



SAFETY AND ENFORCEMENT DIVISION
MONTHLY PERFORMANCE REPORT

MAY 2020



**California Public
Utilities Commission**

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This Report has not been approved or disapproved by the CPUC.

INTRODUCTION

The mission of the CPUC's Safety and Enforcement Division (SED) is to advocate for public safety through incident investigations and audits, development of proposed new safety rules, and taking enforcement actions to prevent violations of natural gas, electric, and communications General Orders and statutory requirements. SED leadership coordinates with CalOES and CALFIRE during wildfires, Public Safety Power Shutoffs (PSPS) events and other emergencies. SED works with other governmental agencies, responds to legislative requests, and coordinates with the Governor's office regarding safety of gas, electric, and communications infrastructure. The Division also provides safety alerts and awareness to Commissioners and makes policy recommendations in CPUC safety rulemakings and investigation cases. SED has the authority to issue citations with penalties against utility operators for violations of public utility safety codes and requirements.

In May 2020, the CPUC adopted a decision (D.20-05-019) in the PG&E Wildfires OII (I.19-06-015) penalizing PG&E for over \$2.1 billion. This decision modifies a settlement agreement between SED, PG&E, the Coalition of California Utility Employees, and the Office of Safety Advocates. More information is provided in the ESRB section below. Also, in May, SED published an advisory report on PSPS events in late 2019 titled, "Public Report on the Late 2019 Public Safety Power Shutoff Events". Also, in May, SED took initial steps to implement the natural gas and electric locate and mark settlement (D. 20-02-036). Additionally, SED continued its response to COVID-19 measures and continues to ensure utility readiness and preparation for Public Safety Power Shutoffs (PSPS) during the 2020 wildfire season.

Examples of SED's Response to COVID-19 include:

- **2020 Wildfire Preparation Plans**: Reviewing the electric utilities' plans to prepare for the 2020 wildfire season and reduce the scope/impact of PSPS events, including any additional activities and adjustments by the utility to prepare for the 2020 season

assuming the continued presence of COVID-19. In June 2020, SED publicly posted the utilities' 2020 PSPS preparedness presentations.

- **Remote records review inspections:** SED staff in GSRB and ESRB continue to inspect and review records of utilities' operations, planned outages, maintenance, integrity management of gas and electric infrastructure and construction activities.
- **Review of utility business continuity plans:** SED reviewed updates to the gas and electric utilities' business continuity plans to continue operating during the COVID-19 pandemic. The goal is to ensure the utilities have adequate plans in place to meet current and impending safety and workforce challenges.
- **Continued on-site incident investigations:** Due to the time-sensitive nature of collecting evidence and conducting interviews immediately following an incident, gas and electric inspectors continue to conduct targeted on-site incident investigations, while exercising recommended social distancing and hygiene practices.
- **Communication and collaboration with Federal Pipeline and Hazardous Materials Safety Administration (PHMSA) and gas operators:** GSRB is working with PHMSA and gas operators to understand and plan for a dynamic environment of program and safety challenges during COVID-19. GSRB is conducting remote records reviews, while postponing field evaluations for a later date. GSRB will conduct four of PG&E's audits remotely, while postponing two for a later date. GSRB will conduct SoCalGas' and SDG&E's four audits and SWG and WCG's two audits remotely. GSRB will conduct City of Victorville's audit remotely and postpone the City of Coalinga's audit. GSRB has postponed all Mobile Home Park (MHP)/propane inspections.

