%
Closed	212	99 %

The backlogged incidents are categorized as follows:

- 0 - Level 1 incidents (was 0 last month)
- 0 - Level 2 Incidents (was 2 last month)
- 2 – Level 3 Incidents (was 2 last month)
- 0 – Level 4 Incidents (was 0 last month)

<sup>2</sup> Level 1: The incident did not result in injury, fatality, fire or explosion. Level 2: The incident did not result in injury, fatality, fire or explosion. The incident may have been reported due to Operator judgment. Level 3: The incident resulted in a release of gas but the incident did not result in injury, fatality, fire or explosion. Level 4: The incident resulted in injury, fatality, fire or explosion caused by release of natural gas from the Operator’s facilities.

<sup>3</sup> Only one incident remains open prior to year 2014



**UTILITY SELF-IDENTIFIED VIOLATION (SIV) INVESTIGATIONS:**

Self-Identified Violation Statistics (as of 12/31/15)				
Year	Reported	Open	Closed	Scheduled for Annual Review*
2011	1	0	1	0
2012	43	2	9	32
2013	31	3	7	21
2014	28	9	0	19
2015	18 <sup>4</sup>	2	1	15
<b>Totals</b>	<b>121</b>	<b>16</b>	<b>18</b>	<b>87</b>

\*At the end of each year, the SIV process owner will conduct an annual review, which includes a trend analysis of systemic issues, determination of investigation effectiveness, and possible revision of investigation criteria.

<sup>4</sup> No Utility Self-Identified Violations were reported in December.

## NATURAL GAS RELATED PROCEEDINGS

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- **Distribution Record Keeping (I.14-11-008) (Commissioner Peterman / ALJ Bushey) (Advocacy):** A Pre-Hearing Conference was held on March 9, 2015. SED received Department of General Services approval and the consultants began work on May 26, 2015. SED and the expert witness conducted interviews of Pacific Gas & Electric (PG&E) personnel in July and August. The supplemental testimony was submitted to the Commission on September 30, 2015. As required in the Scoping Memo, an informal discussion with the SED expert witness and other parties is scheduled was held in Los Angeles.
- **Gas Safety OIR (R.11-02-019) (Commissioner Florio / ALJ Bushey) (Advisory):** Decision 15-06-044 Adopting Revised General Order (GO) 112-F signed by the Commission at its June 25, 2015 Commission Meeting. GO 112-F in Attachment A of D.15-06-044 is effective June 25, 2015; except that as to Sections 105, 122, 123, 125, 142, 143, 144, 145, and 162, the gas operators shall comply with these sections as soon as feasible but no later than January 1, 2017, unless compliance is extended for a particular provision pursuant to Rule 16.6 of the Commission's Rules of Practice and Procedure or its successor. Rulemaking 11-02-019 was closed in June, however, it was re-opened in July on an application for rehearing.
- **Citation Program OIR (R.14-05-013) (President Picker / ALJ Burcham) (Advisory):** On October 1, 2015, the Commission issued the scoping memo for Phase II for parties to respond to before November 2, 2015. GSRB, in an advisory role, summarized the parties' opening and reply comments, and developed an initial response. GSRB will continue advising the commission and prepare for workshops and/or evidentiary hearings, as necessary.
- **Sempre Pipeline Safety Enhancement Program (A.14-12-016) (Commissioner Peterman/ALJs Long and Mason) (Advisory):** This proceeding deals with disposition of expenses in the balancing account for pipeline safety work. On December 4, 2015, the Office of Ratepayer Advocates (ORA) and The Utility Reform Network (TURN) submitted their reply briefs, pursuant to the briefing schedule set forth in the Assigned Commissioner and Administrative Law Judges' Scoping Memo and Ruling; the Southern California Generation Coalition (SCGC) submitted its recommendations; and Southern California Gas Company (SoCalGas) and San Diego Gas & Electric (SDG&E) submitted their reply brief to the CPUC.
- **Mobile Home Parks Pilot Program (Implementing D.14-03-021):** This decision established a three-year pilot program authorizing each California investor-owned utility to convert 10% of master-metered gas and/or electric Mobile Home Park spaces within its operating territory to direct utility service. The Pilot Program began on January 1,

2015, and will continue through to December 31, 2017. March 31, 2015, was the last day of the Open Enrollment period ended for Mobile Home Parks/Communities to submit their CPUC Forms of Intent to indicate their desire to participate in the Pilot Program. SED completed its review, analysis, and prioritization based on gas safety criteria in selecting 10% of the master-metered spaces in each utility's operating territory to be converted. On May 29, 2015, SED sent a letter notifying the Mobile Home Parks/Communities if they were selected for the pilot program, or otherwise placed on a waiting list. The letter was mailed to each of Mobile Home Parks/Communities whom had submitted a CPUC Form of Intent. No significant updates for December.

## ELECTRIC SAFETY AND RELIABILITY PROGRAMS

### ELECTRIC AND COMMUNICATION FACILITY PROGRAM: AUDITS AND INCIDENT

#### INVESTIGATIONS

In December 2015, Electric and Communication Facility Safety Section Staff has performed the following:

- Received 6 electric incidents and closed 8 previously reported electric incidents;
- Investigated 13 customer complaints;
- Conducted one Electric Distribution audit; and
- Conducted one Substation audit.

#### Metrics for Incident Investigation as of December 2015:

Electric and Communication Facilities	Level 1	Level 2	Level 3	Level 4	Total <sup>5</sup>
<b>Total reported incidents in 2015</b>	24	21	30	41	116
<b>Total closed 2015 incidents</b>	19	11	11	14	55
<b>Total open 2015 incidents</b>	5	10	19	27	61
<b>Incidents reported in December 2015</b>	1	1	2	2	6
<b>Incidents closed in December 2015</b>	1	1	2	4	8
<b>Average closure time of 2015 incidents</b>	86.1 days	89.4 days	131.3 days	123.7 days	105 days

<sup>5</sup> Level 1: A safety incident that doesn't meet Level 2, 3, or 4 criteria. Level 2: Incident involved a power interruption not due solely to outside forces. Level 3: Incident involved damage estimated to exceed \$50,000 and caused, at least in part, by the utility or its facilities. 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.

Timeline Expectations for Incident Levels

Incident	Target Processing Times	2015 Incidents
Level 1	60 Days	24
Level 2	120 Days	21
Level 3	150 Days	30
Level 4	180 Days	41

**ELECTRIC AND COMMUNICATION FACILITY SAFETY: PROCEEDINGS**

- Fire Safety Rulemaking (R.08-11-005) (Commissioner Florio/ALJ Kenney) (Advocacy):** In November 2015, The Fire Threat Mapping Independent Expert Team (IET) submitted a Draft Map Review and Development Report, which included a draft Fire Map 1. ESRB held a two-day public workshop in November 2015, to discuss the report. The IET and party experts are still trying to come up with a consensus Fire Map 1 proposal. The Final Map Review and Development Report, along with final recommendations, are scheduled to be submitted mid-January 2016.
- Rulemaking on Applicability of Right-of-Way Rules to CMRS Carriers (R.14-05-001) (Commissioner Randolph/ALJ Kenney) (Advocacy):** ESRB Staff and utility representatives submitted a workshop report to the ALJ detailing the workshop outcome. IOUs submitted a motion for alternative dispute resolution (ADR) to address the safety issues that remain unresolved. The assigned ALJ released a ruling denying the motion and urging all parties to settle all remaining issues rather than a litigated outcome. IOUs and CIPs did not reach a settlement. On October 30, 2015, the ALJ issued a Proposed Decision (PD) amending the ROW Rules to provide commercial mobile radio service (CMRS) carriers with nondiscriminatory access to public utility infrastructure. In addition, the PD adopted changes to several rules in GO 95.

ESRB has reviewed the PD and filed comments opposing some of the proposed rules. ESRB and the assigned attorney met with all Commissioners’ offices to brief them on SED’s position and safety concerns with the PD. The PD was held for further review until the Commission’s January 14, 2016, meeting.
- Physical Security of the Electric System (R.15-06-009) (President Picker/ALJ Kelly) (Advocacy):** On May 22, 2015, The Commission issued Order Instituting Rulemaking Regarding Policies, Procedures and Rules for Regulation of Physical Security for the Electric Supply Facilities of Electrical Corporations Consistent with Public Utilities Code Section 364 and to Establish Standards for Disaster and Emergency Preparedness Plans for Electrical Corporations and Regulated Water Companies Pursuant to Public Utilities Code Section 768.6. This rulemaking will be conducted in phases. Phase I will pertain to the physical security for the electric supply systems of electrical corporations and additional phases will pertain to disaster and emergency preparedness plans for

electrical corporations and regulated water companies. This rulemaking may also consider whether any new rules, standards, or General Orders or modifications to existing policies should apply to all electrical supply facilities within the jurisdiction of the Commission, including facilities owned by publicly owned utilities and rural electric cooperatives. On September 25, 2015, the ALJ issued a ruling that included four questions related to this proceeding. The ALJ also set a Pre-Hearing Conference (PHC) date and ordered each party to prepare, file and serve a PHC statement addressing the four questions in the ruling, no later than October 22, 2015. SED submitted a PHC statement addressing the four questions and prepared responses to 18 additional questions posed by ALJ Kelly for discussion at the October 29<sup>th</sup> PHC. ESRB attended the prehearing conference, along with SED's assigned attorney. At the PHC, assigned Commissioner President Picker expressed concerns over the protection of classified utility data during the proceeding and in any subsequent enforcement actions. President Picker also expressed the opinion that the Commission should ensure that it properly coordinates with the Department of Homeland Security and the Office of Emergency Services in physical security and emergency preparedness matters. ESRB is currently waiting for further direction from ALJ Kelly.

- **Net Energy Metering (R.14-07-002) (President Picker/ALJ Simon) (Advisory):** The Energy Division staff working with consultants has developed a Public Tool, for use in evaluating proposals for the successor tariff or contract mandated by the Public Utilities Code 2827.1. The assigned ALJ granted an extension of time to file comments and reply comments. A Proposed Decision was filed on December 15, 2015. The PD implements some of the provisions of Assembly Bill (AB) 327 (Perea), Stats. 2013, ch.611. AB 327, and recommend to add Section 2827.1 to the Public Utilities Code, requiring the Commission to develop “a standard contract or tariff, which may include net energy metering (NEM), for eligible customer –generators with a renewable electrical generation facility that is a customer of a large electrical corporation.” A ruling filed on December 15, 2015, stated that this proposed decision will appear on the Commission’s Agenda on January 28, 2016. ESRB will continue to follow, review and evaluate all documents related to safety.
- **Distributed Energy (R.14-08-013) (President Picker/ALJ Fitch) (Advisory):** A prehearing conference was held on September 30, 2015, to discuss whether one or more of the Applications submitted should be considered on a different timeline than others. ESRB attended the prehearing conference and will continue to review and evaluate all related documents for potential safety impact. On October 20, 2015, the Commission issued a notice that this Rulemaking was reassigned from ALJ Gamson to ALJ Fitch. ESRB attended workshops that were held by the Energy Division to discuss Distributed Resource Plan (DRP) roadmap and Integration Capacity Analysis that was conducted by IOUs as part of their own DRP application. On December 2, 2015, SED attended a workshop to initiate consideration of the new resource optimization and integrated planning requirements established by Senate Bill (SB) 350. SB 350 enacted Public Utilities Code Section 454.51, which requires the CPUC to “identify a diverse and balanced portfolio of resources needed to ensure a reliable electricity supply that

provides optimal integration of renewable energy in a cost-effective manner.” SB 350 also enacted Public Utilities Code Section 454.52, which requires the CPUC to establish an integrated resource planning process for regulated load-serving entities in line with the State’s greenhouse gas emission reduction target of 40 percent below 1990 levels by 2030 while continuing to deliver safe, reliable, least-cost service to customers.

- **Electric Reliability Reporting (R.14-12-014) (President Picker/ALJ Yip-Kikugawa and ALJ Fortune) (Advisory):** The IOUs have produced and filed the “Workshop Report II”. ESRB reviewed the report and didn’t find any safety related concerns. The ALJ’s latest ruling requested comments on the reliability report template by September 10, 2015. ESRB has reviewed the reliability report template and the Parties’ comments. The comments included suggestions on how to improve the template. On October 26, 2015, the Commission issued a notice that ALJ Gamson is being removed as the assigned ALJ to this Rulemaking and ALJ Yip-Kikugawa is being co-assigned with ALJ Pro Tem Fortune. On November 16, 2015, the assigned Commissioner issued a Proposed Decision (PD) which will be addressed at the Commission’s December 17, 2015 Business Meeting. This proceeding is on the January 14, 2016 Commission Voting Meeting consent agenda. The proposed outcome is to establish new incremental electric reliability reporting pursuant to Public Utilities Code Section 2774.1 (AB-66) and to close the proceeding.
- **Electric Citation (R.14-05-013) (President Picker/ALJ Burcham) (Advisory):** ESRB has advised ALJ Division regarding structure and issues that could be addressed in Phase II of this proceeding, to be determined in an upcoming Phase II scoping memo. ESRB is drafting internal procedures including general principles to be considered by ESRB when taking enforcement action authorized by Decision D.14-12-001. These procedures will be an internal document and were not ordered or authorized pursuant to any formal decision or other action by the Commission. On November 2, 2015 parties filed opening comments addressing issues in Phase II of R.14-05-013. ESRB summarized the comments and discussed them with ALJ Division. On December 2, 2015, parties filed reply comments. ESRB reviewed the reply comments and will be discussing them with the ALJ Division.
- **Distribution Level Interconnection (R.11-09-011) (President Picker/ALJ Bushey) (Advisory):** The proceeding is to improve distribution level interconnection rules and regulations for certain classes of electric generators and electric storage resources. The assigned Commissioner and Administrative Law Judge (ALJ) set a Status Conference on August 6, 2015, and ordered the parties to meet and confer on a number of topics. The Status Conference will address the proposed revisions to Electric Tariff Rule 21 to: (1) improve the reliability of interconnection cost estimates, and (2) streamline the process for interconnection of behind-the-meter, non-exporting storage. The parties will appear at the Status Conference and will present the result of the meet and confer processes. ESRB will attend the Status Conference to observe and evaluate any potential safety impact. ESRB attended the Status Conference on August 6, 2015. The assigned Commissioner and assigned ALJ determined the state of parties’ work on behind-the-meter storage interconnection requests and interconnection cost certainty ESRB

attended a webinar and a workshop that were held in September where numerous issues related to Storage Load were discussed.

