



SAFETY AND ENFORCEMENT DIVISION MONTHLY PERFORMANCE REPORT

August 2020



California Public
Utilities Commission

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

Introduction

The CPUC’s Safety and Enforcement Division (SED) oversees the safety of electric and communication facilities, natural gas infrastructure and propane facilities. SED is comprised of three branches of utility engineers, analysts and investigators that focus on ensuring the safety of utility infrastructure and reducing utility caused wildfires. SED advocates for public safety through performing safety audits, conducting incident investigations, and appearing in CPUC safety proceedings. SED has the authority to issue citations with penalties against utility operators who violate public utility safety codes and requirements.

In August, the CPUC Deputy Executive Director for Safety Enforcement and Policy, Rachel Peterson, and the Director of the Safety and Enforcement Division, Lee Palmer made a presentation at the August 14, 2020 Commission meeting to provide an update of the CPUC implementation of Legislative and CPUC Decisions on wildfire response in California. Deputy Executive Director Peterson explained that implementation is based on two core principles:

1. The utilities are Operators of their systems - they are responsible for safe electric service and the safe execution of Public Safety Power Shut Offs (PSPS) and
2. That PSPS is a wildfire mitigation tool of last resort.

To prepare for the 2020 wildfire season, the CPUC staff conducted oversight before the season began¹, and staff will hold the utilities accountable during the season, and will work to advance the maturity of the companies’ execution after the season.

SED Director, Palmer, also provided the Commissioners with a briefing that introduced the Wildfire Safety and Enforcement Branch (WSEB) which is led by Anthony Noll. Approximately half of the full complement of 14 staff have been hired by August.

WSEB is dedicated to the enforcement of public utility wildfire safety and Public Safety Power Shutoffs (PSPS) violations. WSEB is the lead investigator for utility incidents relating to wildfire, PSPS events and other aspects related to wildfire events. The staff conducts audits, incident investigations, and provides input into policy development. Lee explained that with the addition of the WSEB, SED and the CPUC now have a dedicated team with a specific mission to enforce CPUC General Orders and Public Utility Codes with regard to wildfire and PSPS events. WSEB is developing MOUs and nondisclosure with CAL FIRE, CalOES and the CPUC Wildfire Safety Division to allow collaboration on training, information and investigations. WSEB’s focus on wildfire investigations and PSPS reviews will ensure that the SED’s Electric Safety and Reliability Branch can continue conducting timely electric infrastructure audits, non-wildfire electric infrastructure and generation investigations and enforcement.

Examples of highlights during August, include:

¹ Cross-division CPUC staff work on utility preparations included thorough briefings with the utility companies in June (including the companies’ preparations with consideration of COVID-19 precautions). These presentations are posted on the CPUC website.

- Electric Safety and Reliability Branch (ESRB):
 - As a follow up to the mid-August heat wave and rolling blackouts, ESRB issued a data request to all generators that experienced forced outages within the two-week heat wave period. ESRB reviewed the data request responses and scheduled in-person inspections at a handful of generating facilities that experienced prolonged or unusual forced outages during this critical time.

- Gas Safety and Reliability Branch (GSRB):
 - Issued a citation to Glenview Mobile Lodge for ten violations and fined a \$50,000 penalty.
 - Hosted the Pipeline and Hazardous Materials Safety Administration (PHMSA) for its Calendar Year 2019 Program Evaluation.
 - Selected a consultant to conduct PG&E’s Compliance and Ethics Corrective Action Program Audit.

- Wildfire Safety and Enforcement Branch (WSEB) observed PG&E’s third full scale PSPS exercise to ensure utility readiness and preparation for PSPS events during the 2020 wildfire season. WSEB also worked with IOUs on their compliance with PSPS Guidelines of the PSPS proceeding.

