

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

RESOLUTION E-3441
OCTOBER 22, 1997

R E S O L U T I O N

RESOLUTION E-3441. SAN DIEGO GAS & ELECTRIC COMPANY (SDG&E) REQUESTS CHANGES TO ITS TARIFF RULES 1, 3, AND 11 INCLUDING SERVICE ESTABLISHMENT SCHEDULES FOR GAS AND ELECTRIC IN ORDER TO ESTABLISH A SAFE WORKING ENVIRONMENT FOR ITS EMPLOYEES THAT MUST PERFORM THEIR DUTIES ON CUSTOMERS' PREMISES.

BY ADVICE LETTER 963-E/993-G AND SUPPLEMENTAL ADVICE LETTER 963-E-A/993-G-A FILED ON NOVEMBER 5, 1995 AND OCTOBER 15, 1996, RESPECTIVELY.

SUMMARY

1. San Diego Gas & Electric Company (SDG&E) requests to modify its Tariff Rule 1 - Definitions, Rule 3 - Application for Service, and Rule 11 - Discontinuance of Service, applicable to its electric and gas departments. In addition, SDG&E proposes to modify electric and gas Schedules SE and G-91, Service Establishment Charge, respectively, to conform with the changes to the rules. The revisions are intended to enable SDG&E provide a safe environment for its employees who must perform their duties on customers' premises, where SDG&E's equipment is located. Similar tariff changes were approved for Southern California Edison Company (Edison) by Commission Resolution E-3422 on September 27, 1995.
2. A Resolution recommending approval of the original filing with modifications was prepared for the April 10, 1996 Commission meeting. That Resolution was withdrawn from the Commission agenda.
3. On May 9, 1996, the then Energy Branch of the Commission Advisory and Compliance Division (CACD) convened a workshop at SDG&E's headquarters in San Diego. Interested parties were invited to explore the extent of the employee safety problem on customers' premises and find better ways to solve it without resorting to SDG&E's proposal. There was no consensus among the parties but several suggestions were provided.
4. SDG&E supplemented Advice Letter 963-E/993-G in its entirety by Advice Letter 963-E-A/993-G-A in view of the

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concerns expressed at the workshop. SDG&E now proposes a one-year Pilot Program for the tariff changes. SDG&E is to file a report on the program with the Energy Division indicating whether to make the changes permanent or not. The changes focus on working with any alleged customer confrontation prior to the time service termination is initiated and by providing sufficient notice.

5. No protests to Supplemental Advice Letter 963-E-A/993-G-A were received.

6. This Resolution approves SDG&E's request because the burden of proof is on SDG&E to provide evidence that it did work with the customer prior to service termination. This should enable SDG&E to provide a safe working environment for its employees while protecting the customer from an unwarranted termination of service. The changes requested by SDG&E terminate at the end of the Pilot Program and can only be extended by a Commission Resolution.

BACKGROUND

1. SDG&E's Advice Letter 963-E/993-G filing was prompted by Edison's Advice Letter 1103-E filed on May 3, 1995 and approved by Resolution E-3422 dated September 27, 1995. Edison requested approval to modify its tariffs in order to establish a safe working environment for its employees and customers. SDG&E seeks similar changes to its tariffs for the same objective.

2. Edison supported its request with results of a survey conducted of its operations and the operations of 18 other utilities nationwide, including SDG&E. Edison found a marked increase in the number of employees who had been threatened personally or assaulted in the last two years and an individual who had impersonated an Edison employee with the intention to commit a crime. The survey also shows that most of the victims were predominantly senior citizens, minorities, or both.

3. The survey further shows more serious problems exist for Edison's employees than for SDG&E employees. For example, in 1994 Edison reported 90 verbal threats, 40 assault cases, 42 impersonations, and 4 arrests for assaults. SDG&E reported 1 verbal threat, 3 assault cases, 4 impersonations, and no arrests for assaults. For 1995, SDG&E stated that there were 2 verbal threats and 1 assault, and these were reported to the police but no arrests were made.

