

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA. 94102-3298



February 5, 2024

Tracy Sanders
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Southern California Edison
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Connor Flanigan
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Southern California Edison
601 Van Ness Avenue, Suite 2030
San Francisco, CA 94102
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Ms. Sanders and Mr. Flannigan:

Southern California Edison (SCE) is hereby cited \$2,404,000 (two million, four hundred and four thousand dollars) for two (2) separate violations of General Order (GO) 95, Rule 31.1, and two (2) separate violations of GO 95, Rule 38, as itemized in the attached citation. These violations are related to two SCE overhead 12 kV conductors that were not maintained properly in order to meet the vertical separation required by GO 95. Through its investigation, the Safety and Enforcement Division (SED) found that SCE violated GO 95, Rule 31.1, two separate and distinct times for failing to install its middle and southernmost conductors, and T-Mobile's facilities properly and in a manner that would maintain the required GO 95 clearance during local conditions known at the time SCE transferred its facilities and T-Mobile facilities to a new pole. Furthermore, SED found that SCE violated GO 95, Rule 38, twice for failing to maintain the minimum vertical conductor separation required by Rule 38 between its middle and southernmost conductors, and T-Mobile's conductor, at the time of the incident.

The attached citation # D.16-09-055 E.24-02-001 is issued today pursuant to Decision 16-09-055. Please find attached the citation and its enclosures.

If confidential information exists within any of the enclosures to the citation, please send SCE's proposed redactions, including SCE's justification for each, by 5:00 p.m. on February 12, 2024, to Fadi Daye, Electric Safety and Reliability Branch, at fadi.daye@cpuc.ca.gov. Please contact me if you have any questions.

Sincerely,

Lee Palmer
Director
Safety and Enforcement Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102



Public Utilities Commission
STATE OF CALIFORNIA

Citation Date: February 5, 2024
Citation #: D.16-09-055 E.24-02-001
Utility/Operator ID#: U338E

CITATION
ISSUED PURSUANT TO DECISION 16-09-055

Electrical Corporation (Utility) To Which Citation is Issued:

Southern California Edison (U338E)

OFFICER OF THE RESPONDENT:

Tracy Sanders
Vice President
Vegetation, Inspections and Operational Services
Southern California Edison
2244 Walnut Grove Avenue
Rosemead, CA 91770
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Connor Flanigan
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CITATION:

Southern California Edison Company (SCE or Utility) is cited for four (4) violations, two of which lasted one (1) day each and two (2) of which lasted 576 days each, resulting in a financial penalty of \$2,404,000. The Safety and Enforcement Division (SED) discovered these violations in its investigation of Incident Number E20201026-01, the Silverado Fire (Incident), which occurred on October 26, 2020. The Silverado Fire ignited near the location of the two SCE poles which supported three SCE conductors and five communication conductors in the Santiago Canyon area of Orange County (Subject Poles). The fire burned approximately 12,466 acres, destroyed five structures, damaged nine structures, and caused two Orange County Fire Authority (OCFA) firefighters to sustain injuries during suppression efforts. SED's investigation found evidence of damage consistent with arcing or scorching on SCE's and T-Mobile's conductors near to where the fire started. The arcing or scorching on the conductors suggests contact, or significantly reduced clearances, between them. Furthermore, the evidence indicates that SCE and T-Mobile conductors were not installed in accordance with General Order (GO) 95 clearance requirements.

VIOLATIONS:

SCE is cited twice for its failure to maintain minimum vertical conductor separation in violation of GO 95, Rule 38: once for a lack of clearance between its southernmost conductor and T-Mobile's conductor, and once for a lack of clearance between its middle conductor and T-Mobile's Conductor.

GO 95, Rule 38, Minimum Clearances of Wires from Other Wires, Table 2, Case 8, Column F requires vertical separation of at least 72 inches between a 12 kV conductor and a communication conductor located on separate crossarms (or other supports) at different levels (except on related line and buck arms) on the same pole, and in adjoining midspans.