On December 2, 2015, SED attended a Workshop to initiate consideration of the new resource optimization and integrated planning requirements established by Senate Bill (SB) 350. SB 350 enacted Public Utilities Code Section 454.51, which requires the CPUC to “identify a diverse and balanced portfolio of resources needed to ensure a reliable electricity supply that provides optimal integration of renewable energy in a cost-effective manner.” SB 350 also enacted Public Utilities Code Section 454.52, which requires the CPUC to establish an integrated resource planning process for regulated load-serving entities in line with the State’s greenhouse gas emission reduction target of 40 percent below 1990 levels by 2030 while continuing to deliver safe, reliable, least-cost service to customers. ESRB will continue to review documents and attend scheduled workshops to evaluate any potential safety issues.

- **Electric Storage Procurement (R.15-03-011) (Commissioner Peterman/AJ Halligan) (Advisory):** This proceeding is in response to the enactment and ongoing implementation of Assembly Bill 2514 (Skinner, Stats. 2010 – ch. 469) and to continue to refine policies and program details as required or recommended by Decision (D.) 13-10-040 and D.14-10-045, which established the Energy Storage Procurement Framework and Program and approved the utilities’ applications in implementing the program. On August 19, 2015, ESRB attended a workshop that was held to discuss eligibility of new energy storage technologies in the energy storage proceeding, discuss codes, standards, and regulations for energy storage safety in the proceeding, and recount utility and non-utility experiences installing and operating energy storage devices for a wide range of applications. A draft workshop report on Energy Storage Track 1 was distributed to the parties. The report included SED’s recommendation to form a technical panel that includes SED, IOUs, and other experts to discuss and recommend the most effective ways for SED to inspect energy storage facilities. A proposed decision was filed on December 15, 2015, addressing certain storage policy and program issues that must be resolved prior to commencement of the investor-owned utilities’ 2016 energy storage procurement solicitations.

This decision is on the consent agenda for the January 14, 2016, Commission Voting Meeting. The proposed outcome approves refinement to the Energy Storage Procurement Framework and Design Program in advance of the 2016 biennial energy storage solicitations to provide additional flexibility to the Investor-Owned Utilities meeting the storage targets adopted in D.13-10-040. The proposed decision also adopts a process for developing a safety inspection plan and protocols to address safety impacts associated with the increased deployment of energy storage facilities connected to utility facilities. ESRB will continue to review all related documents, attend workshops, and assist the Risk Assessment Branch with this proceeding to determine the best practices related to energy storage, and the proper way to inspect such facilities.

- **Long Beach Outages Investigation:** On July 15 and July 30, 2015, two separate fires and explosions in underground electric vaults caused power outages that affected thousands

of residents and businesses in the downtown Long Beach area for several days. On August 15, 2015, another fire occurred in an underground vault that affected many customers in Long Beach. ESRB opened an investigation of the outages and the cause of the underground vaults explosion. On August 13, 2015, State Assembly Member Anthony Rendon, Chair of the Assembly Committee on Utilities and Commerce, requested a representative from the CPUC to participate as a witness in a California State Legislator Town Hall regarding the recent power outages in Long Beach. On August 22, 2015, Commission President Picker, Commissioner Sandoval, Deputy Director Peter Allen, Program and Project Supervisor Fadi Daye, and Senior Utilities Engineer Ben Brinkman attended the Town Hall meeting representing the CPUC. Commissioner Sandoval and Fadi Daye testified on various issues related to the role of the CPUC and ESRB's investigation of the power outages. ESRB is conducting a full investigation of the outages and is drafting an investigation report.

- **Smart Inverter Working Group (SIWG):** Phase 1 of the SIWG developed seven autonomous advanced inverter functions, adopted in D.14-12-035, that will be mandatory for all inverter-connected DERs around Q4 2016, while Phase 2 of the SIWG outlined the default communication protocols that govern how IOUs communicate with individual DERs and DER aggregators. Phase 3 of the SIWG will have two primary goals: (1) to develop additional inverter functionality not contemplated in Phases 1 and 2; and (2) to develop the foundational technical requirements for operational protocols or transactional models that will enable the provision of inverter-based DER grid services, as contemplated in related CPUC proceedings such as IDSR.

On September 25, 2015, ESRB participated in a workshop that was held to discuss the following topics: 1) brief review of SIWG Phase 1 functions and Phase 2 communications protocols, and of related CPUC proceedings such as Distribution Resources Plan (DRP), Integrated Demand Side Resources (IDSR), Rule 21, and CAISO stakeholder initiatives, 2) discussion and taxonomy of envisioned DER-provided grid services in an envisioned future distribution marketplace, 3) discussion of possible operational protocols or transaction models that could enable the provision of grid services, and what should be scoped into the SIWG Phase 3, and 4) further categorization of additional inverter functionality to be developed over the course of SIWG Phase 3. SED/ESRB is still attending the weekly meetings when available.

### ELECTRIC AND COMMUNICATION FACILITY SAFETY: REPORTS AND OTHER ACTIVITIES

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- **Utility Diagnostic Testing:** SED staff surveyed the three largest investor owned utilities (IOUs) in California to determine what type of diagnostic testing and inspection they perform on certain critical distribution system components (switches, transformers and capacitors). The survey is critical to determine if the IOUs current diagnostic testing and inspection programs comply with industry standards. SED produced a report which is currently with management for review.
- **Caltrain Modernization Project:** ESRB, Rail Safety, and staff from Legal met with Caltrain and Union Pacific to discuss the Caltrain Electrification Project details, and the next

steps to ensure the safe construction and operation of the new electrified system. The parties discussed several options to address the safety requirements of the Electrification Project, which include: a) a variance to General Order 95 rules, b) modifying General Order 176 to apply to Caltrain’s system, or c) a new General Order. ESRB has reviewed documents related to the design and construction of the Electrification Project, and met with Caltrain to discuss next steps and procedural options for Commission consideration of new proposed safety rules.

**ELECTRIC GENERATION SAFETY AND RELIABILITY: INVESTIGATIONS, INSPECTIONS, AND AUDITS**

The Electric Generation Safety and Reliability Section staff has performed the following in December 2015:

- Conducted ten power plant inspections for forced and planned outages throughout the State.
- For 2015, SED audited the Gateway, Redondo Beach, Los Esteros, and Inland Empire power plants. In December 2015, SED sent Notice of Violation letters to the Los Esteros and Inland Empire plants. Please see audit status and milestones for each plant in the table below.

2015 Power Plant Audit Status	Gateway	Redondo Beach	Los Esteros	Inland Empire
<b>Audit Preparation and Planning</b>	Completed	Completed	Completed	Completed
<b>On-site Audit at Plant</b>	Completed	Completed	Completed	Completed
<b>Issue Notice of Violation to Plant</b>	Completed	Completed	In progress	In progress
<b>Evaluate Plant’s Corrective Action Plan</b>	Completed	Completed	-	-
<b>Monitor and Track Plant’s Corrective Actions Until Completion</b>	In progress	In progress	-	-

## California Public Utilities Commission | Safety and Enforcement Division

- Electric Generation closed one incident (Level 4). Please see year to date incident (YTD) statistics in the table below.

Electric Generation Safety Incidents	Level 1	Level 2	Level 3	Level 4	Total <sup>6</sup>
<b>Total reported incidents in 2015</b>	4	0	0	3	7
<b>Total closed incidents in 2015</b>	4	0	1	4	9 <sup>7</sup>
<b>Total open incidents in 2015</b>	0	0	0	1	1
<b>Incidents reported in December 2015</b>	0	0	0	0	0
<b>Incidents closed in December 2015</b>	0	0	0	1	1
<b>Average closure time of 2015 incidents</b>	72 days	-	433 days	315 days	273 days

### ELECTRIC GENERATION SAFETY AND RELIABILITY: PROCEEDING/RESOLUTION

- **2012 Fatality at Kern Power Plant (I.14-08-022) (President Picker/ALJ Vieth) (Advocacy):** On July 23, 2015, the Commission approved an all-party settlement for PG&E to pay a \$5.6 million penalty (a \$2.3 million fine to go to the General Fund, with the remainder as cost disallowances) and to implement company-wide corrective actions, including improved contractor safety oversight and incident causal evaluation procedures. No significant updates for December.
- **Gas Supply Curtailment to Power Plants:** SED staff completed a confidential report on staff's investigation of the February 6, 2014 curtailment by Southern California Gas Company (SCG) of gas supply to power plants in southern California. The report includes several recommendations to minimize future occurrence of such events. Staff is working to release a public version of the report, and may issue a resolution for the Commission to approve the report.

<sup>6</sup> Level 1: A safety incident that doesn't meet Level 2, 3, or 4 criteria. Level 2: Incident that occurred during an electric Alert, Warning or Emergency (AWE). Level 3: 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 was caused, at least in part, by plant equipment and/or operations.

<sup>7</sup> Total includes three pre-2015 incidents (one Level 3 and two Level 4) that were closed in 2015.

## UTILITY RISK ASSESSMENT AND MANAGEMENT

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### PROCEEDING UPDATES

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- **Safety Model Assessment Proceeding (A.15-05-002, et al) (President Picker/ALJ Kersten) (Advisory):** Staff moderated the fourth in a series of SMAP workshops on December 4, focused on reviewing and discussing the preliminary white paper on the “As Low As Reasonably Practicable” (ALARP) concept. The ALARP paper was then finalized and submitted for stakeholder comment via an ALJ ruling. The workshop also discussed expectations for the two annual accountability reports that will be due following GRC decisions.
- **Gas Leak Abatement OIR (R.15-01-008) (President Picker/ALJ Kersten) (Advisory):** SED Staff began hosting a series of technical working group calls to identify and discuss “Best Practices” for leak identification, management and repair. The working group will be expected to prepare a report on recommendations in early 2016. SED and CARB staff continue their evaluation of the May leak reports, with a report expected in January.
- **Electric Storage Procurement (R.15-03-011) (Commissioner Peterman/ALJ Halligan) (Advisory):** On Dec. 15, a Proposed Decision on Track One issues was released for public comment. The PD directs SED to establish a technical group to consider appropriate safety-related issues for facility inspections of grid-connected storage operated by utilities. This will be done in early 2016.
- **Public Records Act Revisions Rulemaking (R. 14-11-001) (President Picker/ALJ Lirag) (Advisory):** SED Staff will organize and moderate a workshop in early February. Staff will help organize a consensus effort in advance of the workshop.
- **Investigation into Safety Culture of Pacific Gas and Electric Company and PG&E Corp. (I.15-08-019) (President Picker/ALJ Bushey) (Advisory):** Risk Section has completed the selection process for an Expert Witness/consultant for this investigation, and is proceeding with contract finalization. Staff has issued two data requests to PG&E and continues to work with the utility to sort through issues related to claims about confidentiality of documents and narrowing the expected volume of responses in certain cases to focus on substantive issues.
- **SDG&E/SoCal Gas General Rate Case (A.14-11-003/004) (President Picker/ALJs Wong and Lirag) (Advisory):** SED staff meets regularly with Assigned Commissioners’ advisors to review and evaluate the proposed settlement and non-settled issues that could implicate safety and reliability.
- **PG&E 2017 General Rate Case (A.15-09-001) (President Picker/ALJ Roscow) (Advisory):** Staff is preparing data requests for information to be included in a report on risk and safety aspects of the GRC filing for first quarter 2016.
- **Physical Security of the Electric Supply System (R.15-06-009) (President Picker/ALJ Kelly) (Advisory):** Risk Assessment staff has an advisory role for this proceeding, which has been deferred into 2016 as a result of budget cuts.

**HIRING, TRAINING AND OTHER ACTIVITIES**

- The Risk section has added two new PURA Vs and is still working through the hiring process for one Senior Utility Engineer (SUE (specialist)) approved as part of the FY 2015-16 budget.
- Staff created a best practices document covering safety issues for permitting of energy storage devices at residential level to be posted on the Commission’s revised public website and will continue working with industry and others to promote these best practices among local authorities having jurisdiction (AHJ).

