

Safety and Enforcement Division



Monthly Performance Report,

September 2016

2015 Safety Action Plan Deliverable #1

CONTENTS

COMPLIANCE WITH ORDERING PARAGRAPHS (COPS)	3
NATURAL GAS SAFETY PROGRAM	4
STAFF CITATION PROGRAM.....	4
INSPECTIONS.....	4
INCIDENT INVESTIGATIONS.....	4
UTILITY SELF-IDENTIFIED VIOLATION (SIV) INVESTIGATIONS.....	5
NATURAL GAS RELATED PROCEEDINGS	5
ELECTRIC SAFETY AND RELIABILITY PROGRAMS	7
ELECTRIC AND COMMUNICATIONS FACILITY PROGRAM: AUDITS AND INCIDENT INVESTIGATIONS	7
ELECTRIC AND COMMUNICATIONS FACILITY SAFETY: PROCEEDINGS	7
ELECTRIC AND COMMUNICATIONS FACILITY SAFETY: REPORTS AND OTHER ACTIVITIES	9
ELECTRIC GENERATION SAFETY AND RELIABILITY: INVESTIGATIONS, INSPECTIONS, AND AUDITS	10
UTILITY RISK ASSESSMENT AND MANAGEMENT	11
REVIEWING SAFETY & RISK IN GENERAL RATE CASES	11
<i>Proceedings</i>	12
MONITORING THE WHISTLEBLOWER WEBSITE.....	14
OFFICE OF RAIL SAFETY	16
RAILROAD SAFETY - ROSB.....	16
<i>ROSB Inspection, Investigation & Field Activities</i>	16
RAIL CROSSINGS AND ENGINEERING BRANCH - RCEB	20
<i>Rail Crossing Incident Investigations</i>	21
<i>Informal Complaints</i>	21
<i>Safety Assessments and Reviews</i>	22
<i>Environmental Reviews</i>	23
<i>Proceedings, Resolutions and G.O. 88B Reviews</i>	24
<i>Quiet Zone Establishment</i>	24
<i>Operation LifeSaver Inc.</i>	25
<i>RCEB Staff Training</i>	26

RAIL TRANSIT - RTSB26

Corrective Actions Plans26

Incident Investigations26

Proceedings / Resolutions27

Safety Certification and Oversight of Rail Transit Agency Projects28

Statistics Summary31

Ongoing Data / Trends32

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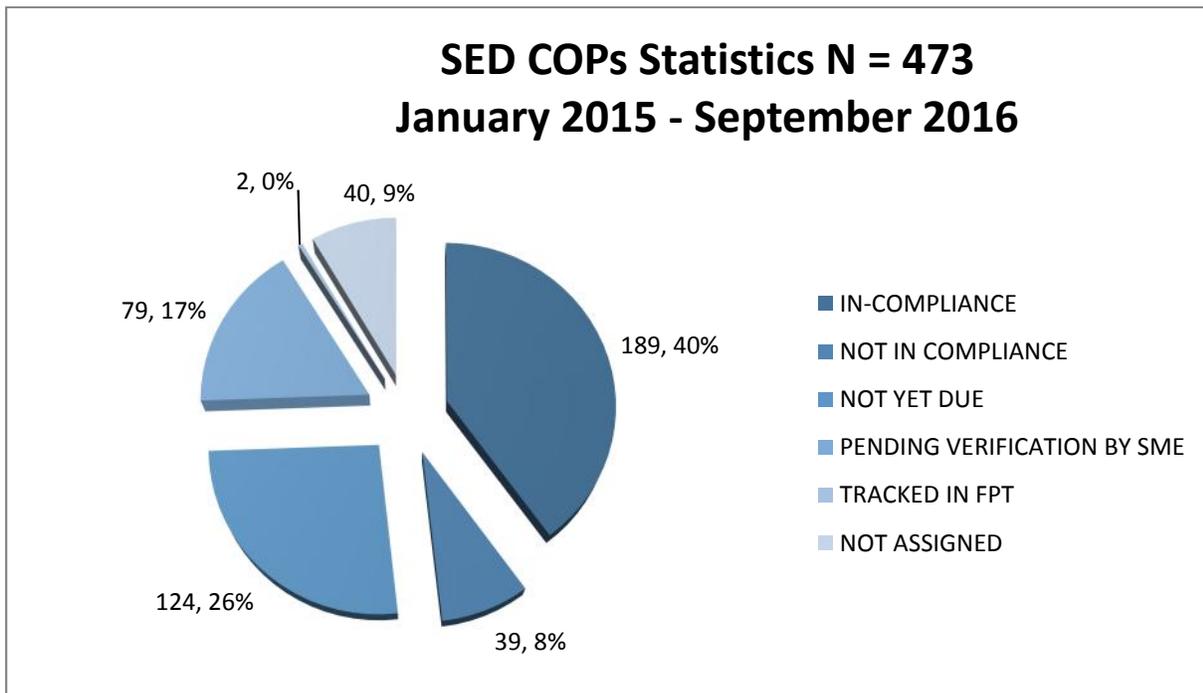
This Report has not been approved or disapproved by the CPUC.

COMPLIANCE WITH ORDERING PARAGRAPHS (COPS)

With the launch of the Commission’s Compliance with Ordering Paragraphs (COPs) effort in January 2015, SED is including our program-to-date summary statistics. Although the Transportation Enforcement and Utility Enforcement branches are no longer part of SED, the COPs statistics still bundle entries for those branches in with other Safety COPs. SED has requested the data base be reconfigured to provide a separate accounting.

Through August 31, 2016, SED shows 473 total entries in the COPS system; with 189 reaching compliance (41%), 124 (26%) not yet due for compliance, and 39 (8%) currently remaining out of compliance. During September 2016, there were eleven (11) new entries into the COPS system, which are reflected in the totals below. Looking just at the January-September 2016 period, there were 256 new COPs entries, with 97 in compliance (38%); 17 not in compliance (7%); and 26 not yet due (10%); the remainder are awaiting assignment.

Note, the category of “tracked in financial payment tracker” (FPT) has been verified and has been deemed “in compliance” but is listed separately in the COPS tracker.



NATURAL GAS SAFETY PROGRAM

STAFF CITATION PROGRAM

Citation Number	Work Type	Utility	Amount	Violations	Date Cited	Status
ALJ 274 16-03-001	Investigation	PG&E	\$200,000	192.805	3/29/2016	Paid
ALJ 274 16-05-001	Inspection	SoCal Gas	\$2,250,000	192.465(d)	5/13/2016	Paid

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.¹

INSPECTIONS

- **2016 Inspections:** We have conducted 65 scheduled inspections in Q1, Q2, & Q3, and have completed the final inspection report for 24 of these 70 inspections during 2016.

INCIDENT INVESTIGATIONS

As of September 30, 2016, GSRB Staff received 135 incidents year to date. All pre-2015 incident investigations have been completed. Metrics on 2015 Incident Investigations:

TOTAL reported in 2015	191	Percent
Open	7	4 %
Closed	184	96 %

The CY 2016 incidents² are categorized as follows:

- 114 – Level 1 incidents
- 12 – Level 2 Incidents
- 3 – Level 3 Incidents
- 6 – Level 4 Incidents

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

² 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.

The CY 2015 incidents² are categorized as follows:

- 3 – Level 1 incidents
- 1 – Level 2 Incidents
- 2 – Level 3 Incidents
- 1 – Level 4 Incidents

UTILITY SELF-IDENTIFIED VIOLATION (SIV) INVESTIGATIONS

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. There was one self-identified violation in September 2016.

NATURAL GAS RELATED PROCEEDINGS

- **Distribution Record Keeping (I.14-11-008) (Commissioner Peterman/ALJ Bushey) (Advocacy):** The Presiding Officer’s Decision was issued on June 1, 2016, with comments due on July 1, 2016. On July 1, 2016, SED submitted an appeal of the Presiding Officer’s Decision, dated June 1, 2016 (“POD”). SED recommends that its initial penalty assessment be adopted. However, if not, then SED recommends modifications to the POD, harmonizing its assessment with the POD’s analysis.
- **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. R.11-02-019 was closed in June 2015, however, it was re-opened on an application for rehearing of the June 2015 decision, still pending.
- **Citation Program OIR (R.14-05-013) (President Picker/ALJ Burcham) (Advisory):** The current status of R.14-05-013 is “closed”. Decision 16-09-055 was issued on September 29, 2016. Some key points are listed below:
 - An administrative limit of no more than \$8 million for each citation issued under the gas and electric safety citation programs should be adopted.
 - Both the gas and electric safety citation programs should be modified to make utility reporting of self-identified potential violations voluntary.

- Under the modified rule, we will not require the utility to notify city and county officials of a self-identified potential violation unless Staff requires such notification.
- **Sempra Pipeline Safety Enhancement Program (A.14-12-016) (Commissioner Peterman/ALJ Mason) (Advisory):** This proceeding deals with disposition of expenses in the balancing account for pipeline safety work. On September 9, 2016, Administrative Law Judge Robert Mason issued a proposed decision that would approve the application was mailed to the parties of record in the application. SoCalGas would be allowed \$33,130,567 and SDG&E \$108,000. On September 29, 2016, the parties (SoCalGas, SDG&E, ORA, TURN, and SCGC) filed comments on the Proposed Decision. It is set for Commission consideration in October.
- **Sempra Pipeline Safety Enhancement Program (A. 15-06-013) (Commissioner Picker/ALJ Bushey) (Advisory):** This proceeding addressed the SoCalGas and SDG&E application for authorization to proceed with Phase 2 of their Pipeline Safety Enhancement Plan and establish Memorandum Accounts to record Phase 2 costs. The application was approved (D. 16-08-003) on August 18, granting the applicants' unopposed request for memorandum accounts and adopting SED Staff's proposal for an interim rate increase subject to refund. A long-term schedule for subsequent filings was also adopted. The proceeding would remain open to address the deferred maintenance projects due to the unavailability of the Aliso Canyon Storage.
- **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 2017. No significant updates for September.
- **OIR (R.16-07-006) Commissioner Randolph/ALJ Wildgrube):** The Order Instituting Rulemaking on the Commission's Own Motion to Revise General Order 58A to Comply with Decision 14-01-034 was issued on July 20, 2016. The Joint Utilities addressed the proposed changes to GO 58A and provided some suggested edits to improve clarity or consistency with earlier legislation and prior Commission decisions. ALJ Wildgrube requested that SED review and provide him advisory support on the Joint Utilities "Simplified Proposal" found in the Opening Comments of San Diego Gas & Electric Company (U 902 M), Southern California Gas Company (U 904 G), Pacific Gas and Electric Company (U 39 G) and Southwest Gas Corporation (U 905 G) on Order Instituting Rulemaking on the Commissioner's Own Motion to Revise General Order 58A to Comply with Decision 14-01-034. On September 7, 2016, SED provided ALJ Wildgrube comments on the Joint Utilities "Simplified Proposal." SED's comments are currently being reviewed by ALJ Wildgrube.