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The 72 inches of separation is based on a temperature of 60° F and no wind. In a Tier 3 High Fire Threat District (HFTD), Rule 38 allows a maximum clearance reduction of five percent due to higher temperatures and increased loading. A five percent reduction of the required minimum vertical clearance of 72 inches is equal to a separation of 68.4 inches.

Taking into account changes in temperature and wind as required by GO 95, Rule 38 requires utilities to maintain a vertical separation of at least 68.4 inches between a 12 kV conductor and a communication conductor on different levels on the same pole.

At the closest point, SCE's middle conductor and T-Mobile's conductor had a vertical clearance of 66 inches. At the closest point, SCE's southernmost conductor and T-Mobile's conductor had a vertical clearance of 57.6 inches. Because SCE transferred and installed T-Mobile's facilities onto the newly installed Subject Poles without informing T-Mobile of the actual transfer date, SCE is responsible for ensuring that its facilities and T-Mobile's facilities complied with the requirements of GO 95 once the transfer was complete.

SCE is cited for violating GO 95, Rule 31.1 twice as itemized in this citation. SCE failed to install its middle and southernmost conductors and T-Mobile's facilities properly to allow them to maintain the required GO 95 clearance during normal conditions.

GO 95, Rule 31.1, Design, Construction and Maintenance, states in part:

For all particulars not specified in these rules, design, construction, and maintenance should be done in accordance with accepted good practice for the given local conditions known at the time by those responsible for the design, construction, or maintenance of communication or supply lines and equipment.

A supply or communications company is in compliance with this rule if it designs, constructs, and maintains a facility in accordance with the particulars specified in General Order 95, except that if an intended use or known local conditions require a higher standard than the particulars specified in General Order 95 to enable the furnishing of safe, proper, and adequate service, the company shall follow the higher standard.

For all particulars not specified in General Order 95, a supply or communications company is in compliance with this rule if it designs, constructs and maintains a facility in accordance with accepted good practice for the intended use and known local conditions.

GO 95, Rule 31.1 requires utility companies to construct and maintain their facilities so as to ensure they remain in accordance with the particulars specified in General Order 95. When SCE conducted pole transfer work on the Subject Poles, numbered 1419541E and 1419546E, on March 30, 2019, and moved its and T-Mobile's facilities to the new pole, SCE failed to install them in a manner that would ensure they would remain in compliance with GO 95, Rule 38. SCE should have ensured that clearance between SCE's middle and southernmost conductors and T-Mobile's facilities would always meet GO 95, Rule 38's requirements. Contrarily, the clearance between SCE's middle and



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southernmost conductors and T-Mobile's conductor (which SCE transferred and installed), did not meet the clearance requirement of GO 95, Rule 38.

Therefore, SCE violated GO 95, Rule 31.1 for failing to install its middle and southernmost conductors and T-Mobile's facilities properly and in a manner that would maintain the required GO 95 clearance during local conditions known at the time of transfer.

ENCLOSURES:

The following enclosures were used to establish the findings of fact:

Enclosure 1 – SED Incident Investigation Report, dated October 10, 2023

Enclosure 2 – SED Notice of Violation (NOV), dated October 10, 2023

Enclosure 3 – SCE's Response to SED's NOV, dated November 13, 2023

Enclosure 4 – SCE's Initial Incident Report

Enclosure 5 – SCE's 20-days Letter

STATEMENT OF FACTS

The above violations are documented in the attached *Enclosure 1 – SED Incident Investigation Report* which is based on the following: SED's field observations, SED's review of SCE's records, and data request responses.

BACKGROUND

On October 26, 2020, the Silverado Fire occurred in the Santiago Canyon area of Orange County. The fire burned approximately 12,466 acres, destroyed five structures, damaged nine structures, and caused two OCFA firefighters to sustain injuries during suppression efforts.