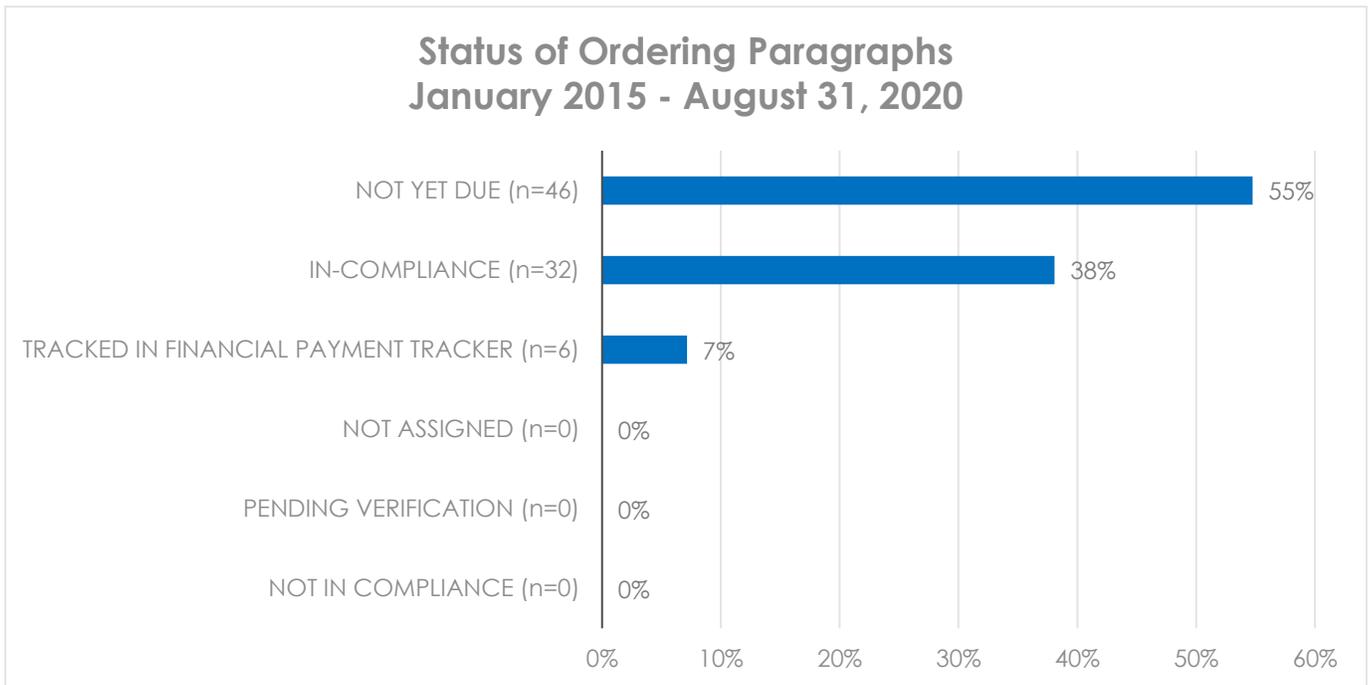
Compliance with Ordering Paragraphs (COPS)

The Compliance with Ordering Paragraphs (COPs) database is designed to assist CPUC staff in tracking compliance with Ordering Paragraphs (OPs) of regulated entities with Commission decisions. Each month various agency staff use COPs to identify and enter into the database relevant OPs, verify and document compliance, and produce reports summarizing compliance with OPs.

Between 2015 and August 31, 2020, SED shows 84 total entries in the COPS system with 32 reaching compliance (38%), 46 (55%) not yet due for compliance, and 0 (0%) out of compliance. 84 (100%) of all SED Ordering Paragraphs are assigned to members of staff. The chart below shows statistics through August 2020².

During August, there were no new OPs recorded to the COPs database for SED.

² The category of “tracked in financial payment tracker” (FPT) is used to monitor compliance with financial payments to the Commission. The FPT category is verified and deemed “in compliance” and is listed as “in compliance” on this pie chart.



Gas Safety and Reliability Branch (GSRB)

The Gas Safety and Reliability Branch (GSRB) ensures that intra-state natural gas and liquid petroleum gas (LPG) pipeline systems are designed, constructed, operated, and maintained according to safety standards set by the CPUC and the federal government. CPUC gas safety engineers are trained and qualified by the federal government. The CPUC enforces natural gas and LPG safety regulations; inspects construction, operation, and maintenance activities; and makes necessary amendments to regulations. Its mission is to protect and promote the safety of the public, the utility employees that work on the gas pipeline systems, and the environment.

Gas Citations

GSRB has the authority to issue citations with penalties for operator violations of public utility safety codes and requirements³. The citation process allows the CPUC to act expediently in matters where violations of state and federal rules are clear and unambiguous. Citations may arise out of an ongoing investigation into related matters or when a violation is brought to the CPUC’s attention directly.