ELECTRIC SAFETY AND RELIABILITY PROGRAMS

ELECTRIC AND COMMUNICATIONS FACILITY PROGRAM: AUDITS AND INCIDENT INVESTIGATIONS

In September 2016, Electric and Communication Facility Safety Section Staff:

- Received 10 electric incidents and closed one previously reported electric incident;
- Investigated 24 customer safety and reliability complaints;
- Performed three Communication Infrastructure Provider (CIP) audits;
- Performed one Substation audit; and
- Issued one Notice of Violation (NOV) letter.

Metrics for Facility Incident Investigations as of September 30, 2016

Electric and Communication Facilities	Level 1	Level 2	Level 3	Level 4	Total ³
Total open incidents	8	22	27	35	92
Total incidents reported in 2016	14	20	23	24	81
Total incidents closed in 2016	11	8	15	17	51
Total open 2016 incidents	8	19	21	21	69
Incidents reported in September 2016	2	2	2	4	10
Incidents closed in September 2016	0	0	1	0	1
Average closure time of incidents in 2016	79 days	279 days	202 days	204 days	176 days

ELECTRIC AND COMMUNICATIONS FACILITY SAFETY: PROCEEDINGS

- **Investigation into Incident (I.16-07-007) (Commissioner Picker/ALJ Cooke)(Advocacy):**
On July 15 and July 30, 2015, fires and explosions in underground electric vaults caused power outages that affected thousands of Long Beach customers for several days. On August 15, 2015, another fire occurred in an underground vault with additional outages. After ESRB’s investigation and upon SED’s recommendation, the Commission adopted an Order Instituting Investigation on July 14, 2016. On September 6, 2016, the Commission

³ 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.

held a prehearing conference, and on September 21, 2016, the assigned commissioner issued a scoping memo outlining the schedule and other matters related to this OII.

- **Investigation into Incident (I.15-11-006) (Commissioner Randolph/ALJ Kimberly) (Advocacy):** A subcontractor was fatally injured in a Southern California Edison underground vault in Huntington Beach. ESRB has undertaken discovery and is discussing a possible settlement in this proceeding. The procedural schedule remains suspended.
- **Fire Safety Rulemaking (R.15-05-006) (Commissioner Florio/ALJ Kenney) (Advocacy):** On May 26, 2016, D.16-05-036 adopted Fire Map 1 that was developed by the California Department of Forestry and Fire Protection in collaboration with SED and the many parties in this proceeding. Fire Map 1 depicts areas of California where there is an elevated hazard for the ignition and rapid spread of fires due to strong winds, dry vegetation, and other environmental conditions. In June 2016, the assigned ALJ issued a ruling setting a prehearing conference to discuss the next steps of the proceeding and the development of Fire Map 2. As part of that effort, SED filed a pre-hearing conference statement and attended the pre-hearing conference on June 22. In July 2016, the assigned Commissioner (Florio) issued an amended scoping memo and ruling directing the Fire Safety Technical Panel (FSTP) to hold workshops for the purpose of developing a detailed work plan for the creation and adoption of Fire Map 2. In September 2016, parties to R.15-05-006 held two final workshops to further discuss the development of Fire Map 2, a state map depicting areas of elevated fire risk. A request was filed by the parties and was approved by the ALJ to extend the date for filing the workshop report. The workshop report that includes a work plan calendar is in the process of being drafted and will be circulated to the parties for comment in early October.
- **Applicability of Right-of-Way Rules to CMRS Carriers (R.14-05-001) (Commissioner Randolph/ALJ Kenney) (Advocacy):** D.16-01-046 adopted GO 95 amendments to provide Commercial Mobile Radio Service (CMRS) carriers with nondiscriminatory access to public utility infrastructure, including poles. The decision closed the proceeding. ESRB has updated GO 95 to incorporate the adopted changes and will undertake other follow-up work directed by the decision.
- **Petition to Repeal GO 95, Rule 18 (P.16-05-004) (President Picker/ALJ Kenney) (Advocacy):** On May 9, 2016, SED filed a petition for a rulemaking to consider repeal GO 95, Rule 18, because it compromises the minimum safety standards that GO 95 provides. Interested parties filed comments on June 9. ESRB has reviewed the comments and filed its response to the comments. A proposed decision is pending.
- **Citation Rulemaking (R.14-05-013) (President Picker/ALJ Burcham) (Advisory):** On September 29, 2016, the Commission issued a final Decision (D.16-09-055) adopting necessary improvements and refinements to the gas and electric safety citations programs. The Decision also set the rules and procedures for reporting of self-identified potential violations, and it closed the proceeding.
- **Physical Security of the Electric System (R.15-06-009) (President Picker/ALJ Kelly) (Advocacy):** Phase I will address physical security for electric supply systems, and additional phases will address disaster and emergency preparedness plans for electrical corporations and regulated water companies. ESRB is waiting for a scoping memo or further guidance in the proceeding.

- **Electric Storage Procurement (R.15-03-011) (Commissioner Peterman/ALJ Cooke) (Advisory):** ESRB continues to provide advisory support to help determine best practices related to energy storage, and the proper way to inspect such facilities. A set of inspection protocols was issued for review by the ALJ on September 29, 2016, who sought comment on whether Commission general orders need to be revised to include the protocols.
- **Distributed Energy Resources (R.14-08-013) (President Picker/ALJ Allen) (Advisory):** ESRB continues to review the issues and provide advisory support.
- **Distribution Level Interconnection (R.11-09-011) (President Picker/ALJ Bushey) (Advisory):** The proceeding addresses improvements to distribution level interconnection rules and regulations for certain classes of electric generators and electric storage resources. On February 16, 2016, the Assigned ALJ filed a proposed decision. On May 6, 2016, Commissioner Sandoval recommended an Alternate Proposed Decision which addressed additional issues. On May 12, 2016, the assigned Commissioner amended the scoping memo and ruled to extend the duration of the proceeding for 12 months. On July 1, 2016, The Commission issued a Final Decision 16-06-052, and Commissioner Sandoval will file a concurrence. This proceeding is closed.
- **SB 1028 (Hill) “Electrical corporations: wildfire mitigation plans”:** On February 12, 2016, Senator Hill introduced SB 1028, which would require each electrical corporation and each publicly owned electrical utility or electrical cooperative to annually prepare a wildfire mitigation plan. Additionally, this bill would require the Commission (for electrical corporations) or the governing board (for publicly owned electrical utilities or electrical cooperatives) to review and to accept, accept provisionally, or reject the submitted plans. ESRB has analyzed the bill and its effect on the Commission safety program, and continues to provide support and analysis of additional amendments. The state legislators voted to approve the bill and the Governor signed the bill in September 2016. ESRB is waiting for additional instructions regarding next steps.
- **Resolution E-4791:** Authorizing expedited procurement of storage resources to ensure electric reliability in the Los Angeles Basin due to limited operations of Aliso Canyon Gas Storage Facility. ESRB will follow, review and evaluate all documents related to safety.

ELECTRIC AND COMMUNICATIONS FACILITY SAFETY: REPORTS AND OTHER ACTIVITIES

- **Caltrain Modernization Project:** ESRB, Rail Safety, Energy Division, and staff from Legal continue to meet with Caltrain and review documents related to the design and construction of Caltrain’s proposed 25 kV electrification project between San Jose and San Francisco. ESRB is reviewing Caltrain’s proposed electrification operating procedures and proposed rules.
- **Transmission Maintenance Coordination Committee (TMCC):** TMCC is an advisory committee to help the CAISO develop, review and revise Transmission Maintenance Standards. ESRB is a member and attends quarterly meetings. Next meeting is scheduled for October 20, 2016.
- **Utility Diagnostic Testing:** ESRB surveyed the three largest investor owned utilities regarding the types of diagnostic testing and inspections they perform on distribution system switches, transformers and capacitors. ESRB’s report will compare the utilities’

California Public Utilities Commission | Safety and Enforcement Division

practices to national best practices and industry standards. The draft report is in internal review.

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

The Electric Generation Safety and Reliability Section staff has performed the following in September 2016:

- Investigated 14 forced or planned outages at power plants (13 through phone calls and email inquiries, and one through on-site visit).
- Completed the draft report of the Colusa power plant audit, and began desktop audit of the Walnut Creek power plant. Continued to monitor and track corrective actions of two plants (Redondo Beach and Los Esteros) for compliance with GO 167 requirements.
- There were no safety incidents reported. Please see the 2016 year-to-date incident statistics in the table below.

Metrics for Generation Incident Investigations as of September 30, 2016

Electric Generation Incidents	Level 1	Level 2	Level 3	Level 4	Total ⁴
Total incidents reported in 2016	2	0	0	0	2
Total incidents closed in 2016	1	0	0	0	1
Total open 2016 incidents	1	0	0	0	1
Incidents reported in September 2016	0	0	0	0	0
Incidents closed in September 2016	0	0	0	0	0
Average closure time of incidents in 2016	1 day	-	-	-	1 day

⁴ 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.

UTILITY RISK ASSESSMENT AND MANAGEMENT

REVIEWING SAFETY & RISK IN GENERAL RATE CASES

On September 1, Southern California Edison filed its application for the TY 2018 General Rate Case (A.16-09-001). SCE seeks authority for a total base revenue requirement of \$5.555 billion, with an increase in TY 2018 of \$313 million (5.5%) over currently authorized base rates.

This GRC will not be subject to the full Risk Assessment Mitigation Phase (RAMP) under the Safety Model Assessment Proceeding (S-MAP) rules, but SED had been working with the utility for inclusion of a modified RAMP component that meets the requirements set out in D.14-12-025 and the recent S-MAP interim decision (D. 16-08-018).

