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 Notice of Violation - SCE ATJ 20211207-01 (No Written Hearing Requested) |

Dear Koko Tomassian:

Southern California Edison Company (SCE) appreciates the opportunity to provide this response to the findings identified in Notice of Violation (NOV) SCE ATJ 20211207-01 discussed herein, which was issued to SCE on February 24, 2022 based on Energy Safety field inspections conducted in SCE’s territory on December 7, 2021. SCE also appreciates the Office of Energy Infrastructure Safety’s (OEIS) efforts to identify, communicate and work together to resolve potential wildfire risks.

The enclosed response describes corrective actions taken or planned by SCE to address the findings #1, #2, #4, and #6 identified in SCE ATJ 20211207-01, and SCE’s actions to prevent recurrence.

If you have any questions, or require additional information, please contact Liz Leano [at](mailto:at) 626-302-3662 or [Elizabeth.Leano@sce.com](mailto: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,

//s//

Erik Takayesu

VP Asset Strategy and Planning

Southern California Edison

**SOUTHERN CALIFORNIA EDISON COMPANY**

**INTRODUCTION**

For the findings discussed in this response, SCE agrees to address each issue within the timeframe provided by Energy Safety, as explained in more detail below. This response includes findings from SCE ATJ 20211207-01.

As shown in the detail below, SCE will correct/remediate these findings. Regarding prevention of recurrence, SCE’s field inspections (both ground and aerial) are a detective control used to identify items that need to be remediated. Additionally, SCE is performing quality control reviews of completed construction in High Fire areas using a risk-based approach, which includes higher levels of sampling in higher risk areas. These quality reviews help drive continuous improvement by identifying non-conformances with SCE standards, determining causes of non-conformance, and/or driving corrective actions to improve performance. If performance falls below certain thresholds, SCE will require corrective actions.

While SCE is not requesting a written hearing for the findings addressed in this response, SCE reserves the right to raise these points in subsequent procedural stages and/or proceedings, as applicable.[[1]](#footnote-2)

1. SCE’s alleged deviation 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 in some cases (e.g., an “abandoned anchor” finding) should be considered neither a “violation” nor a “defect”).
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 Covered Conductor Data Accuracy**

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| **Notice** | **Finding #** | **Structures** |
| Notice of Violation SCE ATJ 20211207-01 | 1 | 4467330E |

**Summary of Findings:** “SCE did not install covered conductor at this pole. Covered conductor work starts at next pole. Energy Safety considers this data accuracy violation to be in the Minor risk category.”

**Response:** In discussions with Energy Safety, SCE explained the covered conductor data discrepancies were due primarily to an issue identified when translating covered conductor point spatial data, which is how SCE tracks and records its work, to line spatial data, which is how Energy Safety requests this information. Accordingly, the 2021-Q1 and 2021-Q2 quarterly data reports (QDRs) submitted by SCE did not accurately reflect where SCE has actually installed covered conductor.

On March 14, 2022, SCE submitted 2021 covered conductor point data to Energy Safety with four layers, one for each quarter, to ensure Energy Safety has data that is representative of SCE’s best records for where and when covered conductor is installed in the field. SCE will review/evaluate its QC process before submitting future QDRs. SCE will also work to improve the accuracy of translating its point data to line data and in the interim will continue providing the covered conductor point data to Energy Safety.

While SCE recognizes that its initial 2021 QDR data submittals, in line data format requested by OEIS, were not at the level needed, the issue does not reflect a violation of the WMP. SCE has been actively working with OEIS to develop the reporting capabilities that accurately meet the requested QDR format.

**Finding: Inaccurate Pole ID**

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| **Notice** | **Finding #** | **Structures** |
| Notice of Violation SCE ATJ 20211207-01 | 2 | 1289686E, 1789149E, 4475177E |

**Summary of Finding:** “Pole ID did not match the ID provided by SCE in its QDR spatial data. Energy Safety considers this data accuracy violation to be in the Minor risk category.”

**Response:** SCE agrees to correct its systems of record to reflect the correct pole IDs within the timeframe provided by Energy Safety.

**Finding: Abandoned Anchor**

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| **Notice** | **Finding #** | **Structures** |
| Notice of Violation SCE ATJ 20211207-01 | 4 | 4554787E |

**Summary of Finding:** “Under no conditions should the rod be bent over or left exposed. Energy Safety identified this as a violation of this protocol with an abandoned guy anchor left above the ground line. Energy Safety considers this violation to be in the Minor risk category.”

**Response:** SCE agrees to address this issue within the timeframe provided by Energy Safety.

**Finding: Detached Covering**

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| **Notice** | **Finding #** | **Structures** |
| Notice of Violation SCE ATJ 20211207-01 | 6 | 1789149E |

**Summary of Findings:** “Pole had covering that was detaching and frayed from its jumper wire. Energy Safety considers this a violation for failure of adhering to protocol to be in the Minor risk category.”

**Response:** SCE agrees to address this issue within the timeframe provided by Energy Safety.

1. Government Code § 15475.4 anticipates 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 the notices discussed herein 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 Public Utilities Code § 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 the abandoned anchor finding in SCE ATJ 20211207-01 is a WMP compliance or wildfire ignition risk issue. While SCE appreciates being notified of such an issue, it should not be classified as either a WMP violation or a defect. SCE’s response, and its agreement to remediate conditions identified by OEIS, shall not be construed as an admission that SCE believes a defect or violation exists. [↑](#footnote-ref-4)