



Michael A. Backstrom
VP Regulatory Affairs
michael.backstrom@sce.com

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Caroline Thomas Jacobs, Director
Office of Energy Infrastructure Safety
California Natural Resources Agency
715 P Street, 20th Floor
Sacramento, CA 95814

Via Electronic Filing
Docket: 2023-SCs

SUBJECT: Comments of Southern California Edison Company on the Draft 2023 Safety Certification Guidelines

Dear Director Thomas Jacobs:

The May 3, 2023 notice from the Office of Energy Infrastructure Safety (Energy Safety) issued the Draft 2023 Safety Certification Guidelines (Draft Guidelines) for public review and comment. The Draft Guidelines interpret and provide direction on how to meet the criteria set forth in Public Utilities Code (PUC) section 8389(e) for obtaining a Safety Certification. Southern California Edison Company (SCE) respectfully submits the following comments for consideration, which focus on the directions provided in the Draft Guidelines related to Public Utilities Code § 8389(e)(2) and § 8389(e)(7).

ENERGY SAFETY SHOULD CLARIFY THE DOCUMENTATION NECESSARY TO SATISFY THE “GOOD STANDING” REQUIREMENT TO OBTAIN A SAFETY CERTIFICATION

One requirement for obtaining a safety certification is that an electrical corporation be in “good standing.”¹ By statute, the “good standing” requirement “can be satisfied by the electrical corporation having agreed to implement the findings of its most recent safety culture assessment performed pursuant to [Public Utilities Code] Section 8386.2 and paragraph (4) of subdivision (d) [of Public Utilities Code Section 8389], if applicable.”² The reference to Section 8386.2 refers to a safety culture assessment required by the California Public Utilities Commission (Commission) and conducted by an independent third-party evaluator. The framework for the Commission’s safety culture assessment is being developed as part of Rulemaking (R.) 21-10-001 (Safety Culture OIR), though no framework has been finalized in that proceeding, and no safety culture assessment has been scheduled to take place in 2023 as part of that proceeding.

The Draft Guidelines state that “an electrical corporation must document [in its Safety Certification submission] its agreement to implement the findings of its most recent safety

¹ Pub. Util. Code § 8389(e)(2); *see also* Draft Guidelines, p. 2.

² Pub. Util. Code § 8389(e)(2).

culture assessment undertaken by Energy Safety or its contractors. If a safety culture assessment has been carried out pursuant to Public Utilities Code section 8386.2, the electrical corporation must also document in its submission an agreement to implement the findings of that safety culture assessment.”³

A requirement that utilities agree to implement recommendations from two separate safety culture assessments could place utilities in the untenable position of being required to agree to implement potentially conflicting findings. For example, the April 28, 2022 Scoping Memo in the Safety Culture OIR recognized a risk of duplication of effort associated with different agencies conducting separate safety culture assessments on potentially overlapping issues. That Scoping Memo specifically raised the following issue: “How should the Commission ensure that the safety culture assessment process developed through this proceeding is complementary to, and not duplicative of, the annual safety culture assessments conducted by the Office of Energy Infrastructure Safety pursuant to Assembly Bill 1054?”⁴ In addition, in a May 8, 2023 Staff Proposal for Implementing Safety Culture Assessments filed in the Safety Culture OIR, the Commission’s Safety Policy Division Staff recommended that a Commission safety culture assessment be conducted every four years.⁵ Findings from the Commission’s safety culture assessment from four years prior may be quite stale by the time Energy Safety has conducted more recent annual safety culture assessments and a utility submits its annual safety certification request. Without proper coordination, recommendations that arise out of the Commission’s safety culture assessment—which will be conducted by an independent third-party as part of the Safety Culture OIR—may not align perfectly with recommendations from Energy Safety’s separate safety culture assessment.

