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August 19, 2015

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VIA E-MAIL ONLY:

April Mulqueen
Policy and Planning Division
California Public Utilities Commission
505 Van Ness Avenue, 5th Floor
San Francisco, CA 94102
Email: april.mulqueen@cpuc.ca.gov

Re: The Coalition of California Utility Employees' Comments on Solicitation for Input—Safety Intervenor

Dear Ms. Mulqueen:

In response to the Solicitation for Input (“SFI”) issued by the Policy and Planning Division Staff, the Coalition of California Utility Employees (“CUE”) submits these Comments on how and whether the Commission can expand the role of safety intervenors in relevant Commission proceedings.

The SFI poses a series of questions to interested entities and persons on whether the Commission should encourage the creation of an intervenor whose sole purpose is to review utility testimony with a focus on safety and provide formal rebuttal as part of the official record. CUE appreciates the opportunity to respond to questions of such importance and applauds the Commission for recognizing the need to inject safety analysis into all Commission proceedings, particularly General Rate Cases. CUE has been an active intervenor in Commission proceedings for 20 years, and has a unique perspective on this issue.

CUE represents over 35,000 thousand represented employees at investor-owned and publicly-owned energy utilities. These employees are not only directly in harm’s way during safety events, but also perform the work necessary to keep the systems safe and reliable. As such, CUE has historically been the *only* party in General Rate Cases and other Commission proceedings advocating for increased focus on utility safety issues. Most other intervenors focus solely on the costs borne by ratepayers. While very active in over twenty current Commission proceedings, CUE cannot participate in every proceeding that will ultimately affect safety policy

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and issues. Our clients are also focused on reliability issues and other, specific labor issues within proceedings.

With that perspective, we turn to answering the questions posed in the SFI.

1. Should the Commission ensure there is an organization specifically dedicated to utility safety issues in Commission proceedings?

Yes. The Commission should ensure there is at least one party to Commission proceedings primarily focused on utility safety issues. There is always at least one party focused on costs, so having a dedicated safety party will balance the focus of proceedings. For too long, Commission proceedings have primarily focused on reducing costs while ignoring the consequences on safety. ORA in particular has acknowledged in sworn testimony that it has made cost-cutting proposals without analyzing their safety impacts. Furthermore, there are few, if any, other parties beyond CUE who advocate for stronger safety and reliability proposals from the utilities. Creating a specific safety intervenor would give the appropriate weight to the Commission's mandate to require utilities to provide safe and reliable service at just and reasonable rates.

2. What organizations, new or existing, should intervene on utility safety issues?

There are currently no organizations solely focused on utility safety issues. Furthermore, all existing organizations that currently participate in Commission proceedings likely do not have the staff, expertise, or time to participate in every Commission proceeding, or the desire to rededicate their purpose to utility safety issues. Therefore, the Commission should encourage new organizations or entities to become involved in Commission proceedings with explicit focus on utility safety issues.

3. Should ORA or other intervenors on behalf of ratepayers be responsible for both safety and rate advocacy?

No. While ORA's mission statement explains that its "statutory mission is to obtain the lowest possible rate for service consistent with reliable and safe service level," has continually failed to include safety analyses with its proposals in General Rate Cases. Furthermore, the historical focus for ORA in General Rate Cases and other Commission proceedings has been obtaining the lower costs for utility service.

Forcing ORA to broaden its focus would result in a required culture change for the organization—one which may not result in successfully incorporating adequate safety analyses. Additionally, expanding ORA's role to include safety issues would invariably cause a strain on its already heavy workload.

Furthermore, any organization dedicated to safety issues should be singularly focused in order to avoid conflicting interests. There are many ratepayer advocacy groups—there should be at least one dedicated safety group.

4. Are there competencies the Commission must require for a safety intervenor?

Any safety intervenor will need subject matter experts willing and able to testify in many proceedings, including General Rate Cases.

5. Are there conflicts that should be addressed in intervenor safety participation; for example, a ratepayer advocate who also seeks compensation as an advocate for a safety action or expenditure?

The Commission should be very clear to the public and in raising awareness on this issue that the Intervenor Compensation program is available to intervenor groups whose mission is primarily one of safety.

6. Are there barriers to safety advocate participation that the Commission must address?

Not from CUE's perspective. The only barrier to participation from a safety intervenor is the lack of an existing organization dedicated to this purpose.

CUE appreciates the opportunity to comment on this issue. We welcome the renewed focus on public and employee safety rather than a singular focus on rates.

Sincerely,



Jamie L. Mauldin
*Counsel for the Coalition of California Utility
Employees*