

From: Fugere, Raymond G.
Sent: 11/25/2013 2:35:48 PM

To: Redacted

Cc: Allen, Meredith (/O=PG&E/OU=Corporate/cn=Recipients/cn=MEAe); Cho, Raymond (Raymond.Cho@cpuc.ca.gov); Lau, Jamie L. (Jamie.Lau@cpuc.ca.gov)

Bcc:

Subject: RE: Media Related Electric Incident Reports During Storms

Messieurs Redacted

Thank you for the response to my staff concerning the four incidents that were not reported. As you are aware, Public Utilities Codes Section 315 states in part:

The commission shall investigate the cause of all accidents occurring within this State upon the property of any public utility or directly or indirectly arising from or connected with its maintenance or operation, resulting in loss of life or injury to person or property and requiring, in the judgment of the commission, investigation by it, and may make such order or recommendation with respect thereto as in its judgment seems just and reasonable. ... Every public utility shall file with the commission, under such rules as the commission prescribes, a report of each accident so occurring of such kinds or classes as the commission from time to time designates.

The Commission has adopted and revised reporting requirements to define "in the judgment of the commission". The current reporting requirements are specified in Commission Resolution E-4184. The resolution states in part:

Reportable incidents are those which: (a) result in fatality or personal injury rising to the level of in-patient hospitalization and attributable or allegedly attributable to utility owned facilities; (b) **are the subject of significant public attention or media coverage and are attributable or allegedly attributable to utility facilities**; or (c) involve damage to property of the utility or others estimated to exceed \$50,000. [Emphasis added]

As noted above the resolution states “are the subject of significant public attention or media coverage and are attributable or allegedly attributable to utility facilities”. Currently, PG&E procedure titled RISK-6305P-01 (Procedure), defines “significant media attention” internally for PG&E in various ways, including but not limited to:

- [Redacted] Contacts from 3 or more media sources
- [Redacted] Internet media outlets posting 3 or more stories of the event
- [Redacted] PG&E External Communications conducts an on-site interview

However, the Procedure, states “Media related incidents are not reported to the PG&E CPUC EIR Hotline during storms.”

Furthermore, to support the position of not reporting storm related incidents that garner media attention, [Redacted] makes three points which are:

1. Julian Ajello, stated in a phone conversation, that the CPUC and PG&E agreed that storm events concerning media attention do not need to be reported.
2. A copy of the procedure was sent to myself, in February 2013.
3. PG&E Form titled *ELECTRIC INCIDENT REPORT FORM*, (Form)states that storm events are excluded.

Point 1: *Julian Ajello, stated in a phone conversation, that the CPUC and PG&E agreed that storm events concerning media attention do not need to be reported. To Support this argument [Redacted] states:*

While PG&E has been unable to find documentation between PG&E and the CPUC regarding the storm exception, Mr. Julian Ajello, Program and Project Supervisor, CPUC, Retired, was contacted to discuss this detail. Mr. Ajello consults with PG&E on occasion and he was willing to discuss this topic with me. Mr. Ajello remembers the conversations between PG&E and CPUC and agreed that at that time, the CPUC was in full concurrence with not reporting Media related events during storms as the volume of reportable events would be significantly higher. It is estimated that the volume of events reported to the CPUC would increase dramatically if PG&E were to report Media related events during storms.

While, Mr. Ajello may have agreed that storm related media events should not be reported, Mr. Ajello's opinion or comments to PG&E staff does not allow PG&E to violate a Commission order. Specifically, Resolution E-4184, does not contain language that Commission Staff may revise, alter or reduce the requirements of the resolution. Furthermore, ESRB staff checked with, Raffy Stepanian, former Branch Manager of ESRB and its predecessor USRB, and Mr. Ajello's last boss at the Commission, if he recalled any agreement between either of the Branches and PG&E staff and he stated he did not recall such an agreement.

Point 2: *A copy of the procedure was sent to myself, in February 2013.* To Support this argument [Redacted] states:

A summary of PG&E's reporting criteria was also sent to Mr. Fugere via email in February 2013 (attached below) and specifically asked for comments. PG&E did not receive a response from Mr. Fugere or ESRB Staff.

It appears that [Redacted] attempts to imply that because I received it a summary of the Procedure and did not send comments I approved said procedure. This point utilizes the maxim *Qui tacet consentire*, which means "Silence gives consent". However, this point is invalid, because the limited text in the email does not give enough information to agree or disagree. The text sent to me does not give a definition for Storm. Furthermore, the Procedure itself, does not define the term "Storm".

Point 3: *PG&E Form titled ELECTRIC INCIDENT REPORT FORM, (Form) states that storm events are excluded.* To Support this argument [Redacted] states:

As stated above, countless Initial and Final Electric Incident reports over the past 10 years have been submitted to the CPUC that outline PG&E's media reporting requirements and storm exception.

The Form that contains the Final Electric Incident Reports states in part:

An incident that is non-storm related, is attributable or allegedly attributable to Pacific Gas and Electric owned electric facilities, and is subject to significant public attention and/or media coverage by three or more qualifying media companies in the Immediate Bay Area.

As noted above, the term "Storm" does not appear in any other portion of the Procedure. Furthermore, according to the Webster 's New World Dictionary, the word "Storm" first definition is:

An atmospheric disturbance characterized by a strong wind, usually accompanied by rain, snow, sleet or hail, and often thunder and lighting.

The term storm is vague and is open to interpretations between Commission staff and PG&E staff and such a subjective term should not be used as a limiting clause for reporting an incident.