In August, GSRB issued a citation in the amount of \$50,000 to Glenview Mobile Lodge for ten separate violations of GO 112-F discovered during the inspection it conducted on February 15, 2018. GSRB issued a citation due to the operator’s long-standing non-compliance.

The table below shows the status of citations issued by GSRB to date in 2020.

Citation Number	Utility	Amount	Violations	Date Cited	Appealed?	Status
G.20-04-001	PG&E	\$900,000	192.13(c), 192.621	4/14/20	No	Paid
G.20-06-001	PG&E	\$600,000	192.605(b)(3)	6/16/20	No	Paid
G.20-07-001	SoCalGas	\$300,000	192.605(a) – 3 instances	7/15/20	Yes	In appeals process
G-20-08-001	Glenview Mobile Lodge	\$50,000	192.605(a), 192.605(b)(3), 192.616(j), 192.723(b)(2), 192.747(a), 192.805, 192.1015(a), 192.357(a), 192.479(a), & 192.353(a)	8/24/20	Pending	Pending

³ On December 2011, the CPUC created a citation process authorizing staff to impose fines for natural gas violations.

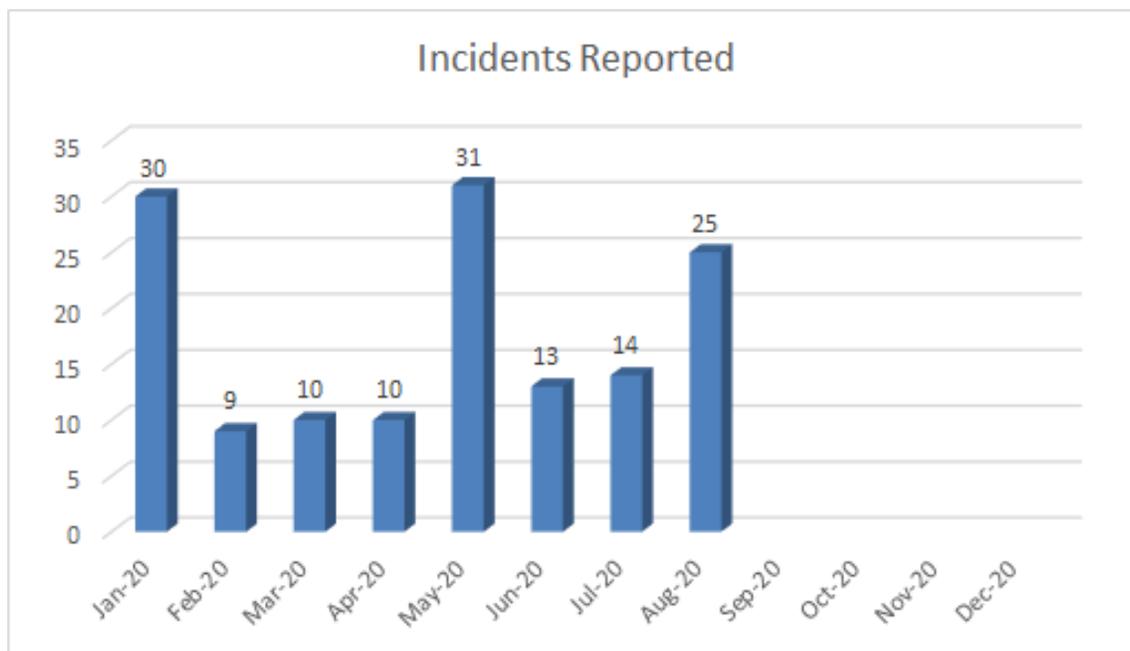
Inspections (Year to Date)