SED's investigation found evidence of damage consistent with arcing or scorching on SCE's and T-Mobile's conductors on the Subject Poles, numbered 1419541E and 1419546E, near to where the fire started. As part of routine/required pole replacement work, an SCE contractor installed both poles on March 30, 2019. When SCE conducted the pole transfer work in 2019, SCE transferred all of the facilities on these two poles that the utility shared with communication tenants.

The Southern California Joint Pole Committee (SCJPC) Handbook requires SCE to send "Form 2" to all SCJPC members with facilities on the Subject Poles. The purpose of Form 2 is to inform all members with facilities on the Subject Poles of the intent to conduct pole replacement work and give any of these members the opportunity to approve or disapprove SCE's facilities transfer.

While Form 2 signals a utility's intent to conduct work and memorializes agreement from other pole users, the form does not communicate any estimated dates of completion. SCE sent Form 2 to T-Mobile in 2018, but work did not commence until March 30, 2019. In accordance with the SCJPC Handbook, within 30 days of completion, SCE was required to notify all pole users that the work was



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completed. However, SCE did not notify the communication companies of the pole transfer completion date until March 12, 2021.

Neither SCE nor any of the five communications companies have records of performing any work on their respective facilities related to the Subject Poles between when the pole replacement work was completed on March 30, 2019, and when the Silverado Fire occurred on October 26, 2020.

SCE provided a table of various measurements for all of the facilities on these poles which SCE took on October 28, 2020, after the Incident. The measurements showed that SCE's southmost and middle conductors did not meet the clearance requirement of GO 95, Rule 38 and were not installed properly as required by GO 95, Rule 31.1.

Because SCE transferred its facilities and T-Mobile facilities without informing T-Mobile of the actual transfer date, or whether the transfer was completed, SCE was responsible for ensuring that its facilities and T-Mobile facilities were transferred and installed in accordance with GO 95.

First Violation

GO 95 requires a minimum clearance of 72 inches between 12 kV conductors and communication conductors. This clearance is based on a temperature of 60° F and no wind. Because temperature and loading can affect the clearance, GO 95, Rule 38 does not allow a clearance reduction to be more than five percent in a Tier 3 HFTD because of temperature and loading. A five percent reduction in the required minimum vertical clearance would be equal to a separation of **68.4 inches**.

Based on the table provided by SCE, at their closest, SCE's middle conductor and T-Mobile's conductor had a vertical clearance of 66 inches. Since SCE transferred T-Mobile's facilities, SCE should have ensured that its facilities and T-Mobile's facilities complied with the requirements of GO 95 once the transfer was complete.

Second Violation

GO 95 requires a minimum clearance of 72 inches between 12 kV conductors and communication conductors, this clearance is based on temperature of 60° F and no wind. However, GO 95, Rule 38 does not allow a clearance reduction by more than five percent in a Tier 3 HFTD because of temperature and loading. A five percent reduction in the required minimum vertical clearance would be equal to a separation of **68.4 inches**.

Based on the table provided by SCE, at their closest, SCE's southernmost conductor and T-Mobile's conductor had a vertical clearance of 57.6 inches. Since SCE transferred T-Mobile's facilities, SCE should have ensured that its facilities and T-Mobile's facilities complied with the requirements of GO 95 once the transfer was complete.

Third Violation

When SCE transferred T-Mobile's facilities, SCE should have ensured that clearance between SCE's



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12 kV southmost conductor and T-Mobile's facilities between the Subject Poles, would always meet GO 95, Rule 38's requirements. SCE should have ensured that its 12 kV southmost conductor and T-Mobile's facilities would not contact each other or come close to contacting each other. The clearance between SCE's 12 KV southmost conductor and T-Mobile's conductor (which SCE transferred and installed) did not meet the clearance requirement of GO 95, Rule 38. Therefore, SCE violated GO 95, Rule 31.1 for failing to install its 12 kV southmost conductor and T-Mobile's facilities properly and in a manner that would maintain the required GO 95 clearance during local conditions known at the time of transfer.