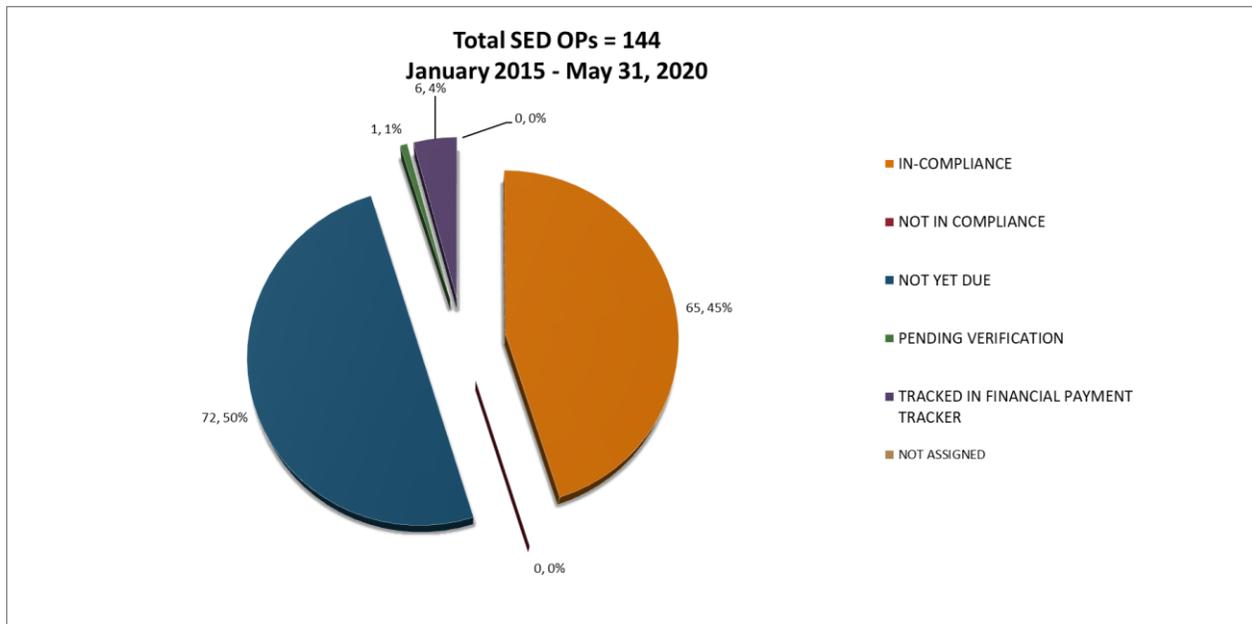
COMPLIANCE WITH ORDERING PARAGRAPHS (COPS)

The Compliance with Ordering Paragraphs (COPs) database is designed to assist CPUC staff in tracking compliance with Ordering Paragraphs (OPs) of regulated entities with Commission decisions. On a monthly basis, various agency staff members will use COPs to identify, and enter relevant OPs, verify, and document compliance, and produce reports summarizing compliance with OPs.

Through May 31, 2020, SED shows 144 total entries in the COPS system: with 65 reaching compliance (45%), 72 (50%) not yet due for compliance, and 0 (0%) out of compliance. 144 (100%) of all Ordering Paragraphs are assigned to members of staff.

During May 2020, there were 2 new OPs recorded to the COPs database for the Safety & Enforcement Division.

Note: the category of “tracked in financial payment tracker” (FPT) is used to monitor compliance with financial payments to the Commission. The FPT category is verified and has been deemed “in compliance” but is listed separately in the COPS tracker.



GAS SAFETY AND RELIABILITY BRANCH (GSRB)

The Gas Safety and Reliability Branch (GSRB) enforces General Order 112, the Public Utilities Code and Title 49 of the Code of Federal Regulations, Parts 191, 192, 193, and 199. GSRB performs safety assurance on the design, construction, operations, and maintenance on regulated intrastate natural gas operators' systems and facilities. The core safety assurance activities are inspections and investigations on natural gas, liquefied petroleum gas (LPG), and liquefied natural gas (LNG) operators' systems. GSRB also conducts special studies, participate in proceedings, and propose necessary amendments to regulations to protect and promote the safety of the public, the utility employees that work on the gas pipeline systems, and the environment.

GSRB STAFF CITATION PROGRAM

Citation Number	Utility	Amount	Violations	Date Cited	Appealed	Status
D.16-09-055 G.20-04-001	PG&E	\$ 900,000	192.13 (c), 192.621	4/14/2020	No	Pending

On December 2011, the CPUC created a citation process authorizing CPUC staff to impose fines on natural gas companies for violating state and federal natural gas safety rules. The citation process allows the CPUC to act expediently in matters where violations of state and federal rules are clear and unambiguous. Citations may arise out of an ongoing investigation into related matters or when a violation is brought to the CPUC’s attention directly.

