SOUTHERN CALIFORNIA EDISON®
An EDISON INTERNATIONAL® Company

Erik Takayesu
VP Asset Strategy and Planning
erik.takayesu@sce.com

May 9, 2022

Koko Tomassian, Compliance Program Manager
Compliance Assurance Division
Office of Energy Infrastructure Safety
California Natural Resources Agency
715 P Street 20th Floor
Sacramento, CA 95814

BY OEIS E-FILING

SUBJECT: Southern California Edison Company's Response to Notices of Violation - SCE ATJ 20211118-01 Revised, SCE ATJ 20211130-01 Revised, and SCE ATJ 20211209-01 Revised[1] (No Written Hearing Requested)

Dear Koko Tomassian:

Southern California Edison Company (SCE) appreciates the revisions to Notices of Violation (NOV) - SCE ATJ 20211118-01, SCE ATJ 20211130-01, SCE ATJ 20211209-01 by the Office of Energy Infrastructure Safety (Energy Safety) issued via revised NOVs on April 8, 2022. These Notices were issued to SCE on February 24, 2022 based on Energy Safety field inspections conducted in SCE's territory in November and December 2021. On March 25, 2022 OEIS granted SCE an extension to respond on April 11, 2022 for these NOVs SCE ATJ 20211118-01, SCE ATJ 20211130-01, and SCE ATJ 20211209-01. On April 8, 2022, OEIS submitted revised NOVs resetting SCE time to respond to May 9, 2022.

The enclosed response describes corrective actions taken or planned by SCE to address the findings identified in the above notices and prevent recurrence.

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. SCE also appreciates the Office of Energy Infrastructure Safety's (OEIS) efforts to identify, communicate and work together to resolve potential wildfire risks.

Sincerely,

[1] Findings addressed by Notices: SCE ATJ 20211118-01 Revised- #1, #2, and #3, SCE ATJ 20211130-01 Revised- #1, and SCE ATJ 20211209-01 Revised - #1, #2, #3, #4, #5, #6, and #7. The additional findings are addressed in SCE's response to NOVs that are subject to a written request for hearing.

//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. To simplify the response, SCE has consolidated similar findings from multiple Notices of Violations (NOV) into a single response by type of finding. This response includes findings from the following NOVs: SCE ATJ 20211118-01 Revised, SCE ATJ 20211130-01 Revised, and SCE ATJ 20211209-01 Revised[2].

As shown in the detail below, SCE will address 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.[3]

1) In some cases, the Notices include duplicative violations – that is, multiple alleged violations of rules, regulations, or laws that are based on the same underlying conduct. For example, the Covered Conductor data accuracy findings and the missing covered conductor findings should not be considered as two separate "violations" (*e.g.,* SCE ATJ 20211118-01 Revised). Duplicative violations are not consistent with the rule that a party cannot be punished

2 This response addresses the following NOV findings: SCE ATJ 20211118-01 Revised- #1, #2, and #3, SCE ATJ 20211130-01 Revised- #1, SCE ATJ 20211209-01 Revised - #1, #2, #3, #4, #5, #6, and #7. The additional findings are addressed in SCE's response to NOVs that are subject to a request for written hearing.

3 Government Code Section 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 Section 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.

multiple times for the same conduct, which goes against fundamental fairness and due process principles.[4]

2) 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 Sections 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., bolted wedge connector) should be considered neither a "violation" nor a "defect" (*e.g*., SCE ATJ 20211209-01 Revised).
3) 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.[5]
4) SCE does not believe any of the findings discussed in the response support a Notice of Violation.[6]

4 *See United States v. Halper*, 490 U.S. 435 (1989), *abrogated on other grounds by Hudson v. United States*, 522 U.S. 93 (1997); *Witte v. United States*, 515 U.S. 389, 396 (1995); *De Anza Santa Cruz Mobile Estates Homeowners Ass'n. v. De Anza Santa Cruz Mobile Estates*, 94 Cal.App.4th 890, 913(2001); *Troensegaard v. Silvercrest Indus., Inc.*, 175 Cal.App.3d 218, 227-28 (1985).

5 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 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." PUC Section 8386.1 further specifies that penalties shall be assessed for failure to substantially comply with a WMP.

6 "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 20211209-01 Revised #6 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 Energy Safety, shall not be construed as an admission that SCE believes a defect or violation exists.

SCE Response

Finding: Missing Covered Conductor Data Accuracy

Notice	Finding #	Structures
Notice of Violation SCE ATJ 20211118-01 Revised (NOV 1)	1	4339409E, 4574184E, 4538061E, 4926384E, 4263188E
Notice of Violation SCE ATJ 20211130-01 Revised (NOV 2)	1	4944416E
Notice of Violation SCE ATJ 20211209-01 Revised (NOV 3)	1	687838E, 1403136E, 4558869E, 1763105E, 1414393E
Notice of Violation SCE ATJ 20211209-01 Revised (NOV 3)	7	F16868Y

Summary of Findings: Per SCE's 2021-Q1 and Q2 quarterly data reports (QDR), "All these structures [SCE] reported a covered conductor initiative (2021 WMP initiative number 7.3.3.3.1) with a status of "Complete." According to the Notification, "However, upon inspection, SCE has not even begun covered conductor installation at any these locations" [NOV 1, NOV 3], or "it was found that covered conductor work terminated and transitioned to bare wire at the next pole" [NOV 2], or for one instance "it was found that covered conductor was installed at this pole, but the report did not reflect this" [NOV 3]. Energy Safety considers these data accuracy violations to be in the Moderate risk category, with exception to the instance that had covered conductor installed to be a Minor risk."

