



Public Utilities Commission
STATE OF CALIFORNIA

Citation Date: February 12, 2016

Citation #: D.14-12-001 16-02-001

Utility U #: U 338-E

**CITATION FOR VIOLATIONS
OF GENERAL ORDER 95
ISSUED PURSUANT TO
DECISION 14-12-001**

Electrical Corporation To Which Citation Is Issued:

Southern California Edison Company (U 338-E)

RESPONDENT:

Ron Nichols
Sr. Vice President
Regulatory Affairs and Nuclear
Southern California Edison
2244 Walnut Grove Ave.
Rosemead, CA 91770

CITATION:

Southern California Edison Company (SCE or Utility) is cited for one (1) violation resulting in a financial penalty of \$50,000. Safety and Enforcement Division (SED) found this violation in its investigation of Incident Number E20140515-01, which occurred on May 15, 2014.



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VIOLATIONS:

SCE is cited with having violated General Order 95, as described below. The violation occurred on May 15, 2014.

1. General Order 95, Rule 31.1, *Design, Construction, and Maintenance*, states:

Electrical supply and communication systems shall be designed, constructed, and maintained for their intended use, regard being given to the conditions under which they are to be operated, to enable the furnishing of safe, proper, and adequate service.

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.

All work performed on public streets and highways shall be done in such a manner that the operations of other utilities and the convenience of the public will be interfered with as little as possible and no conditions unusually dangerous to workmen, pedestrians or others shall be established at any time.

On May 15, 2014, an SCE overhead conductor separated and fell to the ground. A member of the public contacted the downed conductor (which was energized) and as a result was electrocuted. SED's investigators found that the overhead conductor separated at an overhead connector, and that SCE did not maintain the connector for its intended use. Therefore, SCE is in violation of General Order 95, Rule 31.1.



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ENCLOSURES:

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

1. *Enclosure 1 – SED Incident Investigation Report, dated April 29, 2015*
2. *Enclosure 2 – SCE's Initial Notice of the Incident to SED, dated May 15, 2014*
3. *Enclosure 3 – SCE 315 Letter, dated June 10, 2014*
4. *Enclosure 4 – SCE Data Request Response 1, Request date February 27, 2015*
5. *Enclosure 5 – SCE Data Request Response 1 Supplement, Request date February 27, 2015*
6. *Enclosure 6 – SED Notice of Violation (NOV) letter dated May 5, 2015*
7. *Enclosure 7 – SCE's reply to SED's NOV dated June 8, 2015*
8. *Enclosure 8 – County of Los Angeles Sheriff's Department Incident Report Number 2014-03379-1575-493*
9. *Enclosure 9 – Institute of Electrical and Electronics Engineers (IEEE) Standard 738-1993*
10. *Enclosure 10 – Weather Station KCAWHITT4 Weather Data for May 15, 2014*



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STATEMENT OF FACTS:

The above violation(s) is documented in the attached *Enclosure 1 – SED Incident Investigation Report*, which is based on the following: SCE’s initial notice of the incident to SED, SED’s examination of physical evidence at the scene of the incident, SED and SCE measurements taken at the scene of the incident, witnesses SED interviewed, SED’s review of SCE’s 315 Letter, weather data at the scene of the incident, IEEE Standard 738-1993, the County of Los Angeles Sheriff’s Department Incident Report Number 2014-03379-1575-493, and review of SCE’s Data Request Response 1 and SCE’s Data Request Response 1, Supplement.

SED CITATION ANALYSIS

Element	Staff Finding
Number of violation(s) and duration of violation(s)	<i>One violation of General Order 95, Rule 31.1 on 5/15/2014 for failing to operate and maintain its one-bolt connector for its intended purpose.</i>
Severity of the offense: overall level of risk	<i>The incident resulted in a loss of life.</i>
The conduct of the utility before, during, and after the offense	<i>SCE was generally cooperative during the investigation; however, the corrective action of SCE after the incident was limited to replacing the facilities damaged during the incident. SED recommends no adjustment to the fine based on these actions.</i>
Previous occurrence of similar violations	<i>Two; E20120607-03 and E20130415-03.</i>
Self-reporting of the violation	<i>No; SED found the violations during investigation of the incident. (Per D.14-12-001, consideration of self-reporting as a mitigating factor is not applicable in incidents involving an injury.)</i>
Indication of the violation(s) being willful	<i>No indication of willful violation.</i>