4. On October 15, 1996 SDG&E filed Supplemental Advice Letter 963-E-A/993-G-A replacing its original filing due to the withdrawal of the April 10, 1996 draft Resolution and the subsequent May 9, 1996 workshop held in San Diego. Present at the workshop were representatives from major energy utilities, employee unions, consumer advocate Michael Shames, and Commission staff. There was no consensus during the five-hour discussion but several suggestions were made to mitigate the problem of protecting the customer from unwarranted termination of service while ensuring the safety of SDG&E's employees.

SDG&E decided to modify its original tariff changes request to allay the concerns expressed at the workshop.

5. SDG&E states that its electric and gas Tariff Rule 16, Service Extension, provides SDG&E employees access to SDG&E's equipment on a customer's property. For the safety of its employees and customers, SDG&E proposes these changes to Schedules SE, G-91, and Rules 1, 3, and 11 as follows:

- o The addition of a new special condition to Schedules SE and G-91, to indicate that SDG&E may refuse to reconnect service if it is unable to arrange with the customer for a safe working environment for utility employees on the premises being served;
- o The addition of a definition of "violence" to electric and gas Rule 1, Definitions, to insure that the term is understood and uniformly applied;
- o The expansion of electric and gas Rule 3, Section E, Refusal to Provide Service, to provide that service may be refused when the utility is unable to arrange with the applicant or customer for a safe working environment for utility employees on the premises being served. Section E was formerly titled False and Inaccurate Information, and contains provisions that service may be denied if the applicant or customer has acted in a fraudulent manner or provided fraudulent information to the utility. They were approved by Resolution E-3411 dated June 8, 1995; and
- o The addition of a new Section, Unsafe Environment, to electric and gas Rule 11, Discontinuance of Service. This will allow SDG&E to disconnect the customer's service, with a written notice of at least 48 hours, if the customer or anyone on the premises inflicts bodily harm upon an SDG&E employee. The discontinuance of service may be avoided if the customer agrees to meet with utility management and/or law enforcement and to cease from any act of violence.

6. SDG&E requests that these changes be in effect for a one-year Pilot Program and to render a report to the Energy Division whether to make them permanent or not.

7. SDG&E's tariff changes provide an opportunity to any customer to meet with the Customer Services management and Security, prior to service being disconnected or reconnected. SDG&E said that this provision should enable it to discuss its problem with the customer and explain other available alternatives so that any misunderstandings which might have inadvertently occurred can be resolved. This provision is added to Rule 11. SDG&E also indicates it will estimate customer bills in any hostile situation.

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NOTICE

1. Public notice of this filing has been made by publication in the Commission's calendar and copies of the advice letter have been distributed in accordance with Section III-G of General Order (GO) 96-A.

PROTESTS

1. The Energy Division (ED) has received no protests to Supplemental Advice Letter 963-E-A/993-G-A.

DISCUSSION

1. The ED has reviewed the supplemental advice letter and the proposed tariff changes. SDG&E's latest proposal modifies the language in the original tariff changes request to Schedules SE, G-91, and Rules 1, 3, and 11. These changes still focus on the safety of its employees and customers. They are still more restrictive than the existing tariff provisions.

2. The ED believes that the changes proposed by SDG&E are made in good faith because they provide for a meeting with any alleged customer to resolve any misunderstanding before service is terminated or reconnected. SDG&E should therefore make a good faith effort to meet the customer prior to disconnection of service. This should prevent unwarranted discrimination due to other reasons such as a customer's appearance or the condition of his/her neighborhood. SDG&E will also provide a written notice at least 48 hours prior to discontinuance of service as required by Public Utility Code (PU Code) Section 779.1 (b).

3. At present, it does not appear that SDG&E employees have any serious problem when performing their duties. SDG&E does not want to wait until an employee is seriously injured or dies before the changes are made.

4. The ED supports the changes as amended because they include a good faith effort to resolve any misunderstanding that might be real and/or perceived by the customer. The ED believes that SDG&E will work with the customer before any disconnection of service is initiated. We recognize that the burden of proof is on SDG&E to demonstrate to a third party arbitrator such as Consumer Services Division of the Commission that it was unable to arrange a meeting with the customer for a workable solution to the problem between it and the customer. In a situation where the meter reader can't read meters because of lack of cooperation and/or dangerous environment, SDG&E is willing to estimate customer bills. This is one of the suggestions made at the workshop. The ED finds these mitigating solutions to the problem reasonable.