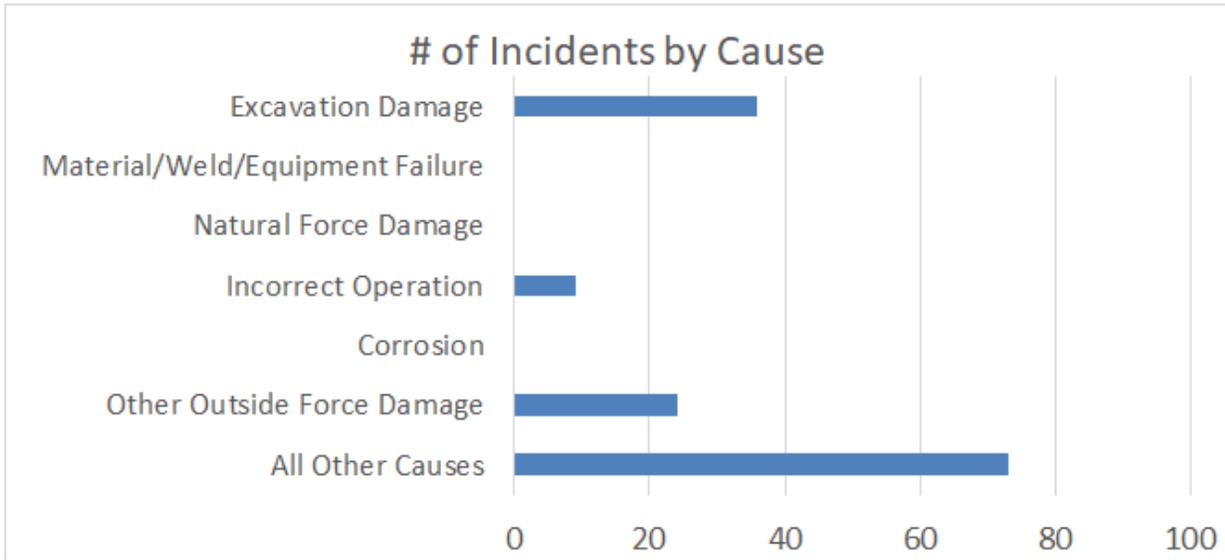
2020 Year-to-Date	
Conducted	38
Final Report Completed	19

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

Natural Gas Incident Reports and Investigation

As of August 31, 2020, GSRB Staff received 142 incidents year to date. All reported incidents are assigned to GSRB engineers to investigate and prepare a final report. The final report indicates if there was any violation of GO 112F committed by the operators. Operators report incidents based on PHMSA guidelines.





This bar chart shows all incidents year-to-date by causes. There were 142 incidents as of August 31, 2020. The information below shows the incidents by level and status.

	Level 1	Level 2	Level 3	Level 4	TOTAL
Open	61	52	5	4	122
Closed	2	18	0	0	20
TOTAL	63	70	5	4	142

The table below provides a summary description of the levels and provides the timeframes/guidelines for incident reports to be completed and closed from the date of assignment of an investigation.

Levels	Definition of Incident Levels	Guidelines
1	Did not result in injury, fatality, fire or explosion; may be due to an unrelated event outside of the Operator’s control.	60 days
2	Did not result in injury, fatality, fire or explosion; may or may not have caused a release of gas, have been reported due to Operator judgment.	120 days
3	Resulted in a release of gas but did not result in injury, fatality, fire or explosion.	150 days
4	Resulted in injury, fatality, fire or explosion caused by release of natural gas from the Operator’s facilities.	≥ 180 days

Gas Utility Self-Identified Violation (SIV) Investigations

There were no Self-Identified Violations reported in August. To date there have been two self-identified violations reported by all operators in 2020.

Natural Gas Safety and Reliability: Proceedings

Aliso Canyon OII (I.19-06-016) (Commissioner Rechtschaffen /ALJs Kenney / Poirier) (SED Advocacy): In July, SED and SoCalGas filed motions on a variety of issues of practice with written responses to the motions continuing into August of this report. On July 22, 2020 SoCalGas filed to strike portions of SED Prepared Sur-reply Testimony filed on June 30, 2020. At issue is the set of SED alleged violations and an allegation revealed after Opening Testimony. In August, the CPUC reassigned the Investigation from ALJ Timothy Kenney to ALJ Jessica Hecht; ALJ Marcelo Poirier will remain on the case.

