



California Public Utilities Commission

Internal Emergency Response Plan and Protocols

Roles and Responsibilities During an Emergency or Catastrophic Event

October 2015



CONTENTS

Contents.....	1
Executive Summary.....	2
1 Introduction.....	3
1.1 What Constitutes an Emergency?.....	5
1.2 State and Federal Government Emergency Response Procedures.....	5
2 Overview of Incident Command System.....	7
2.1 Incident Command System at the CPUC.....	7
2.2 Procedures and Timelines of CPUC Emergency Response.....	11
2.3 Regulated Utilities Response and Relevant General Orders.....	13
3 After Action Reports.....	15
4 Emergency Response Scenario Training.....	15
5 Recommendations for Future Action Items.....	17

EXECUTIVE SUMMARY

The California Public Utilities Commission (CPUC) regulates critical infrastructure and utility services, all of which are vulnerable to natural disasters or man-made disruptions, either intentional or unintentional. While the CPUC is not primarily a “first-responder” it does have a set of roles during an emergency. In an emergency, the CPUC’s various roles to promote safety and enforcement include:

- Dispatching trained staff to the scene of the incident to investigate and identify potential violations of laws or policies
- Monitoring the response of the regulated entities (and coordinating with their emergency response plans)
- Providing accurate and timely information regarding utility and system safety to media outlets during any emergency
- Coordinating with government officials to disseminate near-term information to the public
- Supporting California Office of Emergency Services (CalOES) and providing assistance to other government agencies that have a more direct role in emergency responses
- Ensuring internal CPUC communication regarding the incident

While a natural instinct is to “jump in” and help, uncoordinated efforts can actually complicate the situation and have a detrimental effect. To ensure effective communication and coordination with various other jurisdictional entities, the CPUC will employ an Incident Command System (ICS) when appropriate during its emergency response. Under the ICS framework, the CPUC designates an “Incident Commander” with enough authority to coordinate and effectively respond to the situation. The Incident Commander takes policy guidance from the Commissioners and the Executive Director and coordinates responses with field staff, media, other government agencies and logistics.

In addition, the CPUC will formalize a series of scenario trainings using ICS to “train and drill” staff on how to effectively respond. Key timeline markers for action are: within 1 hour of incident, within 8 hours, within 24 hours, within one week and within one month of the incident. Post incident, we also follow up with an After Action Report.

1 INTRODUCTION

In July 2014, the California Public Utilities Commission (CPUC) adopted a Safety Policy Statement and in February 2015 the adopted a *Safety Action Plan*. As requested in the *Safety Action Plan*, the Safety and Enforcement Division provides this document offering a high-level overview of the CPUC’s Emergency Response and Action Protocols. In an emergency situation, the CPUC is not a “first responder” and this document does not replace any first response action function provided by other state and local agencies. During an emergency, there are separate but overlapping responses that the CPUC needs to coordinate:

- Keeping CPUC employees safe and ensuring business continuity of the CPUC’s regulatory practice;
- Policy work, including passage of any emergency protocols or other directives;¹ and
- CPUC responses during and immediately following the incident, including during incident reporting, investigations, and after-action reports.

While the first two bullets above are critically important, the CPUC has recently updated them and this document does not recapitulate those efforts. Thus, this document focuses on the CPUC’s response during and immediately following an emergency/incident.

In response to an emergency, the CPUC’s role is to gather information, disseminate and report on that information, and facilitate requests for assistance. When appropriate, the CPUC will send investigators to the location of the incident to investigate causal and contributory factors and to determine if there are any potential violations of statute, code, or General Order. Such investigatory efforts are critical for developing “lessons learned” to prevent future similar incidents from occurring. The CPUC requires each utility to have an emergency operations plan; a utility, as the operator of the system, is in the best position to assess the damage to its infrastructure and to formulate and to execute restoration plans.

