



Proposed Electric Safety Citation Program

Background: The Revised Draft Resolution ESRB-4 (Attachment B to draft OIR) delegates specified authority to Safety and Enforcement Division Staff or other Executive Director designations to issue citations in order to enforce compliance with General Orders (GO) 95, 128, 165, 166, 174, and other applicable regulations (but does not mention electric generation and GO 167).

Draft Resolution ESRB-4 (Revised) Summary	
Timing (Retroactivity)	<ul style="list-style-type: none"> Citations may be issued for violations that have occurred both before and after the date of the Resolution
Violations, Penalties, and Mitigating Factors	<ul style="list-style-type: none"> Each violation is a separate and distinct offense and ongoing violations are separate and distinct offenses which are not cured until a satisfactory repair has been made Staff can issue fines up to the statutory limit of \$50,000 per violation per day The utility's schedule for repairs is irrelevant for purposes of violations; citations may be issued and penalties levied regardless of the status of the utility's schedule for repairs Staff has discretion to reduce the maximum penalties based on various factors, including: <ul style="list-style-type: none"> Whether the utility self-identifies and self-corrects the violation (and no injury or damage has occurred) The good faith of the utility in attempting to achieve compliance (including the conduct of the utility before, during and after the offense to prevent, detect, disclose and rectify a violation) The gravity of the violation (including the severity of the offense) Penalties are the responsibility of shareholders
Curing Violations	<ul style="list-style-type: none"> Payment of citation or filing an appeal does not excuse promptly curing cited violations Issuance of a citation and payment of the penalty does not prevent the Commission from taking additional remedial measures (e.g., issuing an OII) If a violation cannot be cured within 30 calendar days the utility shall submit a detailed Compliance Plan to SED reflecting the soonest that the utility can correct the violations
Self-Identified Reporting	<ul style="list-style-type: none"> Staff shall develop a list of those violations to be self-reported; workshops will be held to establish these requirements