



CPUC Public Agenda 3427
Thursday, November 8, 2018 9:30 a.m.
Fresno, CA



Commissioners:
Michael Picker, President
Carla J. Peterman
Liane M. Randolph
Martha Guzman Aceves
Clifford Rechtschaffen

www.cpuc.ca.gov





The Pledge of Allegiance



“I pledge allegiance to the Flag of the
United States of America,
and to the Republic for which it stands,
one nation under God,
indivisible,
with liberty and justice for all.”





Emergency Evacuation

Safety is our number one priority:

Please listen to the emergency evacuation instructions for this location.





CPUC Mission

The CPUC regulates services and utilities, protects consumers, safeguards the environment, and assures Californians' access to safe and reliable utility infrastructure and services.





CPUC Core Values

Accountability
Excellence
Integrity
Open Communication
Stewardship





Commissioner Code of Conduct

- **I. Commissioners should conduct themselves in a manner that demonstrates respect for the public, for fellow Commissioners, and for Commission staff.**
- **II. Commission meetings should be opportunities for a full and respectful exchange of ideas and the responsible execution of Commission duties.**
- **III. Serving on the Commission is an honor and Commissioners should treat their colleagues at the Commission with respect for the varied backgrounds, skills and interests that each one brings.**
- **IV. Commissioners are public officials who should uphold the integrity of their office at all times.**





Public Comment

- Per Resolution ALJ-252, any member of the public (excluding parties and their representatives) who wishes to address the CPUC about matters before the Commission must sign up with the Public Advisor's Office table before the meeting begins. If an individual has signed up using the electronic system on the Commission's website, they must check in with the Public Advisor's Office on the day of the meeting, by the sign-up deadline.
- Once called, each speaker has up to 3 minutes at the discretion of the Commission President. Depending on the number of speakers, the time limit may be reduced to 1 minute.
- A sign will be posted when 1 minute remains.
- A bell will ring when time has expired.
- At the end of the Public Comment Section, the Commission President will ask if there are any additional individuals who wish to speak. Individuals who wish to speak but did not sign up by the deadline, will be granted a maximum of one minute to make their comments.

Public Comment is not permitted on the following items:

- **16, 18 and 32.**
- All items on the Closed Session Agenda





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Public Agenda Changes

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each CPUC meeting.

- Items on Today's Consent Agenda are: **1, 4, 5, 6, 9, 11, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 25, 27 and 28.**
- Any Commissioner, with consent of the other Commissioners, may request an item from the Regular Agenda be moved to the Consent Agenda prior to the meeting.
- **No Item** from the Regular Agenda has been added to the Consent Agenda.
- Any Commissioner may request an item be removed from the Consent Agenda for discussion on the Regular Agenda prior to the meeting.
- **Item 10** has been moved to the Regular Agenda.
- **No Item** has been withdrawn.
- The following items have been held to future Commission Meetings:
 - Held to 11/29/18: **3, 8, 12, 17, 24 and 26.**
 - Held to 12/13/18: **2 and 7.**





Regular Agenda

- Each item on the Regular Agenda (and its alternate if any) will be introduced by the assigned Commissioner or CPUC staff and discussed before it is moved for a vote.
- For each agenda item, a summary of the proposed action is included on the agenda; the CPUC's final decision may, however, differ from that proposed.
- The complete text of every Proposed Decision or Draft Resolution is available for download on the CPUC's website: www.cpuc.ca.gov.
- Late changes to agenda items are available on the Escutia Table.





Regular Agenda- Orders and Resolutions

Item # 10 [16868] – Pacific Gas and Electric Company Request Approval of Four Energy Storage Facilities with the Following Counterparties: mNOC, Dynegy, Hummingbird Energy Storage, LLC, and Tesla

Res E-4949, Advice Letter 5322-E filed June 29, 2018 - Related matters.

PROPOSED OUTCOME :

- Approves cost recovery for three power purchase agreements and one engineering, procurement and construction (EPC) agreement for four energy storage facilities with the following counterparties: mNOC, Dynegy, Hummingbird Energy Storage, LLC, and Tesla.
- Finds that the Moss Landing Energy Storage project does not require a Certificate of Public Convenience and Necessity or permit to be issued from the Commission.

SAFETY CONSIDERATIONS :

- Each power purchase agreement includes Section 11, which contains detailed safety provisions, including the requirement for a safety plan. The EPC agreement for the Moss Landing project also contains detailed safety provisions.

ESTIMATED COST :

- The total costs are confidential at this time.