**MONITORING THE WHISTLEBLOWER WEBSITE**

The Risk Section has been overseeing intake for complaints that arrive via a “whistleblower” application on the Commission’s web site. Working with other SED staff and IT, Risk provided edits and revisions to the on-line form and information. All of the problems that we are aware of have been corrected as of June 1, 2015.

**STATISTICS - 1/01/15 TO 12/31/15**

Note: This is for complaints filed using the on-line Whistleblower Application ONLY.

Confirmed or Possible Whistleblower Complaints						
	CAB	Transportation	Electric Safety	Gas Safety	Telco Fraud	Rail
<b>January</b>	0	0	0	0	0	0
<b>February</b>	0	4	0	1	2	0
<b>March</b>	1	1	1	1	0	0
<b>April</b>	1	1	0	1	0	0
<b>May</b>	0	1	1	0	0	0
<b>June</b>	0	4	1	1	0	0
<b>July</b>	1	0	0	0	1	0
<b>August</b>	0	2	0	1	0	0
<b>September</b>	0	4	2	2	1	0
<b>October</b>	0	2	1	1	1	0
<b>November</b>	0	2	0	3	0	0
<b>December</b>	0	1	1	1	2	0
<b>Total 2015</b>	2	22	7	12	7	0

Invalid Whistleblower Complaints Converted to Standard Complaints							
	CAB	Transportation	Electric Safety	Gas Safety	Telco Fraud	Rail	Consumer Referred to Outside Agencies
January	1	0	0	0	0	0	0
February	5	1	0	1	0	1	3
March	3	3	1	0	0	0	3
April	5	2	0	0	0	0	5
May	0	1	0	0	0	0	2
June	0	0	0	0	0	0	0
July	1	0	0	0	0	0	0
August	0	2	0	1	0	0	0
September	0	0	0	0	0	0	2
October	0	0	0	0	0	0	1
November	0	0	0	0	0	0	0
December	0	0	0	0	0	0	0
<b>Total 2015</b>	15	9	1	2	0	1	16

Test, Incomplete or Duplicate Whistleblower Complaints	
January	3
February	10
March	10
April	5
May	16
June	2
July	3
August	5
September	1
October	2
November	2
December	2
<b>Total 2015</b>	61

**CONCLUSION**

The number of Invalid and Incomplete Whistleblower Complaints has decreased since changes to website were made in June, as expected.

## OFFICE OF RAIL SAFETY

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### RAILROAD SAFETY

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In the month of December 2015, SED Staff's Railroad Operations group completed the following:

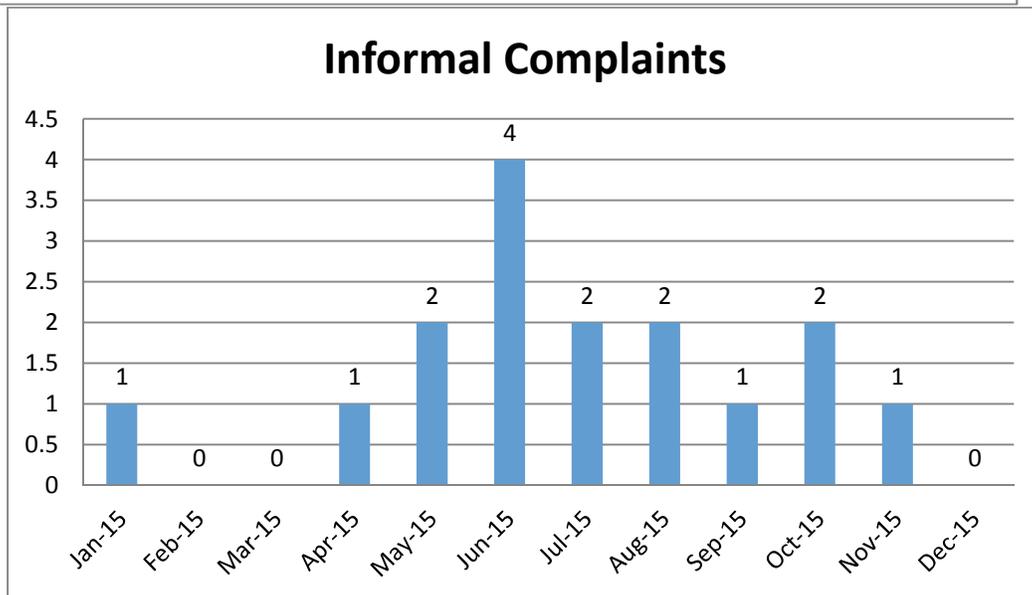
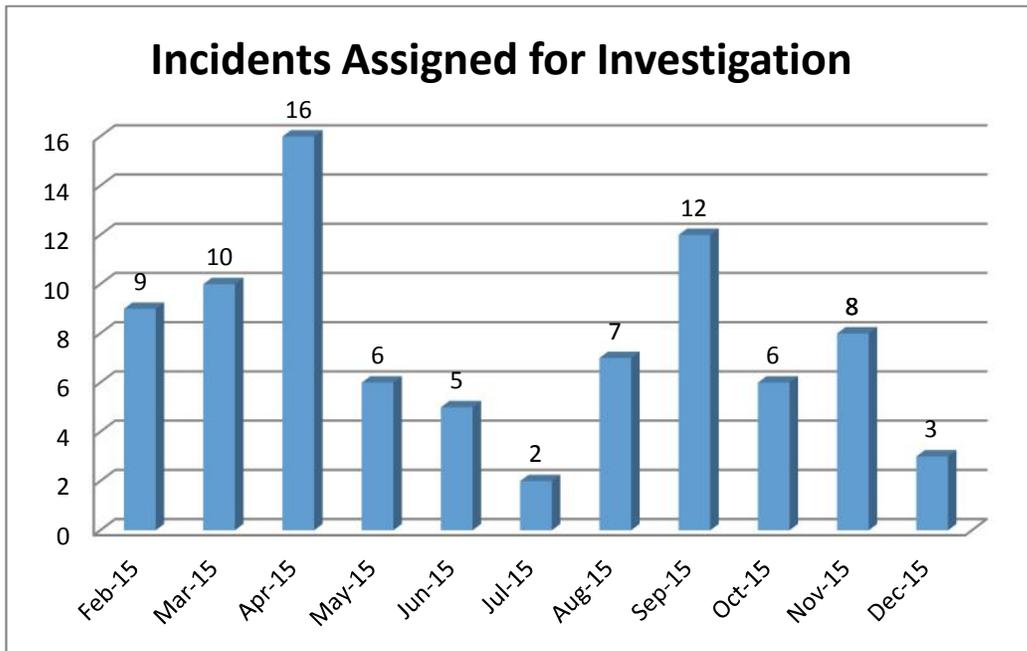
New Incidents Investigated	3
Informal Complaints Investigated	0
Safety Assessments/Reviews	6
Compliance Actions	299
Major Inspections Completed - Such as Focused Inspections	0
Operation LifeSaver Presentations	2

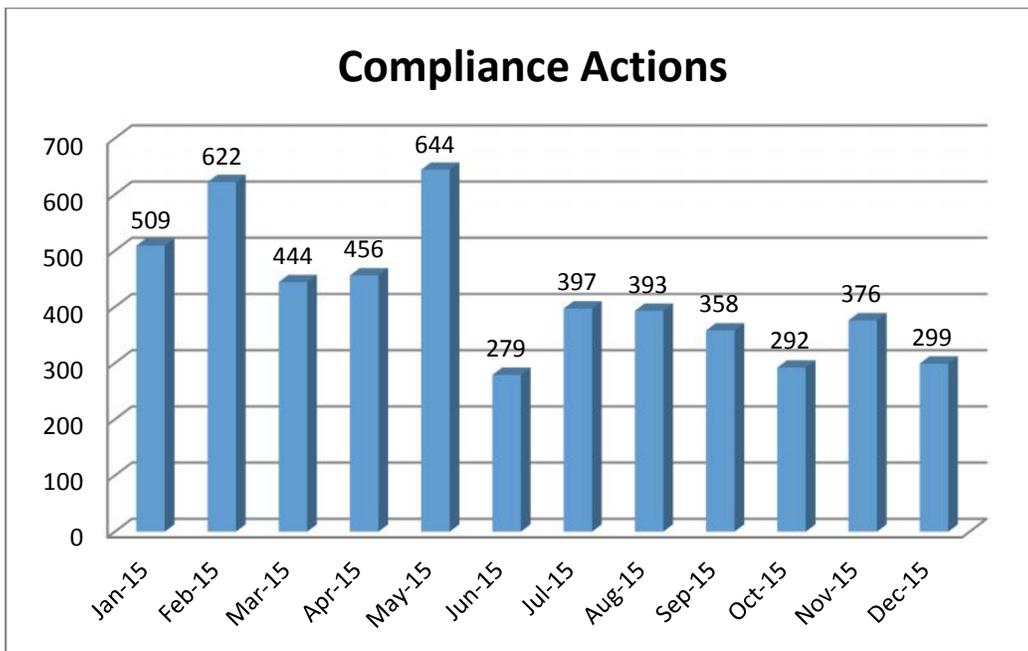
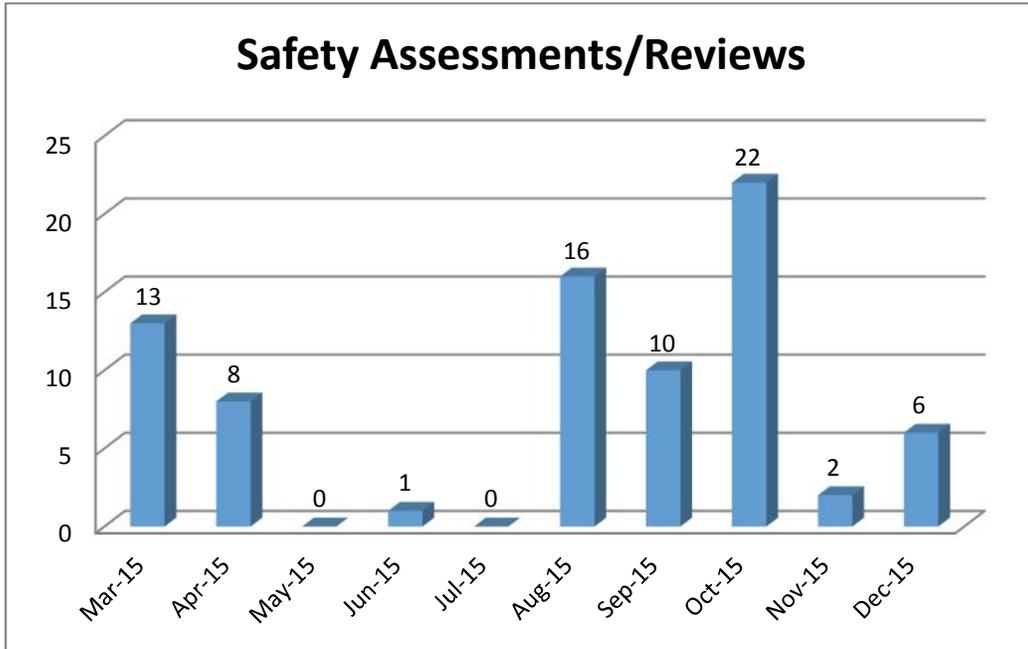
### ROSB INSPECTIONS, INVESTIGATIONS & FIELD ACTIVITIES

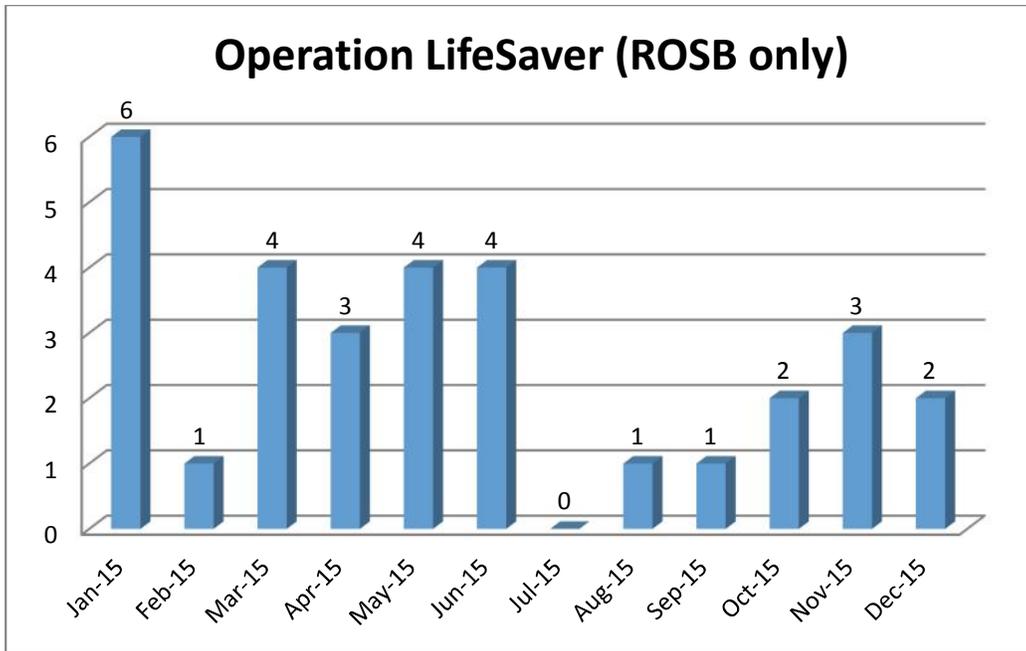
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- **December 29, 2015:** Two CPUC Railroad Safety Inspectors recently performed walking focused inspections in Union Pacific Railroad's (UPRR) JR Davis Yard of the Roseville Subdivision located between Antelope and the UPRR City Yard, California. One purpose of the focused inspection is to determine if unattended locomotives are secured. When locomotives are left unattended, they must be secured -- both inside and outside the locomotive -- with such items as reverser levers removed, independent and automatic brake valves in proper position, electric settings properly set off and hand brakes applied outside the locomotive.
- **December 29, 2015:** Two CPUC Railroad Safety Inspectors recently performed a walking and driving inspection of Union Pacific Railroad's (UPRR) JR Davis Yard of the Roseville Subdivision, located in Roseville, California. A Federal regulation violation was identified and conveyed to the UP Director of Terminal Operations for correction. The violation was a yard hand throw switch equipped with a hook for providing additional securement to the switch once aligned. The hook or the lock should have been in the switch hasp to prevent the switch points from movement, which could cause a

derailment. In addition to this condition being a violation of Federal regulation, the railroad's operating rules require switches equipped with a hook and/or a lock to be secured in order to prevent switch movement.