Fourth Violation

When SCE transferred T-Mobile's facilities, SCE should have ensured that the clearance between SCE's 12 kV middle conductor and T-Mobile's facilities between the Subject Poles, would always meet the requirement of GO 95, Rule 38. SCE should have ensured that its 12 kV middle conductor and T-Mobile's facilities would not contact each other or come close to contacting each other. The clearance between SCE's 12 kV middle conductor and T-Mobile's conductor (which SCE transferred/installed) did not meet the clearance requirement of GO 95, Rule 38. Therefore, SCE violated GO 95, Rule 31.1 for failing to install its 12 kV middle conductor and T-Mobile's facilities properly and in a manner that would maintain the required GO 95 clearance during local conditions known at the time of transfer.



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SED CITATION ANALYSIS

Factor	Staff Finding
Number of violation(s) and duration of violation(s)	<p>Two violations of GO 95, Rule 38, both beginning on October 26, 2020, the day of the Incident, and ending on the same day. The two separate violations of GO 95, Rule 38 are:</p> <ol style="list-style-type: none"> 1. At their closest, SCE’s middle conductor and T-Mobile’s conductor had a vertical clearance of 66 inches. 2. At their closest, SCE’s southernmost conductor and T-Mobile’s conductor had a vertical clearance of 57.6 inches. <p>Two violations of GO 95, Rule 31.1, both beginning on March 30, 2019, and ending on the day of the Incident, October 26, 2020 (576 days). When SCE conducted pole transfer work on the Subject Poles, numbered 1419541E and 1419546E, on March 30, 2019, and moved its and T-Mobile’s facilities to the new poles, SCE failed to install them in a manner that would ensure they would remain in compliance with GO 95, Rule 38. SCE should have ensured that clearance between SCE’s middle and southernmost conductors and T-Mobile’s facilities would always meet GO 95, Rule 38’s requirements. The two separate violations of GO 95, Rule 31.1 are:</p> <ol style="list-style-type: none"> 1. SCE failed to install its southmost conductor and T-Mobile’s facilities properly and in a manner that would maintain the GO 95 required clearance during local conditions known at the time of transfer. 2. SCE failed to install its middle conductor and T-Mobile’s facilities properly and in a manner that would maintain the GO 95 required clearance during local conditions known at the time of transfer.
Severity or gravity of the offense	<p>Physical Harm: The Incident resulted in injuries to two firefighters, and a fire that burned approximately 12,466 acres, destroyed five structures, and damaged nine structures.</p> <p>Regulatory Harm and Number of Violations: SED identified two violations of GO 95, Rule 31.1, and two violations of GO 95, Rule 38, during its investigation.</p>



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Factor	Staff Finding
Conduct of the utility	<p>GO 95, Rule 38 requires utilities to maintain a vertical separation of at least 72 inches between a 12 kV conductor and a communication conductor on different levels on the same pole. Such clearance should not be reduced by more than five percent because of temperature or wind. At their closest point, SCE's middle conductor and T-Mobile's conductor had a vertical clearance of 66 inches. At their closest, SCE's southernmost conductor and T-Mobile's conductor had a vertical clearance of 57.6 inches. Since SCE transferred T-Mobile's facilities, SCE should have ensured that its facilities and T-Mobile's facilities complied with the requirements of GO 95 once the transfer was complete.</p> <p>GO 95, Rule 31.1 requires utilities to construct and maintain their facilities so as to ensure that they remain in compliance with the requirements of GO 95. The clearance between SCE's middle and southernmost conductors and T-Mobile's conductor (which SCE transferred and installed), did not meet the clearance requirement of GO 95, Rule 38. When SCE conducted pole transfer work on the Subject Poles, numbered 1419541E and 1419546E, on March 30, 2019, and moved its and T-Mobile's facilities to the new pole, SCE failed to install them in a manner that would ensure that they would remain in compliance with GO 95, Rule 38. SCE should have ensured that clearance between SCE's middle and southernmost conductors and T-Mobile's facilities would always meet GO 95, Rule 38's requirements during local conditions known at the time of transfer.</p>



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Prior history of similar violations

