

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

**RESOLUTION E-3566
OCTOBER 22, 1998**

RESOLUTION

RESOLUTION E-3566. SAN DIEGO GAS & ELECTRIC COMPANY (SDG&E) REQUESTS APPROVAL TO ADOPT INDEFINITELY TARIFF PROVISIONS THAT WERE PREVIOUSLY APPROVED FOR A ONE-YEAR PILOT PROGRAM TO PROVIDE A SAFE WORKING ENVIRONMENT FOR SDG&E EMPLOYEES WHO MUST PERFORM THEIR DUTIES ON CUSTOMERS' PREMISES. APPROVED AS MODIFIED

BY ADVICE LETTER 1110-E/1108-G, FILED ON JULY 23, 1998.

SUMMARY

1. By Advice Letter 1110-E/1108-G, filed on July 23, 1998, San Diego Gas & Electric (SDG&E) is seeking approval to indefinitely continue electric and gas tariff changes that were in effect for a one-year Pilot Program to provide a safe working environment for its employees who must perform their duties on customers' premises. Specifically, SDG&E proposes to permanently adopt previously approved changes to Tariff Rule 1 -- *Definitions*, Rule 3 -- *Applications for Service*, and Rule 11 -- *Discontinuance of Service*. In addition, SDG&E proposes to retain changes to electric Schedule SE and gas Schedule G-91 to conform with the Rules. These tariff changes were approved by Resolution E-3441, dated October 22, 1997. In addition to approving the Pilot Program, the resolution required SDG&E to file a report three months prior to the termination of the Pilot Program. The report was filed by SDG&E as part of Advice Letter 1110-E/1108-G.
2. No protests to Advice Letter 1110-E/1108-G were received.
3. This resolution accepts SDG&E's report on the Pilot Program and approves with modification the utility's request to indefinitely continue the tariff changes that were previously approved for a one-year Pilot Program in Resolution E-3441. The language in Rule 11 -- *Discontinuance of Service*, Section F -- *Unsafe Environment* is modified to provide for additional time and due diligence on the part of SDG&E before service can be discontinued.

BACKGROUND

1. On October 15, 1996, SDGE filed Advice Letter 963-E-A/993-G-A seeking Commission approval of a one-year Pilot Program whereby the utility would have new discretionary authority to refuse to provide or to discontinue service to customers who have threatened or actually inflicted violence upon utility employees performing work on customers' premises. Under the Pilot Program, service disruption could be avoided if the customer cooperates with utility management, and/or law enforcement, and agrees to cease from acts of violence against utility employees. The Pilot Program also included a reporting requirement whereby SDG&E would document and track incidents of customer violence and aggression towards utility employees as well as note the final disposition of each case.
2. In Resolution E-3441, dated October 22, 1997, the Commission approved SDG&E's Pilot Program, including the reporting requirement, for a one-year period. Ordering Paragraph (OP) No. 2 of the resolution states that "tariff changes approved shall terminate after a one-year Pilot Program unless extended by a Commission Resolution upon filing a report by advice letter with the Energy Division three months prior to the expiration of the program."
3. SDG&E filed Advice Letter 1110-E/1108-G on July 23 in compliance with OP No. 2. The Advice Letter includes the Pilot Program report for the ED's review and requests permanent approval of the tariff provisions which were previously approved by Resolution E-3441.

NOTICE

1. In accordance with Section III, Paragraph G, of General Order No. 96-A, SDG&E mailed copies of this advice letter to other utilities and interested parties. Public notice of this filing has been made by publication in the Commission's calendar.

PROTESTS

1. The Energy Division received no protests to Advice Letter 1110-E/1108-G.

DISCUSSION

1. The ED has reviewed the Advice Letter, the proposed tariff changes, as well as SDG&E's report chronicling each incident during the Pilot Program involving threats or actual acts of violence against SDG&E employees.
2. The Pilot Program report documents sixteen separate incidents of aggression/violence against utility employees during the first nine months of the Pilot Program (October 1997 through June 1998). Of these sixteen events, 12 involved verbal threats against

utility employees; two cases involved weapons (no injuries were sustained); and two involved actual physical assaults¹. The police were contacted in six cases and one arrest was made. The report shows that the total number of incidents declined 53 percent at the end of the first nine months of the Pilot program compared to the nine month period ending September 1997.² Notwithstanding the significant decline in the number of incidents, the sixteen reported events demonstrate that violence continues to be a potential hazard faced by SDG&E employees performing their duties on customers' premises.