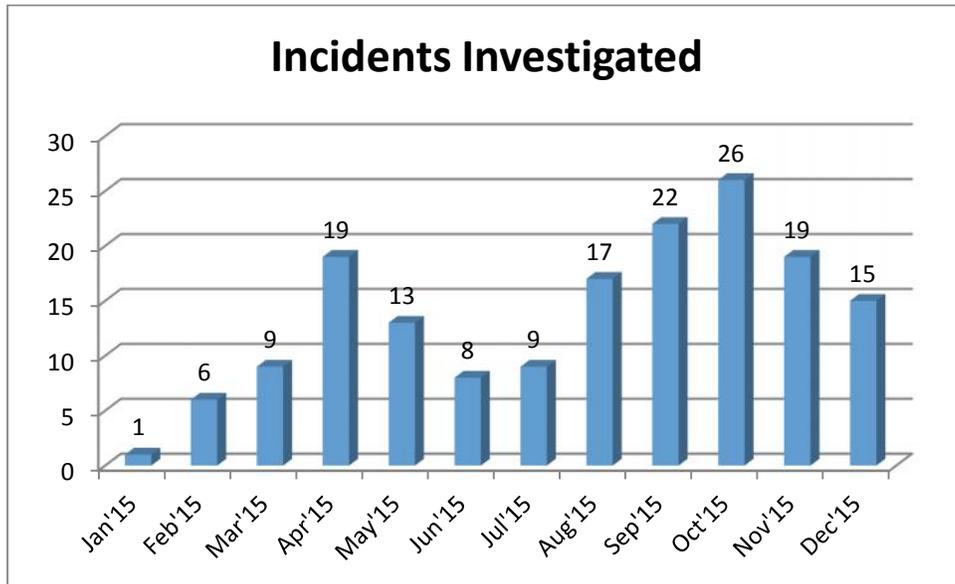
## RAIL CROSSINGS

In the month of December 2015, the Rail Crossings and Engineering Group completed the following:

<b>Incidents Investigated (Closed)</b>	<b>15</b>
<b>Informal Complaints Investigated (Closed)</b>	<b>5</b>
<b>Safety Assessments/Reviews</b>	<b>36</b>
<b>Environmental reviews documents analyzed for safety impacts - Addresses safety issues in design phase of projects</b>	<b>199</b>
<b>Major Inspections and Proceedings/Resolutions</b>	<b>8</b>
<b>Operation LifeSaver Presentations</b>	<b>1</b>
<b>Staff Training</b>	<b>2</b>

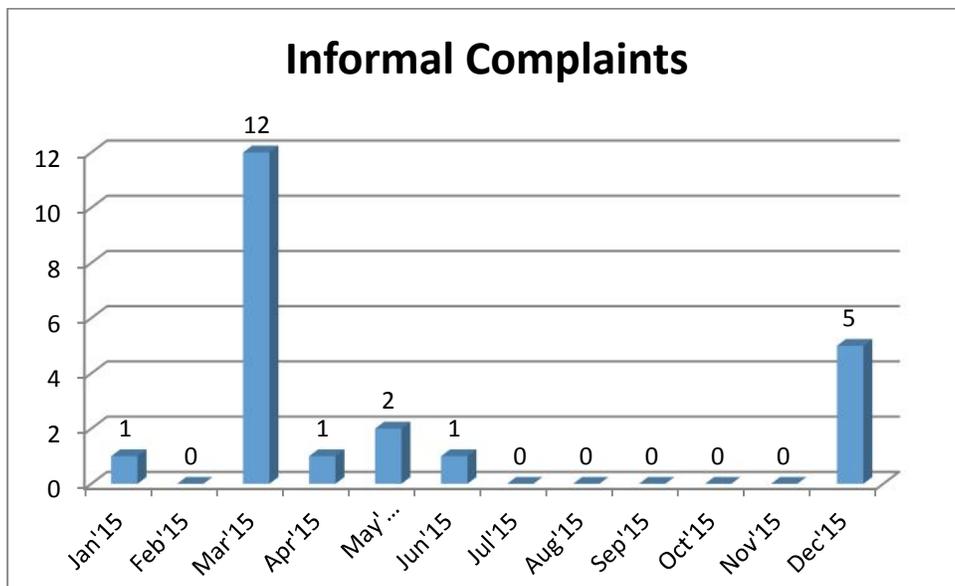
RAIL CROSSING INCIDENT INVESTIGATIONS

- In December 2015, the Rail Crossings and Safety Branch engineers received eight new crossing related incidents and completed 15 investigations.



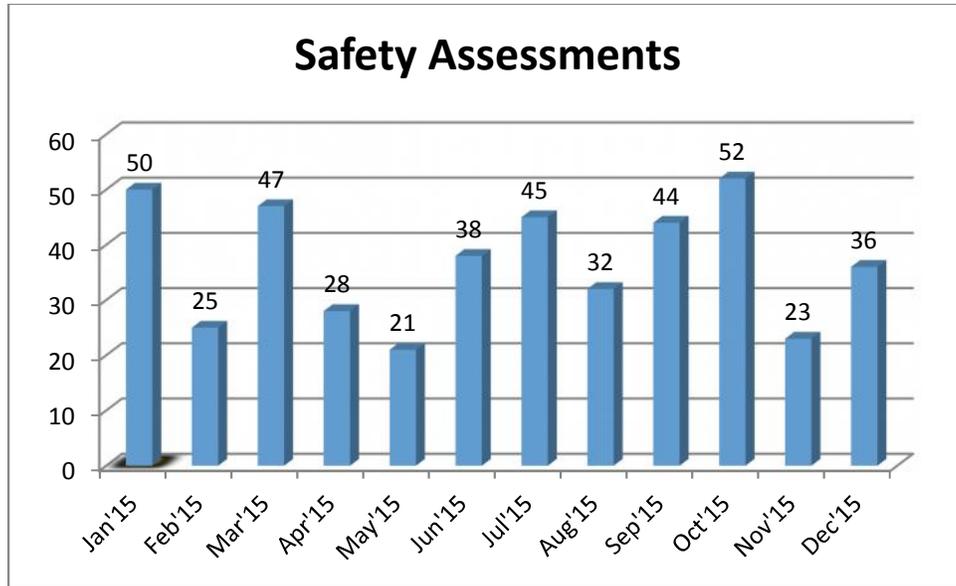
INFORMAL COMPLAINTS

- In December 2015, engineering staff received one new complaint and closed five complaints involving existing highway-rail crossings.



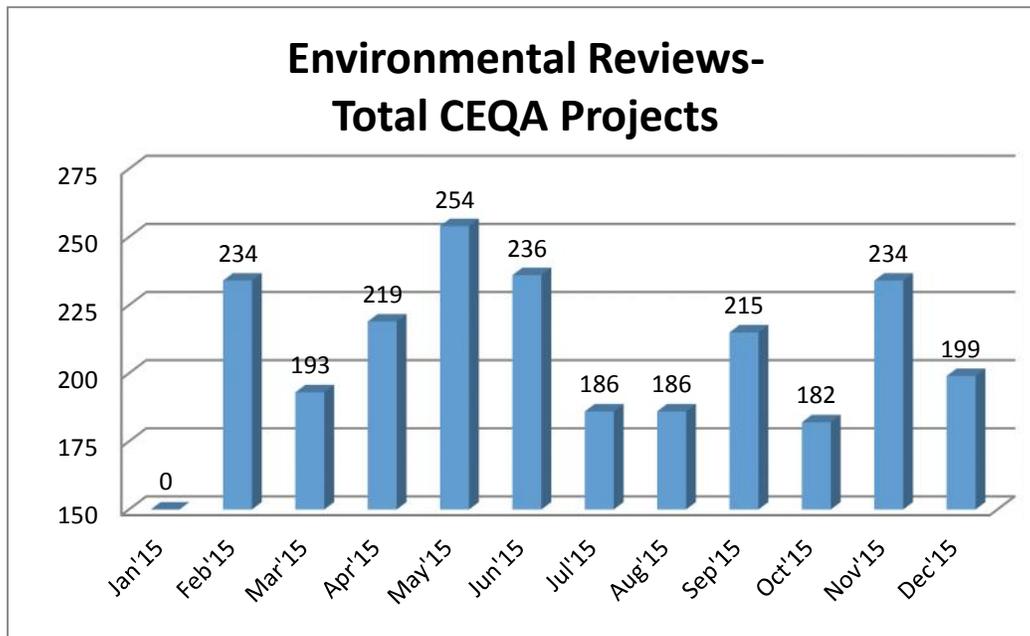
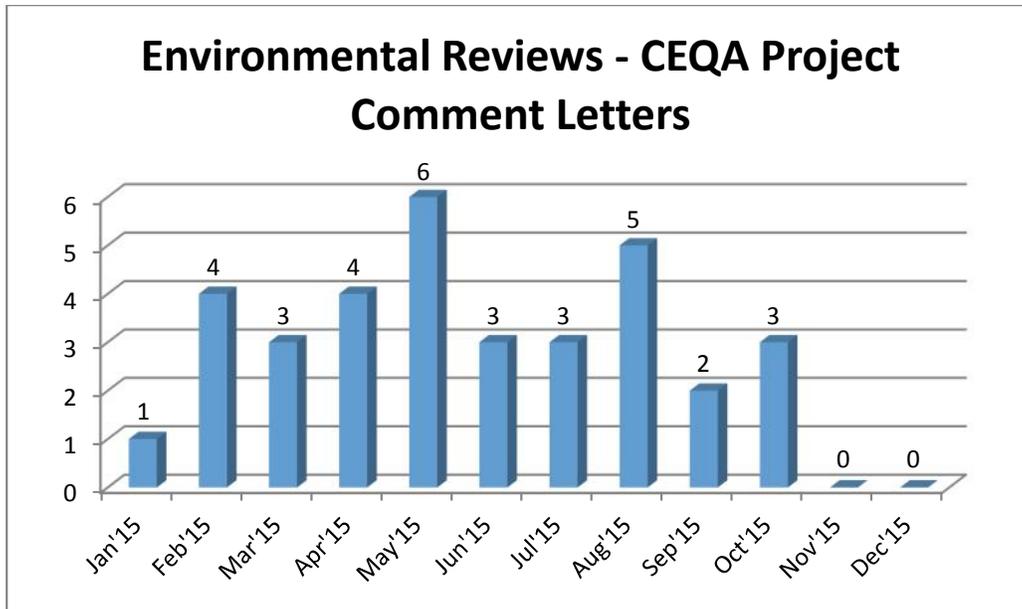
## SAFETY ASSESSMENTS AND REVIEWS

In December 2015, staff completed 36 crossing activity reports involving communications, field inspections, and diagnostic reviews with railroads and local agencies.