SED Risk staff will be analyzing the filing and testimony:

- To evaluate how well SCE's risk management program matches their S-MAP process and Commission guidance;
- To assess the GRC spending request for risk-related safety improvements, mitigations and alternatives;
- To review specific, identified areas of significant safety concern (i.e., aging infrastructure, generation assets, training, pole loading and distributed resources);
- To identify any "acute" safety issues that should receive attention outside of the GRC.

As it has in other recent GRCs, Risk staff anticipates issuing a report evaluating SCE's risk assessment program and reviewing its safety-related mitigations and spending requests. Staff has issued a preliminary set of data requests, asking SCE to consolidate its testimony related to risk and safety into a single document. Other data requests specific to spending priorities, aging infrastructure, and other matters are also being drafted by staff.

Southern California Edison will conduct three days of workshops on the GRC during the weeks of October 24 and October 31, with issues related to risk management addressed on Wednesday, October 26. The Commission has set a prehearing conference for Tuesday, October 25, at 10 am in the Commission hearing rooms.

PROCEEDINGS

- **Investigation into Safety Culture of Pacific Gas and Electric Company and PG&E Corp. (I.15-08-019) (President Picker/ALJ Bushey) (Advisory):** NorthStar Consulting has been conducting an intensive schedule of meetings with utility executives and managers, as well as field visits to monitor how safety is being discussed and safety practices instilled in the company. The Risk section is project manager for this contract, and SED staff has attended many of these interviews and field visits. NorthStar principals on October 4 were scheduled to brief President Picker on status of investigation.
- **Safety Model Assessment Proceeding (A.15-05-002, et al) (President Picker/ALJ Kersten) (Advisory):** The Phase 1 Interim Decision to advance this proceeding (D. 16-08-018) determined that the risk scoring models initially proposed by utilities were not adequate and should be supplemented by use of a multi-attribute scoring model that was developed for the Electric Power Research Institute. The decision established a road map for Phase 2 and future S-MAP cycles. It also provided guidance for upcoming RAMP phase of the 2019 SDG&E/SoCalGas General Rate Case, which will commence in fourth quarter 2016. On Sept. 28, SED staff reconvened the performance metrics technical working group, and also began preparing for a workshop on the Joint Intervenor model on October 21. A Phase 2 PHC is scheduled for November 16
- **PG&E 2017 General Rate Case (A.15-09-001) (President Picker/ALJ Roscow) (Advisory):** On August 3, 2016, Pacific Gas & Electric and 14 parties filed a Joint Motion for Commission approval of a settlement of issues in the TY 2017 General Rate Case (A.15-09-001). The Commission held a workshop on August 30 and one day of hearings on the settlement on Sept. 1. A joint exhibit of testimony on executive compensation and safety will be filed October 3. An Energy Division report on past safety spending is expected in October.
- **Gas Leak Abatement OIR (R.15-01-008) (President Picker/ALJ Kersten) (Advisory):** Gas companies filed their annual reports on leaks and emissions during 2015 on June 17, 2016. SED Staff, working with CARB Staff, are analyzing the reports for completeness and has been holding with companies to ensure the validity of data. CARB is preparing a document on cost-effectiveness of best practices for leak detection and mitigation, which will be the basis for an upcoming workshop on November 3.
- **SCE 2017 General Rate Case (A.16-09-001) (President Picker/ALJs Roscow & Wildgrube) (Advisory):** While not subject to the full S-MAP/RAMP requirements for this GRC cycle, SCE has included some level of analysis of its risk mitigations in the new GRC application testimony filed Sept. 1 (see write-up above). SED Risk staff will be advisory and is currently engaged in issuing data requests for an evaluation report. PHC on October 25.
- **Electric Storage Procurement (R.15-03-011) (Commissioner Peterman/ALJ Cooke) (Advisory):** In compliance with D. 16-01-032 (Track 1 decision in this rulemaking), staff has convened a technical group to consider appropriate Safety-related issues for facility inspections of grid-connected storage operated by utilities. The resulting set of inspection protocols was issued for review by the ALJ on Sept. 29, who sought comment on whether Commission general orders need to be revised to include the protocols.

- **Storage Procurement Solicitations 2016 (PG&E A.16-03-001; SCE A.16-03-002; SDG&E A.16-03-003) (Commissioner Peterman/ALJ Cooke) (Advisory):** On September 15, the Commission approved D.16-09-007, accepting with some modifications the three IOUs' applications for energy storage projects to be solicited in the 2016 cycle under the CPUC's 1,325 MW target. The decision addressed safety considerations in the utilities contracting processes.
 - PG&E requires offering parties to provide information about the safety history and practices of the entities that would construct, operate, own or maintain the projects. Shortlisted participants will be required to submit safety plans that would demonstrate responsible safety management during all phases of the project lifecycle.
 - SCE requires the offering party to develop a written plan for the safe construction and operation of the energy storage facility, consistent with the requirements of the pro forma contract. SCE's pro forma energy storage agreements also require the Seller to provide to SCE, prior to commencement of any construction activities on the site, a report from an independent engineer (acceptable to both SCE and the Seller) certifying that the Seller has a written plan for the safe construction and operation of the project.
 - SDG&E has stated its intent to "gather information regarding respondents" safety plans in the project or program description form and will evaluate, on a qualitative basis, proposed projects from a safety perspective based on this information. For utility-owned energy storage systems, SDG&E will undertake a comprehensive evaluation of all components of each respondent's offers. This evaluation will include a pre-evaluation process where SDG&E will evaluate counterparty risk, including the respondent's prior experience in safely constructing and operating energy storage systems. For third-party-owned energy storage systems, respondents will need to commit to operating and maintaining their facility in accordance with accepted electrical practices, applicable law and industry standards, including those that are related to safety.

The Commission determined that the utilities have addressed safety in a "proactive and responsible manner" and accepted their proposals. Still, the decision reminded the utilities that they "carry the ultimate responsibility for safety of resources connected to (their) facilities, regardless of whether those resources are utility owned or owned by entities under contract to the utilities." The decision closes this proceeding.

- **PG&E Supplemental Energy Storage Procurement (A.16-04-024) (Peterman/ALJ Cooke) (Advisory):** PG&E in April 2016 applied for approval of an additional energy storage project contract with STEM, which was not part of its A.16-03-001 case. On July 18, ALJ Cooke held a pre-hearing conference via telephone to discuss issues in the case. A Scoping Memo was issued by Commissioner Peterman on July 25, which included as an issue whether the contract promotes safe and reliable operation and maintenance of the energy storage systems. The Scoping Memo determined that no hearings are necessary, so the issues will be subject to briefing by parties in September and October.
- **Public Records Act Revisions Rulemaking (R. 14-11-001) (President Picker/ALJ Lirag) (Advisory):** The Commission on August 18 adopted D. 16-08-024 to provide additional

guidance on proper documentation of confidential materials supplied to the Commission by regulated utilities. Under the revisions to GO 66c, when submitting documents to the Commission or staff of the Commission (including the Office of Ratepayer Advocates) outside of a formal proceeding, any documents for which the submitting party seeks confidential treatment must be marked as confidential, the basis for confidential treatment must be specified, and the request for confidentiality must be accompanied by a declaration signed by an officer of the requesting entity or by an employee or agent designated by an officer. Additionally, if only certain information in a document (e.g. customer names and addresses, contract payment amounts, etc.) is confidential, only that information rather than the entire document should be designated as confidential. Finally, the decision determined that authority for reviewing requests for confidential treatment of documents is delegated to the Commission’s Legal Division. Several telecommunications companies and industry groups have applied for rehearing of the decision, claiming that delegation to staff of the decision to release confidential information violates their due process rights.

- **PG&E Gas Transmission & Storage rate case (A.13-12-012/I.14-06-016) (Picker/Bushey) (Advisory):** The GT&S case was decided on June 25, 2016, with D.16-06-056. Among other provisions for disallowances for safety lapses, the decision also disallowed from immediate recovery \$696.4 million for 2011-2014 capital expenses above that previously approved in Gas Accord V. \$120 million is permanently disallowed, but \$576 million would be subject to an audit by Commission staff or a third party. SED staff is currently conferring with Energy Division and the Division of Water and Audits to determine whether the audit may be conducted internally or whether an outside expert should be contracted.

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. Whistleblower protections are afforded to utility employees and contractors who report potentially unsafe or illegal practices.

STATISTICS - 1/01/16 TO 9/30/16

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
January	0	0	1	0	0	0
February	0	5	1	0	2	0
March	0	0	0	0	0	0

California Public Utilities Commission | Safety and Enforcement Division

April	0	2	0	0	0	0
May	0	0	0	0	1	0
June	0	0	0	0	0	0
July	0	0	0	0	0	0
August	0	0	0	1	0	0
September	0	0	0	0	0	0
Total 2016	0	7	2	1	3	0

Invalid Whistleblower Complaints Converted to Standard Complaints							
	<u>CAB</u>	<u>Transportation</u>	<u>Electric Safety</u>	<u>Gas Safety</u>	<u>Telco/Utility Fraud</u>	<u>Rail</u>	<u>Consumer Referred to Outside Agency</u>
January	0	0	0	0	0	0	0
February	0	0	0	0	0	0	1
March	0	0	0	0	0	0	0
April	0	0	0	1	0	0	0
May	0	0	0	0	0	0	0
June	0	0	1	0	0	0	0
July	0	0	0	0	0	0	0
August	0	0	3	0	0	0	0
September	0	0	0	0	0	0	0
YTD	0	0	1	1	0	0	1

Test, Incomplete or Duplicate Whistleblower Complaints	
January	0
February	4
March	0
April	3
May	0
June	0
July	0
August	1
September	0
YTD	8

OFFICE OF RAIL SAFETY

RAILROAD SAFETY - ROSB

In the month of September 2016, SED Staff's Railroad Operations group completed the following:

New Incidents Investigated	16
Informal Complaints Investigated	4
Safety Assessments/Reviews	11
Compliance Actions	357
Major Inspections Completed - Such as Focused Inspections	2
Operation LifeSaver Presentations	2

ROSB INSPECTION, INVESTIGATION & FIELD ACTIVITIES

September 5-6, 2016: A group of ROSB rail safety inspectors conducted hazmat inspections at the Port of Los Angeles alongside the United States Coast Guard inspecting hazmat containers for non-compliant conditions, of the 46 containers inspected, 11 were cited for violations and the shipping companies took corrective action to bring the containers into compliance with safety regulations.

