March 28, 2022

Koko Tomassian, Compliance Program Manager **BY OEIS E-FILING**

Compliance Assurance Division

Office of Energy Infrastructure Safety

California Natural Resources Agency

715 P Street 20th Floor

Sacramento, CA 95814

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| **SUBJECT:** | Southern California Edison Company’s Response to Notices of Violation - SCE ATJ 20211115-01 and SCE ATJ 20211207-01 and Request for Written Hearing Under Government Code § 15475.4 & California Code of Regulations, Title 14, Division 17 (Emergency Regulation) § 29104 |

Dear Koko Tomassian:

Southern California Edison Company (SCE) appreciates the opportunity to provide this response to the findings identified in the Notices discussed herein, which were issued to SCE February 24, 2022 and are based on Energy Safety field inspections conducted in the SCE’s territory in November and December 2021. SCE also appreciates the Office of Energy Infrastructure Safety’s (OEIS) efforts to identify, communicate and work together to resolve potential wildfire risks.

Consistent with Government Code § 15475.4 & California Code of Regulations, Title 14, Division 17 (Emergency Regulation) § 29104, SCE requests written hearing on the following specific findings within these Notices of Violations - SCE ATJ 20211115-01- #1 and SCE ATJ 20211207-01- #3 and #5

If you have any questions, or require additional information, please contact Liz Leano at 626-302-3662 or Elizabeth.Leano@sce.com. SCE is looking forward to address findings where appropriate and work to support clarification of the inspection process as OEIS expands the geographic scope of its inspection program in 2022.

Sincerely,

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Erik Takayesu

VP Asset Strategy and Planning

Southern California Edison

**SOUTHERN CALIFORNIA EDISON COMPANY**

**INTRODUCTION**

SCE requests written hearing for the findings addressed in this response.[[1]](#footnote-2) The bases for requesting written hearing are set forth in the individual responses below. In addition, SCE notes the following:

1. That SCE may have deviated from its own standards and protocols is not in and of itself a basis for a Notice of Violation or defect; such a deviation does not necessarily mean the requirements for such notices have been met under Government Code §§ 15474.2 or 15475.4 or California Code of Regulations, Title 14, Division 17 (Emergency Regulation) § 29302.  For example, not adhering to internal construction or design standards should not be considered “violations” or “defects” (see, e.g., SCE’s response regarding findings regarding vibration dampers).
2. Although Energy Safety has the right to refer certain issues to the CPUC for an enforcement action, the findings in these Notices do not support referral.[[2]](#footnote-3)
3. SCE does not believe any of the findings addressed in the response support a Notice of Violation.[[3]](#footnote-4)

**SCE Response**

**Finding: Missing Vibration Dampers**

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| **Notice**  | **Finding #**  | **Structures** |
| Notice of Violation SCE ATJ 20211115-01  | 1 | 4194265E, 4194264E, 4194263E, 4194261E, 4194260E, 4194259E, and 4194258E |
| Notice of Violation SCE ATJ 20211207-01 | 3  | 4556899E, 4554785E, 4554799E, 4554798E, 4554796E, 4554794E, 4545339E, 4554790E, 4554788E, 4554787E, 1026956E, 1407366E, 1789149E, 4475177E |

**Summary of Findings: “**Poles had covered conductor installed but failed to install vibration dampers. Energy Safety considers this violation for failure of adhering to protocol to be in the Minor risk category.”

**Response:** SCE does not agree with the findings identified by Energy Safety regarding vibration dampers. “Vibration dampers”are hardware attached to the conductors to inhibit conductor abrasion and fatigue from vibration. SCE undertook further assessment of vibration dampers for covered conductor application in 2020. The assessment involved working with manufacturers to develop vibration damper design for covered conductors and evaluating and testing the new vibration damper design. SCE published vibration damper design and construction standards for covered conductor application in the fourth quarter of 2020 focusing on improving installation that may be susceptible to Aeolian vibration. The requirement for vibration dampers was put into effect in October 2020 and is required for all full tension covered conductors in light loading areas (elevation below 3,000 ft). Due to a significant shortage of dampers from SCE’s supplier, SCE issued an interim deviation from the Standards. The initial deviation was published and made effective May 2021. The purpose of vibration dampers is to prevent long-term degradation of covered conductor, potentially shortening its useful life. Accordingly, in the near term, not installing vibration dampers does not pose any general or wildfire safety risks. As dampers become available from SCE’s supplier, SCE plans to analyze these installations and retrofit vibration dampers in high or medium vibration susceptibility areas.

