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Docket: Guidelines-SCs

Caroline Thomas Jacobs, Director
Office of Energy Infrastructure Safety
715 P Street, 20th Floor
Sacramento, CA 95814

SUBJECT: Comments of Southern California Edison Company on the Draft 2024 Safety Certification Guidelines

Dear Director Thomas Jacobs:

On June 19, 2024, the Office of Energy Infrastructure Safety (Energy Safety) issued Draft Safety Certification Guidelines (Draft Guidelines) for public review and comment.

Southern California Edison Company (SCE) respectfully submits the following comments for consideration, which focus on the directions provided in the Draft Guidelines related to satisfying the “good standing” requirement to obtain a safety certification.

ENERGY SAFETY SHOULD CLARIFY THE DOCUMENTATION NECESSARY TO SATISFY THE “GOOD STANDING” REQUIREMENT TO OBTAIN A SAFETY CERTIFICATION

One requirement for obtaining a safety certification is that an electrical corporation be in “good standing.”¹ By statute, the “good standing” requirement “can be satisfied by the electrical corporation having agreed to implement the findings of its most recent safety culture assessment performed pursuant to [Public Utilities Code] Section 8386.2 and paragraph (4) of subdivision (d) [of Public Utilities Code Section 8389], if applicable.”^{2,3}

The Draft Guidelines state that “an electrical corporation must document [in its Safety Certification submission] its agreement to implement the findings of its most recent safety culture assessment undertaken by Energy Safety or its contractors. If a safety culture

¹ Pub. Util. Code § 8389(e)(2); *see also* Draft Guidelines, p. 2.

² Pub. Util. Code § 8389(e)(2).

³ The reference to Section 8386.2 refers to a safety culture assessment required by the California Public Utilities Commission (Commission) and conducted by an independent third-party evaluator. The framework for the Commission’s safety culture assessment is being developed as part of Rulemaking (R.) 21-10-001 (Safety Culture OIR); no framework has been finalized in that proceeding, and no safety culture assessment has been scheduled to take place in 2024 as part of that proceeding.

assessment has been carried out pursuant to Public Utilities Code section 8386.2, the electrical corporation must also document in its submission an agreement to implement the findings of that safety culture assessment.”⁴

A requirement that utilities agree to implement recommendations from two separate safety culture assessments could place utilities in the untenable position of being required to agree to implement potentially conflicting findings. For example, the April 28, 2022, Scoping Memo in the Safety Culture OIR recognized a risk of duplication of effort associated with different agencies conducting separate safety culture assessments on potentially overlapping issues:

“How should the Commission ensure that the safety culture assessment process developed through this proceeding is complementary to, and not duplicative of, the annual safety culture assessments conducted by the Office of Energy Infrastructure Safety pursuant to Assembly Bill 1054?”⁵

In addition, in a May 8, 2023 Staff Proposal for Implementing Safety Culture Assessments filed in the Safety Culture OIR, the Commission’s Safety Policy Division Staff recommended that a Commission safety culture assessment be conducted every four years.⁶ Findings from the Commission’s safety culture assessment from four years prior may be dated by the time Energy Safety has conducted more recent annual safety culture assessments and a utility submits its annual safety certification request. Without proper coordination, recommendations that arise out of the Commission’s safety culture assessment—which will be conducted by an independent third-party as part of the Safety Culture OIR—may not align perfectly with recommendations from Energy Safety’s separate safety culture assessment.

Given that the Safety Culture OIR is ongoing, and that the Commission has not finalized a framework for its safety culture assessment, SCE recommends that Energy Safety make the following deletion (shown in redline):

*In its Safety Certification submission, an electrical corporation must document its agreement to implement the findings of its most recent safety culture assessment undertaken by Energy Safety or its contractors. ~~If a safety culture assessment has been carried out pursuant to Public Utilities Code section 8386.2, the electrical corporation must also document in its submission an agreement to implement the findings of that safety culture assessment.~~*⁷

⁴ Draft Guidelines, p. 2

⁵ April 28, 2022 Scoping Memo, p. 4.

⁶ R. 21-10-001, Staff Proposal for Implementing Safety Culture Assessments for California’s Large Investor-Owned Electric and Gas Utilities, pp. 4, 18.

⁷ Draft Guidelines, p. 2.

Per the Public Utilities Code, utilities are only required to implement findings of a safety culture assessment “if applicable.”⁸ In this case, inclusion of the guideline regarding implementation of a Commission safety culture assessment is unnecessary because no Commission safety culture assessment is scheduled to take place in 2024. Omitting that statement from the final Safety Certification Guidelines would avoid confusion as to the documentation necessary to satisfy the “good standing” requirement.

CONCLUSION

SCE appreciates the opportunity to submit these comments. If you have questions, or require additional information, please contact me at Connor.Flanigan@sce.com.

Sincerely,

//s//

Connor J. Flanigan
Managing Director, State Regulatory Operations
Southern California Edison

⁸ Pub. Util. Code § 8389(e)(2).