



OFFICE OF ENERGY INFRASTRUCTURE SAFETY'S  
~~DRAFT~~ SAFETY CERTIFICATION  
GUIDELINES

JUNEMAY

# TABLE OF CONTENTS

<b>Introduction.....</b>	<b>1</b>
An Approved Wildfire Mitigation Plan (Public Utilities Code Section 8389[e][1]) .....	2
Good Standing (Public Utilities Code Section 8389[e][2]).....	2
Board Safety Committee and Safety Reporting (Public Utilities Code Sections 8389[e][3] and 8389[e][5]) .....	2
Executive Compensation (Public Utilities Code Sections 8389[e][4] and 8389[e][6]).....	<b>43</b>
Wildfire Mitigation Plan Implementation (Public Utilities Code Section 8389[e][7]).....	4
Reporting to Energy Safety .....	4
Quarterly Notification Submission Dates.....	6
<b>Safety Certification Timeline and Submission Instructions.....</b>	<b>76</b>
<b>Comments and Review Process .....</b>	<b>87</b>
<b>Accessibility .....</b>	<b>8</b>

## INTRODUCTION

All electrical corporations seeking a Safety Certification must satisfy requirements pursuant to Public Utilities Code section 8389(e). A Safety Certification is valid for the 12 consecutive months following the issuance of the certification.<sup>1</sup> To ensure alignment with the calendar year and Energy Safety workstreams avoid a lapse, 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.<sup>2</sup> Energy Safety will issue a safety certification within 90 days of a request if the electrical corporation has provided documentation that it has satisfied the requirements stated in the Safety Certification Guidelines below.<sup>3</sup>

Energy Safety provides the following guidelines for the submission of upcoming Safety Certification requests based on the criteria set out in Public Utilities Code section 8389(e).



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<sup>1</sup> Public Utilities (Pub. Util.) Code section (§) 8389(f)(1).

<sup>2</sup> Pub. Util. Code § 8389(f)(2); for clarification of Energy Safety's authority to adopt guidelines regarding timing of Safety Certification request submissions: California Government Code § 15475.6.-

<sup>3</sup> Pub. Util. Code § 8389(f)(2).

## **An Approved Wildfire Mitigation Plan (Public Utilities Code Section 8389[e][1])**

To receive a Safety Certification, Public Utilities Code section 8389(e)(1) requires that the electrical corporation provide documentation that “the electrical corporation has an approved wildfire mitigation plan.”

In its Safety Certification submission, an electrical corporation must document the date of its most recently approved wildfire mitigation plan (WMP) or WMP Update and the date it was approved by Energy Safety. An electrical corporation is ineligible for a Safety Certification if it received a denial of its most recently submitted WMP or WMP Update.

## **Good Standing (Public Utilities Code Section 8389[e][2])**

To receive a Safety Certification, Public Utilities Code section 8389(e)(2) requires that the electrical corporation provide documentation that “the electrical corporation is in good standing, which can be satisfied by the electrical corporation having agreed to implement the findings of its most recent safety culture assessment performed pursuant to Section 8386.2 and paragraph (4) of subdivision (d), if applicable.”

In its Safety Certification submission, an electrical corporation must document its agreement to implement the findings of its most recent safety 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.

## **Board Safety Committee and Safety Reporting (Public Utilities Code Sections 8389[e][3] and 8389[e][5])**

To receive a Safety Certification, Public Utilities Code sections 8389(e)(3) and 8389(e)(5) require that an electrical corporation provide documentation that it meets two requirements related to its board of directors. Each is discussed below.

Public Utilities Code section 8389(e)(3) requires that the electrical corporation’s board of directors have a safety committee comprised of members with appropriate and relevant

experience. To ensure that this requirement is satisfied, electrical corporations must include the following in their Safety Certification requests:

1. A resume for each safety committee member that clearly indicates the member's relevant experience.
2. A summary of safety-related education and experience for each safety committee member that is relevant to their role at the electrical corporation.
3. A description of how the safety committee functions within the company's governance structure and its role with respect to company decision making and accountability.
4. A report on significant topics covered by the safety committee since issuance of the last Safety Certification.<sup>4</sup>
5. A description of any safety committee recommendations and an indication whether the electrical corporation has implemented these recommendations since issuance of the last Safety Certification. If the safety committee made no recommendations, or the electrical corporation has not implemented all recommendations made by the safety committee, then the electrical corporation must indicate this and provide an explanation.

Public Utilities Code section 8389(e)(5) requires that electrical corporations have established board-level reporting to the California Public Utilities Commission (CPUC) and Energy Safety on safety issues. Energy Safety and the CPUC will aim to jointly coordinate at least one public meeting prior to the submission of Safety Certification requests to ensure that electrical corporations meet this requirement in a transparent manner. For each electrical corporation, a board member, along with the chief safety/risk officer (or equivalent), must brief the CPUC and Energy Safety on safety performance during the public meeting. Details regarding the public meeting, including the agenda of topics to be covered, will be provided in a public notice. Electrical corporations must provide any materials used or referenced in the public meeting in their Safety Certification requests to demonstrate that the electrical corporation has met this requirement.