¹ For example, in October 2008 after the Chatsworth train collision, the CPUC adopted an emergency protocol banning train operators from texting on mobile devices until a full investigation could be conducted and new permanent rules could be put into place.

The utilities also maintain mutual aid agreements with their counterparts, both inside and outside of California. Depending on the response work needed, the utilities will contract with vendors to fill the needs of employees and outside crews as they make their repairs in the affected area. Similarly, the railroads and rail transit agencies also have emergency response plans to coordinate and to respond fully to all rail emergencies.

In response to an emergency situation, the CPUC will send investigators to the location of the incident to determine if there are any possible violations.

We recognize, however, that there is a need for the CPUC's regulatory actions during an emergency. In an emergency, the CPUC's various roles to promote safety and enforcement include:

- Dispatching trained staff to the scene of the incident to investigate and identify potential violations of law or policy;
- Monitoring the response of the regulated entities (and coordinating with their emergency response plans);
- Providing accurate and timely information regarding utility safety to media outlets;
- Coordinating with local government officials to disseminate near-term information to the public;
- Providing assistance to other government agencies² who have a more direct role in emergency responses; and
- Ensuring internal CPUC communication regarding the incident

² For example, California Office of Emergency Services (CalOES), National Transportation and Safety Board (NTSB), and Pipeline and Hazard Materials Safety Administration (PHMSA).

1.1 WHAT CONSTITUTES AN EMERGENCY?

Given the wide scope of industries regulated by the CPUC, there are a corresponding number of different types of emergencies possible that impact the infrastructure under our regulatory purview.

Examples include:

- Major forest fires impacting utility or railway infrastructure
- Storms that pose a significant threat to utility or railway infrastructure
- Major outages of more than 100,000 customers with expected restoration time more than 24 hours
- Involuntary electric and natural gas curtailments
- Natural gas pipeline explosions
- Passenger train collisions or derailments
- Derailments of heavy rail train carrying hazardous material and subsequent release
- Landslides that impede railway flow or damage utility infrastructure
- Earthquakes magnitude 5.0 or above in a high-density population area
- Tsunamis that impact utility or railway infrastructure
- Diablo Canyon Power Plant actual or likely failures
- Terrorist attacks impacting utility infrastructure
- Floods or dam and levee failures impacting utility infrastructure
- Cybersecurity attacks on electronic control systems or business operations

1.2 STATE AND FEDERAL GOVERNMENT EMERGENCY RESPONSE PROCEDURES

At the Federal government level, the Federal Emergency Management Agency (FEMA) coordinates emergency response. In California, overall the Governor's Office of Emergency Services (CalOES) coordinates emergency response.

The Emergency Services Act describes emergency management responsibilities of state agencies. For the major industries regulated by the CPUC, the Statewide Emergency Plan lists the California Natural Resources Agency as "lead" statewide. The California Natural Resources Agency provides to CalOES the leadership guidance, ongoing communication, coordination, and oversight throughout all phases of

emergency management. As of October 2013, the Statewide Emergency Plan delegates much of the CPUC's role to the California Utilities Emergency Association (CUEA) as the supporting organization to CalOES for gas, electric, water, wastewater, and telecommunication utilities. CUEA is not a subset of CalOES but rather is a trade association group of utilities. Given that the CPUC often plays an investigatory role in emergency response, it is not appropriate for the CPUC to be a member of the CUEA. As a result, the CPUC will continue to work directly with CalOES and with the impacted utilities during our response to an emergency.

During an emergency, the CPUC needs a structure that is nimble enough to adapt to the situation but robust enough so that we maximize our operational efficiencies and experiences. There is no single General Order that fully captures the role of the CPUC or its jurisdictional entities in an emergency situation. Currently, the CPUC has more than 25 different General Orders to enforce safety rules in rail, electricity, gas, passenger carriers and household goods carriers, telecommunication, and water. Additionally, the CPUC is responsible for implementing and ensuring compliance with more than 160 Public Utilities Code sections focused on safety for rail, electricity, gas, passenger carriers and household goods carriers, telecommunication, and water. In some programs, such as natural gas and rail safety, the CPUC also enforces Federal laws and regulations.