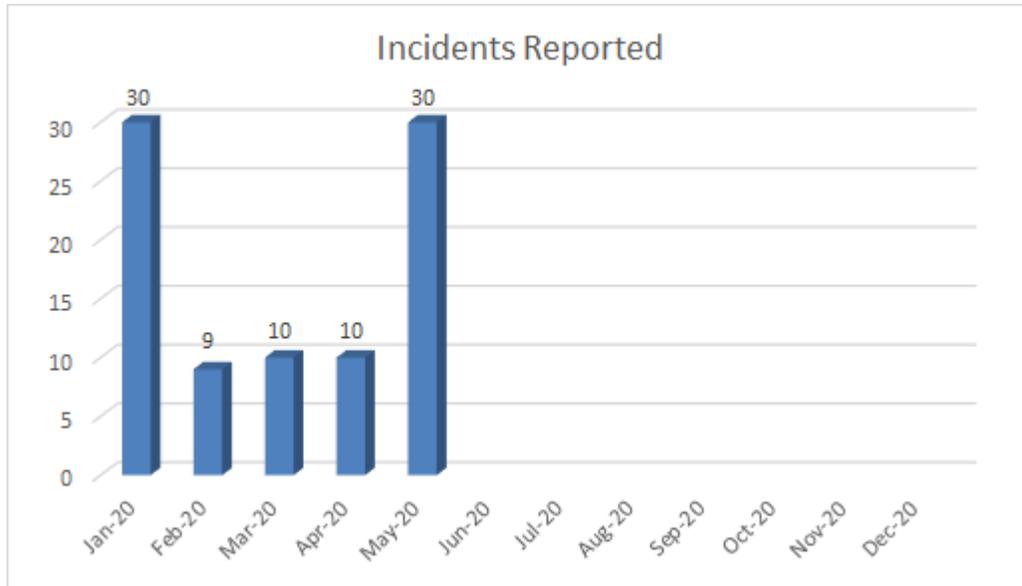
INSPECTIONS (YEAR TO DATE)

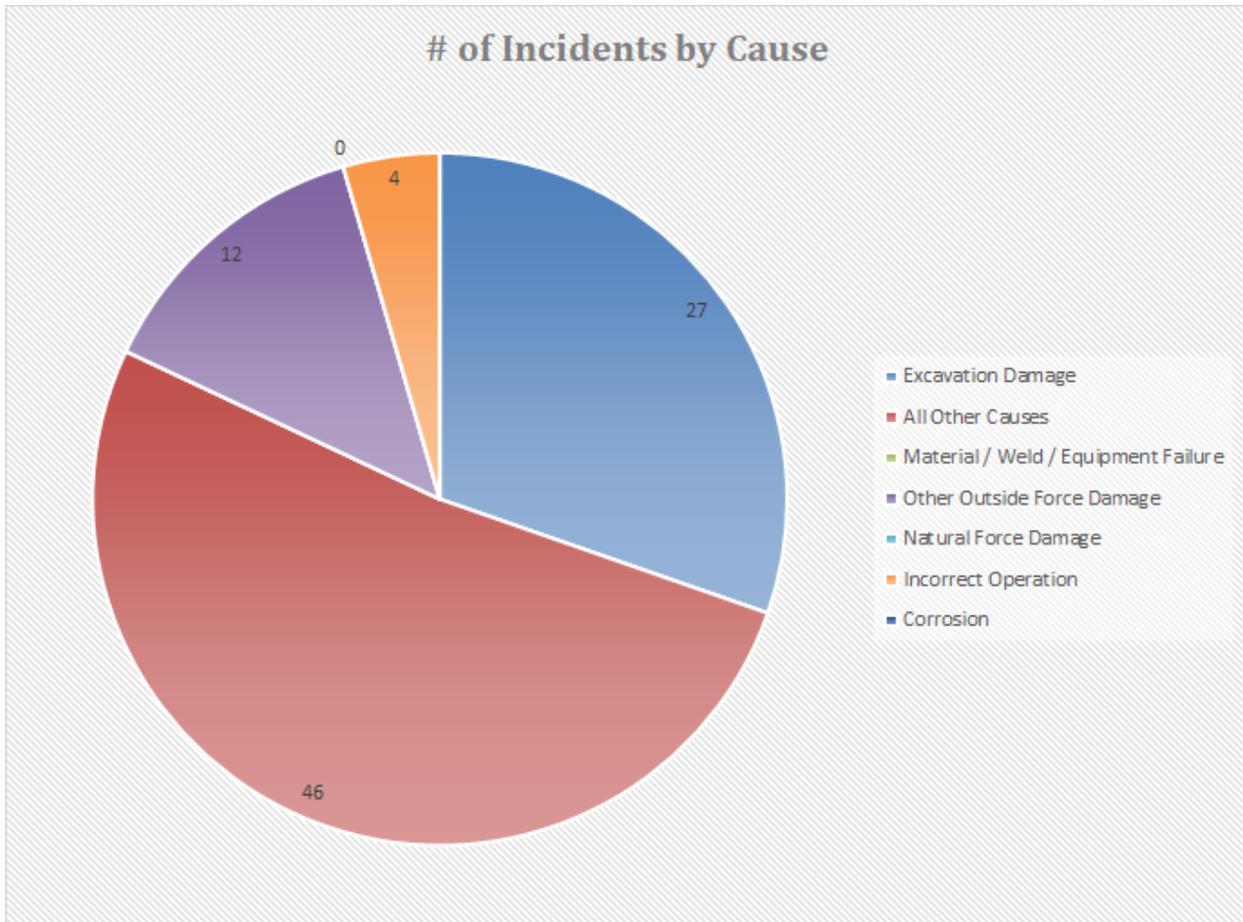
	2020 Year-to-Date
Conducted	20
Final Report Completed	9

