

Joshua N. Koenig

Attorney at Law
3860 NY 2
Cropseyville, NY 12052
(518) 469-9238

jkoenig@cdkpc.com

September 7, 2012

California Public Utility Commission
Legal Division - Public Records Office
505 Van Ness Avenue
San Francisco, CA 94102
Attention: Fred Harris

Subject: Request by Contact Voltage Information Center
for Utility Incident Reports
Draft Resolution L-441
PRA #0733

Greetings:

Please accept this filing as a proposed clarification and modification of the request we filed on August 1, 2012 on behalf of the Contact Voltage Information Center ("CVIC"), located in Providence, Rhode Island, seeking certain described electric incident reports filed by electric service and transmission utilities with the Public Service Commission ("Commission") and its Electric Safety and Reliability Branch ("ESRB") for each year starting with the year 2008, as well as copies of the related review reports of the ESRB.

We note that our request has been addressed by the Commission's staff in a Draft Resolution (No. L-441) for consideration by the Commission this month, and that this Draft Resolution has been the subject of critical comments by representatives of several of the regulated utility operators, including: San Diego Gas & Electric Company, on behalf of itself and Southern California Gas Company and Pacific Gas & Electric Company; and, representatives of Southern California Edison Company, as well as representatives of the Communications Industry Coalition, for several named communications service providers.

To a substantial extent, those commenting parties express concern with the scope of the proposed grant of document access that is described in the Draft Resolution in response to our original, and seemingly broad, request dated August 1.

It is not the purpose of the CVIC at this time to engage in the on-going dispute at the Commission regarding the broader policies for public access to records, particularly as that may have impact on other issues pending at the Commission, except to commend and support the Commission staff for what appears to be a proper application of the well-established policies to favor the least restrictive grant of records public access consistent with California law and agency rules and policies. Nonetheless, we are sensitive to the concerns of the commenting companies that our original request may be interpreted as

overly broad or inadequately specific. We believe that our request for records may be understood on its face as reasonably narrow and specific. However, it may be helpful to all concerned for us to make more clear the discrete scope of documentation sought, and to possibly narrow further the type and range of records that would be useful to CVIC.

As noted in our letter request of August 1, the Contact Voltage Information Center has a distinguished history of active support for public safety enforcement regarding the fatal threat of contact voltage from electric distribution lines and facilities, and has appeared before the legislative and regulatory authorities of a number of States. As a not-for-profit public interest advocate and advisory organization, the CVIC has taken a particular interest in the real threats to life and injury imposed particularly on unaware pets, who may encounter high voltage surfaces, devices, and other sources of dangerous electric shock at public areas and publicly accessible locations, such as public streets, sidewalks and ways, and nearby fences, poles and other energized objects including manhole covers, hydrants, signs and incidental metal objects.

As this real threat, already proven fatal in too many specific instances, has been given more serious and formal attention by a number of States and industry organizations, it has become clear that the most significant sources of danger relate to busy pedestrian and public areas with underground (or under-street) electric lines.

This is an emergent issue in the utility industry, which may explain the confusion raised by some commenters in regard to the term used to describe the issue. As an industry, the nation's electric companies have actively organized to share information and experience on this problem and to coordinate increasingly detailed programs for its treatment. The IEEE convened a "Working Group on Voltages at Publicly and Privately Accessible Locations" and has been conducting working sessions since June of 2007.¹ In 2010 it adopted working definitions of "Stray Voltage" and "Contact Voltage."²

Stray Voltage: A voltage resulting from the normal delivery or use of electricity which may be present between two conductive surfaces that can be simultaneously contacted by members of the general public or their animals. Stray voltage is not related to power system faults, and is generally not considered hazardous. (See also Contact Voltage)

Contact Voltage: A voltage resulting from power system faults which may be present between two conductive surfaces that can be simultaneously contacted by members of the general public or their animals. Contact voltage is not related to the normal delivery or use of electricity, and can exist at levels that may be hazardous. (See also Stray Voltage)

¹ <http://grouper.ieee.org/groups/td/dist/stray/>

² <http://grouper.ieee.org/groups/td/dist/stray/files/ContactVoltageDefinition.pdf>

The term most often used to describe the threat was originally "Stray Voltage," but has gradually been replaced more generally by use of the term "Contact Voltage." In either case, the problem is the same.

To help avoid needless confusion or an unnecessarily broad consideration of our document request, CVIC is willing to ask that its document request be considered amended to seek only those utility incident reports (starting in 2008) that relate to events of either "Stray Voltage" or "Contact Voltage," and only for those incidents that may be described as having occurred in the circumstances in which the terms "stray voltage" and "contact voltage" are generally understood to be a public threat by regulators and utilities, in publicly accessible locations such as on streets, sidewalks, and grounds that are proximate to underground electric distribution and service lines.

Likewise, we would ask that our request for the resulting investigation reports issued by the ESRB for the referenced incidents be limited to only those types of incident reports described here above. With respect to the reports of the ESRB that are issued to address other complaints, we would wish to make clear that our request relates only to such complaints that can be described as relating to shocks or injuries from "contact voltage" or "stray voltage" in publicly accessible places, and only to the extent that these were not also included in the appropriately filed utility incident reports (as they might be presumed to have been under the rule).