SCE communicated these issues to Energy Safety during SCE’s supplemental response to Energy Safety-DR-030 submitted on November 19, 2021 and the Biweekly Meeting discussions on November 9, 2021 and February 15, 2022. Our responses and discussions reflect that we have been working to address the vibration dampers that were not in scope (prior to October 2020) or where we experienced supply chain issues that impeded our ability to install the vibrations dampers as part of our covered conductor installation process and therefore should not be subject to a violation.

Structures 4931111E, F16868Y, 549418E, and 4421488E are all above 3,000 ft in elevation and therefore do not require vibration dampers per SCE standards.

**Finding: Loose Dead-End Clamp**

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| **Notice**  | **Finding #**  | **Structures** |
| Notice of Violation SCE ATJ 20211207-01  | 5 | 1789149E |

**Summary of Findings: “**Pole had a dead-end clamp that was loosely attached to a conductor. Energy Safety considers this a violation for failure of adhering to protocol to be in the Minor risk category.”

**Response:** SCE does not agree with the finding identified by Energy Safety. On March 10, 2022, SCE reviewed the structure and did not observe a loose dead-end clamp. Given that this work was done consistent with SCE’s standard in effect at the time, no violation should be found.

1. Government Code § 15475.4 anticipated a “hearing” process, which traditionally implies an in-person hearing affording parties the right to present evidence and examine witnesses. The statute establishes that Energy Safety is the successor to the Wildfire Safety Division at the Public Utilities Commission, which, notably, does not have a written hearing process. Rather, parties may request an in-person hearing to address contested issues of fact. In this instance, it seems logical to assume that the statutory intent of Government Code § 15475.4 was to establish an in-person hearing process, similar to Energy Safety’s predecessor agency. While Energy Safety characterizes the process as an “appeal” in California Code of Regulations, Title 14, Division 17 (Emergency Regulation) § 29104, the statute affords electrical corporations a hearing. The Regulations should be expanded to allow the electrical corporations to request oral hearings when warranted. [↑](#footnote-ref-2)
2. For each of the notices, Energy Safety includes language stating that “Pursuant to Public Utilities Code § 8389(g), following receipt of SCE’s response to this NOV and resolution of any disputes, this matter may be referred to the California Public Utilities Commission (CPUC) for its consideration of potential enforcement action, as the CPUC deems appropriate.”  None of these notices meets the requirement for OEIS referral for enforcement action to the CPUC based on the statutory requirements that OEIS referral be based on substantial compliance with WMPs. Energy Safety cites PUC Section 8389(g) in support of a potential enforcement action. However, Section 8389(g) provides for a possible enforcement action where “an electrical corporation is not in compliance with its approved wildfire mitigation plan.” Public Utilities Code § 8386.1 further specifies that penalties shall be assessed for failure to substantially comply with a WMP.  [↑](#footnote-ref-3)
3. “Notices of violation” are defined as “identifying non-compliance with an approved Wildfire Mitigation Plan or any law, regulation, or guideline within the authority of the Office.” California Code of Regulations, Title 14, Division 17 (Emergency Regulation) § 29302(b). Energy Safety has not demonstrated how the findings addressed in this Response show “non-compliance with a WMP or any law, regulation or guideline with the authority of the office”. “Notices of defect” are defined as “identifying a deficiency, error, or condition increasing the risk of ignition posed by electrical lines and equipment requiring correction.” California Code of Regulations, Title 14, Division 17 (Emergency Regulation) § 29302(b). Although SCE does not necessarily agree that all the findings addressed in this response demonstrate an increased ignition risk, the findings at most should be characterized as “defects” rather than “violations”. For example, SCE does not believe findings for SCE ATJ 20211207-01 #5 and #6 is a WMP compliance or wildfire ignition risk issue. SCE’s response, and its agreement to remediate conditions identified by OEIS, shall not be construed as an admission that SCE believes a violation or defect exists. [↑](#footnote-ref-4)