The purpose of the GSRB’s inspection is to confirm that operators continue to construct, operate, and maintain their pipeline facilities in a manner that ensures the safety of workers and the public, while providing adequate and reliable service. In addition to routine inspections, GSRB also conducts construction/site inspections as resources permit. Typically, each inspection consists of records review of operator’s past compliance activities and field verifications, respectively. Results are documented in the final report and sent to the operators after the inspections. The expectation is to have a final report sent to the operator within 60 days of the inspection. All issues should be properly closed out and an Inspection Closure Letter is issued to the operator within 120 days from the day the inspection is completed. Although there are sure to be some deviations from time to time for business reasons, late inspections should be the exception and not the norm.

NATURAL GAS INCIDENT REPORTS AND INVESTIGATIONS

As of May 31, 2020, GSRB Staff received 89 incidents year to date. All reported incidents are assigned to GSRB engineers to investigate and prepare a final report. The final report indicates if there was any violation of GO 112F committed by the operators. Operators report incidents based on PHMSA guidelines.





This pie chart shows all incidents year to date by causes. There were 59 year to date incidents in April and 89 year to date incidents in May.

	Level 1	Level 2	Level 3	Level 4	TOTAL
Open	41	25	3	2	71
Closed	2	16	0	0	18
TOTAL	43	41	3	2	89

The CY 2020 incidents¹ are categorized based on the GSRB Gas Safety Investigation Procedures - 2016, Appendix C.

UTILITY SELF-IDENTIFIED VIOLATION (SIV) INVESTIGATIONS

There were no self-identified violations reported in May which continues the trend of no self-identified violations reported in 2020 to date.

NATURAL GAS RELATED PROCEEDINGS

Aliso Canyon OII (I.19-06-016) (Commissioner Rechtschaffen /ALJ Kenney / ALJ Poirier) (SED Advocacy): On June 6, 2019 the Commission issued an Order Instituting Investigation (OII) on the Commission's own motion into the operations and practices of Southern California Gas Company (SoCalGas) with respect to the Aliso Canyon storage facility and the release of natural gas, and an Order to Show Cause (OSC) as to why SoCalGas should not be sanctioned for allowing the uncontrolled release of natural gas from its Storage Facility for 111 days, cooperation issues, and recordkeeping issues. SED filed Opening Testimony on November 22, 2019 and Reply testimony on March 20, 2020. In May SED worked on discovery and preparing Sur Reply testimony.

Mobile Home Parks Utility Conversion Program (D.20-04-004) (Commissioner Rechtschaffen/ALJ Kersten) (SED Advocacy): In April 2020, The Commission adopted a program to convert Master Meter gas and electric distribution systems at Mobile Home Parks from park-owned to IOU operation, providing MHP residents with the same level of safety and service that directly-served utility customers receive. SED/SPD Staff supported the PD with an evaluation of the three-year pilot program originating from D.14-03-021. The evaluation noted the high rate

¹ 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.

of voluntary participation by park owners, the successful completion of the pilot conversion goals by the IOUs, and improved safety and reliability for park residents, many of whom live in Disadvantaged Communities. The program goal is to convert 50% of all mobile home spaces by 2030 according to a risk-based priority ranking system developed by GSRB. In May SED worked with the Energy Division and utility companies to establish a program timeline and other program elements to ensure compliance with the orders in the decision.