September 6, 2016: A group of ROSB rail safety inspectors traveled to San Pedro and met with the U.S. Coast Guard to perform cross agency intermodal inspections in the Port of Long Beach. Inspections were performed at both California United Terminal and APM Terminal, which consisted of both freight containers and intermodal tanks. During the inspection a total of 51 freight containers and seven intermodal tanks were inspected with multiple defects noted in

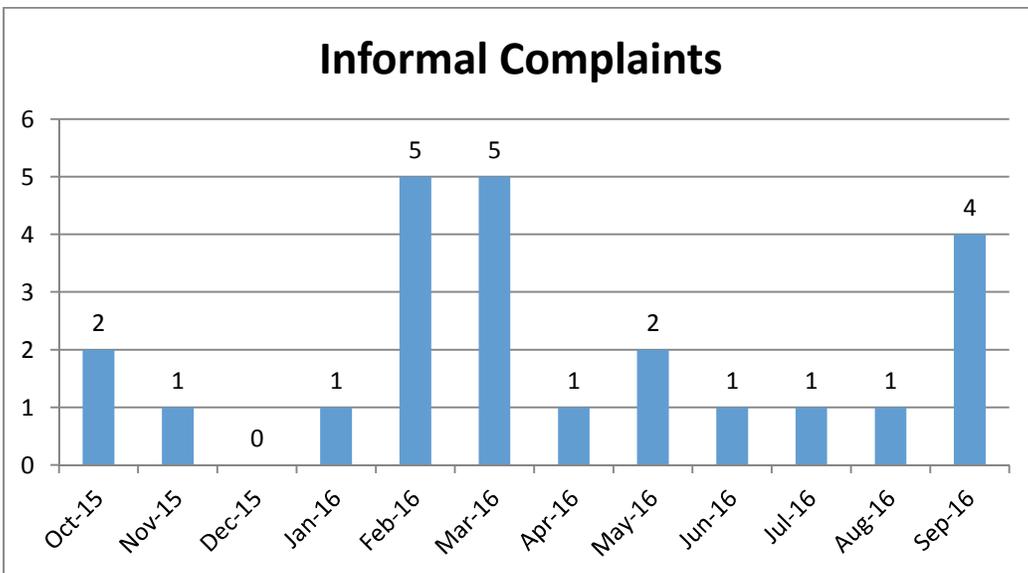
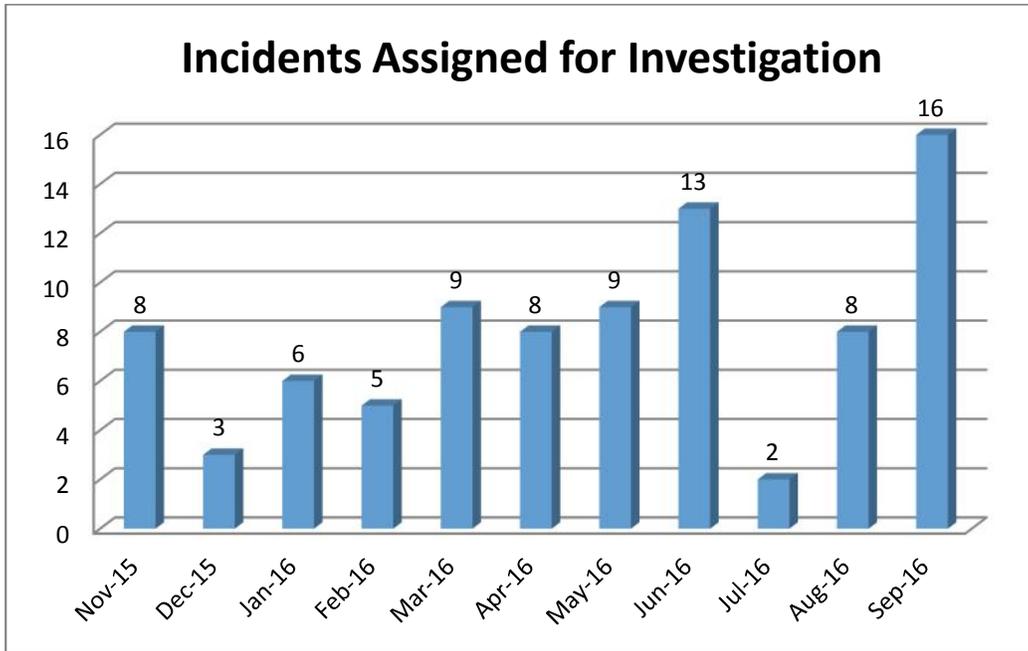
the area of improper blocking and bracing, missing required numbers on the outside of the container, worn placards and loose hand nuts to secure the containers. All defects were reported to terminal management who either corrected the defects immediately or placed the containers on hold status for future remediation. Each shipper will be contacted and notified of deficiencies found during inspection.

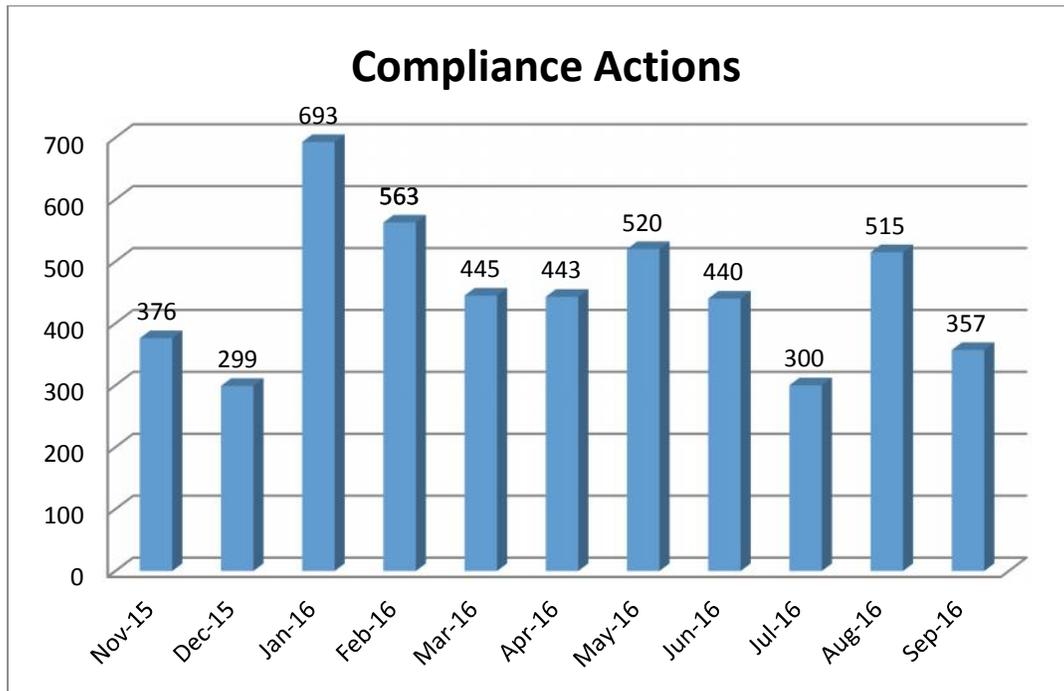
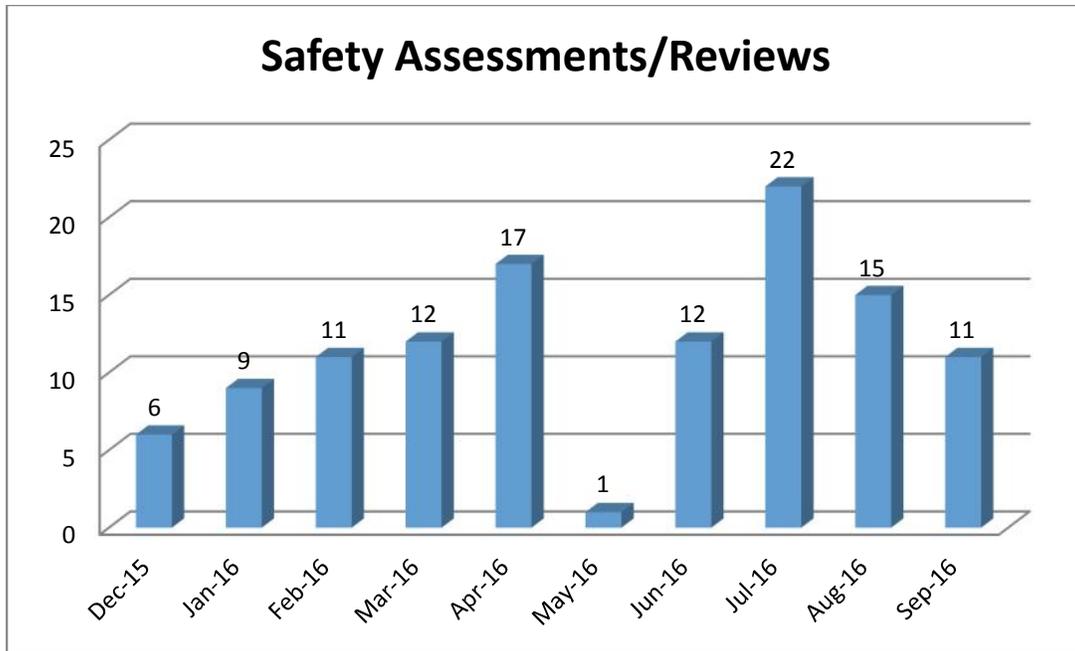
September 7, 2016: ROSB rail safety inspectors performed hazmat inspections at the Union Pacific Railroad Intermodal Container Transfer Facility (ICTF), identifying three containers with defects and one container leaking product. The UPRR hazmat response team was notified and the containers were placed on hold and a contract company performed the clean-up and fixed the defects. The shipping company was notified of the violations