2 OVERVIEW OF INCIDENT COMMAND SYSTEM

Even with proper planning and regulatory oversight, there is nevertheless a constant risk of major incidents and emergencies that could impact utility goods and services. In order for the CPUC to effectively communicate and coordinate its response, it needs to be able coordinate with other state agencies using a standard communication framework. As defined by FEMA, the standard communication³ protocol is the National Incident Management System (NIMS). The cornerstone of NIMS is the Incident Command System.⁴

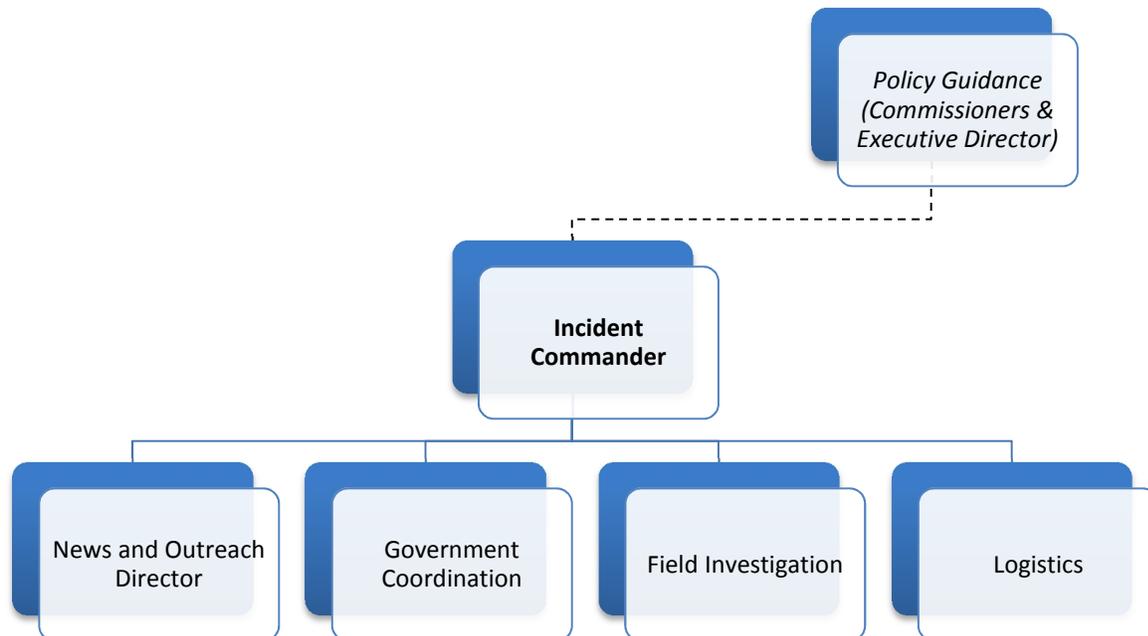
The Incident Command System (ICS) is a standardized on-scene emergency management construct specifically designed to provide for the adoption of an integrated organizational structure that reflects the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries. ICS is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, designed to aid in the management of resources during incidents. It is used for all kinds of emergencies and is applicable to small as well as large and complex incidents. ICS is used by various jurisdictions and functional agencies, both public and private, to organize field-level incident management operations.

2.1 INCIDENT COMMAND SYSTEM AT THE CPUC

During an emergency, most staff will typically often want to offer assistance in some way. While admirable, such uncoordinated efforts can often be unproductive or further complicate or compound a situation, often having a detrimental effect. We present this adapted version of ICS to best outline the CPUC's roles and responsibilities during an emergency.

³ This is consistent with California Government Code Section 8607 and the Standardized Emergency Management System (SEMS). SEMS consists of five organizational levels, activated as necessary: field response, local government, operational area, regional, and state.