PG&E Locate and Mark Practices OII (I.18-12-007) (Commissioner Rechtschaffen/ALJ Allen)

(SED Advocacy): On February 20, 2020, the Commission confirmed that the Presiding Officer's Decision (POD) on January 17, 2020 became the Decision of the Commission (D.20-02-036). The POD ordered approval of several shareholder-funded gas and electric the System Enhancement Initiatives but with a longer compliance audit period of four years and a \$110 million total penalty. SED is following up with PG&E to ask about their efforts to implement the locate and mark settlement which is part of this decision.

POSTPONED/CANCELLED AUDITS/INSPECTIONS/TRAININGS/MEETINGS DUE TO COVID19

1. West Coast Gas Inspection (5/4-5/8)-**Remote records inspection**, followed by field evaluation later.
2. SoCalGas Distribution-OC Coast (5/4-5/15)-**Remote records inspection**, followed by field evaluation at a later date.
3. PG&E Sonoma Division (May 11-22) - **Remote** records inspection completed, field evaluation to be completed at a later date.
4. City of Redding (5/18-5/22): - **Postponed**

ELECTRIC SAFETY AND RELIABILITY BRANCH (ESRB)

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

In May 2020, Electric Safety and Reliability Branch:

- Received 12 electric facilities incident reports and closed 14 previously reported electric facilities incident investigations.
- Investigated 26 customer safety and reliability complaints.
- Issued four Notice of Violation letters.
- Issued one Communication Infrastructure Provider (CIP) audit report and posted it on the CPUC webpage.
- Performed three electric distribution record review audits, two power plant records review audits, three CIP record review audits, and one transmission record review audit.
- Monitored 15 planned outages and five forced outages reported by natural gas and renewable energy power plants.

Electric Facilities and Generation Incident Investigations as of May 31, 2020

ESRB		Level 1	Level 2	Level 3	Level 4	Total2
Total open incidents	Electric Facilities	12	20	51	58	141
	Generation	0	0	1	1	2
Total incidents reported in 2020	Electric Facilities	7	3	19	18	47
	Generation	0	0	3	0	3
Total incidents closed in 2020	Electric Facilities	3	8	29	27	67
	Generation	0	0	3	0	3
Total open 2020 incidents	Electric Facilities	3	7	19	16	45
	Generation	0	0	1	0	1
Incidents reported in May 2020	Electric Facilities	1	4	3	4	12
	Generation	0	0	0	0	0
Incidents closed in May 2020	Electric Facilities	0	0	3	11	14
	Generation	0	0	0	0	0

ELECTRIC SAFETY AND RELIABILITY: PROCEEDINGS

PSPS Order Instituting Investigation (I.19-11-013) (Commissioner Batjer/ALJ DeAngelis) (SED Advisory). This OII was initiated by the Commission on November 13, 2019 to determine whether California’s investor-owned electric utilities prioritized safety and complied with the Commission’s regulations and requirements with respect to their Public Safety Power Shutoff (PSPS) events in late 2019. This OII is a companion to R.18-12-005, the Commission’s rulemaking to examine the practice of utility de-energization of powerlines during dangerous

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

conditions. On April 30, 2020, SED submitted a confidential preliminary draft report on the late 2019 PSPS events to the Assigned Commissioner. Pending.

PG&E's 2017 Wildfires OII (I.19-06-015) (Commissioner Rechtschaffen/ALJ Park) (SED Advocacy): On June 27, 2019, the Commission issued an Order Instituting Investigation (OII) on the Commission's own motion into the maintenance, operations and practices of Pacific Gas and Electric Company (PG&E) with respect to its electric facilities; and Order to Show Cause (OSC) why the Commission should not impose penalties and/or other remedies for the role PG&E's electric facilities had in igniting fires in its service territory in 2017. On May 8, 2020, a Final Decision (D.20-05-019) was issued approving a settlement agreement, with modifications, between SED, PG&E, Coalition of California Utility Employees (CUE), and the Office of Safety Advocates (OSA); this decision imposes penalties totaling \$2.137 billion consisting of \$1.823 billion in disallowances for wildfire-related expenditures, \$114 million in shareholder-funded System Enhancement Initiatives, and a \$200 million fine payable to the General Fund (the fine shall be permanently suspended). In addition, the Final Decision requires any tax savings associated with the shareholder obligations for operating expenses under the settlement agreement to be returned to the benefit of ratepayers. Included in the shareholder-funded System Enhancement Initiatives, among other items, are a tree crew training and certification program, vegetation management inspector training and certification program, independent wildfire safety audits, and an initiative to accelerate the commercialization of non-diesel temporary generation to increase wildfire resiliency and preparedness. SED will monitor PG&E's compliance with the decision to ensure proper implementation of the terms in the settlement agreement as modified by the Final Decision. Closed.