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<sup>4</sup> Or, in the case of a request for an initial Safety Certification, over the previous 12 months.

## Executive Compensation (Public Utilities Code Sections 8389[e][4] and 8389[e][6])

To receive a Safety Certification, Public Utilities Code sections 8389(e)(4) and 8389(e)(6) require that an electrical corporation has established an executive compensation structure that meets the statutory requirements of these code sections and has been approved by Energy Safety.

An electrical corporation must cite Energy Safety's decision on its most recent executive compensation structure in its Safety Certification request.

## Wildfire Mitigation Plan Implementation (Public Utilities Code Section 8389[e][7])

To receive a Safety Certification, Public Utilities Code section 8389(e)(7) requires that the electrical corporation provide documentation that “the electrical corporation is implementing its approved wildfire mitigation plan [WMP]....” The statute requires an electrical corporation to submit a notification of implementation to Energy Safety on a quarterly basis detailing progress on its WMP, the recommendations of its most recent Energy Safety and CPUC safety culture assessment(s) performed pursuant to Public Utilities Code section 8386(d)(4) and section 8386.2, and a statement of the recommendations of the board of directors' safety committee meetings and a description of the implementation of those recommendations.

### Reporting to Energy Safety

Safety Certification requests must highlight the progress made toward completing WMP targets and explain any delayed or off-track efforts. Requests must also demonstrate progress in implementing the findings of its most recent safety culture assessment(s).

Furthermore, as noted above, to meet the requirements of section 8389(e)(7), electrical corporations must submit quarterly notifications. These notifications must be submitted in the form of letters to Energy Safety including (but not limited to) the following subject line and sections:

**Subject line:** [Electrical corporation name]'s Quarterly Notification Pursuant to Public Utilities Code section 8389(e)(7)

**Background:** In this section, electrical corporations must briefly describe the reason for the quarterly notification submission.

This can be a paraphrasing of the reporting requirements of Public Utilities Code section 8389(e). For example: “Public Utilities Code 8389(e) establishes the requirements for annual safety certifications, including quarterly notification of the Office of Energy Infrastructure Safety and an information-only submittal of the same notification to the California Public Utilities Commission regarding an electrical corporation's progress in implementing its approved wildfire mitigation plan and the recommendations from its most recent safety culture assessments (pursuant to both Public Utilities Code section 8386.2 and section 8389[d][4]), a statement of the recommendations of the board of directors safety committee from meetings that occurred during the quarter, and a summary regarding the progress in implementing the safety committee recommendations from the electrical corporation's previous quarterly notification and information-only submittal.”

**Discussion:** In this section, electrical corporations must provide the information required by Public Utilities Code section 8389(e)(7) using the structure that follows.

#### 1. Quarterly Information-Only Submittal to the CPUC

In this section, electrical corporations must describe how the electrical corporation is providing its information-only submittal of the present quarterly notification to the CPUC.

For example: "[Electrical corporation name] is simultaneously submitting this quarterly notification to the California Public Utilities Commission as an information-only submittal via email to [email address]."

#### 2. Quarterly Progress Report on WMP Implementation

In this section, electrical corporations must provide a brief description of progress associated with meeting the electrical corporation's WMP annual targets (quantitative) and objectives (qualitative) in the most recent quarter. Electrical corporations may attach quantitative target reports as needed. Electrical corporations must note any delays or problems that may have arisen, specifying which initiatives are affected and providing an explanation.

#### 3. Quarterly Progress Report on Implementing Safety Culture Assessment Recommendations

In this section, electrical corporations must provide a brief description of progress associated with implementing the recommendations from the electrical corporation's most recent safety culture assessment(s).

#### 4. Board of Directors Safety Committee Recommendations

##### 4.1. Recommendations from the Most Recent Quarter

In this section, electrical corporations must provide a list of Safety Committee meetings that have taken place (indicating the date of each) in the most recent quarter and the recommendations made by the committee in each meeting. If the Board of Directors Safety Committee made no new recommendations in a meeting, an electrical corporation must indicate as much.

If progress was made on any new recommendations in the most recent quarter, the electrical corporation must provide a brief description.

#### 4.2 Progress on Previous Recommendations

In this section, electrical corporations must provide a list of recommendations made in the previous quarter ~~(or earlier)~~, indicating the associated meeting date of each recommendation and describing progress made on the implementation of the recommendation. If no new progress was made on any previous recommendations, the electrical corporation must indicate as much.

Additionally, electrical corporations must describe progress made on any outstanding prior Safety Committee recommendations (e.g., ones that are unresolved or incomplete). They must also list any prior recommendations completed or implemented in the most recent quarter and any prior recommendations that the electrical corporation has decided not to implement with an explanation as to why.

### Quarterly Notification Submission Dates

Following the completion of a calendar quarter, electrical corporations must provide their quarterly notifications on the first of May, August, November, and February in the following year. If the submission date in the table falls on a weekend or a holiday, the quarterly notification must be submitted on the next business day. All 2024 quarterly notifications must be submitted to the 2024 Safety Certification docket (2024-SCs) on Energy Safety's e-filing system. This includes the final 2024 quarterly notification, which is due February 1, 2025. The table below lists the notification submission deadline for each quarter.

