

California Underground Facilities Safe Excavation Board

In the Matter of
Southern California Edison,
Respondent

Case No. 22LA01484

DECISION REGARDING NOTICE OF PROBABLE VIOLATION(S)

On July 11, 2022, The Office of Energy Infrastructure Safety, California Underground Facilities Safe Excavation Board (the "Board") considered Case # 22LA01484. Southern California Edison ("Respondent") was issued a Notice of Probable Violation on May 06, 2022. Respondent answered the Notice of Probable Violation with a written explanation asserting it did not commit the violations indicated in the notice.

Board members Bianchini, Del Toro, Johns, Munoz, and Voss participated in the decision. Board members Charland and Johnson recused themselves and did not participate in the decision.

FINDINGS

Having considered the investigation report and the Respondent's written explanation, the Board finds that a violation of Title 1, division 5, chapter 3.2, article 2 of the California Government Code¹ (the "Dig Safe" law) sections 4216.3(a)(1)(A) and 4216.3(c)(1)(A) occurred.

The Board finds that an order directing Respondent to take the Board's education course is an appropriate sanction.

VIOLATION SUMMARY

Respondent failed to timely respond to a locate-and-mark request.

Respondent failed to provide a required operator response before the legal excavation start date and time pursuant to section 4216.3(a)(1)(A).

Respondent failed to timely supply an electronic positive response.

Respondent failed to provide an accurate electronic positive response through the regional call center before the legal excavation start date and time pursuant to 4216.3(c)(1)(A).

¹ All further statutory references are to the Government Code unless otherwise indicated.

JURISDICTION

Referral to the California Public Utilities Commission is appropriate.

When the Board finds a probable violation of Government Code Title 1, Division 5, Chapter 3.1, Article 2 (Regional Notification Center System), the Board must transmit the investigation results and any recommended penalty to the appropriate agency, identified in section 4216.6(c) or (d). Respondent is a gas corporation as defined in section 222 of the California Public Utilities Code and is subject to the jurisdiction of the California Public Utilities Commission (CPUC). The CPUC may accept, amend, or reject the Board's recommendation.

SANCTIONS

The Board recommends that Respondent be ordered to take the Board's education course.

Section 4216.19(e) provides that sanctions shall be graduated and may include notification and information letters, direction to attend relevant education, and financial penalties. The following factors were considered relevant to this sanction determination:

- Respondent received an advisory notice for a similar violation on October 31, 2019.
- The violation did not result in substantial injury or environment or property damage.

/s/ Marjorie Del Toro
Marjorie Del Toro, Chair

Date: August 8, 2022