Mobile Home Parks Utility Conversion Program (D.20-04-004) (Commissioner Rechtschaffen /ALJ Kersten) (SED Advocacy): In April 2020, the Commission adopted a program to convert Master Meter gas and electric distribution systems at Mobile Home Parks (MHP) from park-owned to IOU operation, providing MHP residents with the same level of safety and service that directly-served utility customers receive. SED/SPD Staff provided an evaluation of the three-year pilot program originating from D.14-03-021. The evaluation noted the high rate of voluntary participation by park owners, the successful completion of the pilot conversion goals by the IOUs, and improved safety and reliability for park residents, many of whom live in Disadvantaged Communities. The program goal is to convert 50% of all mobile home spaces by 2030 according to a risk-based priority ranking system developed by GSRB. SED is revising the risk prioritization process to comply with D.20-04-004; an updated working priority system is expected by December 31, 2020. SED has updated the MHP utility conversion application documents and confirmed the utilities' new program management contact information for applicants. SED is currently generating a mailing list for the applications and plans to send applications by mail by the end of September 2020. SED also plans to post the application on the MHP Utility Conversion Program webpage by the end of September 2020.

PG&E Locate and Mark Practices OII (I.18-12-007) (Commissioner Rechtschaffen/ALJ Allen) (SED Advocacy): On February 20, 2020, the Commission issued Decision (D.20-02-036); it ordered several shareholder-funded gas and electric the System Enhancement Initiatives. SED is working with PG&E to implement the locate and mark settlement approved in the decision. On August 21st, SED selected a consultant for the Compliance and Ethics Corrective Action Program Audit. SED is still working to select consultants for the Locate and Mark Compliance Audit and Locate and Mark Field Audit.

Line 1600 Pipeline Safety Enhancement Program (PSEP) Application (A. 15-09-013) (Commissioner Randolph/ALJ Kersten) In Decision D.20-02-024, the Commission required Applicants (SoCalGas/SDG&E), “Within six months of approving limited modifications to the Decision D.18-06-028, Applicants shall file cost information that includes, but is not limited to the Class Three cost forecast for all the Line 1600 segments, cost estimating methodology, proposed accounting treatment, contingency...” On August 10, 2020, SDG&E and SoCalGas held a meeting with SED and Energy Division staff to review this information. They made their compliance filing on August 12, 2020. SED was noticed of the filed report on August 12, 2020. This concludes the requirements of the D. 18-06-028 Ordering Paragraph.

Electric Safety and Reliability Branch (ESRB)

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

- Received 13 electric facilities incident reports, one power plant incident report, and closed 14 previously reported electric facilities incident investigations.
- Investigated 34 customer safety and reliability complaints.
- Issued 3 Notice of Violation letters.
- Issued One Communication Infrastructure Provider (CIP) and 1 electric distribution audit reports.
- Performed 4 electric distribution audits and 3 power plant audits.
- Monitored 3 planned outage and 17 forced outages reported by natural gas and renewable energy power plants.

Electric Facilities and Power Plant/Generation Incident Investigations

ESRB		Level 1	Level 2	Level 3	Level 4	Total ⁴
Total open incidents	Electric Facilities	8	17	51	63	139
	Generation	0	0	3	1	4
Total incidents reported in 2020	Electric Facilities	6	13	34	34	87
	Generation	0	0	5	0	5
Total incidents closed in 2020	Electric Facilities	10	17	44	38	109
	Generation	0	0	3	0	3
Total open 2020 incidents	Electric Facilities	5	9	30	28	72
	Generation	0	0	3	0	3
Incidents reported in August 2020	Electric Facilities	1	3	4	5	13
	Generation	0	0	1	0	1
Incidents closed in August 2020	Electric Facilities	2	2	6	4	14
	Generation	0	0	0	0	0

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

The above table shows information about ESRB incident investigations as of July 31, 2020. The level designation indicates increasing severity, with Level 4 as the most severe. Please see footnote 2 for detail definitions of each level. The guidelines to close incident reports are similar to those GRSB follows (see table above (p5) which includes timeframe guidelines for closing reports).

Electric Safety and Reliability: Proceedings

PSPS Order Instituting Investigation (I.19-11-013) (Commissioner Batjer/ALJ DeAngelis) (SED Advisory). This OII was initiated by the Commission on November 13, 2019 to determine whether California’s investor-owned electric utilities prioritized safety and complied with the Commission’s regulations and requirements with respect to their Public Safety Power Shutoff (PSPS) events in late 2019. This OII is a companion to R.18-12-005, the Commission’s rulemaking to examine the practice of utility de-energization of powerlines during dangerous conditions. On August 3, 2020, the Assigned Commissioner (ACO) issued a Scoping Memo and Ruling for Phase 2 identifying the issues to address and schedule. The ACO also entered SED’s report on the late 2019 PSPS events into the record of the proceeding and categorized Phase 2 as rate setting with restricted ex-parte communications. Pending.

