

May 23, 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 EDC 20211208-01 and SCE CAC7 20220224-01¹ (No Written Hearing Requested)

Dear Koko Tomassian:

Southern California Edison Company (SCE) appreciates the opportunity to provide this response to the findings identified in the Notices of Violation - SCE EDC 20211208-01 and SCE CAC7 20220224-01 by the Office of Energy Infrastructure Safety (Energy Safety) on April 22, 2022 based on Energy Safety and their compliance consultant (Green Grid) field inspections conducted in SCE's territory in December 2021 and February 2022. 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 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.

Sincerely,

//s//

Erik Takayesu
SVP Asset Strategy and Planning
Southern California Edison

¹Findings addressed by Notices: SCE EDC 20211208-01 #1, #2, and #3 and SCE CAC7 20220224-01 #2. The additional findings are addressed in SCE's response to NOV's that are subject to a written request for hearing.

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 EDC 20211208-01 and SCE CAC7 20220224-01².

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 EDC 20211208-01). Duplicative violations are not consistent with the rule that a party cannot be punished multiple times for the

² This response addresses the following NOV findings: SCE EDC 20211208-01 #1, #2, and #3 and SCE CAC7 20220224-01 #2. 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.

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 CAC7 20220224-01 #2).
- 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 CAC7 20220224-01 #2 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 EDC 20211208-01	1	2348187E

Summary of Findings: Per SCE’s 2021-Q1 quarterly data report (QDR), “covered conductor was installed on pole numbered 2348187E. [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.” Energy Safety considers these data accuracy violations to be in the Moderate 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 (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 EDC 20211208-01	2	2348187E

Summary of Findings: “Per SCE’s 2021-Q1 quarterly data report (QDR), covered conductor was installed on pole numbered 2348187E. 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 pole identified in this finding was due to the data translation issues described above (point data to line data). 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 structure 2348187E being incorrectly identified as having covered conductor installed in SCE’s QDRs, even though it has not yet been installed. Correcting the data translation issue above will resolve this finding.

Finding: Bolted Wedge Connector

Notice	Finding #	Structures
Notice of Violation SCE CAC7 20220224-01	2	1896712E

Summary of Findings: “Pole numbered 1896712E did not have bolted wedge connector cover installed at a dead-end construction. Energy Safety considers this a violation for failure of adhering to protocol and in the Minor risk category.”

Response: SCE has recorded the above condition in its work management system and anticipates this condition will be remediated in accordance with Energy Safety’s defect remediation timeline.

Finding: Vibration damper is within 6 inches from insulator

Notice	Finding #	Structures
Notice of Violation SCE EDC 20211208-01	3	1008929E

Summary of Finding: “Pole number 1008929E had a vibration damper installed but was found to be within six inches of the structure. Energy Safety considers this violation for failure of adhering to protocol to be in the Minor risk category.”

Response: SCE has recorded the above condition in its work management system and anticipates this condition will be remediated in accordance with Energy Safety’s defect remediation timeline.