We do not seek to obtain information on instances of a victim's direct "***physical contact with energized electric lines***," which is described in the SDGE comments as what they understand to be "***contact incidents***." *Comments of SDGE and others, August 31, 2012, at 2, footnote 5.* Events where a victim (person or pet) suffers a shock exclusively caused by direct "physical contact with energized electric lines," or direct "contact with transmission/distribution electrical conductors." *Id.*, at proposed revised draft Resolution, would not qualify as cases of Contact Voltage, or Stray Voltage, unless the contact occurred because of defective equipment, improper installation or other condition consistent with the definition developed by the IEEE.

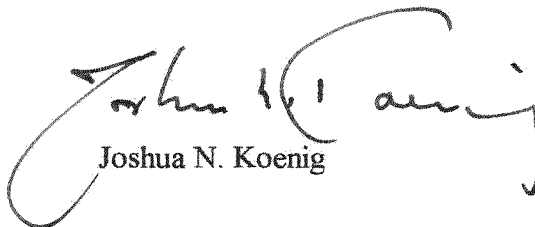
The very real and now too frequent threats that we seek to understand better in California are a danger to those walking on the sidewalks, streets and nearby grounds of public ways, especially the most innocent pets and service animals; we are not asking for reports of events that may have caused harm to electric company employees on poles, or working in vaults or conduits, or inside the fences of electric generation facilities. Moreover, consistent with the provisions of Cal. Pub. Util. Code Sect. 315, we hereby confirm that CVIC does not seek to obtain the requested records or documents for the purpose of admission into evidence in any action for damages based on or arising out of loss of life or injury to person or property. The CVIC is not acting on behalf of tort litigation attorneys and is not attempting to identify potential clients or claimants for claims.

The CVIC is fully aware that California Commission and the several utilities that have presented comments are truly sensitive to the safety of the public and are taking or considering steps to better assure that safety. And, we are also entirely sympathetic to the concerns of the Commission, and the utilities that serve the public, that there should be no unnecessary or harmful disclosure of personal private data about individuals in the public or of appropriately confidential or privileged information regarding the company or its facilities. We hope we made that clear in our initial requests. On the other hand, we do not wish to impose on the Commission or its staff a needless exercise in redactions that are not required for legal compliance or for protection of truly confidential data or information, nor do we wish to incur significant costs for excessive and unneeded redactions.

In that spirit, and to the extent that some of the reports we seek may not be made available, we would hereby ask that we be given a description merely of the number of such incidents, complaints, or reports that are in the Commission's possession, but are not available for us to review, and of the nature of the underlying incidents that meet the description of a "contact voltage" or "stray voltage" incident which occurred at a publicly assessable location.

Copies of this submission will be served on each of the commenting parties. Moreover, I would be pleased to discuss our comments or any proposal for cooperative adjustments or coordination. Thank you for your considerations.

Respectfully,



Joshua N. Koenig

3860 NY 2
Cropseyville, NY 12052
(518) 469-9238
fax (518) 279-9704

On behalf of
Contact Voltage Information Center
One Governor Street
Providence, RI 02906
Rosalind Rustigian, Exec. Director

cc: CVIC
Commenting Parties

CERTIFICATE OF SERVICE

I certify that I have this day served a true copy of the comments and revised documents request of the Contact Voltage Information Center on Draft Resolution L-441, dated September 7, 2012, by e-mail and by first class mail, upon the following:

Fred Harris, Staff Counsel, (with an original and two copies by mail)

Legal Division
California Public Utilities Commission
505 Van Ness Avenue, Room 5040
San Francisco, CA 94102-3298
fnh@cpuc.ca.gov

Janet Alviar
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102-3298
jva@cpuc.ca.gov

Communications Industry Coalition
Jeanne B. Armstrong, Esq.
Goodin MacBride Squeri, Day &
Lamprey
505 Sansome Street
Suite 900
San Francisco, CA 94111
wpena@goodinmacbride.com

Emma Salustro, Esq.
San Diego Gas & Electric Company
101 Ash Street, HQ 12
San Diego, CA 92101-3017
ESalustro@semprautilities.com

Southern California Edison
Mr. Akbar Jazayeri
VP Regulatory Operations
P.O. Box 800
8631 Rush Street
Rosemead, California 91770
akbar.jazayeri@sce.com

Dated September 7, 2012,
Cropseyville, NY 12052

Lee Schavrien
Sempra Energy Utilities
8330 Century Park Court,
ML CP33C
San Diego, CA 92123

Jeff Koskie
Southern California Gas Company
555 West Fifth Street, GT26G1
Los Angeles, CA 90013

Jennifer Dowdell
Pacific Gas and Electric Company
P.O. Box 770000, Mail Code B10C
San Francisco, CA 94177

Janin Watkins-Ivie
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, CA 91770

Carol Manson
San Diego Gas & Electric Company
8330 Century Park Court, CP 32D
San Diego, CA 92123

Meredith Allen (ME Ae@pge.com)

Redacted

Ann Kim (AHK4@pge.com)


Joshua N. Koenig