3. SDG&E asserts that the Pilot Program tariff provisions enabled the utility to discuss problems with customers and explain alternatives available prior to initiating procedures to discontinue service.³ As a result of its efforts to work with customers who have threatened or inflicted violence upon utility employees, the utility claims that it was able to mitigate and resolve misunderstandings and problems successfully without exercising its authority to discontinue service. No customer had service discontinued during the full term of the Pilot Program.
4. The ED supports SDG&E's request to permanently adopt the tariff changes but with modification. The modification is to Rule 11 - *Discontinuance of Service, Section F - Unsafe Environment*.
5. Section F of Rule 11 currently states:

"If a customer or anyone on the premises inflicts violence, as defined in Rule 1, or threatens with present ability to inflict violence upon an utility employee, the utility may discontinue service to a customer after written notice of at least 48 hours. The discontinuance of service may be avoided if the customer agrees to meet with utility management and/or law enforcement and the customer agrees to cease from any act of violence."

6. The ED supports the following modifications to Section F of Rule 11:

¹ In addition to these sixteen incidents, there was one impersonation of an SDG&E employee. This event is not reflected in the total number of incidents because the PUC recognizes impersonations as a category of incidents that is distinct from threats and violence.

² Although the 53 percent decline is laudable, it should be noted that a causal link cannot be established between the Pilot Program and the reduction in incidents. The Pilot Program provided the utility with the authority to discontinue service to a customer *after* an act of violence has transpired and only when the customer refuses to cooperate with the utility and cease from acts of violence. It is not clear whether the Pilot Program deterred acts of violence from arising in the first place. Other factors may have impacted the rate of decline in the number of incidents during the Pilot Program.

³ For example, in a situation where an SDG&E employee cannot read the meter due to a hostile environment on a customer's premises, the utility will estimate the read.

"If a customer or anyone on the premises inflicts violence, as defined in Rule 1, or threatens with present ability to inflict violence upon an utility employee, the utility may discontinue service to a customer after written notice of at least ~~48 hours~~ 5 days. Prior to issuing a notice of discontinuance of service, the utility will seek to arrange a meeting with the customer. The discontinuance of service may be avoided if the customer agrees to meet with utility management, and/or law enforcement to discuss the situation and explain the alternatives available to the customer so that discontinuance of service may be avoided. If such efforts fail to result in and the customer agreeing to cease from any act of violence, the utility shall, at its discretion, issue a notice of discontinuance of service. This requirement does not limit the utility's present ability to discontinue service under the provisions of the following Sections of Rule 11: Section A, Non-Payment of Bills, Section B, Unsafe Equipment, and Section H, Usage of Service Detrimental to Other Customers."

7. The modifications are intended to achieve two objectives. First, the extension to five days for the minimum period of time following written notice before service may be discontinued will allow for a more extended "cooling down" period during which time the customer will have the benefit of additional time to consider the utility's concerns, to review the possible alternatives, to work out any problems involving third parties, and to contemplate the consequences of not taking steps to provide utility employees with a safe working environment. Second, the modifications are intended to make the Rule explicitly acknowledge that it is incumbent upon the utility, not the customer, to initiate steps to arrange a meeting with the customer prior to initiating procedures for discontinuing service.
8. The ED recommends that SDG&E's request be approved with the above modifications to Rule 11. SDG&E's request with modifications is reasonable.

FINDINGS

1. On October 15, 1996, SDG&E filed Advice Letter 963-E-A/993-G-A to modify Rules 1, 3, and 11 to provide a safe working environment for its employees. SDG&E also proposed modifications to electric and gas schedules SE and G-91 to conform with the proposed changes to the Rules.
2. SDG&E's request was approved by Resolution E-3441, dated October 22, 1997. Ordering Paragraph No. 2 of the resolution states that the tariff changes shall terminate after a one-year Pilot Program unless extended by a Commission Resolution.
3. On July 23, 1998, pursuant to OP No. 2 of Resolution E-3441, SDG&E filed Advice Letter 1110-E/1108-G. The Advice Letter transmits the Pilot Program report to the ED and requests permanent approval of the tariff changes in effect during the Pilot Program.

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4. The report shows that threats of violence and/or actual violence inflicted upon SDG&E employees by customers continue to be a problem.
5. The tariff changes which SDG&E seeks to adopt indefinitely are approved with modification to Section F of Rule 11 as discussed herein.

THEREFORE, IT IS ORDERED THAT:

1. SDG&E's Advice Letter 1110-E/1108-G is authorized subject to the modifications addressed in Discussion Paragraph No. 6.
2. Should SDG&E choose to implement the modifications as authorized in Ordering Paragraph No. 1, it shall file a supplemental advice letter with tariff sheets, consistent with this resolution within 10 days. The supplemental advice letter shall be effective on the date filed. If SDG&E elects not to implement the modifications as discussed herein, the advice letter is rejected.
3. This resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on October 22, 1998.



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