⁴ We note that most of SED management and several members of the News and Public Information office are already certified in NIMS and ICS.



- **Incident Commander:** A key concept in all emergency planning is to establish command and tactical control at the lowest level that can perform that role effectively in the organization. In the ICS framework, the Incident Commander, with appropriate policy direction and authority from the responding agency, sets the objectives to be accomplished and approves the strategy and tactics to be used to meet those objectives. The Incident Commander must respond to higher authority. Depending upon the incident's size and scope, the higher authority could be the next ranking level in the organization up to the agency or department executive.
 - *At the CPUC, the Incident Commander will either be the SED Director, the Director of the most impacted industry Division, or one of their delegates.*
- **Policy Guidance:** Decision-makers have ultimate responsibility but are often not in the best position to coordinate staff during a response effort. Under ICS, the Incident Commander consults with senior leadership and decision-makers and acts as a conduit of information to them.
 - *At the CPUC, the Incident Commander will coordinate policy guidance with Commissioner Offices and the Executive Director.*
- **News and Outreach Director:** During an emergency response, the Incident Commander will interface with the Director of News & Outreach to ensure clear, concise, and timely information

dissemination. Such actions are critical during emergency response. The News & Outreach Director coordinates messaging with other key entities' press offices (utilities, CalOES, etc.) to ensure consistency and timely information. The News & Outreach Director will verify all relevant factual information with the Incident Commander before making it public. Using pre-populated templates will expedite the crafting of press releases and will be developed and updated on a continuous basis.

- *At the CPUC, all media relations will be handled by the News & Outreach Office.*
- **Government Coordination:** An emergency response will often require coordination with multiple different jurisdictions, including other state agencies (often through CalOES), members of the state Legislature, local jurisdictions (Mayors, City Councils) and sometimes Federal entities and agencies. Coordinating and communicating response plans to remove jurisdictional barriers is critical, especially during the period immediately following an incident. All coordination efforts will be run through the Incident Commander to ensure other agencies are providing a proportional response to the incident and location.
 - *At the CPUC, the Incident Commander will designate a delegate to coordinate with government agencies, likely to be the Office of Government Affairs Director and the News & Outreach Director.*
- **Field Investigation:** Depending on the type of emergency incident, staff may be sent into the field to determine probable cause and contributing factors to the incident. Investigators gather facts, ensure proper chain of custody is employed by utilities/regulated entities on evidence, and gather witnesses statements and conduct interviews. Staff can also coordinate responses or conduct investigations into potential violations. While decision-makers often want to hear directly from the “boots on the ground,” such communication can actually impede time-sensitive work. The information gathered by field staff is highly technical; all information will flow directly to the Incident Commander.
 - *At the CPUC, the Incident Command will assign and designate all Field Staff. All communication with Field Staff will be coordinated by the Incident Commander.*
- **Logistics:** Responsible for providing facilities, services, personnel, equipment, and materials in support of the emergency. When staff is being sent into the field, there is a large need for consistency and accountability over resource requests. The Incident Commander will coordinate

with this position to ensure proper documentation of requests and to construct timelines of responses. Lastly, post-incident, this position will ensure the proper retention of records.

- *At the CPUC, the Deputy Executive Director of Administration typically play this role unless otherwise delegated by the Incident Commander.*

2.2 PROCEDURES AND TIMELINES OF CPUC EMERGENCY RESPONSE

Timeline	Key Activities of Each Role Using ICS Framework <i>(All activities are on an as-appropriate/as-needed basis)</i>
Initial Notification of Event, likely via utility or media monitoring	<ul style="list-style-type: none"> ✓ Incident Commander identified ✓ Incident Commander briefs News & Outreach Director on initial incident information ✓ Incident Commander dispatches staff to the field ✓ Incident Commander issues a Safety Alert⁵ email with preliminary information about the incident, points of contact, and declaration of who is Incident Commander for the event ✓ Incident Commander establishes contact points with most impacted regulated entities
Within 1 hour of Event	<ul style="list-style-type: none"> ✓ Incident Commander assigns support roles ✓ Incident Commander communicates initial data assessment to News & Outreach Director, Executive Management, and Commissioners ✓ News & Outreach Director drafts and distributes internally an initial statement / talking points; possible external release of information depending on situation and information at-hand ✓ Initial contact with CalOES established

⁵ Comes from a dedicated email; SED has developed protocols for distribution, confidentiality and consistency of information.