Given that the Safety Culture OIR is ongoing and the Commission has not finalized a framework for its safety culture assessment, SCE recommends that Energy Safety remove the statement in the Draft Guidelines that the “electrical corporation must also document in its submission an agreement to implement the findings of” the Commission’s safety culture assessment.⁶ Utilities are only required to implement findings of a safety culture assessment “if applicable.”⁷ In this case, inclusion of the guideline regarding implementation of a Commission safety culture assessment is unnecessary because no Commission safety culture assessment is scheduled to take place in 2023. Omitting that statement from the final 2023 Safety Certification Guidelines would avoid confusion as to the documentation necessary to satisfy the “good standing” requirement.

³ Draft Guidelines, p. 2

⁴ April 28, 2022 Scoping Memo, p. 4.

⁵ R. 21-10-001, Staff Proposal for Implementing Safety Culture Assessments for California’s Large Investor-Owned Electric and Gas Utilities, pp. 4, 18.

⁶ Draft Guidelines, p. 2.

⁷ Pub. Util. Code § 8389(e)(2).

THE STATUTORY DEADLINE FOR REQUESTING SAFETY CERTIFICATION SHOULD BE CORRECTED

The Draft Guidelines misstate the statutory deadline for utilities to request a safety certification. The Draft Guidelines state that to “avoid a lapse [in certification], an electrical corporation must submit to Energy Safety a request for Safety Certification for the following 12 months, 90 days prior to the expiration of a certification.”⁸ However, the statute provides:

“Before the expiration of a certification, an electrical corporation shall submit to the division a request for certification for the following 12 months. The division shall issue a safety certification within 90 days of a request if the electrical corporation has provided documentation that it has satisfied the requirements in subdivision (e).”⁹

Thus, contrary to the Draft Guidelines, utilities are not required to file a request for a safety certification “90 days prior to the expiration of a certification.” Instead, the 90-day period under the statute is the deadline for Energy Safety to issue a safety certification after a utility provides documentation that it has satisfied the applicable requirements. The final guidelines should correct the recitation of the statutory language in Public Utilities Code § 8389(f)(2).

UPDATES ON WILDFIRE MITIGATION PLAN OBJECTIVES ARE NOT APPROPRIATE FOR QUARTERLY REPORTING

The Draft Guidelines state that the electrical corporations must include in their Quarterly Notifications “a brief description of progress associated with meeting the electrical corporation’s WMP targets (quantitative) and objectives (qualitative) in the most recent quarter”¹⁰ as part of the requirement to satisfy Section 8389(e)(7) that the electrical corporation is implementing its approved Wildfire Mitigation Plan (WMP).

SCE notes that it already provides quarterly updates on its WMP targets but asks that Energy Safety clarify what is meant by the reference to “objectives (qualitative)” in the Draft Guidelines. If this refers to the 3-year and 10-year objectives in Chapters 8 and 9 of the 2023-2025 WMP, SCE suggests that quarterly updates are unnecessarily frequent and burdensome for objectives that are set several years in advance. SCE suggests that the annual WMP submissions are a more appropriate forum for updates to the 3-year and 10-year objectives, as the objectives represent longer-term, multi-year goals that are better understood within the context of the WMP. The WMP is the primary means by which utilities describe the development of their mitigation strategies and associated objectives and goals, while the quarterly reporting is more focused on shorter-term implementation of WMP initiatives and progress against installation targets. As such, SCE recommends using the annual WMPs as the avenue for discussion of (among other topics) 3- and 10-year objectives and changes relative to the prior WMP.

⁸ Draft Guidelines, pp. 1, 7 (citing Pub. Util. Code § 8389(f)(2)).

⁹ Pub. Util. Code § 8389(e)(2).

¹⁰ Draft Guidelines, p. 5.

CONCLUSION

SCE appreciates the opportunity to submit these comments. If you have questions, or require additional information, please contact me at michael.backstrom@sce.com.

Sincerely,

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Michael A. Backstrom
Vice President, Regulatory Affairs
Southern California Edison