



The Office of Ratepayer Advocates Response to the CPUC's July 30th Solicitation for Input regarding the Role of Safety Intervenor

August 19, 2015

The Office of Ratepayer Advocates (ORA) is the independent consumer advocate within the California Public Utilities Commission (Commission or CPUC). ORA's statutory mandate is to obtain the lowest possible rates for utility services consistent with reliable and safe service levels. ORA also advocates for customer and environmental protections in connection with utility service. ORA provides the following comments in response to the Solicitation for Input (SFI) regarding a Safety Intervenor. Please direct any questions to Philip Weismehl, ORA Deputy Chief Counsel.

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

There are two organizations that should be specifically dedicated to utility safety issues. The first is the utility, under their duty to provide safe service consistent with Public Utilities Code § 451. The second is the Commission, which currently through the Safety and Enforcement Division has oversight responsibility over the utilities the Commission regulates. Other intervening parties are able to actively participate and make recommendations pertaining to safety issues in Commission proceedings.

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

ORA intervenes on safety issues, consistent with its authority under Public Utilities Code § 309.5 to "obtain the lowest possible rate for service consistent with reliable and safe service levels" (emphases added). Other consumer organizations, such as The Utility Reform Network (TURN); unions, such as the Utility Workers Union of America (UWUA); and various cities (e.g. San Bruno and San Carlos), have intervened and should continue to intervene on safety issues, as they deem appropriate.

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

While intervenors share responsibility for safety, the primary responsibility is borne by the utilities and the Commission. ORA and other intervenors develop forecasts, create proposals, and provide recommendations on safety in regulatory proceedings for consideration by Administrative Law Judges and the Commission. Utilities bear the responsibility to operate their systems in a safe and reasonable manner, consistent with Public Utilities Code § 451. The Commission bears the responsibility for oversight of the utilities in furnishing safe and reasonable service, either under its own authorities or under authorities delegated from Federal Agencies (e.g. the Pipeline and Hazardous Materials Administration [PHMSA]).

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

Given ORA's response to Question 3, ORA has no comments to offer at this time on this question.

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?

There are not necessarily conflicts between an advocate for safety actions and rate advocacy.

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

ORA has no comments to offer at this time on this question, other than the observation that much of the utility data relating to safety has often been flagged as confidential by the utilities. Access to information will be key to a safety advocate's ability to analyze data.