SED's Incident investigations have found that SCE failed to meet the requirements of GO 95, Rule 31.1, or GO 95 Rule 38, on other occasions. Examples include:

- E20200831-01 - A pole fractured between the primary and secondary levels, causing the primary and secondary conductors to contact each other. SCE violated Rule 31.1 by failing to maintain Pole number 1201072E so that it did not fail under normal conditions.
- E20191030-05 - During normal wind conditions, an SCE suspension insulator supporting a 66 kV conductor swung into and contacted an SCE steel power pole, causing an arc and potentially igniting a fire. SCE violated Rule 31.1 by failing to install and maintain its 66 kV conductors and insulators adequately and safely to prevent them from contacting the steel pole or from coming too close to the steel pole when swinging and created an arc.
- Two SCE overhead conductors contacted each other or became close enough to create an arc, resulting in the Tenaja Fire. SCE violated Rule 31.1 for not adequately maintaining its 33 kV conductors in a Tier 2 HFTD so as to prevent the conductors from contacting one another or coming too close to one another to cause an arc.

SCE also violated GO 95, Rule 38 for not maintaining the minimum required radial separation of 12 inches between two 33 kV overhead conductors.

- E20181217-01 – Two contractor employees were injured when a pole failed while working on a project. SCE violated GO 95, Rule 31.1 by allowing work to proceed on a project without receiving the *Project/Site-Specific EHS Plan* from the contractor prior to the start of work.
- E20161027-01 - A bare SCE neutral conductor contacted a bare SCE secondary conductor. SCE violated GO 95, Rule 38 for failing to ensure that the SCE neutral conductor and the SCE secondary phase conductor maintained a minimum radial separation of three inches.
- E20130415-03 – SCE violated GO 95, Rule 31.1 for failing to grease a bolt on a connector as required by SCE's Detailed Overhead Construction Standards. This resulted in fluctuating voltage that damaged several homes.
- E20140515-01 – SCE violated GO 95, Rule 31.1 for failing to maintain a connector on a 12 kV conductor. The connector failed, allowing the conductor to fall to the ground where it made contact with a third-party individual, resulting in a fatality.
- E20200619-01 - SCE violated Rule 31.1 by failing to maintain and replace a neutral connector in a timely manner. The connector corroded and caused an overvoltage condition to a residential property and damages in excess of \$232,000.



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Factor	Staff Finding
Self-reporting of the violation	N/A
Financial resources of the utility	Approximately five million electric residential and commercial accounts, serving about 15 million people, \$14.9 billion in revenue in 2021.
The totality of the circumstances	<p>Aggravating factors include:</p> <ul style="list-style-type: none">• Injuries to two firefighters• Fire that burned approximately 12,466 acres• Five structures destroyed• Nine structures damaged <p>Circumstantial factors include:</p> <ul style="list-style-type: none">• SCE reported this Incident under the damages and media attention criterion set forth in Resolution E-4184.
The role of precedent	<p>SED has previously issued citations and penalties to SCE for violations of Rule 31.1, and Rule 38.</p> <p>Citation # Decision (D.)16-09-055 E.22-11-001, \$1,020,000 for violation of GO 95, Rule 31.1</p> <p>Citation # D.16-09-055 E.22-12-001, for \$4,500,000</p> <p>Resolution SED-5, approving Administrative Consent Order and Agreement between SED and SCE, in the amount of \$550,000,000 for various violations among them violations of GO 95, Rule 31.1, and GO 95 Rule 38.</p>



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Factor	Staff Finding
Resultant Citation Taking All of These Factors Into Account	<p>The penalty is \$2,404,000.00 (Two million, four hundred and four thousand dollars).</p> <p>The penalty in this case is a maximum of \$100,000 per day and a minimum of \$500 per day for each violation under California Public Utilities Code section 2107 (applicable at the time the Incident occurred). M-4846 and D.16-09-055 provide the factors to apply to determine the appropriate penalty within that range, which are discussed in this citation analysis section. SED applies these factors for each of the four violations and determines two violations of GO 95, Rule 38 to have a penalty of \$50,000 each per day for one day, and two violations of GO 95, Rule 31.1 to each have a penalty of \$2,000 per day for 576 days.</p>