Additionally, the Form, itself contradicts law in other area. The Form requires incidents involving \$50,000 worth of damage have to be reported within 60 days, as of August 21, 2008, that requirement was deleted. Furthermore, the Form and the Procedure contradict itself concerning the 60 day requirement.

Redacted points are invalid, and Commission Resolution E-4184, requires incidents that meet significant media attention to be reported, we expect PG&E to report incidents under all weather conditions. Furthermore, ESRB expects incidents that involve over \$50,000 to also be reported whether or not a "Storm" is occurring.

However, as you are aware ESRB is looking into consolidating all of the Electric Reporting Requirements for simplicity and clarification. The topic of what constitutes an electrical incident can be broached during those discussions.

Lastly, while this email points out errors concerning PG&E's Procedure concerning reporting of "Storm" related incidents; do not take silence on the other areas of the

Procedure as approval.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

Raymond G. Fugere, P.E.

Program & Project Supervisor

Safety and Enforcement Division

320 W. 4th Street, Suite 500

Los Angeles, CA 90013

Office (213) 576-7015

From: [Redacted]
Sent: Friday, November 22, 2013 3:15 PM
To: Lau, Jamie L.; Cho, Raymond
Cc: Fugere, Raymond G.; [Redacted]
Subject: Media Related Electric Incident Reports During Storms

Raymond and Jamie,

I want to acknowledge your inquiries concerning electric incidents that have taken place this week throughout our service territory during storms.

Raymond Cho Items

Ray sent a message to our team on at 12:10 PM on 11/20 where he attached two news articles:

1. One posted at 11/20/2013 07:52:07 AM PST from the San Jose Mercury News about rain caused pole fires in San Jose, and
2. The other posted 11/20/2013 8:02 AM from the Press Democrat in Santa Rosa about an outage caused by equipment failure

Ray asked two questions:

1. Please research these two incidents that happened and why they were not reported, and
2. The first of the two looks like it surpassed the threshold of the property damage criterion. And have you received three media inquiries/reports on the second item?

PG&E researched both incidents and have the following to share.

Regarding the rain caused pole fires in San Jose:

- The >\$50k Property Damage threshold for incident reporting was not met.
- PG&E did receive multiple media inquiries but did not report them under the Media exception due to storm activity. Please see comments below regarding reporting Media criteria incidents during storms.

Regarding the outage in Santa Rosa, PG&E only received two media inquiries and therefore did not meet the criteria. In addition, had we received three or more media inquiries, we would not have reported it pursuant to the storm exception. Please see comments below regarding reporting Media criteria incidents during storms.

Ray sent an additional message at 9:58 AM on 11/22 following up on:

1. The two incidents listed above in his previous communication
2. The one incident listed below in Jamie's inquiry, and
3. One addition new item posted on the Lamorinda Patch at 10:37 PM on 11/21 concerning a story about a power pole that fell in downtown Lafayette due to a deep trench dug by a construction crew as well as heavy rains.

The power pole issue in Lafayette also took place during storms and was excluded from being reported due to the storm exception

Jamie Lau Items

Jamie sent a message to our team at 12:10 PM on 11/20 about news of a PG&E downed power line affecting Cal Train service in San Mateo County. She attached two news articles and asked if PG&E can provide more information regarding this incident? The articles Jamie sent were from:

1. The San Mateo Patch, and
2. The San Jose Mercury News

Jamie sent a follow up message at 5:15 PM on 11/21 and asked: "This incident was seen on KTVU and CBS news. Can PG&E explain why this is not reported to us yet? This incident occurred yesterday about 5 pm and was widely reported in local news."

The answer is the same for this media related event in that PG&E did not report them under the Media criteria due to the storm exception. Please see comments below regarding reporting Media criteria incidents during storms.

PG&E's Media Reporting Criteria

PG&E's Media Reporting Criteria is essentially the same as it has been for at least a decade and has been readily available to the ESRB staff for review. Specifically, each time PG&E files a Final Incident Report (example attached below), the cover page specifically states, "Media: An incident that is non-storm related . . ." In addition, prior to the inception of the web reporting portal, PG&E included this statement on its Initial Incident Reports as well.

While PG&E has been unable to find documentation between PG&E and the CPUC regarding the storm exception, Mr. Julian Ajello, Program and Project Supervisor, CPUC, Retired, was contacted to discuss this detail. Mr. Ajello consults with PG&E on occasion and he was willing to discuss this topic with me. Mr. Ajello remembers the conversations between PG&E and CPUC and agreed that at that time, the CPUC was in full concurrence with not reporting Media related events during storms as the volume of reportable events would be significantly higher. It is estimated that the volume of events reported to the CPUC would increase dramatically if PG&E were to report Media related events during storms. Mr. Ajello told me that if asked by CPUC staff, he would share the same information. Mr. Ajello's mobile phone number is Red

Redacted

As stated above, countless Initial and Final Electric Incident reports over the past 10 years have been submitted to the CPUC that outline PG&E's media reporting requirements and storm exception. In addition, PG&E has shared its Electric Incident Reporting process (attached below) through data requests responses to Utilities Engineers. A summary of PG&E's reporting criteria was also sent to Mr. Fugere via email in February 2013 (attached below) and specifically asked for comments. PG&E did not receive a response from Mr. Fugere or ESRB Staff.

Please let me know if the CPUC disagrees with these previously agreed to process so we can modify accordingly.

Please call with any questions or concerns.

Respectfully yours,

Redacted

Supervisor, Distribution Compliance

Pacific Gas and Electric Company

3401 Crow Canyon Road, #221-C

San Ramon, CA 94583

Redacted

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