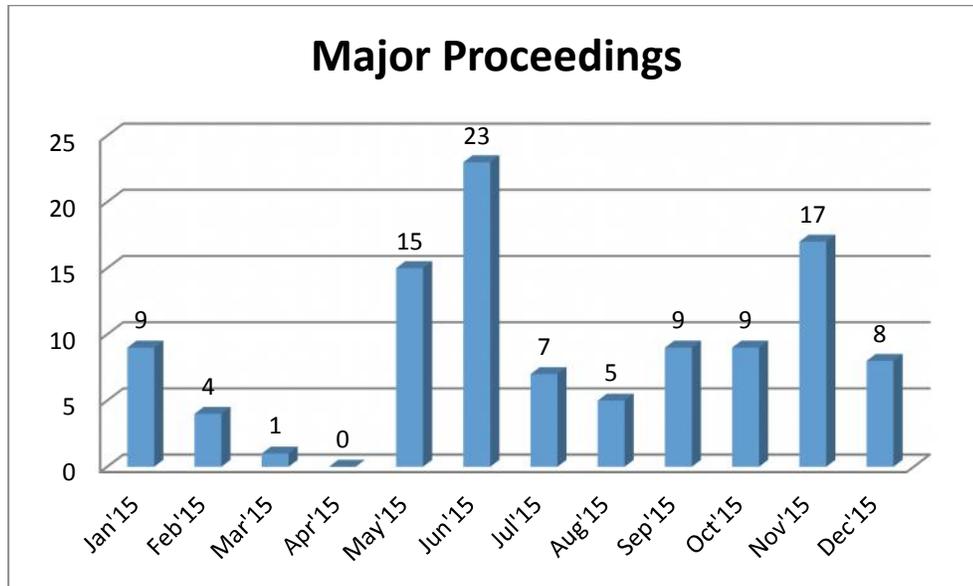
## ENVIRONMENTAL REVIEWS

- In December 2015, staff reviewed 199 CEQA reports. When new projects or developments are being considered by railroads and local agencies, staff reviews documents submitted by the agencies and the documents are analyzed for safety impacts. The review addresses safety issues in highway-rail crossing design and nearby intersections during the design phase of the projects.



PROCEEDINGS AND RESOLUTIONS

- In December 2015, engineering staff completed the review of two formal applications, and six G.O. 88-B application reviews to modify existing crossings.

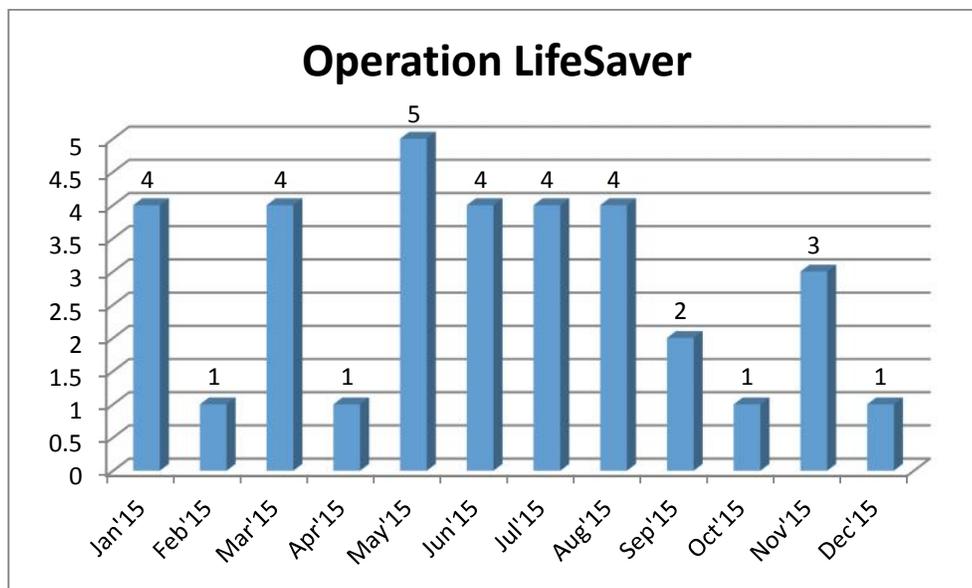


- **A.15-07-016** – Application of the U. S. Fish and Wildlife Service requests authorization to construct a new public pedestrian/bike crossing of the Sonoma Marin Area Rail Transit District, milepost MP 30.85 in Sonoma County. The project will also close two nearby private crossings. The CPUC approved the authorization.
- **A.15-05-012** – The City of Santa Paula requests authorization to construct the Hallock Drive at-grade crossing over Ventura County Transportation Commission Santa Paula Branch Line track in the City of Santa Paula, Ventura County. Approval of the application will enhance safety by closing existing Padre Lane crossing and a private at-grade crossing. The new crossing will have automatic warning devices and improvements. The CPUC approved the authorization.
- **G.O.88B – LA-1615** – The City of Wilmington is requesting a one-year extension for the G1209009 due to construction delay and staff changes. The City reached concurrence with UPRR and Caltrans. RCEB granted the extension and it expires on September 12, 2017.
- **G.O. 88B – SBD-1425** – The San Bernardino Associated Governments requests an extension of G.12-12-001 to modify the 2nd Street at-grade crossing. RCEB granted the extension and it expires on December 18, 2018.
- **G.O. 88B – SF-1250, SF-1597, SF-1863** – The Port of San Francisco requests authorization to modify the 3rd Street & Arthurs crossing and 3rd Street and Cargo Way Light Rail crossing in San Francisco. The modifications include pedestrian improvements at the crossing. RCEB granted the authorization and it expires on December 1, 2018.
- **G.O. 88B – SON-1048** – The Sonoma County agency requests authority to alter the Barham Avenue at-grade crossing of SMART track in the County of Sonoma. RCEB granted the authorization and it expires on December 4, 2018.

- **G.O. 88B – MRN- 1051** – The Sonoma Marin Area Rail Transit District request authority to alter the State Access Road at-grade crossing in the City of Novato. RCEB granted the authorization and it expires on December 28, 2018.
- **G.O. 88B – SON-1033** - The City of Petaluma requests authorization to modify the Hopper Street grade crossing as part of local roadway improvements in the City of Petaluma. The roadway conversion to a two-way street will require street widening, relocation and installation of warning devices, a new signal house, and delineation. RCEB granted the authorization and it expires on December 31, 2018.

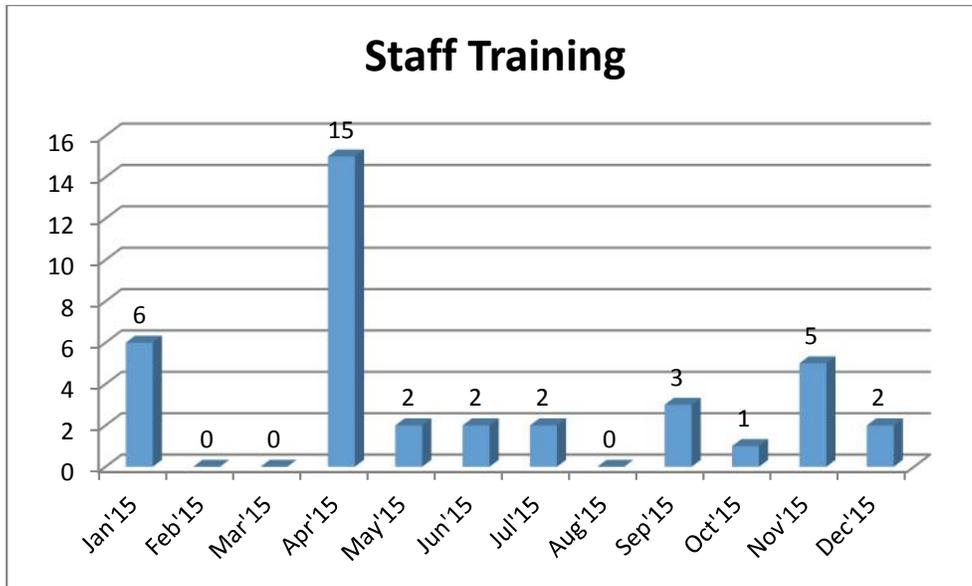
OPERATION LIFESAVER INC.

- In December 2015, staff completed one Operation LifeSaver Inc. activity. On December 10, 2015, staff presented the OLI, “See Tracks Think Train” safety message at the Charla Café of the Laurel Dell Elementary school. The audience consisted of 20 Spanish-speaking parents and small children. The school is located in San Rafael in the Marin County.



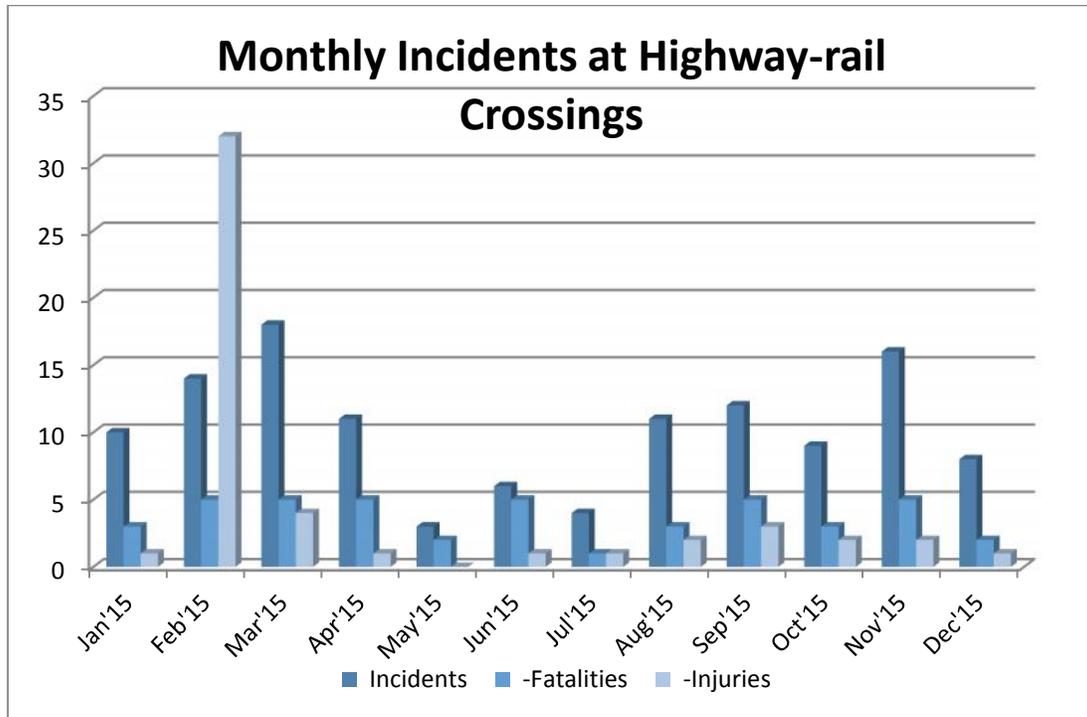
RCEB STAFF TRAINING

- In December 2015, two staff members completed training the in-house Travel and Training Authorization for staff to become familiar with the recent changes in CPUC procedures.



STATISTICS SUMMARY

Investigations	
Incidents Open at Period Start	62
Incident Investigations Closed	15
New Incidents During Period (see chart below)	8
Incidents Open at End of Period	57 *
Informal Complaints Closed	5
* There are 55 crossing incidents open and two right of way incidents under review.	



TEM	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Incidents	10	14	18	11	3	6	4	11	12	9	16	8
Fatalities	3	5	5	5	2	5	1	3	5	3	5	2
Injuries	1	32	4	1	0	1	1	2	3	2	2	1

## RAIL TRANSIT

- In the month of December 2015, the Rail Transit branch completed the following:

### RAIL TRANSIT INSPECTIONS

- In December 2015, the Rail Transit Safety Branch inspectors performed 14 inspections.

### CORRECTIVE ACTIONS PLANS

- In December 2015, 8 new Corrective Action Plans were opened due to incidents, internal safety audits, and inspections.
- 5 Corrective Action Plans was closed in December 2015.

### INCIDENT INVESTIGATIONS

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- In December 2015, 26 incidents were reported by Rail Transit Agencies (RTAs).<sup>8</sup>
- This month, 18 incident investigations were closed by SED Staff.

### PROCEEDINGS / RESOLUTIONS

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- **Resolution ST-177 – Resolution recommending approval of a waiver of General Order 143-B Section 9.06 Clearances, for Installation of Platform Between-Car-Barriers for the e-BART Extension.** This resolution was voted on and approved by Commission on 12/17/2015. The ordering paragraphs grant the Bay Area Rapid Transit District's (BART's) request for waiver of General Order (G.O.) 143-B section 9.06 Clearances, for installation of platform between-car-barriers for the e-BART extension. The Between-Car-Barrier installation will be limited to the future e-BART high-level platforms, and BART will implement operational procedures and compliance checks to monitor e-BART vehicle operator berthing compliance.
- **Resolution ST-179 – Resolution which grants the Request of Bay Area Rapid Transit District's Oakland Airport Connector for a Permanent Variance from General Order 175, Sections 6.1.c, 6.3.d.i, and 6.3.e, pertaining to Roadway Worker Protections.** This resolution was voted on and approved by the Commission on 12/17/2015.  

The ordering paragraphs grant the request of the San Francisco Bay Area Rapid Transit District's Oakland Airport Connector (BART OAC) for a permanent variance from General Order (G.O.) 175, Sections 6.1.c, 6.3.d.i, and 6.3.e, such that the Automatic Train Operations' (ATO) speed codes of 28.4 miles per hour is incorporated as the maximum restricted speed for train protection.
- **Resolution ST-180 – Resolution which grants the Request of the Bay Area Rapid Transit District for Variances to General Order 175, Section 6.1.c, 6.3.d.i, 6.3.e, and 8.4.a, Pertaining to Roadway Worker Protections.** This resolution was voted on and approved by the Commission on 12/17/2015. The ordering paragraphs 1) grant the request of Bay Area Rapid Transit (BART) for a permanent variance to General Order (G.O.) 175, Section 8.4a for the job classification station agent, and 2) grant the request of BART for a permanent modification from G.O. 175 Sections 6.1.c, 6.3.d.i, and 6.3.e such that the Automatic Train Operations speed codes of 27 miles per hour is incorporated as the maximum restricted speed for train protection.