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 (QDR) 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 quarterly data reports. 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 nor should SCE be cited twice for the same issue (covered conductor data and missing covered conductor). SCE has been actively working with OEIS to develop the reporting capabilities that accurately meet the requested QDR format.

Finding: Missing Covered Conductor

Notice	Finding #	Structures
Notice of Violation SCE ATJ 20211118-01 Revised (NOV 1)	2	4339409E, 4574184E, 4538061E, 4926384E, 4263188E
Notice of Violation SCE ATJ 20211209-01 Revised (NOV 3)	2	687838E, 1403136E, 4558869E, 1763105E, 1414393E

Summary of Findings: "Per SCE's 2021-Q1 quarterly data report (QDR), covered conductor was installed on these poles...Upon inspection, Energy Safety staff found no covered conductor installed at the above-mentioned structures. Energy Safety considers this violation related to incomplete WMP work to be in the Moderate risk category."

Response: The issues for the majority of the poles identified in this finding were due to the data translation issues described above (point data to line data). Further, two of the poles actually had covered conductor installed. As such, while 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, nor should SCE be cited twice for the same issue.

The data translation issue described above resulted in the following structures: 4339409E, 4574184E, 4538061E, 4926384E, 4263188E, 4558869E, 1414393E being incorrectly identified as having covered conductor installed in SCE's QDRs, even though it has not yet been installed [NOV 1 and NOV 3]. Correcting the data translation issue above will resolve this finding.

Structures 4263188E and 687838E did in fact have covered conductor installed at the time of Energy Safety's inspection. Many structures in SCE's service territory support conductors from more than one circuit. Typically, covered conductor is installed by circuit or part of a circuit, not by structure. Thus, SCE's QDR may show that a structure has covered conductor even though both circuits do not yet have covered conductor. Structure 4263188E [NOV1] has a mainline and radial. The radial, which branches off the mainline, was constructed with covered conductor. Structure 687838E [NOV 3] supports two separate circuits, one of which had covered conductor installed at the time of Energy Safety's inspection. Subsequent to the Energy Safety field inspection, the other circuit on this structure has been replaced with covered conductor.

Covered conductor was installed on structure 1403136E at the time of Energy Safety's inspection [NOV 3]. Additionally, covered conductor transitions to aerial bundled cable on this structure. Aerial bundled cable is an insulated overhead conductor typically used in heavily forested areas. Therefore, SCE's QDR data is correct in showing that covered conductor is installed on these poles.

Finding: Missing Fiberglass Guy

Notice	Finding #	Structures

Notice of Violation SCE ATJ 20211118-01 Revised	3	1257280E, 2144970E

Summary of Findings: “Poles had installed but failed to install fiberglass guy strain insulators, in accordance with SCE protocol. Energy Safety considers this a violation for failure of adhering to protocol to be in the Minor risk category.”

Response: SCE did find 1257280E and 2144970E were new poles installed during WCCP and should have had fiberglass strain insulators installed. These will be addressed within the timeframe provided by Energy Safety.

Finding: Bolted Wedge Connector

Notice	Finding #	Structures
Notice of Violation SCE ATJ 20211209-01 Revised	3	4931111E

Summary of Findings: “Pole did not have bolted wedge connector cover installed on the center phase. Energy Safety considers this a violation for failure of adhering to protocol and in the Minor risk category.”

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

Finding: Improperly Installed Fuse Covers

Notice	Finding #	Structures
Notice of Violation SCE ATJ 20211209-01 Revised	4	4931111E

Summary of Finding: “The pole had a wildlife fuse cover improperly installed. Energy Safety considers this 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.

Finding: Missing Jumper Cover

Notice	Finding #	Structures
Notice of Violation SCE ATJ 20211209-01 Revised	5	4931111E

Summary of Finding: “The pole had a jumper connected to covered conductor that was bare before entering a bolted wedge connector cover. Energy Safety considers this 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.

Finding: Missing Vice-Top Insulators

Notice	Finding #	Structures
Notice of Violation SCE ATJ 20211209-01 Revised	6	549418E, 4421488E

Summary of Findings: “Poles did not have vice-top insulators with nylon inserts where there was covered conductor. Energy Safety considers this violation for failure of adhering to protocol to be in the Minor risk category.”

Response: SCE agrees that the insulators on these structures do not meet the standards requirement outlined in SCEs DOH. The insulators installed are polymer post-type insulators, not polymer pin-type vice-top insulators.

However, since the time of installation SCE conducted testing analyzing the compatibility of covered conductor with polymer post-type insulators. The studies have concluded that polymer post-type insulators are compatible with covered conductor. Based on the results, SCE is revising the covered conductor standards to allow the use of polymer post-type insulators. The revision is planned to be published the 2nd Quarter of 2022. Accordingly, notwithstanding SCE’s standards at the time of inspection, based on the studies described above, it does not pose an ignition risk and polymer post-type insulators are acceptable and appropriate for use with covered conductor.