Rulemaking to Examine Electric Utility De-Energization of Power Lines in Dangerous Conditions (R.18-12-005) (President Batjer/ALJ Poirier /ALJ Stevens) (SED Advisory): On December 13, 2018, the Commission opened an Order Instituting Rulemaking (R.)18-12-005 to examine its rules allowing electric utilities under the Commission's jurisdiction to deenergize power lines in case of dangerous conditions that threaten life or property in California. Among

other things, this proceeding focuses on developing best practices and evaluation criteria, ensuring coordination with first responders, mitigating impact on vulnerable populations, ensuring consistency in noticing, and reporting of events, and examining ways to reduce the need for de-energization. The Phase 2 proposed decision (PD) was adopted at the May 28th Commission meeting. The PD sets new guidelines for the creation of PSPS advisory boards and working groups, exercises, restoration of service, transportation resiliency and communications and notifications plans, information transfer between IOUs and local governments about medical baseline and access and functional needs customers, web server capacity and PSPS web page functionality, and the operations of community resource centers. Pending.

Rulemaking to Evaluate the Mobilehome Park Pilot Program and to Adopt Programmatic Modifications (R.18-04-018) (Commissioner Rechtschaffen /ALJ Kersten) (SED Advisory): D.14-03-021 established a three-year pilot program authorizing each California investor-owned utility (IOU) to convert 10 percent of master-metered gas and/or electric Mobile Home Park (MHP) spaces within its operating territory to direct utility service. ESRB's role in this proceeding is to address the conversion of electric master metered MHPs to direct electric utilities. In February 2020, the Commission issued Proposed Decision (PD), and in March 23, 2020, parties filed comments on the PD and found that it is premature to direct an MHP electrification pilot. SED, ED, and HCD will convene workshops within six months from the final decision ratification to discuss mobile home electrification topics. Pending.

SCE Appeal of Twentynine Palms Citation (K.18-03-008) (ALJ Kim) (SED Advocacy): ESRB investigated an incident that occurred on August 1, 2015 in Twentynine Palms, involving the failure of a crossarm and a resulting overhead conductor clearance problem that caused injury to 3 individuals. On February 12, 2018, SED issued a \$300,000 citation to SCE for violations related to the incident. SCE appealed the citation on March 14, 2018. On October 3, 2018, SED issued an \$8,000,000 amended citation that replaced the \$300,000 citation. The amended citation was the result of new violations of GO 95 that SED had discovered. A hearing was held

in December 2018, in February 2019, and March 2019. Briefs and reply briefs were filed in April 2019. Pending.

Proceeding to Consider Amendments to GO 95 (R.17-10-010) (Commissioner Batjer /ALJ Mason/ALJ Goldberg) (SED Advocacy): On January 16, 2020, the Commission issued Decision 20-01-010 which adopted Joint Parties' eighteen proposed rules as presented in their Workshop Report to amend General Order 95. The rule changes are intended to 1) clarify some of the existing and 2) enhance the safety measures by adopting new safety rules. SED has updated and posted on the CPUC website the new modified version of GO 95. Closed.

Creation of a Shared Database or Statewide Census of Utility Poles and Conduit (I.17-06-027); Communications Provider Access to Poles (R.17-06-028) (Commissioner Batjer/ALJ Mason) (SED Advocacy): On January 22 and 23, 2018, industry group of pole-owners and pole-tenants hosted an informal workshop to discuss a phased approach and path forward regarding access to pole data, attachment data, and conduit data, ESRB attended and participated in the workshop. The industry group issued a workshop report on February 28, 2019. On June 4, 2019, ALJ Mason issued a ruling approving parties' recommendation to create working groups to develop requirements for Tracks 1, 2, and 3. In May ESRB developed comments due on June 1, 2020 on the Track 1 PD related to content and functionality of pole databases and portals. ESRB is currently working on reply comments. Pending.