Timeline	Key Activities of Each Role Using ICS Framework <i>(All activities are on an as-appropriate/as-needed basis)</i>
	<ul style="list-style-type: none"> ✓ Initial contact with other key agencies and state and local governments, as applicable (e.g., NTSB, PHMSA, Mayors, City Councils, etc.)
Within 8 hours of Event	<ul style="list-style-type: none"> ✓ Once on-site, Field Inspectors secure key evidence and take initial statements ✓ Field inspectors debrief with the Incident Commander ✓ News & Outreach Director, in coordination with Incident Commander, determines vehicles to disseminate information, such as press releases, website updates, social media, interviews, etc. Local / State government contacts and information flow continues ✓ Logistics Support established and documentation begins ✓ Incident Commander updates Commissioners and Executive Management
Within 24 hours of Event	<ul style="list-style-type: none"> ✓ News & Outreach Director issues updated information, as applicable ✓ Local / State government contacts updated ✓ Field inspectors conduct investigation ✓ Incident Commander debriefs with Field Inspectors at least twice a day ✓ Policy Guidance members convene and provide initial set of recommendations
Within 1 week of Event	<ul style="list-style-type: none"> ✓ Office debrief with Field Investigators ✓ Determine if formal emergency protocols or near-term

Timeline	Key Activities of Each Role Using ICS Framework <i>(All activities are on an as-appropriate/as-needed basis)</i>
	<p>policy work is required</p> <ul style="list-style-type: none"> ✓ Conduct post-emergency communication with news media, local government officials, other stakeholders, as appropriate
Within 1 month of Event	<ul style="list-style-type: none"> ✓ Incident Commander completes After Action Report to disseminate to Executive Safety Council
Within 3-6 months of Event	<ul style="list-style-type: none"> ✓ Implement training and procedural improvements as determined in the After Action Report ✓ Take enforcement actions, as appropriate

2.3 REGULATED UTILITIES RESPONSE AND RELEVANT GENERAL ORDERS

Each of the utilities the CPUC regulates has varying levels of Emergency Operation Centers ranging from companywide, regional, local, or field level. The ICS structure outlined above can integrate with the existing utility emergency response structure.

Various CPUC General Orders often contain specific reporting criteria governing how each industry is to report to the CPUC via phone or through the CPUC’s website within specified time-periods. The CPUC requires the regulated utilities to report safety related incidents to the CPUC per the following General Orders (GO)⁶:

- GO 112F - State of California Rules Governing Design, Construction, Testing, Operation, and Maintenance of Gas Gathering, Transmission, and Distribution Piping Systems

⁶ A potential future action for the CPUC to consider would be to update and harmonize the emergency reporting protocols across these General Orders.

- GO 166 - Standards for Operation, Reliability, and Safety During Emergencies and Disasters, Electric Utilities
- GO 167 - Enforcement of Maintenance and Operation Standards for Electric Generating Facilities
- GO 22-B - Reports of accidents on railroads
- GO 96-B, which directs under emergency conditions (such as war, terrorist attack and natural disasters) for the regulated entity to suspend active tariffs and to provide service to a government agency or to the public for free, or at a reduced rate, or under terms and conditions otherwise deviating from its normal tariff.

In addition, numerous sections of the California Public Utilities Code also include provisions to ensure regulated utilities are prepared for emergencies.