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RESPONSE:

Respondent is called upon to provide a response to this Citation by: **5:00 PM on March 5, 2024**. By way of such response, Respondent, **within 30 calendar days**, must either pay the amount of the penalty set forth in this citation¹, or appeal² the citation. In addition, the Respondent must do one of the following:

- (1) For violations constituting immediate safety hazards: Respondent must immediately correct the immediate safety hazards.
- (2) For violations that do not constitute immediate safety hazards: Violations that do not constitute immediate safety hazards must be corrected within 30 days after the citation is served. If said violations that do not constitute immediate safety hazards cannot be corrected within 30 days, then the Respondent must submit a detailed Compliance Plan to the Director of SED within 30 days after the citation issues, unless the utility and the Director of SED, before the expiration of the 30 day period, agree in writing to another date, reflecting the soonest that the Respondent can correct the violations. The Compliance Plan must provide a detailed description of when the violation will be corrected, the methodology to be utilized, and a statement supported by a declaration from the Respondent's Chief Executive Officer or appropriate designee (CEO Declaration) stating that in the Respondent's best judgment, the time that will be taken to correct the violation will not affect the safety or integrity of the operating system or endanger public safety.

Note: Respondent will forfeit the right to appeal the citation by failing to do one of the options outlined above within 30 days. Payment of a citation or filing a Notice of Appeal does not excuse the Respondent from curing the violation. The amount of the penalty may continue to accrue until a Notice of Appeal is filed. Penalties are stayed during the appeal process. A late payment will be subject to a penalty of 10% per year, compounded daily and to be assessed beginning the calendar day following the payment-due date. The Commission may take additional action to recover any unpaid fine and ensure compliance with applicable statutes and Commission orders.

¹ For fines paid pursuant to Pub. Util. Code §2107 and D.16-09-055 Respondent shall submit a certified check or wire transfer payable to California Public Utilities Commission using the attached Citation Payment Form. Upon payment, the fine will be deposited in the State Treasury to the credit of the General Fund and this citation will become final.

² Respondent may Appeal this citation by completing and submitting a Notice of Appeal Form. Please see the attached document, "Directions For Submitting An Appeal To A Citation Issued Pursuant to Decision 16-09-055" for information on the appeals process and the attached "Notice of Appeal Of Citation Form."



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NOTIFICATION TO LOCAL AUTHORITIES:

As soon as is reasonable and necessary, and no later than 10 calendar days after service of the citation is effected, Respondent must provide a notification to the Chief Administrative Officer or similar authority in the city and county where the violation occurred. Within 10 days of providing such notification, Respondent must serve an affidavit to the Director of SED, at the mail or e-mail address noted below, attesting that the local authorities have been notified; the date(s) for when notification was provided; and the name(s) and contact information for each local authority so notified.

The CPUC expects the Utility to take actions, as soon as feasible, to correct, mitigate, or otherwise make safe all violations noted on the Citation regardless of the Utility's intentions to accept or appeal the violation(s) noted in the Citation.

Lee Palmer

Director

Safety and Enforcement Division

California Public Utilities Commission

505 Van Ness Avenue

San Francisco, CA 94102

Leslie.Palmer@cpuc.ca.gov



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CITATION PAYMENT FORM

I (we) _____ hereby agree to comply with this citation dated _____, and have corrected/mitigated the violation(s) noted in the citation on _____ and no later than _____, _____ all work to make permanent corrections to any mitigated, or otherwise remaining concerns related to the violation(s) will be completed as noted in the Compliance Plan we have submitted to the Director of SED and, herewith, pay a fine in the amount of \$ _____ as included in the citation.

Signature of Electrical Corporation’s Treasurer, Chief Financial Officer, or President/Chief Executive Officer, or delegated Officer thereof

(Signature) (Date)

(Printed Name and Title)

Payment must be with a certified check made or wire transfer payable to the **California Public Utilities Commission** and sent to the below address. Please include the citation number on the memorandum line to ensure your payment is properly applied.