5. During the workshop, it was suggested that SDG&E seek relief from local law enforcement agencies. SDG&E stated that many of the cases against its employees have been difficult to prosecute because there were no witnesses to the incidents. One participant said that you either make a citizen's arrest or the

police arrest both parties involved. SDG&E's statement is supported by Edison's data. For example, in 1994, Edison had 127 reported threats, 59 assaults, and some of these involved the use of a knife or gun but none of them resulted in prosecution¹. It was also said that prosecution takes a long time. SDG&E's Security Chief who is an ex-police officer added that it now takes about three years to even get a case in to the courts. He said the police have no time for the type of cases they bring to their attention because they have more serious cases. The ED recognizes these difficulties and understands why SDG&E has sought tariff changes that would enable it to work with its customers.

6. SDG&E plans to issue a report showing the impact the changes have on employee safety. This report should be submitted three months prior to the expiration date of the program by advice letter to enable the Commission to act on whether to make the tariff changes permanent or not. The report should contain at a minimum the following information: any impersonation, assaults, and threats with or without arrests, and the involvement of the police or security personnel including the final disposition of the cases.

7. At this time, we recommend that the tariff changes requested by SDG&E be approved.

FINDINGS

1. On May 3, 1995 Edison filed Advice Letter 1103-E to modify Rules 1, 3, and 11 for the purpose of establishing a safe working environment for employees from Edison.

2. Edison's request was approved by Resolution E-3422 on September 27, 1995.

3. By Advice Letter 963-E/993-G filed on November 9, 1995, SDG&E seeks changes to its electric and gas tariffs similar to those approved for Edison.

4. The information provided by SDG&E does not demonstrate imminent danger to its employees, thereby justifying an immediate remedy. SDG&E, however, does not want to wait until harmful incident happens to any of its field employees.

5. On October 15, 1996 SDG&E supplemented its entire original advice letter and modified the language in its tariff changes request. This is to allay the concerns expressed at a workshop held in San Diego subsequent to the withdrawal of the April 10, 1996 resolution from the Commission Agenda. The workshop produced no consensus solutions to the problem.

¹ For 1994, Edison reported 42 impersonations and SDG&E reported 4. This Resolution does not address any impersonation without a threat to commit other crimes.

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6. The tariff changes proposed by SDG&E are more restrictive than existing provisions and will be in effect for a one-year Pilot Program. They shall terminate unless extended by a Commission Resolution upon filing a report three months prior to the expiration date.

7. SDG&E will enforce the provisions by giving customers the opportunity to resolve any real or perceived problem and/or misunderstanding by making a good faith effort meeting with the customer prior to disconnection of service. SDG&E shall estimate customer bills in any hostile situation.

8. This Resolution does not address any impersonation without a threat to commit other crimes.

9. SDG&E's tariff changes are restrictive but considered reasonable at this time because they tentatively provide ways to improve employee safety if an employee is threatened on a customer's premises.

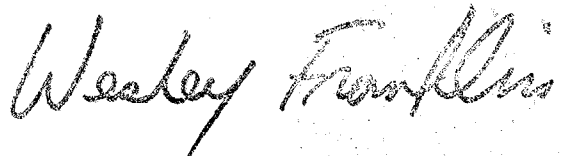
THEREFORE, IT IS ORDERED that:

1. San Diego Gas and Electric Company's (SDG&E's) Supplemental Advice Letter 963-E-A/993-G-A is hereby approved.

2. The tariff changes approved shall terminate after a one-year Pilot Program unless extended by a Commission Resolution upon filing a report by advice letter with the Energy Division three months prior to the expiration of the program.

3. This resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on October 22, 1997. The following Commissioners approved it:



WESLEY FRANKLIN
Executive Director

P. Gregory Conlon, President
Jessie J. Knight, Jr.
Henry M. Duque
Josiah L. Neeper
Richard A. Bilas
Commissioners