During an emergency, the CPUC shall not micro-manage a utility and its emergency response. However, in unique circumstances, the CPUC may issue emergency orders that direct utility operations. For example, after a pipeline explosion the CPUC may direct a utility to lower operating pressure on other pipelines as an interim safety measure. Once the CPUC receives a report, the CPUC will interface with the utility as it implements the responses outlined above. Based on the severity of the incident, the Incident Commander will relay relevant information to CPUC Commissioners, Executive Management, the News & Outreach Director, and other relevant staff as appropriate.

3 AFTER ACTION REPORTS

An After-Action Report is a useful tool to diagnose responses and find new efficiencies post-incident. An After-Action Report examines response actions, recommends modifications to plans and procedures, training needs, and recovery activities. The CPUC shall make After Action Reports more consistently available and disseminate them publicly. Each CPUC regulated entity impacted by the CPUC will be required to furnish an After Action Report under specific circumstances.

In addition, the CPUC will prepare its own After Action Report on its emergency response performance. The CPUC's After Action Report will **exclude** any conclusions or findings on potential violations; this information may be needed for subsequent formal action, such as an Order Instituting Investigation. The CPUC's After Action Report primarily focus on the efficiency and effectiveness of the emergency response efforts. The CPUC's After-Action Report will be presented to Executive Safety Council in order to evaluate the efficacy of the emergency response efforts.

4 EMERGENCY RESPONSE SCENARIO TRAINING

Exercises provide personnel with an opportunity to become thoroughly familiar with the procedures, facilities, and systems that will actually be used in emergency situations. State agencies and political subdivisions will plan for and/or participate in an all-hazards exercise program that involves emergency management/response personnel from multiple disciplines and/or multiple jurisdictions.

Exercises range from seminars/workshops to full-scale demonstrations.

- Seminars/Workshops are informal discussions in a group setting with little or no simulation. It is used to provide information and introduce people to policies, plans, and procedures.
- Drills/Tests are conducted on a regular basis to maintain the readiness of operational procedures, personnel, and equipment. Examples include tests of outdoor warning systems and the Emergency Alert System.

- Tabletop Exercises provide a convenient and low-cost method designed to evaluate policy, plans, and procedures and resolve coordination and responsibilities. Such exercises are a good way to see if policies and procedures exist to handle certain issues.
- Functional Exercises are designed to test and evaluate the capability of an individual function such as communications, public evacuation, or medical.
- Full-Scale Exercises simulate an actual emergency. They typically involve complete emergency management staff and are designed to evaluate the operational capability of the emergency management system.

The utilities that CPUC regulates conduct emergency exercises on a regular basis. The exercises can range from low levels to full scale activation of Emergency Operations Centers.

Since ICS is designed to be a scalable system, multiple variations of incidents will arise, each that can potentially touch different parts of the CPUC and its staff. The CPUC will implement a series of scenario planning to ensure that CPUC employees from different Divisions that are “trained and drilled” in CPUC and State Emergency protocols.

Since the CPUC is not a primary response agency, our responses will be somewhat different than a primary participant. The following time-frames are suggested to be “trained and drilled” to outline the different types of roles and functions that the CPUC has:

- Initial Notification
- Within 1 hour of Event
- Within 8 hours of Event
- Within 24 hours of Event
- Within 1 week of Event

5 RECOMMENDATIONS FOR FUTURE ACTION ITEMS

This document identifies several areas for additional CPUC action or implementation. These recommendations are as follows:

- The Emergency Response procedure has been submitted to CalOES for review and feedback. The CPUC staff will continue to work with CalOES to finalize the Emergency Response procedure.
- The CPUC will work with CalOES to organize emergency response scenario trainings for those in key leadership positions (including Directors and key advisory staff)
- The News & Outreach Director will develop a set of standard press releases to be used as templates
- After Action Reports will become a standardized tool to evaluate both utility and CPUC's efficacy of emergency response