California Public Utilities Commission
Attn: Fiscal Office
505 Van Ness Avenue
San Francisco, CA 94102-3298

NOTE: A copy of the completed Citation Payment Form must be sent to the Director of the Safety and Enforcement Division, via email or regular mail, to the address provided on the Citation.



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DIRECTIONS FOR SUBMITTING AN APPEAL TO A CITATION ISSUED PURSUANT TO DECISION 16-09-055

Within 30 calendar days of the Respondent being served with a **CITATION ISSUED PURSUANT TO DECISION 16-09-055**, Respondent may appeal the citation. Beyond 30 calendar days of being served with the citation, Respondent is in default and, as a result, is considered as having forfeited rights to appeal the citation. The Respondent must still correct the violation(s) as instructed in the Response section of this citation.

To appeal the citation, Appellant must file a Notice of Appeal (including a completed title page complying with Rule 1.6 of the Commission's Rules of Practice and Procedure, and attached Notice of Appeal Form) along with copies of any materials the Appellant wants to provide in support of its appeal with the Commission's Docket Office **and** must serve the Notice of Appeal, at a minimum, on

- 1) The Chief Administrative Law Judge (with an electronic copy to: ALJ_Div_Appeals_Coordinator@cpuc.ca.gov),
- 2) The Director of the Safety and Enforcement Division
- 3) The Executive Director
- 4) General Counsel
- 5) The Director of the Public Advocates Office at the California Public Utilities Commission

at the address listed below within 30 calendar days of the date on which the Appellant is served the Citation. The Appellant must file a proof of service to this effect at the same time the Appellant files the Notice of Appeal. The Notice of Appeal must at a minimum state: (a) the date of the citation that is appealed; and (b) the rationale for the appeal with specificity on all grounds for the appeal of the citation.

California Public Utilities Commission
505 Van Ness Ave.
San Francisco, CA 94102
Attn: <Insert Title>

NOTE: Submission of a *Notice of Appeal Form* in no way diminishes Appellant's responsibility for correcting the violation described in the citation, or otherwise ensuring the safety of facilities or conditions that underlie the violations noted in the Citation.

Ex Parte Communications as defined by Rule 8.1(c) of the Commission's Rules of Practice and Procedure, are prohibited from the date the citation is issued through the date a final order is issued on the citation appeal.



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After receipt of the Appellant's *Notice of Appeal Form*, a hearing will be convened before an Administrative Law Judge. At least ten days before the date of the hearing, the Appellant will be notified and provided with the location, date, and time for the hearing. At the hearing,

- (a) Appellant may be represented by an attorney or other representative, but any such representation shall be at the sole expense of the Appellant;
- (b) Appellant may request a transcript of the hearing, but must pay for the cost of the transcript in accordance with the Commission's usual procedures;
- (c) Appellant is entitled to the services of an interpreter at the Commission's expense upon written request to the Chief Administrative Law Judge not less than five business days prior to the date of the hearing;
- (d) Appellant is entitled to a copy of or electronic reference to "Resolution ALJ-377. Modifies and Makes Permanent the Citation Appellate Rules and General Order 156 Appellate Rules" and
- (e) Appellant may bring documents to offer in evidence (Rule 13.6 (Evidence) of the Commission's Rules of Practice and Procedure applies) and/or call witnesses to testify on Appellant's behalf. At the Commission's discretion, the hearing in regard to the Appellant's appeal can be held in a CPUC hearing room at either of the following locations:

San Francisco:
505 Van Ness Avenue
San Francisco, CA 94102

Los Angeles:
320 West 4th Street, Suite 500
Los Angeles, CA 90013

The hearing(s) held in regard to the Appellant's appeal will be adjudicated in conformance with all applicable Public Utilities Code requirements.



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Enclosures to Accompany Utility Appeal

Utility to add list of Enclosures as appropriate: