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Cc:
Bcc:
Subject: CPUC Creates Citation Program For Violations of Mitigation Measures: CPUC Press Release

**FOR IMMEDIATE RELEASE
RELEASE**

PRESS

Media Contact: Terrie Prosper, 415.703.1366, news@cpuc.ca.gov

Docket #: Res. E-4550

CPUC CREATES CITATION PROGRAM FOR VIOLATIONS OF MITIGATION MEASURES

SAN FRANCISCO, May 9, 2013 - The California Public Utilities Commission (CPUC) today approved a Citation Program that will allow staff to levy fines, payable by shareholders, against public utilities to quickly address and prevent situations that may threaten human beings, public safety, or sensitive environmental resources.

CPUC staff can now fine utilities for non-compliance mitigation measures within a Permit to Construct (PTC) or Certificate of Public Convenience and Necessity (CPCN) issued for natural gas storage facilities, electric generating plants, electric transmission/power/distribution line facilities, and substations. Prior to the Citation Program, fining a utility for violating mitigation measures within PTCs or CPCNs required the opening of a proceeding and vote of the Commissioners.

In an effort to increase its ability to address and prevent potential safety issues, over the last several years the CPUC has established Citation Programs in numerous areas, including gas safety; household good movers; charter party carriers; passenger stage corporations; maintenance and operation of power plants; “slamming” by telecommunications providers; and compliance with Resource Adequacy and Renewables Portfolio Standard requirements.

Public utilities must comply with the California Environmental Quality Act (CEQA) as part of receiving PTCs and CPCNs for natural gas storage facilities, electric generating plants, electric transmission/power/distribution line facilities, and substations. In many cases the CEQA documents will require the utility to take specified mitigation measures that will reduce or eliminate environmental harm and increase the safety of the projects. The CPUC ensures that projects comply with these mitigation measures or conditions identified in the final decision granting a PTC or CPCN.

The purpose of the Citation Program is to reduce the number of compliance violations that occur by imposing fines when utilities fail to comply. Examples of non-compliance include:

- Continuing construction after an authorized staff person has required construction to stop;
- Starting construction components that have not been approved through a Notice to Proceed;
- Violating nest buffer zones;
- Encroachment into an exclusion zone or sensitive resource area designated for avoidance;
- Grading, foundation, line work, or other ground disturbance without required biological pre-construction surveys or biological monitor on site;
- Use of new access roads, overland travel routes, staging areas, or extra work spaces that have not been approved;
- Failure to properly maintain an erosion or sediment control structure;
- Working outside of approved work hours; and,
- Project personnel working without proof of training.

The proposal voted on is available at
<http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M064/K709/64709834.PDF>.

For more information on the CPUC, please visit www.cpuc.ca.gov.

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