PG&E’s 2017 Wildfires OII (I.19-06-015) (Commissioner Rechtschaffen/ALJ Park) (SED Advocacy): On May 8, 2020, a Final Decision (D.20-05-019) was issued approving a settlement agreement, with modifications, between SED, PG&E, Coalition of California Utility Employees (CUE), and the Office of Safety Advocates (OSA). This decision imposes penalties totaling \$2.137 billion consisting of \$1.823 billion in disallowances for wildfire-related expenditures, \$114 million in shareholder-funded System Enhancement Initiatives, and a \$200 million fine payable to the General Fund (the fine shall be permanently suspended). In June and July, SED began implementing OP 1.(h) of D.20-05-019, which requires PG&E to consult with SED within thirty days of the effective date of the settlement agreement to discuss the appropriate format, content and treatment of the quarterly electric maintenance reports and “near hit” data required by sections of the settlement agreement. On August 31, 2020, PG&E filed Advice Letter (AL) 5934-E, that memorializes the details of the data and reports to be shared by PG&E with SED and SPD regarding the quarterly electric maintenance reports and “near hit” data. Pending.

Rulemaking to Examine Electric Utility De-Energization of Power Lines in Dangerous Conditions (R.18-12-005) (President Batjer/ALJ Poirier /ALJ Stevens) (SED Advisory): On December 13, 2018, the Commission opened Order Instituting Rulemaking (R.)18-12-005 to examine its rules allowing electric utilities under the Commission’s jurisdiction to deenergize power lines in case of dangerous conditions that threaten life or property in California. Among other things, this proceeding focuses on developing best practices and evaluation criteria, ensuring coordination with first responders, mitigating impact on vulnerable populations, ensuring consistency in noticing, and reporting of events, and examining ways to reduce the need for de-energization. The Phase 2 proposed decision (PD) was adopted at the May 28, 2020 Commission meeting and sets new guidelines for the creation of PSPS advisory boards and working groups, exercises, restoration of service, transportation resiliency and communications and notifications plans, information transfer between IOUs and local governments about medical baseline and access and functional needs customers, web server capacity and PSPS web page functionality, and the operations of community resource

centers. On August 27, 2020, the ALJ issued a ruling on an April 13, 2020 joint motion request related to de-energization protocols during the COVID-19 pandemic, and reasonableness determination following every PSPS event. The ruling held the motion in abeyance and indicated that such concerns are addressed in D.20-05-051 and D.19-05-042. Pending.

PG&E Locate and Mark Practices OII (I.18-12-007) (Commissioner Rechtschaffen/ALJ Allen) (SED Advocacy): In Decision D.20-02-036, approved several shareholder-funded gas and electric System Enhancement Initiatives but with a longer compliance audit period of four years and a \$110 million total penalty. Following the Commission decision, SED is currently finalizing its consultant recommendations for PG&E in consultation with GSRB.

Rulemaking to Evaluate the Mobilehome Park Pilot Program and to Adopt Programmatic Modifications (R.18-04-018) (Commissioner Rechtschaffen /ALJ Kersten) (SED Advisory): ESRB's role in this proceeding is to address the conversion of electric master metered MHPs to direct electric utilities. The Commission issued D. 20-04-004 on April 24, 2020, adopting most of the language in the proposed decision. SED, Energy Division, and Housing and Community Development will convene workshops within six months from the effective date to discuss mobile home electrification topics. In August 2020, PG&E submitted a supplemental advice letter regarding tariff revisions. The advice letter reflects changes to the program from a pilot program to a full-scale, ten-year program per D. 20-04-004. Pending.

SCE Appeal of Twentynine Palms Citation (K.18-03-008) (ALJ Kim) (SED Advocacy): ESRB investigated an incident that occurred on August 1, 2015 in Twentynine Palms, involving the failure of a crossarm and a resulting overhead conductor clearance problem that caused injury to three individuals. On February 12, 2018, SED issued a \$300,000 citation to SCE for violations related to the incident. SCE appealed the citation on March 14, 2018. On October 3, 2018, SED issued an \$8,000,000 amended citation that replaced the \$300,000 citation. The amended citation was the result of new violations of GO 95 that SED discovered. Hearings were held in December 2018, February 2019, and March 2019. Briefs and reply briefs were filed in April 2019. Pending.

