



RESOLUTION ALJ – 274  
GAS SAFETY CITATIONS PROCEDURES  
WORKSHOP

April 24, 2012

GAS SAFETY & RELIABILITY BRANCH  
CONSUMER PROTECTION AND SAFETY DIVISION



# Workshop Agenda

- Opening Remarks – Julie Halligan, Deputy Director - Consumer Protection & Safety Division
- Overview of Gas Safety & Reliability Branch Enforcement Process – Sunil Shori, Interim Program and Project Supervisor – Gas Safety & Reliability Branch
  - Audit Letters
  - Violations cited as a Warning
  - Violations cited as a Violation
- Responses from any parties who have requested in advance to provide a statement/presentation
- Group Discussion / Q & A
- Closing Remarks – Mike Robertson, Program Manager - Gas Safety & Reliability Branch

# Possible Violations (PV) can be discovered through:

- Events self-identified and reported to the CPUC by the operator;
- Findings from routine GSRB audits of gas utility operators;
- Various types of GSRB investigations:
  - Complaints;
  - Reportable Incidents;
  - Issues raised by informants;
- Other

# Process for handling Possible Violations (PV) when found:

- Violations presenting an immediate hazard to public safety will have a citation issued, and require remedial action to be initiated on an urgent basis;
- Violations not presenting an immediate hazard will go through a GSRB/CPSD review process

# GSRB/CPSD Review Process

- ❑ **The review process will work to ensure statewide consistency in the reviews, determinations, final classification, and disposition of PVs discovered by GSRB**
- ❑ **Classification of violations will consider factors such as:**
  - Size of Utility Operator
  - Gravity of Utility Operator's violation
  - Good faith shown by Operator towards compliance
  - Conduct of the Operator before, during, and after discovery of the violation
  - The amount of the fine in context to previous Commission decisions
  - Trending information related to similar violations from the Operator
  - Other

# GSRB/CPSD Review Process

- **The review process will also work to determine if any remedial action is required. If it is, two options will be pursued:**
  - **Repair with 10 days**
  - **If repair actions are started, but cannot be completed within 10 days, then a remedial action plan must be submitted before the end of the 10 day period:**

# GSRB/CPSD Review Process

- **The remedial action plan must provide the following details:**
  - **Why additional time is required for remedial action;**
  - **How the allowance of additional time does not adversely impact public safety;**
  - **What other mitigating activities have been considered or implemented pending completion of remedial actions;**
  - **A date certain by which remedial actions will be completed.**

# How can Possible Violations (PV) be classified?

## **PVs will be classified in one of three ways:**

- The PV is not a violation
- The PV is a violation that warrants a Warning, with no immediate fine, which will be tracked and used for trending similar violations
- The PV is a violation that warrants a Citation and a fine related to the violation will be pursued.



# Potential Violations found during Compliance audits or investigations

- The potential violations will go through a review process;
- A letter detailing the potential violations will be sent to the utility operator who will then have 30 days to respond;
- The potential violations may become a Warning or Citation after GSRB reviews operator's response.

# Self Reported Violations

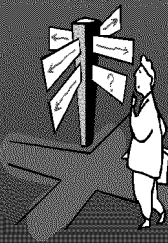
- Utility operators have ample opportunity to review their self reported violations before submitting them to the CPUC; therefore, the Warning or Citation for self reported violations can be issued without GSRB having to provide an operator opportunity for much additional review of the circumstances.
- However, this does not limit the ability of GSRB to investigate the self reported violations and their duration.

# Transparency Related to Warning or Citations

- The Citation or Warning will be posted to the CPUC website after it is issued;
- Any violations discovered through routine audits will be posted to the CPUC website as part of the audit report;
- Utility operators must notify the local agencies (city and county) of all Citations they receive. An affidavit confirming this, along with entities notified, must be submitted to the CPSD Director;
- Utility operators will not be required to provide public agency notifications for Warnings; however, they will be posted to the CPUC website.

# Receipt of Citation – No Appeal

- Utility operator pays Citation/Fine;
- Completes remedial action within the timeframes agreed to with CPSD;
- Case is closed by CPSD



# Receipt of Citation – Appeal

- Within 10 days of receiving a Citation from CPSD, an utility operator may appeal the Citation;
- An administrative proceeding, before an assigned CPUC Administrative Law Judge (ALJ), will be initiated;
- Ultimately the Commission will have to vote on the ALJ's proposed decision related to the appeal;
- Case will be closed by CPSD following CPUC decision.



# Group Discussion/Questions