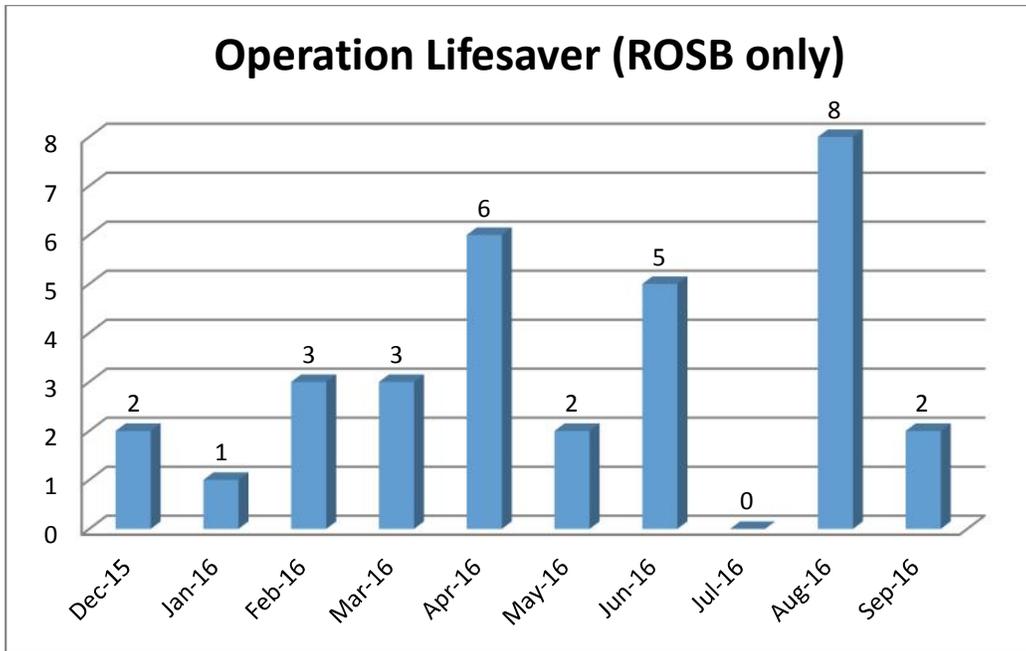
September 8, 2016: ROSB rail safety inspectors conducted a joint inspection between hazmat, and fellow operations inspectors on the UPRR in Ontario, CA, checking a local freight job for proper compliance for air brake test, hazmat train placement and various rules compliance. Following this joint effort, our hazmat team branched off and conducted an inspection at the Elite Comfort Solutions, mattress manufacturing company. The company receives tank cars containing hazardous materials used in the manufacturing process for the foam mattress. The company was inspected for state and federal hazmat safety regulations and the inspection identified incomplete employee training records and no track inspections records for the previous 90 days. The company was notified of the violations and took immediate corrective action.

September 12, 2016: Along with our normal hazmat inspection activities at the port of Los Angeles and Long Beach and BNSF/UPRR rail yards, ROSB rail safety inspectors began the task of updating the contact list on the state general railroad/company contact list within the state general order inspection reporting database. The current lists of railroad contacts are outdated and greatly in need of revising, to help update the current contact list the inspectors visited the local railroads to acquire updated contact lists from railroad management; we are currently in the process of entering the new railroad contacts into the database. The updated list will aid in the inspectors in the process of their rail safety inspection work.

September 26-27, 2016: ROSB rail safety inspectors inspected bridges on the Sierra Northern Railroad for two days between Sonora and Riverbank on the Oakdale Subdivision. The first day was inspected to locate and inspect any bridges that could not be driven to and to note bridge locations for re-inspection. Inspecting for defects and compliance requires the inspector to crawl over and under the bridge to check for any noncompliance issues. No non-compliance issues were found during this inspection.







RAIL CROSSINGS AND ENGINEERING BRANCH - RCEB

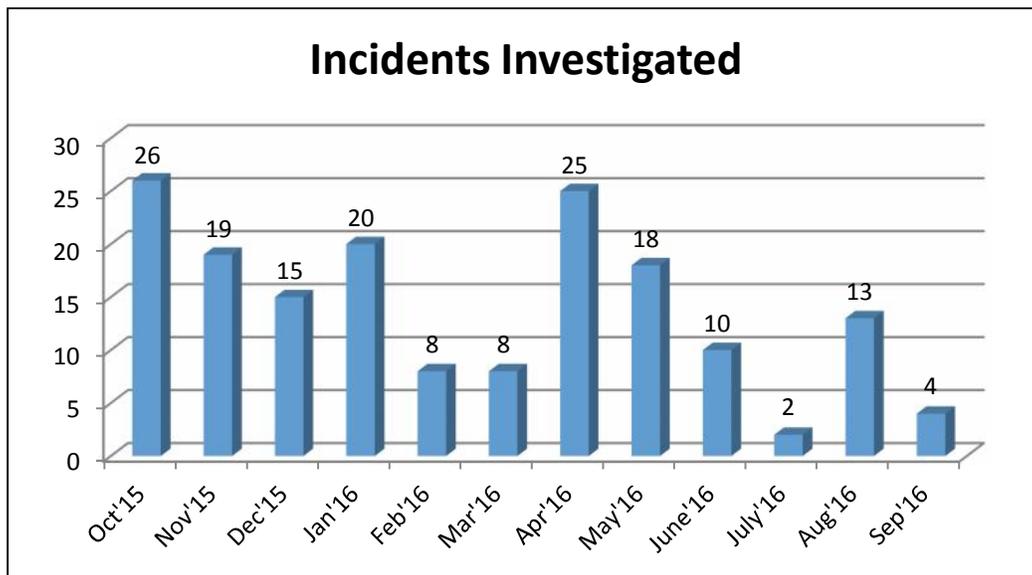
In the month of September 2016, the Rail Crossings and Engineering Branch completed the following:

	Open at Period Start	New During Period*	Closed During Period	Open at End of Period
2015 Crossing Incident Investigations	8	0	1	7
2016 Crossing Incident Investigations	95	21	3	113
Informal Complaints Investigations	27	0	0	27
Safety Assessments/Reviews	0	36	36	0
Environmental Reviews	0	70	70	0
Proceedings, Resolutions and G.O. 88-B Reviews	16	10	17	9
Quiet Zone Reviews	0	0	0	0
Operation LifeSaver Presentations	0	1	1	0
Staff Training	0	4	4	0

*As RCEB checks FRA data with CPUC data, RCEB adjusts the number of incidents for 2015 and 2016.

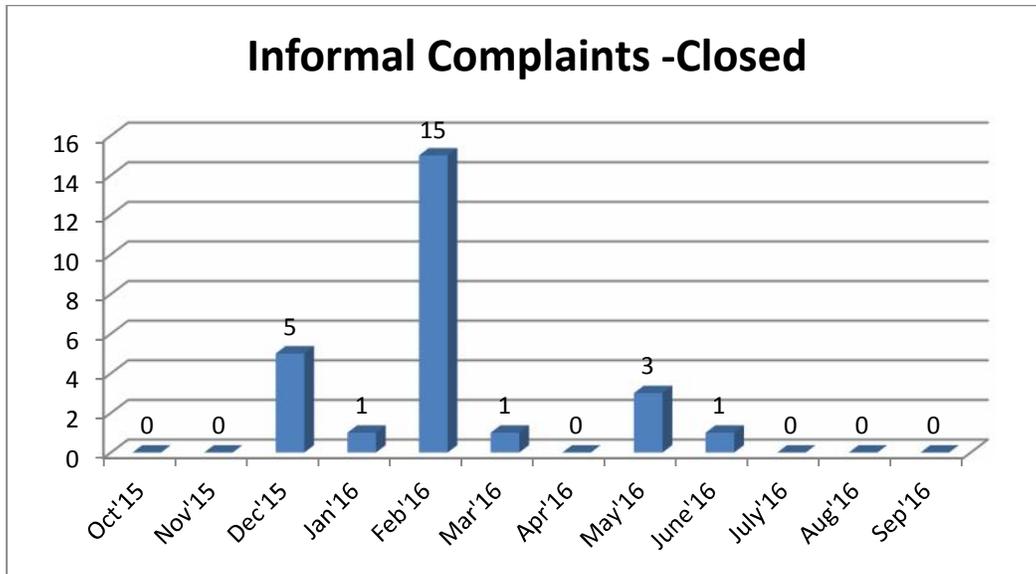
RAIL CROSSING INCIDENT INVESTIGATIONS

- In September 2016, the Rail Crossings and Engineering Branch engineers received 21 new incidents and completed four highway-rail crossing investigations. In 2015, RCEB documented 150 crossing related incidents that resulted in 52 fatalities and 60 injuries. These numbers are adjusted from prior month based on the RCEB database. From January to September 2016, RCEB received 142 crossing related incidents that resulted in 55 fatalities and 51 injuries.



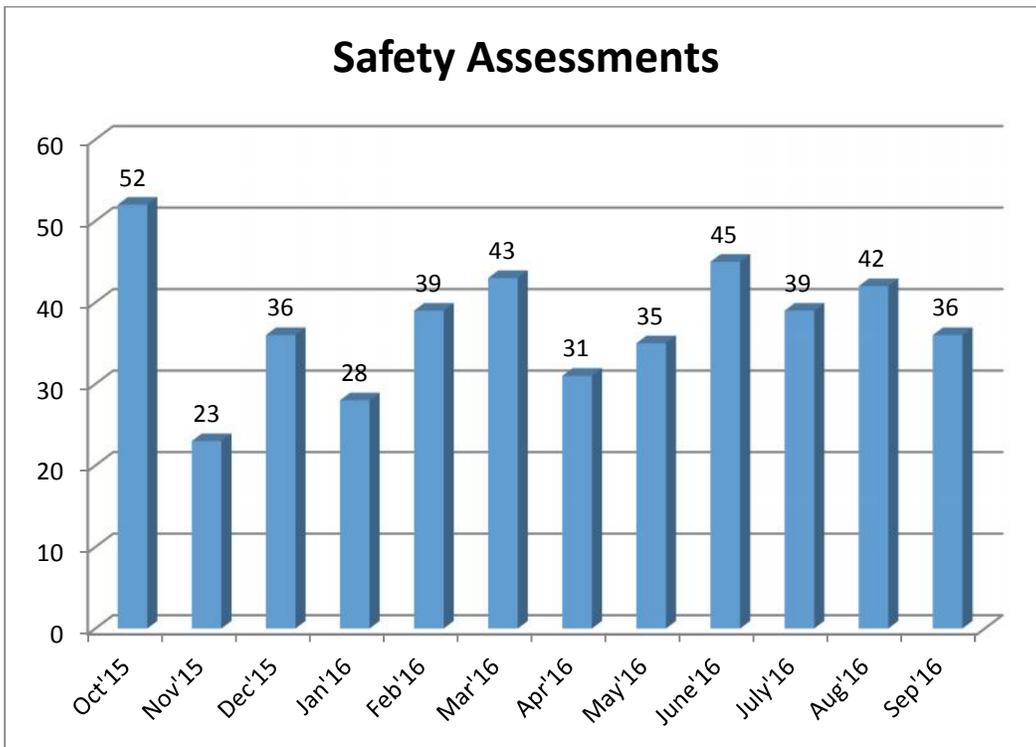
INFORMAL COMPLAINTS

- In September 2016, staff did not receive any new complaints involving highway-rail crossings. RCEB continues to work with open complaints but did not close any complaints in September.