Creation of a Shared Database or Statewide Census of Utility Poles and Conduit (I.17-06-027); Communications Provider Access to Poles (R.17-06-028) (Commissioner Batjer/ALJ Mason) (SED Advisory): On January 22 and 23, 2018, industry group of pole-owners and pole-tenants hosted an informal workshop to discuss a phased approach and path forward regarding access to pole data, attachment data, and conduit data, ESRB attended and participated in the workshop. The industry group issued a workshop report on February 28, 2019. On June 4, 2019, ALJ Mason issued a ruling approving parties' recommendation to create working groups to develop requirements for Tracks 1, 2, and 3. On August 25, 2020, the ALJ issued a ruling that granted party status to Sonic Telecom. Phase II, which will address pole attachment rules, has not resumed yet. Pending.

Physical Security of the Electric System and Disaster and Emergency Preparedness (R.15-06-009) (Commissioner Rechtschaffen/ALJ Kelly) (SED Advocacy): On May 22, 2015, the Commission issued an Order Instituting Rulemaking regarding policies and regulation of physical security for electric supply facilities and to establish standards for disaster and emergency preparedness plans. This rulemaking was

conducted in phases. Phase I addressed physical security for electric supply systems and was resolved by D.19-01-018. Phase II addresses disaster and emergency preparedness plans for electrical corporations and regulated water companies. On July 1, 2020, the Safety Policy Division (SPD) submitted a letter dated June 26, 2020 from the Deputy Executive Director of Safety & Enforcement and Safety Policy enacting the Interim Trial Procedures (ITP) to allow Commission staff to receive and review the major utility deliverables required by D.19-01-018. On July 10, 2020, the six IOUs submitted their Preliminary Assessments under the ITP process to SPD, with five of the six IOUs presenting briefings regarding their Preliminary Assessment submissions to SPD and SED staff. The remaining IOU will present its briefing to Commission staff. SED and SPD have reviewed the IOUs' Preliminary Assessment submissions and are currently in the process of summarizing their review of the IOU's Preliminary Assessments under the ITP. Pending.

Other Activities

2019 Wildfires: In October 2019, California experienced devastating wildfires. In Northern California, the Kincade Fire burned more than 76,800 acres. The fire destroyed and damaged about 260 structures and caused injuries to two firefighters. In Southern California, the Saddle Ridge Fire, the Easy Fire, and the Maria Fire, burned more than 17,000 acres. The fires destroyed and damaged many structures and caused one fatality and 8 injuries to firefighters. SED is currently working closely with CAL FIRE and other agencies to investigate PG&E, SCE, and the communications companies' compliance with the Commission's safety rules.

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

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

Wildfire Safety and Enforcement Branch (WSEB)

SED’s WSEB is dedicated to the enforcement of public utility wildfire safety and Public Safety Power Shutoffs (PSPS) violations. WSEB is the lead investigator for utility incidents relating to wildfire, PSPS events and other aspects related to wildfire events. The staff conducts audits, incident investigations, and provides input into policy development. Recent activities, include:

- Observed the PG&E 5-day PSPS exercise, 3-7 August 2020.
- Participated in PG&E, SCE, and SDG&E PSPS Public Briefings to the CPUC on August 10, 11 and 13, 2020.
- WSEB participated in PG&E’s PSPS Townhall, 26 August 2020.
- Supported the CPUC 27 August 2020 PSPS Order to Show Cause Status Conference.
- Participated in CPUC proceedings including the PSPS, Wildfire Mitigation Plans, and Microgrid proceedings.

PSPS Activations, De-energizations & Post Event Reports Reviewed (August)

WSEB	PG&E	SCE	SDG&E	Bear Valley	Pacific Corp	Liberty
Total PSPS Activations	0	0	0	0	0	0
Total PSPS w/ De-energization	0	0	0	0	0	0
Total PSPS Post Event Reports Reviewed	0	0	0	0	0	0

Monitoring the Whistleblower Website

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

Statistics - 1/01/20 – 8/31/2020

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

- For August 2020, three whistleblower complaints were submitted to SED.