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<sup>8</sup> Per General Order 164-D, the Commission must be immediately notified by rail transit agencies of incidents if they include one of the following: a fatality at the scene, or where an individual is confirmed dead within 30 calendar days of a rail transit-related incident; an injury to two or more individuals requiring immediate medical attention away from the scene; property damage to rail transit vehicles, non-rail transit vehicles, other rail transit property or facilities, and non-transit property that equals or exceeds \$25,000; a collision at an at-grade crossing; a mainline derailment; a collision with an individual on a rail right-of-way; a collision between a rail transit vehicle and a second rail transit vehicle, or a rail transit non-revenue vehicle; an evacuation due to life safety reasons.

- **Resolution ST-181** – Resolution which grants the Request of the San Francisco Bay Area Rapid Transit District for Approval of the Safety and Security Certification Plan for the Hayward Maintenance Complex Project. This resolution was voted on and approved by the Commission on 12/17/2015. The ordering paragraphs grant the request of the San Francisco Bay Area Rapid Transit (BART) District for approval of the Safety and Security Certification Plan for the Hayward Maintenance Co. BART will file revisions of the Safety Certification Plan with Commission staff for review and approval. BART will submit the Safety and Certification Verification Report with the proper Commission staff as required by General Order 164-D, Section 12, at least 21 days prior to placing the facility in service.

- **R.09-01-020 Order Instituting Rulemaking (OIR) – To consider Roadway Worker Protections by Rail Transit Agencies in California (Commissioner Peterman/ALJ Kim):** On October 31, 2013, the Commission issued an Interim Decision (D.13-10-073) adopting GO 175 for Roadway Worker Protections on California’s Rail Transit Systems. Since that time, SED submitted three staff reports to the assigned ALJ, and held numerous meetings with RTAs and unions representing their workers in order to explore key issues. Staff then met individually with four RTAs which issued said comments, and through their recommendations determined that a need exists for General Order revisions providing safety redundancies.

On April 2, 2015, SED filed its second addendum to its staff report for R.09-01-020. This addendum included substantive and significant clarification changes to the report, in order to address party comments on areas such as the of definitions for several key terms, identification of required protection levels, required safety equipment, and others. On April 4, ALJ Kim sent out the revised CPUC Staff memo and proposed GO 175-A. On April 7, 2015, she issued a ruling seeking comments from parties on the staff report. Several RTAs responded with comments by the due date of April 22, 2015.

- **I.13-09-012 (OII) – CPUC Staff v. San Francisco Municipal Transportation Agency (SFMTA) (President Picker/ALJ Mason) (Advocacy):** This investigation involves SFMTA’s failure to properly produce un-redacted documents in response to a subpoena, stemming from an accident which occurred on December 1, 2012, resulting in a fatality. On February 13, 2015, the ALJ issued his Presiding Officer’s Decision (POD), imposing fines on SFMTA of \$210,500 for Violating Rule 1.1 and \$1,000 for contempt.

On March 16, 2015, SFMTA filed an appeal to this Decision. SFMTA’s arguments are that 1) they had no notice that it may be in violation of Rule 1.1, 2) they were not provided an opportunity to object before incurring fines for noncompliance, 3) the record does not support the ALJ’s finding that SFMTA violated Rule 1.1, and 4) the record does not support the ALJ’s finding of contempt. SFMTA requested that the Commission overrule the POD and dismiss the proceeding.

On August 27, 2015, the Commission adopted D.15-08-032, Modified Presiding Officer’s Decision, upholding the previously imposed fines of \$210,500 and \$1000, as well as closing the proceeding.

On September 25, 2015, SFMTA submitted a filing that includes 1) an application for rehearing of the decision, 2) an application for oral argument, and 3) a request for suspension of the order to pay fines. SFMTA’s arguments are based upon the principles of due process, privacy, a lack of need for the subpoena, a denial of the alleged contempt, and the amount of the issued fine.

On October 12, 2015, SED filed a reply to SFMTA’s application for a rehearing. SED re-stating its prior arguments and supported the Modified Presiding Officer’s Decision that the \$210,500 fine for Rule violations and \$1,000 fine should be enforced.

- **I.14-01-005 Order Instituting Investigation (OII) – CPUC Staff v. San Francisco Municipal Transportation Agency (SFMTA) (Commissioner Peterman/ALJ Bushey) (Advocacy):** On January 16, 2014, the Commission issued an investigation of SFMTA for several violations of Public Utilities Code and Commission General Orders, including violation of the settlement agreement in the 2011 OII proceeding against SFMTA (I.11-02-017), attempting to prevent staff’s inspection, and threatening behavior towards CPUC inspectors. Staff provided written testimony, and took part in hearings based on the matters above.

On November 26, 2014, the presiding officer issued a proposed decision, which found that Staff did not make its case. Staff filed an appeal of the presiding officer’s decision. On August 27, 2015, the Commission adopted a modified decision, D.15-08-031, which found that a portion of Staff’s case was made. The Decision imposed a \$10,000 fine on SFMTA for failure to fully enact its own blue light/blue flag safety procedures, but stayed it for two years from the effective date of the decision on the condition that SFMTA properly enact a safety enhancement plan and not be subject to further enforcement proceedings at CPUC. The Decision also contained a finding that SFMTA had violated safety inspection requirements in attempting to prevent Staff’s inspection from occurring and is therefore required to pay a \$10,000 fine, as well. The Decision closed the proceeding. On October 13, 2015, both parties jointly submitted a required compliance filing identifying the composition of the working group and identify of executive contacts.

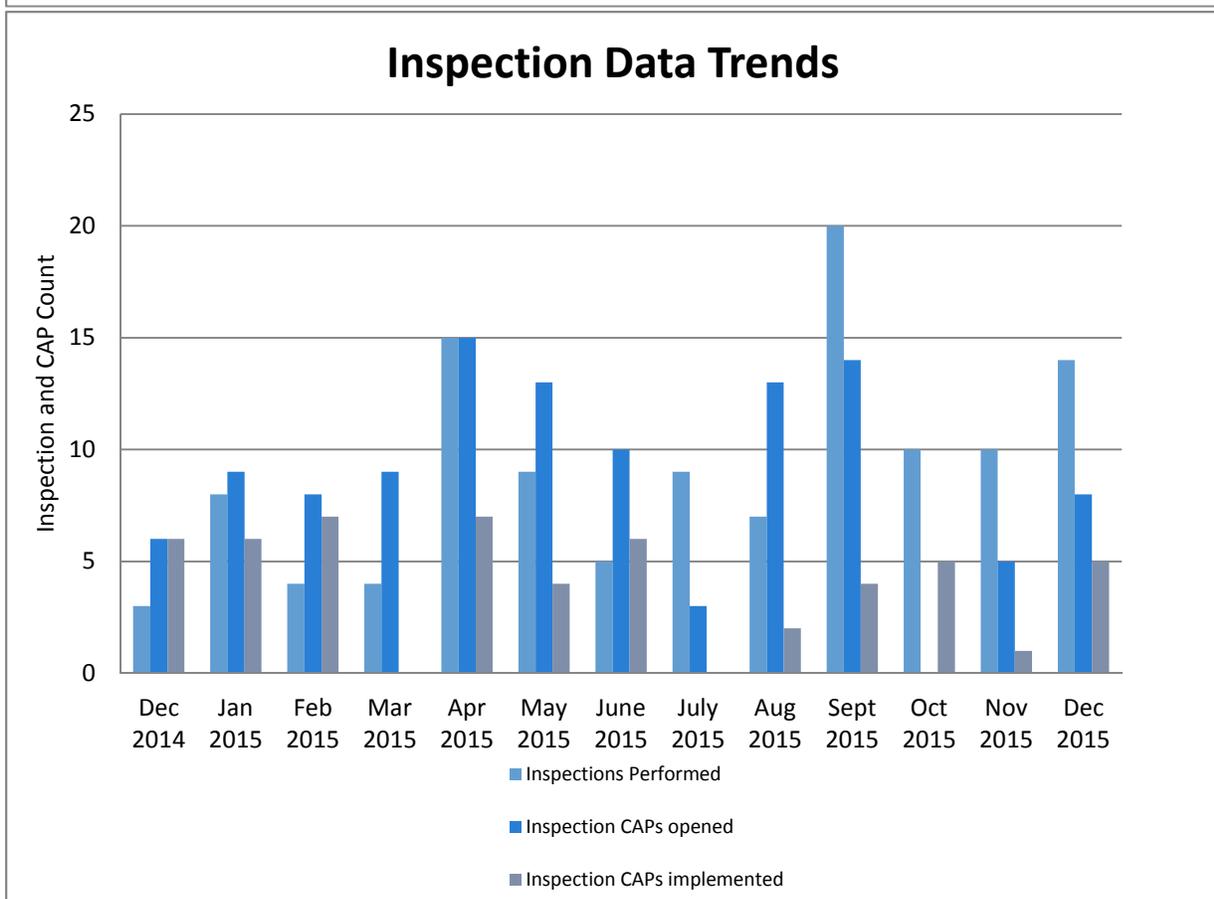
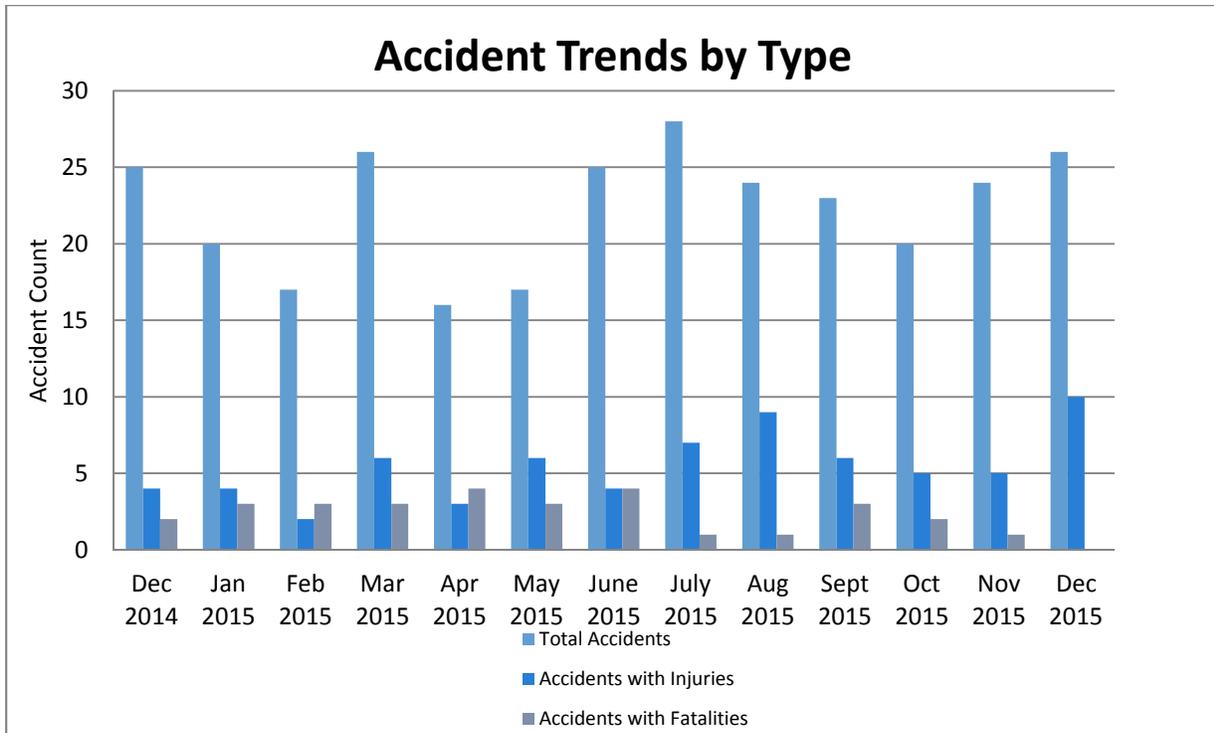
STATISTICS SUMMARY