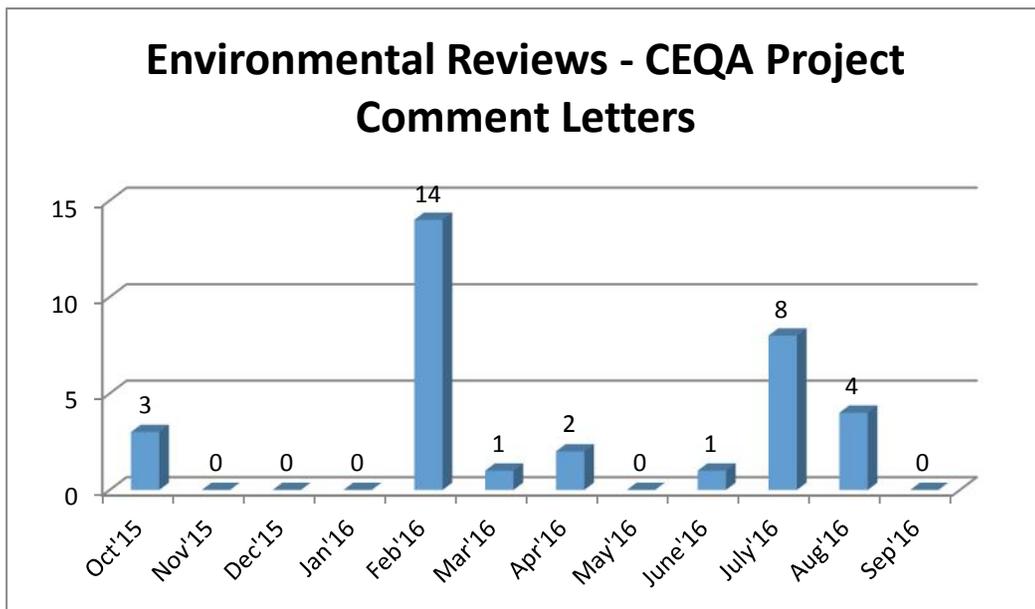
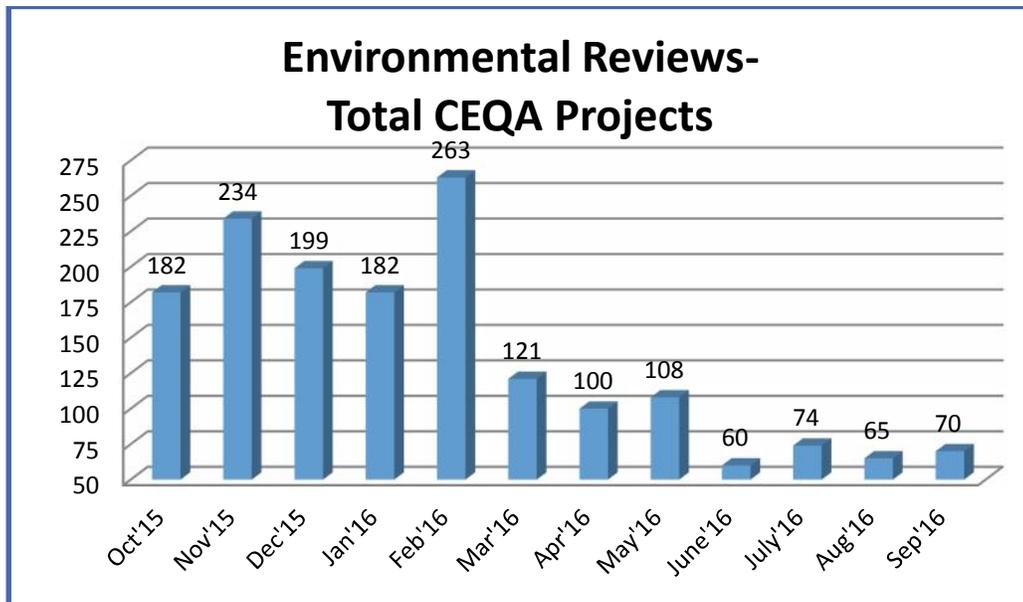
SAFETY ASSESSMENTS AND REVIEWS

In September 2016, staff completed 36 rail crossing safety assessments involving communications, field inspections, and diagnostic reviews with railroads and local agencies.



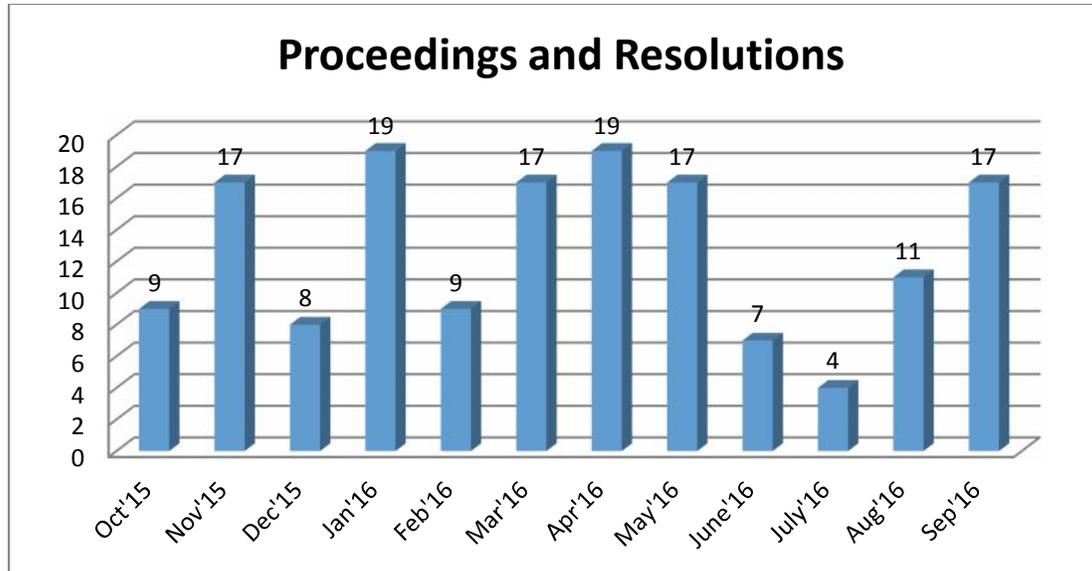
ENVIRONMENTAL REVIEWS

In September 2016, staff reviewed 70 CEQA reports. When railroads and local agencies plan new projects or developments, staff reviews the documents submitted by the agencies for safety impacts to crossings. The review addresses safety issues in highway-rail crossing design and nearby intersections during the design phase of the projects.



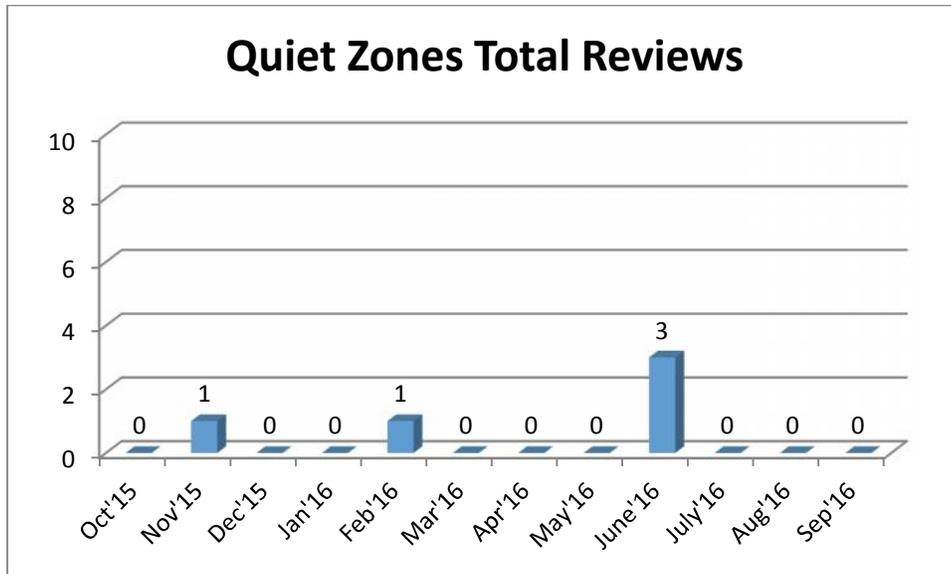
PROCEEDINGS, RESOLUTIONS AND G.O. 88B REVIEWS

In September 2016, engineering staff received four formal proceedings, six new General Order 88-B applications, and closed 17 proceedings and General Order 88-B reviews.