Physical Security of the Electric System and Disaster and Emergency Preparedness (R.15-06-009) (Commissioner Rechtschaffen/ALJ Kelly) (SED Advocacy): On May 22, 2015, The Commission issued 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 was conducted in phases. Phase I pertained to the physical security for the electric supply systems of electrical corporations and additional Phase II pertained to disaster and emergency preparedness. Phase I

addressed physical security for electric supply systems and was resolved by D.19-01-018. Phase II addresses disaster and emergency preparedness plans for electrical corporations and regulated water companies. On November 14, 2019, the Commission issued Decision 19-11-021 extending the statutory deadline for Phase II of this proceeding to May 29, 2020. On January 10, 2020; SCE, PG&E, and SDGE submitted a Petition for Modification (PFM) to D.19-01-018. On February 14, 2020, the ALJ issued a ruling allowing comments and reply comments on the Staff Proposal regarding Proposed Changes to GO 166 and GO 103A. The ALJ granted SED leave to respond to SCE's reply comments on 3/23/20 to clarify the difference between SED-ESRB's role and SED Advisory within the proceeding and instructed SED and SCE to meet and confer. SED has conducted a meet and confer with SCE via phone and submitted sur-reply comments on 4/1/20. The Commission issued D.20-04-034 on 4/16/20, extending the statutory deadline to November 29, 2020 to address all parties' comments, and as COVID-19 is currently impacting all proceedings. Pending.

Distributed Energy Resources (R.14-08-013) (President Batjer /ALJ Mason/ALJ Allen) (SED Advisory): On September 28, 2017, the Commission adopted a Decision that addressed Track 1 Demonstration Projects A (Integration Capacity Analysis) and B (Locational Net Benefits Analysis). On November 20, 2019, the Commission held a Prehearing Conference (PHC). The scope of the PHC was: 1) Responsiveness of Communications Providers during PSPS; 2) D.19-08-025 Compliance, and 3) Timeliness of Response to CalOES and CalFire. The Commissioner asked the parties regarding: 1) sharing of Communications outage data publicly and 2) whether Communications providers were present at CalOES during PSPS. This proceeding was reassigned to President Marybel Batjer. Pending.

OTHER ACTIVITIES

2019 Wildfires: In October 2019, California has experienced devastating wildfires. In Northern California, the Kincade Fire burned more than 76,800 acres. The fire has destroyed and damaged about 260 structures and caused injuries to two firefighters. In Southern California,

the Saddle Ridge Fire, the Easy Fire, and the Maria Fire, have burned more than 17,000 acres. The fires have destroyed and damaged many structures and caused one fatality and 8 injuries to firefighters. SED is currently working closely with CAL FIRE and other agencies to investigate PG&E, SCE, and communications companies' compliance with the Commission's safety rules.

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

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

WILDFIRE SAFETY ENFORCEMENT BRANCH (WSEB)

SED's WSEB is dedicated to the enforcement of public utility wildfire safety related violations. WSEB is the lead investigator for utility incidents relating to wildfire, PSPS events and other aspects related to wildfire events. The staff will conduct audits, incident investigations, and provide input into policy development. Recent WSEB activities, include:

- WSEB led the development of the Staff Report for the PSPS OII (I.19-11-013) which was published on 30 April 2020. The OII Staff Report was made public on 8 June 2020. The ALJ scheduled a Prehearing Conference for 22 June 2020.
- WSEB participated in supporting the finalization drafting of the PSPS OIR Proceeding (R.18-12-005) Phase 2 scoping memo and proposed decision. Appendix A of D. 20-05-051 clarifies and adds to PSPS requirements with a focus on fleshing out many issues including, notifications, Community Resource Centers, restoration, and other topics.
- WSEB participated in numerous IOU PSPS meetings with local governments, IOU PSPS exercises, and PSPS coordination meetings with IOUs.

MONITORING THE WHISTLEBLOWER WEBSITE

The Commission regulates privately owned electric, natural gas, telecommunications, water, railroad, rail transit, and passenger transportation companies. The Commission serves the public interest by protecting consumers and ensuring that utility services and infrastructure are safe, reliable and available at reasonable rates, with a commitment to environmental enhancement and a healthy California economy. The Commission is charged with ensuring that these regulated service providers comply with the California Public Utilities Code, Commission regulations, and other California laws involving safety and consumer protection. Commission investigations may involve safety issues, misrepresentations or dishonesty to the Commission, consumer fraud and marketing abuses, and tariff/rule violations.

STATISTICS - 1/01/20 – 5/31/2020

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