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Actions taken by the utility to address the violation(s)	<i>The corrective action of SCE after the incident was limited to replacing the facilities damaged during the incident. As of April 27, 2015, SCE did not conduct any testing of the failed conductor.</i>
Financial resources of the utility	<i>5.0 million electric customers; \$5.182 billion authorized General Rate Case revenues for test year 2015. SCE possesses sufficient financial resources to pay the penalties; this is neither an aggravating nor mitigating factor.</i>
The totality of the circumstances	<i>SED considered aggravating and mitigating factors to determine the fine. Aggravating factors included the loss of life as result of the incident, and previous occurrences of incidents with similar violations, and the minimal corrective actions SCE took after the incident. Mitigating factors include that the violation was not willful, and that SCE was generally cooperative during SED's investigation.</i>
Other factors deemed relevant by SED	<i>The previous occurrence of incidents E20120607-03 and E20130415-03 as mentioned above.</i>
Resultant Citation Taking All Of These Factors Into Account	<i>For the violation of General Order 95, Rule 31.1, SED sets the penalty at the statutory maximum of \$50,000, assessed only for the day the incident occurred. Violation of General Order 95, Rule 31.1, is assessed at \$50,000.</i> The resulting penalty is \$50,000.



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RESPONSE:

Respondent is called upon to provide a response to this Citation by: **5:00 PM (PDT) on March 18, 2016.**

By way of such response Respondent, **within 30 calendar days**, may either:

- (1) Correct the violations with any immediate safety hazard requiring immediate correction as soon as feasible, and/or submit a Compliance Plan to the Director of SED for correcting those violations requiring more than 30 days to correct, and pay a fine pursuant to Pub. Util. Code § 2107. (Submit a check 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); **or**
- (2) Confirm that the violation(s) noted in this Citation have been corrected and/or otherwise do not present an on-going safety hazard to the Utility's employees and the general public, and /or submit a Compliance Plan to the Director of SED for correcting those violations requiring more than 30 calendar days to correct, and contest 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 14-12-001" for information on the appeals process and the attached "Notice of Appeal Of Citation Form." Also attached is a copy of Resolution ALJ-299, including Appendices A and B.

Respondent's failure to provide a response, as noted above, within 30 calendar days from the date the citation is served, will place Respondent in default of the citation and will result in forfeiture of Respondent's rights to appeal the citation. 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.



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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.

A handwritten signature in blue ink, appearing to read "Elizaveta Malashenko", written over a horizontal line.

Elizaveta Malashenko

Director

Safety and Enforcement Division

California Public Utilities Commission

505 Van Ness Avenue

San Francisco, CA 94102

elizaveta.malashenko@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 check made payable to the **California Public Utilities Commission** and sent to the below address. Please include the citation number on the memorandum line of the check 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 14-12-001**

Within 30 calendar days of the Respondent being served with a **CITATION FOR VIOLATIONS ISSUED PURSUANT TO DECISION 14-12-001**, 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 feasible unless, within 30 calendar days from the date of service of the citation, the Respondent submits to the Director of SED, a Compliance Plan that provides a detailed description of when the violation(s) will be corrected, the methodology to be utilized, and a statement, supported by an affidavit from the Electrical Corporation's Chief Executive Officer, that in the Respondent's best judgment, the time necessary to correct the violation(s) will not affect the integrity of the operating system or unduly endanger the public.

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 Safety and Enforcement Division
- 3) The Executive Director
- 4) The General Counsel
- 5) The Director of the Office of Ratepayer Advocates

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.



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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.

After receipt of the Appellant's *Notice of Appeal Form*, a hearing will be convened before an Administrative Law Judge. At least ten business 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 Respondent;
- (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; and
- (d) 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 Respondent's behalf. At the Commission's discretion, the hearing in regard to the Appellant's appeal can be held in a hearing room at either of the offices of the CPUC at 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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Notice of Appeal Form

Appeal from Citation Issued by Safety and Enforcement Division
(For A Citation Issued Pursuant to Decision 14-12-001)

Appellant:

[Name]

[Title]

[Utility Name]

[Mailing Address]

[City, CA Zip Code]

Citation Date: _____

Citation #: D.14-12-001 _-_-

Utility U#: _____

Appeal Date: _____

"Appeal of _____ from _____ issued by Safety and
[Utility Name] [Citation Number]
Enforcement Division"

Statements supporting Appellant's Appeal of Citation (You may use additional pages if needed and/or attach copies of supporting materials along with this form).



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Enclosures to Accompany Utility Appeal

Utility to add Enclosures as appropriate