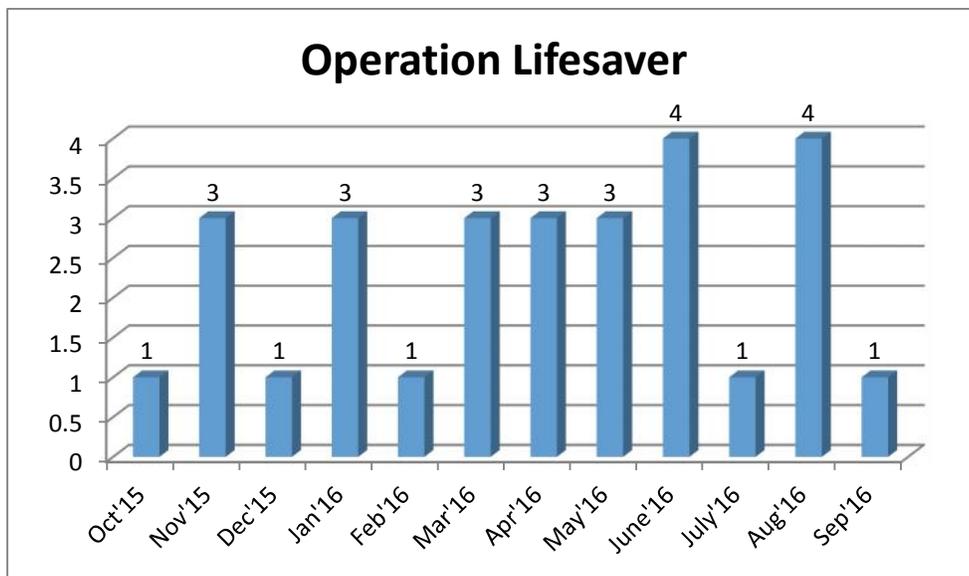
QUIET ZONE ESTABLISHMENT

The Federal Railroad Administration requires locomotives to sound a horn while trains approach and enter public highway-rail grade crossings. A Quiet Zone (QZ) is a specified distance along railroad areas where local roadway and railroads apply supplementary safety measures to all highway-rail grade crossings as an effective substitute for the sounding of the locomotive horn. The FRA authorizes the QZ under Title 49 CFR 222.39(a) (3) requirements. Railroads are exempt from sounding horns in a QZ, thus providing the quiet of communities affected by train operations. In September 2016, staff did not review any QZ requests.



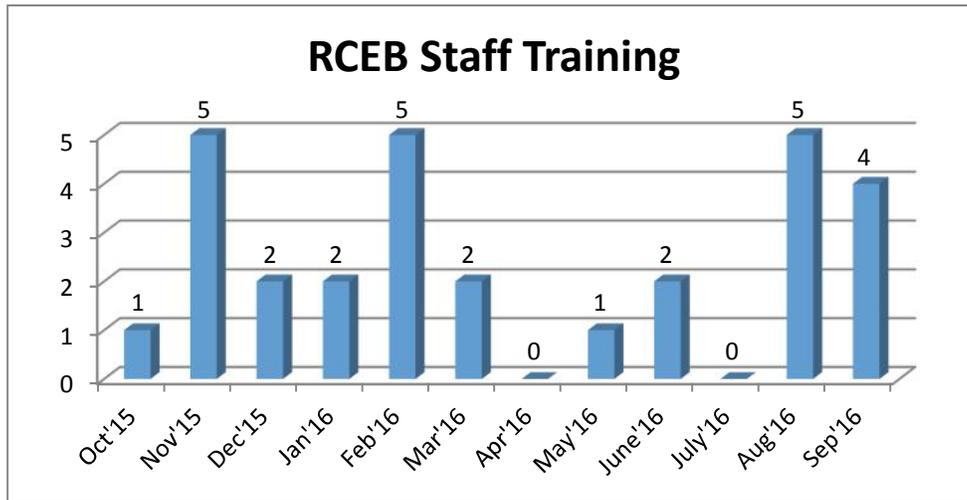
OPERATION LIFESAVER INC.

In September 2016, RCEB staff completed one Operation LifeSaver Inc. (OLI) presentation sharing the OLI rail safety message to bus drivers at the Liberty Union High School District in Brentwood, Contra Costa County.



RCEB STAFF TRAINING

In September 2016, staff completed 4 training assignments for Changes to Federal ADA Guidelines, Fundamental of Train Control Signaling, CPUC E-mail Guidelines, and Effective Listening for Program and Project Supervisors.



RAIL TRANSIT - RTSB

In September 2016, the Rail Transit Safety Branch (RTSB) completed the following:

CORRECTIVE ACTIONS PLANS

- RTSB opened no new Corrective Action Plans due to incidents, internal safety audits, and inspections in September 2016. RTSB is working with RTAs to close existing CAPs.
- 1 Corrective Action Plan was closed this month.

INCIDENT INVESTIGATIONS

- In September 2016, 20 incidents were reported by Rail Transit Agencies (RTAs).⁵

⁵ Per General Order 164-D, the Commission must be notified within 2 hours 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.

- 26 incident investigations were closed by RTSB.

PROCEEDINGS / RESOLUTIONS

- **ST-190** - This Proposed Resolution grants the request of San Francisco Municipal Transportation Authority (SFMTA) for approval of the Safety Certification Plan for the LRV4 Light Rail Vehicle procurement project. It is due to be voted on by the Commission on November 10, 2016.
- **ST-185** - This Proposed Resolution grants the request of the Los Angeles County Metropolitan Transportation Authority for approval of the Safety Certification Plan for the HR4000 Heavy Rail Vehicle procurement project. It is due to be voted on by the Commission on October 27, 2016.
- **I.16-06-010 Order Instituting Investigation (OII) (Commissioner Randolph/ALJ Kim)** - On June 28, 2016, the Commission issued a Formal Investigation in response to a two fatality Bay Area Rapid Transit (BART) accident on October 19, 2013. The purpose of this investigation is to a) examine the accident, b) determine whether BART repeatedly violated state codes and regulations by failing to provide adequate protection for BART's wayside workers, c) whether BART's train-operating personnel's lack of training and certification contributed to the accident, d) whether BART violated Rule 1.1 of the Commission's Rules of Practice and Procedure by failing to provide the Commission with an accurate list of who would be operating its trains during a strike occurring at the time of this accident, and e) whether Rule 1.1 was violated by BART's failure to obtain prior approval of the use of uncertified, untrained, and unapproved personnel to operate trains during the strike. Additionally, the investigation will determine whether BART should be fined or otherwise penalized for any of these violations. An evidentiary hearing for all parties was held on October 6, 2016. A prehearing conference was held on October 11, 2016. On October 12, 2016, ALJ Kim issued an e-mail ruling directing parties to file a joint proposed proceeding schedule by October 18, 2016.

SAFETY CERTIFICATION AND OVERSIGHT OF RAIL TRANSIT AGENCY PROJECTS

- **BART New Vehicle Procurement:** BART is in the process of procuring 750 new rail vehicles. BART has already received four of these vehicles (two D cars and two E cars) for testing, and is storing them at its Hayward Yard facility. RTSB staff is witnessing testing and participating in Safety and Security Certification meetings to oversee the procurement process.
- **The East Contra Costa BART Extension:** This project, also known as eBART, will add 10 miles of track extending rail service eastward from the Pittsburg Bay Point station utilizing eight Diesel Multiple Unit (DMU) vehicles. This project is currently in the construction phase, and is being safety certified by RTSB, whose staff regularly attends safety certification meetings. Signal testing is expected to begin in October 2016, and the project expects to be in revenue service by approximately August 1, 2017.
- **BART Warm Springs Extension:** This project proposes an additional 5.4 Miles of BART track connecting the currently existing Fremont BART station with a new BART station located in the Warm Springs district in the city of Fremont. Construction has been monitored by RTSB, and will be safety certified when complete. Staff has attended and witnessed testing. Additionally, RTSB staff inspected this project on September 13, 2016. The Warm Springs Extension Project Team submitted the Safety and Security Certification Verification Report to the Commission on October 11, 2016. The Warm Springs Extension Project Team has been reviewing past test records pertaining to the SSCP prior to approving it. The project is expected to be in revenue service on November 5, 2016, per the Commission's approval.
- **Silicon Valley Berryessa Extension:** BART and SCVTA are currently jointly in the process of constructing a 10-mile track extension and two new stations – the Milpitas and Berryessa stations. The project is expected to be complete in late 2016/early 2017, and is currently in the construction phase for certain areas (I.E. Traction Power Substation (TPSS), Train Control, Communication, etc.), and in the pre-testing phase for others. RTSB has monitored this project, and has safety certified it. Staff attended a Berryessa Station generator testing event in July 2016. On Saturday, September 17, 2016, staff attended and observed the first BART power train run related to the SVBX tracks. The testing was conducted in manual mode and consisted of running a (3 car) test train back and forth from the WSX/SVBX

interface on the S2 track from Milepost 29.0 to Milepost 31.0 at the following speeds 6, 18, and 25 mph. No deficiencies were noted or discussed after the testing.

- **SFMTA New Vehicle Procurement:** SFMTA is in the process of procuring 260 new rail vehicles, which will be received by SFMTA over the next 15 years. The first batch, consisting of 24 cars, will be received in 2017. All new vehicles will be put through a wide range of tests in order to complete the safety certification process. On September 30, 2016, CPUC received the latest version of the Preliminary Hazard Analysis, Threat and Vulnerability Analysis, and the Safety Certification Plan for this project. RTSB staff has completed a draft of Resolution ST-190 to grant SFMTA's request for approval of their SSCP. It is due to be considered by the Commission at the November 10, 2016, business meeting. RTSB staff will attend monthly meetings with SFMTA to oversee the Safety Certification Process and to monitor the progress of testing. The project is currently in the construction specification conformance phase.
- **Central Subway Project:** SFMTA is excavating 1.7 miles of tunnel to extend the Muni Metro Third Line to provide a direct transit link between the Bayshore and Mission Bay areas to SoMa, downtown, and Chinatown. This project, due to be completed in 2019, is currently in the construction phase and is being monitored by RTSB through regular meetings, review of documentation related to safety certifiable elements to ensure conformance with specified safety requirements, and site visits pursuant to CPUC's safety certification requirements.
- **LA Metro (LACMTA) P3010 New Vehicle Procurement Project:** Los Angeles County Metropolitan Transportation Authority (LACMTA or LA Metro) is in the process of procuring up to 235 new rail vehicles to provide the needed capacity expansion for the recently completed projects (Expo Phase 2 and Foothill Extension Phase 2), and for the future LAX/Crenshaw line which is currently in construction. On March 4, 2016, RTSB staff approved the LACMTA request to introduce the first batch of P3010 cars into revenue service after review of the Safety Certification Verification Report, various test records, and the individual vehicle history books. A total of thirty-seven (37) P3010 vehicles have been approved for revenue service by RTSB staff so far.