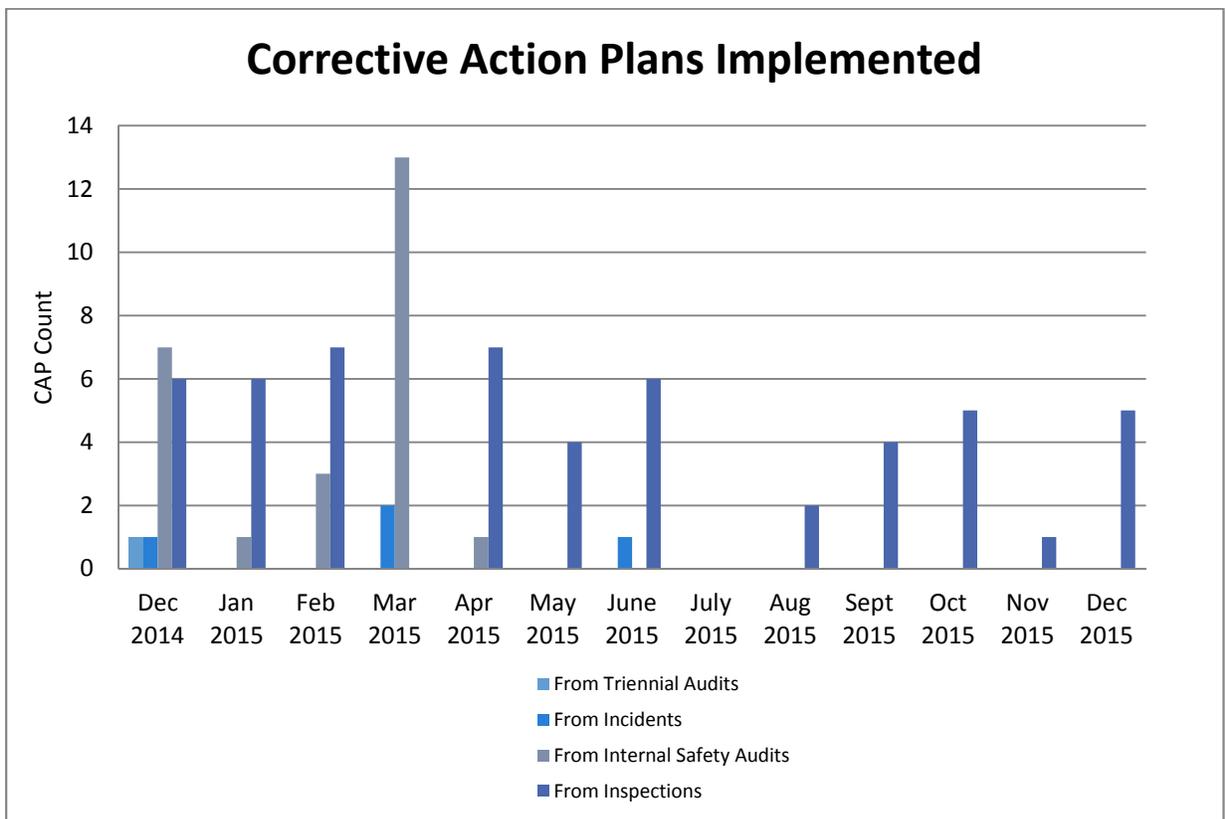
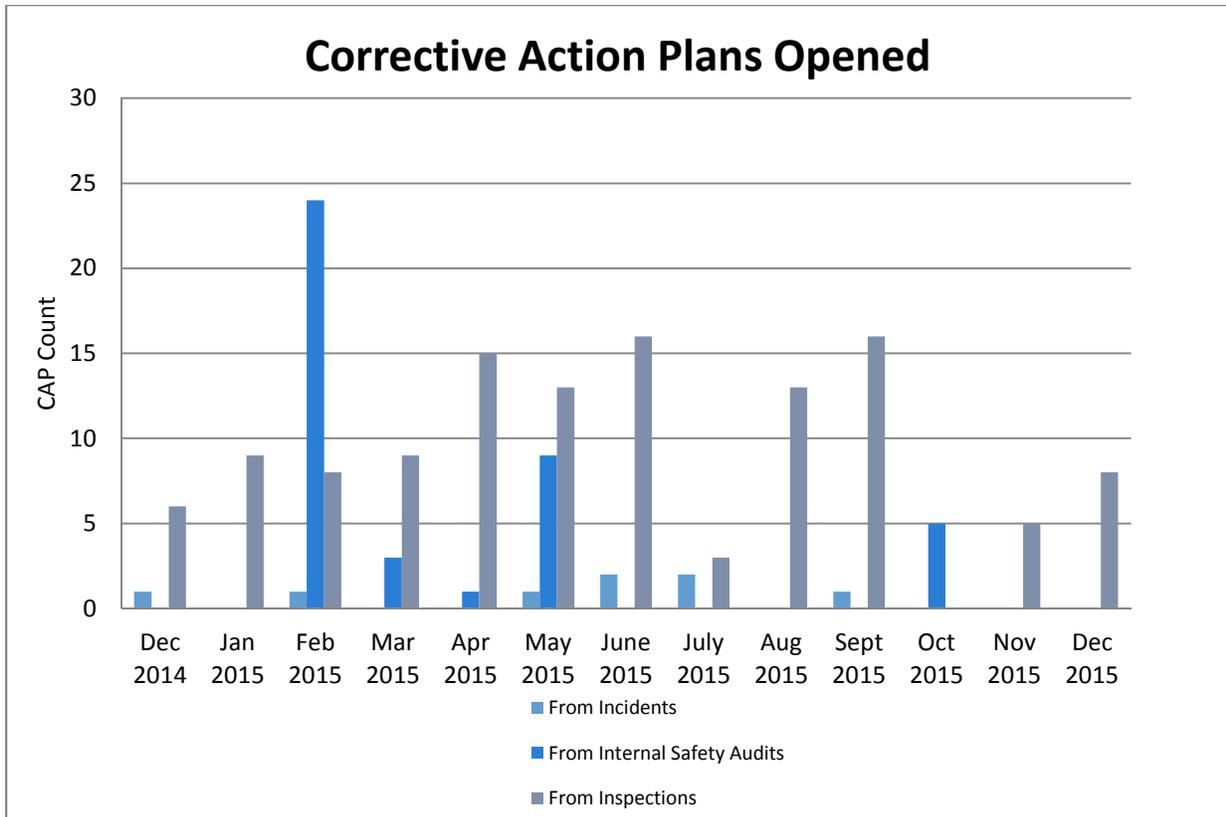
Investigations	
Incidents Reported	26
Incident Investigations Closed	18
Complaints Investigated	0
Rail Transit Inspections	14
Triennial Audits	0

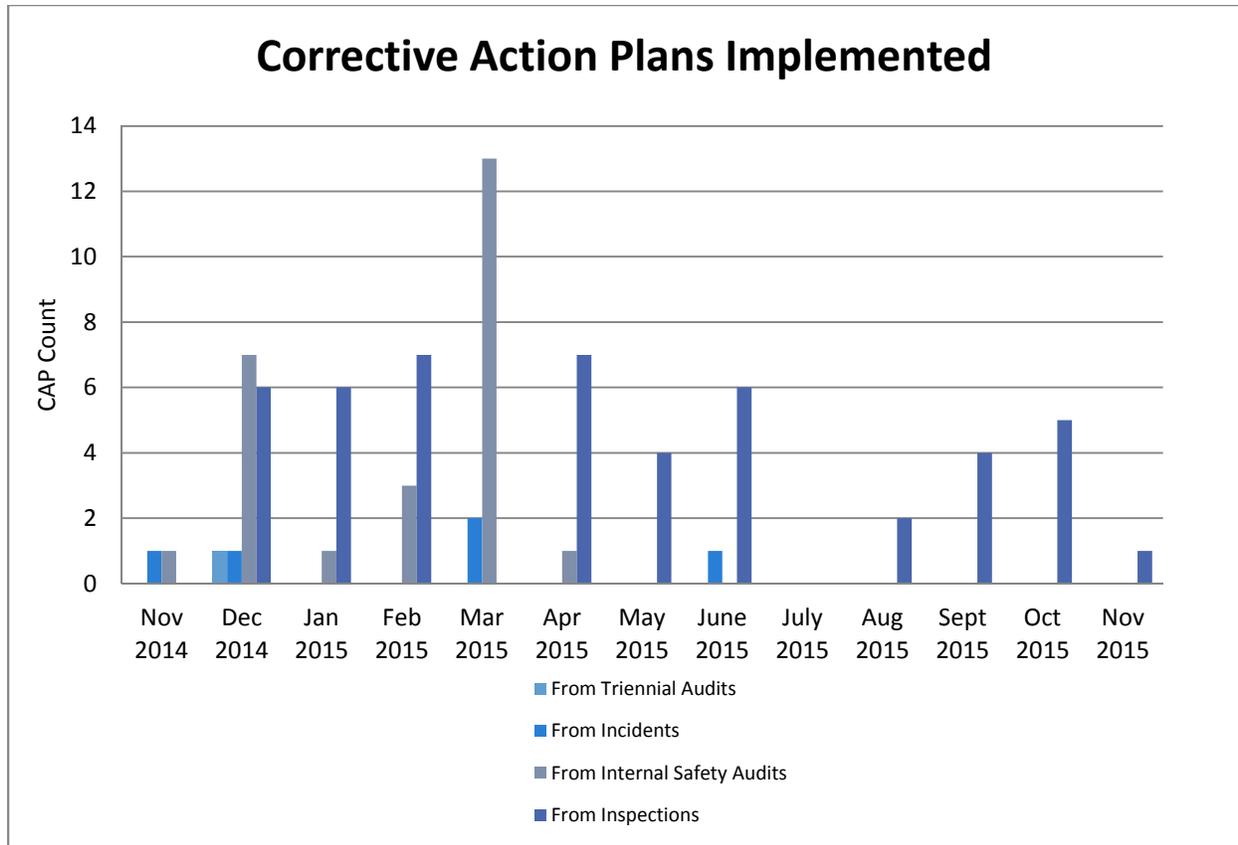
Corrective Action Plans	
New Corrective Action Plans	<b>8</b>
From Triennial Audits	0
From Incidents	0
From Internal Safety/Security Audits	0
From Rail Transit Inspections	8
Closed Corrective Action Plans	<b>5</b>
From Triennial Audits	0
From Incidents	0
From Internal Safety/Security Audits	0
From Rail Transit Inspections	5

ONGOING DATA / TRENDS

Corrective Action Plans – Days to Complete				
CAP ID #	Relevant Code	CAP Classification	Subject	Days to Complete
ME120115	GO 143-B, Section 14	Inspection	Inspection records incomplete	30
TR120315	GO 143-B, Section 9.11; NCTD Trk Mtn-4.2.4E	Inspection	Right of way Sign	15
TR121515	GO 95, Rule 35, Case 13	Inspection	Vegetation	30
TR121515	GO 118 (a), Section 11	Inspection	Tripping Hazard	30
ME122915	GO 172 & 175	Inspection	Cell Phone	30







## UTILITY ENFORCEMENT BRANCH

### (CONSUMER PROTECTION AND FRAUD INVESTIGATIONS)

#### KEY ENFORCEMENT ACTIVITIES

- **NobelTel, LLC (A.13-01-014) (Commissioner Sandoval/ALJ Lirag) (Advocacy):** Commissioner Sandoval has issued an amended Scoping Memo which targets Q1 of 2016 for the filing of the Proposed Decision. SED had protested the application of NobelTel to operate as a Non-Dominant Interexchange Carrier, due to fitness issues and because they were operating without authority.
- **Silicon Business System (A.14-05-002) (Commissioner Peterman/ALJ Burcham) (Advocacy):** UEB and Silicon Business System have agreed in principle to a settlement of \$20,000 to resolve all issues in SED’s protest of the company’s application for a CPCN to operate as a Provider of Limited Facilities-Based and Resold Telecommunication services. SED had protested their application due to their operating without authority, and during its investigation found other operational issues.

- **3 Phases Renewables, LLC:** Staff issued a Resource Adequacy (RA) citation of \$10,000 to 3 Phases Renewables, LLC for their deficiency of 4 MW in meeting their November 2015 month-ahead RA obligation.
- **Tower Safety:** During staff's attendance in the monthly State National Action Plan (SNAP) conference call, staff heard an FCC presentation regarding the increase in accidents related to tower climber/worker safety. As part of their efforts to better coordinate with the state entities having oversight responsibilities for this issue, the FCC and OSHA requested that persons responsible for tower safety in each state contact the FCC. UEB sent a summary of the tower safety issue and instructed staff from the SED's Electric Safety Branch to respond to the FCC's request.