Notification Period	Submission Date	Docket
Q1	May 1, 2024	2024-SCs
Q2	August 1, 2024	2024-SCs
Q3	November 1, 2024	2024-SCs
Q4	February 3, 2025	2024-SCs



## SAFETY CERTIFICATION TIMELINE AND SUBMISSION INSTRUCTIONS

All electrical corporations seeking a Safety Certification must submit Safety Certification requests according to a separate schedule to be issued by Energy Safety each year.

If an element required for a Safety Certification request is missing at the time of the request (e.g., Energy Safety has not yet issued a decision on the electrical corporation's most recent WMP), an electrical corporation may submit the missing element subsequent to the initial Safety Certification request up until ten days prior to the deadline for Energy Safety's decision on the electrical corporation's Safety Certification request (the deadline being 90 days following the submission date of an electrical corporation's request for Safety Certification). If submitted in a timely fashion, Energy Safety will take such supplemental materials into account in its decision-making process regarding the Safety Certification request.

A Safety Certification is valid for the 12 consecutive months following its issuance date.<sup>5</sup> To avoid a lapse, an electrical corporation must submit to Energy Safety a request for a new Safety Certification for the following 12 months no less than 90 days prior to the expiration of its current Safety Certification.<sup>6</sup> The timeline for each year's Safety Certification requests is outlined in a separate schedule available on the respective year's Safety Certification docket published through Energy Safety's e-filing system. For example, the timeline for 2023 Safety Certification requests will be available in the 2023 Safety Certifications docket (2023-SCs) on Energy Safety's e-filing system subsequent to the adoption of these guidelines.<sup>7</sup>

Requests for Safety Certifications must be submitted to the docket relevant for the date of the request (e.g., for a request made in 2023, the request must be submitted to the 2023 Safety Certifications docket). Safety Certification requests must be titled "<name of electrical corporation\_Safety Certification Request [year]\_yyyymmdd [date of Safety Certification request submission]>". For example, a request submitted by PG&E on September 1, 2023, would have the file name "PG&E\_Safety Certification Request 2023\_20230901."

If the electrical corporation is submitting supplemental material following its initial Safety Certification request, it must be submitted to the docket relevant for the initial date of the request. Each element submitted subsequent to the initial request date must be marked as "Addendum 1," "Addendum 2," and so forth. The file name for each element must be "<name

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<sup>5</sup> Pub. Util. Code § 8389(f)(1).

<sup>6</sup> Pub. Util. Code § 8389(f)(2).

<sup>7</sup> [The 2023 Safety Certifications docket](#)

(<https://efiling.energy.ca.gov/EFiling/DocketInformation.aspx?docketnumber=2023-SCs>, accessed April 14, 2023).

of electrical corporation\_Safety Certification Request [year]\_Addendum#\_yyyymmdd [the date of supplemental material submission]>. For example, the first additional element supporting its initial Safety Certification request submitted by PG&E on November 1, 2023, would have the file name “PG&E\_Safety Certification Request 2023\_Addendum1\_20231101.”

## COMMENTS AND REVIEW PROCESS

Stakeholders, including members of the public, may submit comments on Safety Certification requests. Opening comments are due 20 days after an electrical corporation’s initial Safety Certification request submission. Reply comments are due 10 days thereafter and must be limited to issues raised and representations made in opening comments. Opening comments and reply comments must be submitted to the corresponding year’s Safety Certification docket through Energy Safety’s e-filing system. For example, the opening comments and reply comments for 2023 Safety Certification requests must be submitted to the 2023 Safety Certifications docket (2023-SCs).

Energy Safety’s Director will review each electrical corporation’s Safety Certification request for compliance with Public Utilities Code section 8389(e) and the requirements and principles set forth herein. Energy Safety may require that electrical corporations provide missing information and/or respond to requests for additional information in advance of its decision regarding a Safety Certification request.

## ACCESSIBILITY

It is the policy of the State of California that electronic information be accessible to people with disabilities. Each person who submits information through Energy Safety’s e-filing system must ensure that the information complies with the accessibility requirements set forth in Government Code section 7405. Energy Safety will not accept any information submitted through the e-filing system that does not comply with these requirements.<sup>8</sup>

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<sup>8</sup> References to laws and regulations related to digital accessibility are available on the Department of Rehabilitation’s website [here](https://dor.ca.gov/Home/DisabilityLawsandRegulations) (https://dor.ca.gov/Home/DisabilityLawsandRegulations, accessed May 2, 2023). Also see the Department of Rehabilitation’s [resources on constructing digitally accessible content](https://www.dor.ca.gov/Home/ConstructingAccessibleContent) (https://www.dor.ca.gov/Home/ConstructingAccessibleContent, accessed May 2, 2023).

# DATA DRIVEN FORWARD-THINKING INNOVATIVE SAFETY FOCUSED



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