- **LACMTA Crenshaw/LAX Corridor Project:** LACMTA is constructing a new light rail transit line through the Crenshaw/LAX Corridor. The Line will travel 8.5 miles from the existing Metro Exposition Line at Crenshaw and Exposition Boulevards to the LACMTA Green Line and will serve the cities of Los Angeles, Inglewood and El Segundo; and portions of unincorporated Los Angeles County. The project is currently in the early construction phase and is being monitored by RTSB through regular meetings. The project is due to be completed in 2019.
 - **LACMTA Regional Connector Project:** Currently in utility relocation phase. RTSB staff regularly attends LACMTA's monthly Fire Life Safety and Security Meetings, as well as Safety and Security Certification Review Meetings.
 - **LACMTA Purple Line (Westside) Extension Project:** LACMTA is currently expanding rail network and services, including extending the Purple Line. The Westside Purple Line Extension, previously named the Westside Subway Extension, extends service from the terminus at Wilshire/Western Station to Westwood (UCLA and Veteran's Administration Hospital). This extension, consisting of nearly nine miles of track and seven stations, is planned to be constructed in three sections, and is currently in utility relocation phase. RTSB staff regularly attends LACMTA's monthly Fire Life Safety and Security Meetings, as well as Safety and Security Certification Review meetings.
 - **LACMTA HR4000 Heavy Rail Vehicle Procurement:** LACMTA is in the process of procuring up to 282 new heavy rail vehicles to provide for the future expansions of Regional Connector and Purple Line Extensions, and to replace the existing aging HRV fleet. RTSB staff received LACMTA's SSCP for the HR4000 and has initiated the transit resolution process for Commission approval. Resolution ST-185 is currently scheduled for the 10/27/2016 Commission meeting.
- San Diego Trolley, Inc. (SDTI) Mid-Coast Corridor Project:** The San Diego Metropolitan Transit System Mid-Coast Corridor Project is a 10.9-mile double-track light-rail transit line, which begins at the Old Town Transit Center in San Diego. The project provides future SDTI revenue service to the Linda Vista, Clairemont, University California San Diego (UCSD) campus and the University City areas. The additional stations will be: Tecolote Road,

California Public Utilities Commission | Safety and Enforcement Division

Clairemont Drive, Balboa Avenue, Nobel Drive, potential Veterans Administration (VA) Medical Hospital, UCSD West (along Voigt Drive), UCSD East (along Voigt Drive), Executive Drive, and University Town Center (UTC) Transit Center. Construction is planned for late 2016 and revenue service begins late 2021. RTSB staff is attending the System Safety Review Committee Meetings and Fire Life Safety Committee meetings for this project. The Safety and Security Certification Plan for the project is currently under final review and staff is preparing a Resolution for Commission action.

- Other SoCal Safety Certification Projects:** Several projects are in various phases of early design and engineering in the Southern California region: OC Streetcar Project (in Orange County), LA Streetcar Project (in City of Los Angeles), Angels Flight Railway (in City of Los Angeles), and LAX Automated People Mover (for Los Angeles International Airport). RTSB staff regularly attends Fire Life Safety Committee meetings, Safety Certification Team meetings, etc., to monitor and track any safety related issues.

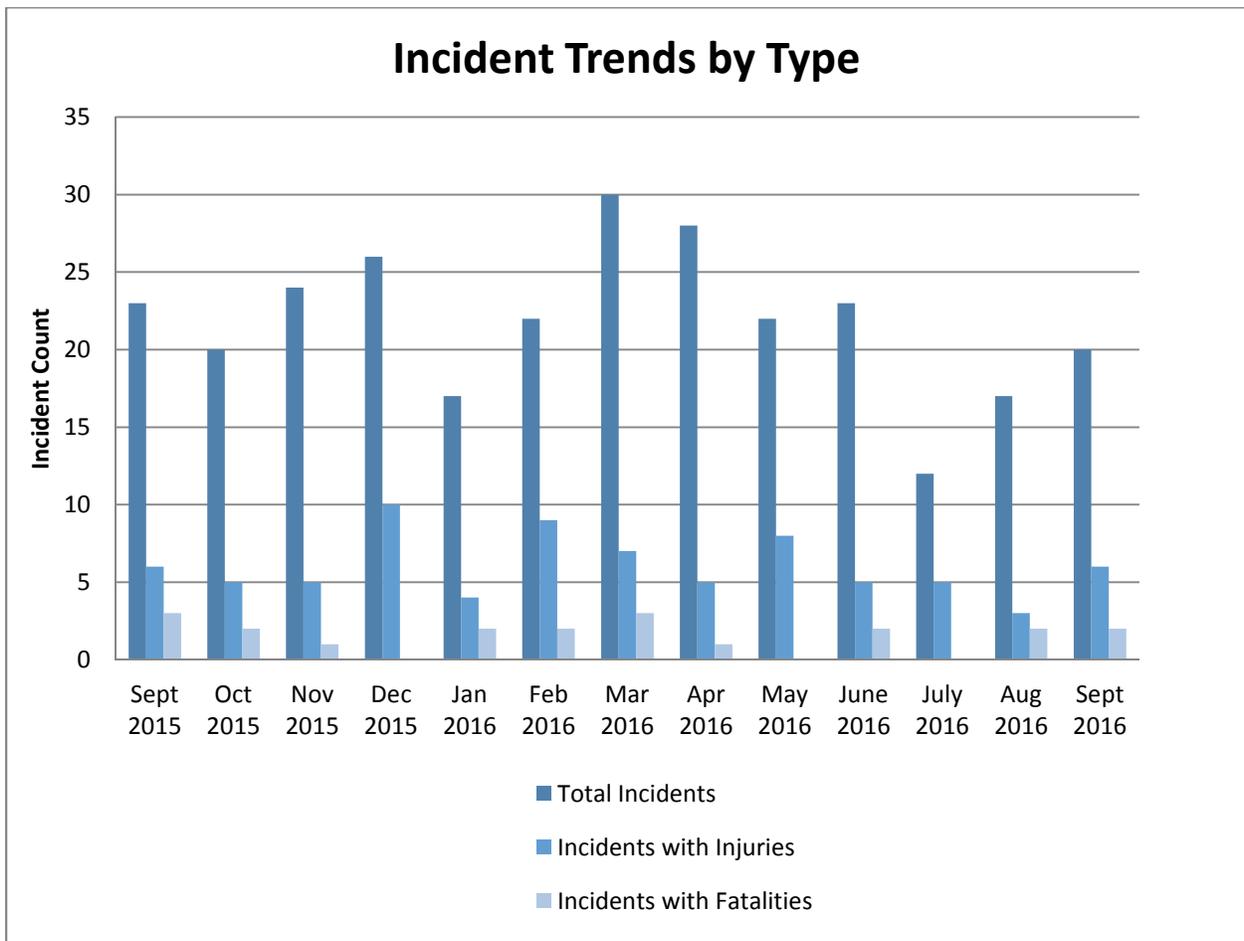
STATISTICS SUMMARY

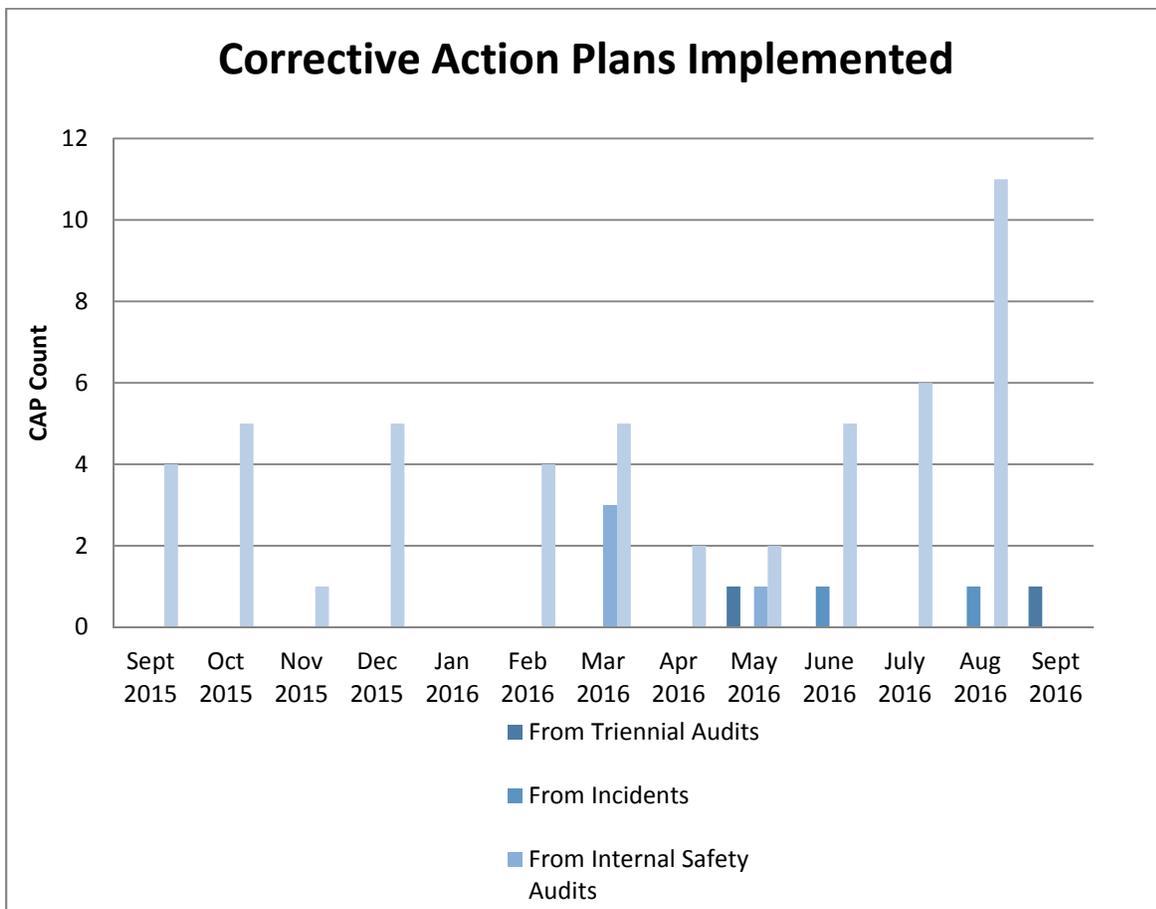
Investigations	
Incidents Reported	20
Incident Investigations Closed	26
Complaints Investigated	0
Triennial Audits	0

Corrective Action Plans	
New Corrective Action Plans	0
From Triennial Audits	0
From Incidents	0
From Internal Safety/Security Audits	0

Closed Corrective Action Plans	1
From Triennial Audits	1
From Incidents	0
From Internal Safety/Security Audits	0

ONGOING DATA / TRENDS





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