### OUTREACH, TRAINING AND OTHER ACTIVITIES

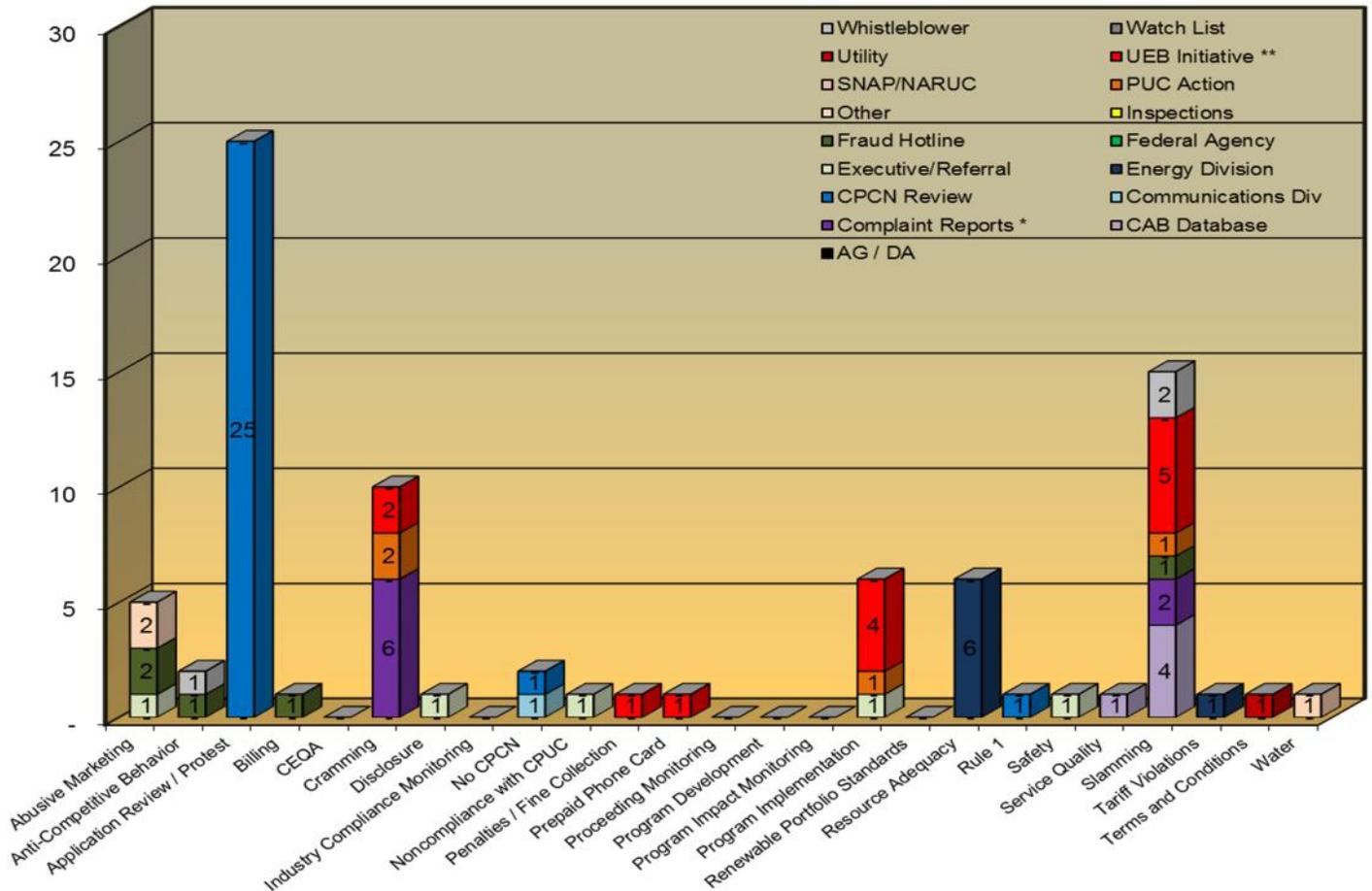
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- Staff attended the December SNAP (State National Action Plan) conference call, where primary topic was the new FCC website, which has been re-designed to make it easier for the public to navigate and find information.
- The Utility Enforcement Work Module (UEWM) is UEB's database for storing all investigative information. Through survey results, lead staff recently identified areas for improved functionality in the system, and submitted a request to IT for implementation. Following update of the system, lead staff will train the rest of the branch on the improvements.
- Staff tested the pre-release of the new CPUC website and ensured that it accurately contained all previously entered data, text, and links.
- UEB sent an updated advisory to CAB regarding how to handle prepaid debit card complaints. The advisory 1) expanded the instructions on how to take complaints; 2) included reference to additional Business & Profession Codes related to the offering of such service; 3) provided SED webpage information; and, 4) identified UEB staff contact info for complaint assistance and referral.

ONGOING ENFORCEMENT ACTIVITIES

UEB is currently working on a total of 82 cases. Investigations center primarily on Application Protests, Cramming, and Slamming. UEB’s cases come from a variety of sources, with Application Reviews, Consumer Complaints, and UEB’s own initiation playing key roles.

Cases by Types and Sources as of December 31, 2015



\* Complaint Reports consist of aggregated data from the CIMS database, Billing Aggregator Reports, and Billing Telephone Companies.

\*\* Actions taken on Utility Enforcement Branch's own initiative to meet Branch/Division goals and/or improve internal processes.

## TRANSPORTATION ENFORCEMENT BRANCH

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### POLICY PROCEEDINGS

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- **TNC Rulemaking (R.12-02-011) (ALJ Mason/Commissioner Randolph) (Advocacy):** On December 11, 2015 - Uber responded to Assigned Commissioner and ALJ's follow-up questions regarding its TCP status.
- **Passenger Stage Corporation Certificate Rulemaking (R.09-12-001) (ALJ Colbert/Commissioner Florio) (Advisory):** On September 24, 2015 – Law Office of Daniel Baker filed Petition for Modification of D.15-05-029 re: 15% Zone of Rate Freedom window. Reopens proceeding.

### ENFORCEMENT PROCEEDINGS

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- **TNC Rulemaking (R.12-12-011)(ALJ Mason/Commissioner Randolph) (Advocacy):** Order to Show Cause regarding Rasier's and Lyft's failure to submit data as required by the Commission. Modified Presiding Officer's Decision, fining Rasier \$7.6 million for Rule 1.1 violation, put on hold from December 17, 2015 Commission meeting agenda.

### CITATION APPEAL PROCEEDINGS

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- **FC-718 (Mason): Joseph Elias dba Showtime Transportation (TCP 29245):** Imposes a \$4,000 fine for operating while suspended, insurance violations, and General Order violations. Respondent is located in Stockton. Awaiting ALJ's direction.
- **FC-745 (Farrar): Farid Nikkhoo dba Limo Zone (TCP 31548):** Imposes a \$1,000 fine and order to release business records for violations of the Public Utilities Code and General Order 157-D. Respondent is located in Orange. ALJ hearing was held on December 16, 2015. Both parties agreed on a settlement before the hearing and were given seven (7) calendar days to submit to the ALJ the settlement terms.

### CARRIER APPLICATION PROCEEDINGS

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- **Silverado Stages, Inc./A.13-10-023/Examiner Malashenko (Advisory):** Carrier abandoned Application. SED prepared Proposed Order to Dismiss and anticipates Commission consideration on upcoming agenda.
- **RidePal Inc./A.13-12-014 (Commissioner Randolph/ALJ Mason) (Advocacy):** Received notification on October 22, 2015 that company is liquidating its assets. December 3, 2015, pending decision withdrawn by ALJ.
- **Adriana O'Farrell, dba Metro Express of California/A.14-03-005/Examiner Malashenko (Advisory):** Carrier did not respond to SED inquiry. Amendment requested.

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- **Kong Da Express/A.14-10-016/Examiner Malashenko (Advisory):** Applicant did not respond to SED data request. Likely operational. Referred for enforcement. Drafted Proposed Decision granting the application.
- **Curtin Maritime/A.15-01-005 and Avalon Freight Services/A.14-10-015 (Commissioner Randolph/ALJ Farrar) (Advisory):** Seeks CPCN to operate as a vessel transport of freight between Port of Long Beach and all points on Santa Catalina Island, and between any points on Santa Catalina Island. Awaiting ALJ Proposed Decision. On December 10, 2015, Applicant replied to responses to Applicant's motion for interim authority to provide the requested service.
- **Kiddy Cab Shuttle, Inc./A.15-01-012/Examiner Malashenko (Advisory):** Applicant registered with Trustline on September 1, 2015. Amendment requested.
- **MR Shuttle LLC /A.15-04-024/Examiner Malashenko (Advisory):** SED prepared Proposed Decision.
- **Safa Eltaki, dba Flying Eagle Shuttle /A.15-06-004/Examiner Malashenko (Advisory):** January 13, 2016, D.16-01-005 grants application, closes proceeding.
- **TLC Transportation & Tours LLC /A.15-06-021/Examiner Malashenko (Advisory):** January 14, 2016, D.16-01-007 grants application, closes proceeding.
- **Airport Connection, Inc. dba Roadrunner Shuttle /A.15-07-011/Examiner Malashenko (Advisory):** SED prepared Proposed Decision.
- **Abdul Abuzaid, dba Comfort Express Shuttle Service /A.15-07-020/Examiner Malashenko (Advisory):** January 13, 2016, D.16-01-004 grants application, closes proceeding.
- **Shawky Ismail, doing business as Air Shuttle & Limousine /A.15-07-021/Examiner Malashenko (Advisory):** SED prepared Proposed Decision.
- **Kidzjet Inc/A.15-08-008/Examiner Malashenko (Advisory):** Application to expand its authority to transport unaccompanied minors in Alameda, Contra Costa, Marin, San Francisco, Napa, Sonoma, and Solano counties and to modify its Zone of Rate Freedom. SED prepared Proposed Decision.
- **Blue & Gold Fleet, L.P. (A.15-08-009) (ALJ Ayoade/Commissioner Randolph) (Advocacy):** Application for Authority to adjust fares on Its Vessel Common Carrier service on San Francisco Bay between Tiburon and authorized points in San Francisco. On December 11, 2015, Assigned ALJ issued ruling cancelling December 15, 2015 prehearing conference. Golden Gate District is considering whether it would assume the disputed service in this proceeding; a decision on that question is anticipated by mid to late March 2016.
- **PropSF, LLC (A.15-08-014) (ALJ Edmister/Commissioner Randolph) (Advocacy)** Application for authority to operate as a scheduled vessel common carrier between points in Redwood City, Alameda, San Rafael, Emeryville, Oakland, San Leandro, and San Francisco and to establish a ZORF. On November 20, 2015, prehearing conference held.
- **Let's Go Now! LLC/A.15-08-020/Examiner Malashenko (Advisory)** Application for authority to provide service between Modesto, Stockton and Tracy, on the one hand, and San

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Francisco International Airport, on the other hand; and to establish a Zone of Rate Freedom. SED prepared Proposed Decision.

- **Megabus West, LLC / A.15-08-021 / Examiner Malashenko (Advisory):** Application to revise rates and Zone of Rate Freedom for existing service between Anaheim, Los Angeles, Burbank, Oakland, San Jose, San Francisco and Sacramento. SED prepared Proposed Decision.
- **Gallo Express, LLC/A.15-08-026/Examiner Malashenko (Advisory):** Application for authority to provide service between San Diego, Imperial, Orange, Los Angeles, San Bernardino, Riverside, Kern, Tulare, Fresno, Monterey, Santa Clara, San Francisco, Alameda, and Sacramento and establish a Zone of Rate Freedom. SED prepared Proposed Decision.
- **Erasmus Sanchez, doing business as Sanchez Express/A.15-09-008/Examiner Malashenko (Advisory):** SED prepared Proposed Decision.

### TRANSPORTATION NETWORK COMPANY APPLICATIONS

Date received	DBA	Carrier#	Application Status
3/9/2015	Zira Int. Inc.	PSG0035377	On November 11,2015 – Commercial Insurance Policy received. Policy did not meet the program criteria. Carrier is working on discrepancies with his insurance company.
10/30/2015	Vidality Rides, LLC	PSG0035953	On October 30, 2015 – first deficiency letter sent. On November 30, 2015 – second deficiency letter sent.

### CONSUMER INTAKE COMPLAINT SETTLEMENTS

- **CIU 20150176 – Popeye Moving and Storage LLC, Los Angeles (MTR 189749):** Carrier refunded \$485.26 for overcharges.
- **CIU 20150392 – Daniel Raymond Hernandez dba All Star Moving Company, Oceanside (MTR 189349):** Carrier refunded \$2,800 for overcharges and loss & damage.
- **CIU 20150418 – Supershuttle Los Angeles dba Supershuttle - Execucar - Express By Execucar, Torrance (TCP 9635):** Carrier refunded \$191.45 for lost luggage and contents.
- **CIU 20150457 – SM & S Relocation, Inc. dba Speedee Movers, San Jose (MTR 190474):** Carrier refunded \$323.90 for overcharges.
- **CIU 20150469 – Jamoliddin Yuldashev and Aleksandr Kushnir dba Calstate Moving, Los Angeles (MTR 190811):** Carrier refunded \$2,000 for overcharges.

**OUTREACH, TRAINING AND OTHER ACTIVITIES**

- **December 16, 2015, San Francisco International Airport:** San Francisco staff participated as instructors and resource speakers for the Ground Transportation Compliance Orientation Training. The CPUC staff presented training on passenger carrier operations and access to the allied agency website.
- **December 18, 2015, John Wayne Airport (SNA) California Highway Patrol vehicle inspection at John Wayne Airport:** San Diego SED staff participated in an airport safety inspection with the California Highway Patrol (CHP) Commercial Enforcement Officers and MCS Inspectors at John Wayne Airport in Costa Mesa, CA on December 18, 2015. Beginning at 6:00am the inspection was intended to check vehicles for CPUC compliance as well as have the California Highway Patrol inspect for mechanical safety issues. The inspection went smoothly. Of the 34 vehicles inspected by CPUC staff, 11 observation reports were written and those resulted in 5 misdemeanor warnings for primarily violation of Workers' Compensation Insurance requirement.

**APPLICATION, PERMITS AND CITATIONS**

Licensing Section	Passenger Carriers	Household Goods
Applications Received	269	11
Permits Issued	242	6
Permits Suspended and Revoked	415	54
Total Carriers as of December 31, 2015	9019	1060
Enforcement Section	Passenger Carriers	Household Hoods
Investigations Initiated	23	10
Investigations Completed	15	11
Open Investigations as of December 31, 2015	154	90
Cease and Desist Orders	12	6
Administrative Citations	7	1
Fines Assessed	\$12,500	\$3,000

**LAX ONSITE CITATION PROGRAM**

CPUC Citations	LAX PD Citations	Vehicles Impounded	Cease & Desist Notices	Fines Collected
2	6	6	2	\$2,000