Resolution E-4949

PG&E Advice Letter 5322-E



Simon Baker
Deputy Director, Energy Division
November 8, 2018 Business Meeting



- Approves PG&E Advice Letter (AL) 5322-E, which contains 567.5 MWs of energy storage projects in the South Bay – Moss Landing subarea.
- Three proposed projects, totaling 385 MWs, would be owned and operated by third parties.
- One proposed project, totaling 182.5 MWs, would be constructed by Tesla and owned by PG&E.
- Because the projects are needed for local reliability, their costs may be recovered from all ratepayers. If the actual costs for the proposed utility owned storage exceed projected costs, then PG&E must file an Application for reasonableness review.
- PG&E is required to submit a report to the Energy Division annually with estimated greenhouse gas impacts of the projects, starting one year after the first project achieves Commercial Online Date.



Projects in PG&E AL 5322-E

<i>Developer</i>	<i>MW's</i>	<i>Technology</i>	<i>Duration (hours)</i>	<i>Contract Type</i>	<i>Duration (years)</i>	<i>COD</i>	<i>NMV/PAV (\$/kW)</i>
Dynergy	300	LiOn	4	Capacity (third party)	20	12/1/20	327/347
Hummingbird Energy Storage, LLC	75	LiOn	4	Capacity (third party)	15	12/1/20	260/283
mNOC	10	LiOn	4	Capacity (third party)	10	10/1/19	722/905
Tesla	182.5	LiOn	4	EPC (utility owned)	N/A	12/31/20	495/541

PG&E selected the most cost effective projects, all with positive net market (NMV) and portfolio (PAV) values.

These four projects yield an estimated total benefit of \$233 Million over 10 years over either backstop capacity procurement mechanism – Reliability Must Run (RMR) or the Capacity Procurement Mechanism (CPM).



This procurement was in response to CPUC direction to PG&E to seek preferred resource alternatives to reduce the need for CAISO to “RMR” several gas generators.

- Authorized Pacific Gas and Electric Company to hold competitive solicitations for energy storage and/or preferred resources, to meet specific local area needs in the Pease, Bogue, and South Bay-Moss Landing sub-areas, to reduce or eliminate the need for reliability must run (RMR) contracts for three gas-fired power plants: Feather River, Yuba City and Metcalf Energy Centers.
- Required PG&E to consider all new and planned transmission solutions, and consult with the CAISO to ensure that its portfolio reduces or eliminates the need for these gas-fired plants in any year from 2019 through 2022.





PG&E AL 5322-E Consistent with Commission Direction

This resolution finds that PG&E's AL 5322-E is consistent with the prior directive to PG&E:

- Finds that reliability issues remain in the South Bay – Moss Landing subarea, even with \$14 Million in upgrades approved in the CAISO's 2017-2018 transmission plan.
- Finds that directives of Resolution E-4909 remain relevant, as market conditions and increased demand may justify new RMR agreements or the extension of existing.
- Approves all four projects, and finds that projects procured by PG&E hold significant value to PG&E ratepayers and overall reliability.
- Finds that PG&E met requirements in Resolution E-4909 to consult with the CAISO.
- Finds that the four projects meet current local reliability criteria – both dispatch duration and location.



Local Reliability Need in South Bay-Moss Landing Sub Area



South Bay-Moss Landing LCR Need
For Illustration Purposes Only



The majority of resources serving the South Bay - Moss Landing subarea are not under long term contract and are not contracted beyond 2018.





Background

January 2018: Commission adopted Resolution E-4909, authorizing Pacific Gas and Electric Company (PG&E) to hold competitive solicitations for energy storage and/or preferred resources, to reduce or eliminate the need for reliability must run (RMR) contracts in three subareas and mitigate the exercise of market power.

March 2018: CAISO approved transmission upgrades to mitigate 400-600 MWs in the South Bay – Moss Landing subarea.

May 2018: CAISO adopted its 2023 Local Capacity Technical Report increasing the demand in the South Bay – Moss Landing subarea by more than 300 MWs in 2023.

June 2018: Calpine signals potential retirement of its Los Esteros plant in the South Bay – Moss Landing subarea; and, PG&E submits Advice Letter (AL) 5322-E to the Commission with 567.5 MWs of energy storage projects in South Bay – Moss Landing subarea.

June – October 2018: Energy Division storage and resource adequacy teams evaluate AL 5322-E, the cost and value of the storage projects, potential for resource retirements in the South-Bay Moss Landing subarea, and projected load growth.

October 2018: Energy Division issues draft Resolution E-4949 proposing approval of approving PG&E AL 5322-E.





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- Finds that the Moss Landing Energy Storage project does not require a Certificate of Public Convenience and Necessity or permit to be issued from the Commission.

SAFETY CONSIDERATIONS :

- Each power purchase agreement includes Section 11, which contains detailed safety provisions, including the requirement for a safety plan. The EPC agreement for the Moss Landing project also contains detailed safety provisions.

ESTIMATED COST :

- The total costs are confidential at this time.





Regular Agenda- Transportation/Rail Safety Orders

Item # 29 [16960] – Application of the California High-Speed Rail Authority to Construct Grade-Separated Crossings Over and Under the High-Speed Rail Tracks in Fresno County

A.18-05-019

Application of the California High-Speed Rail Authority for Approval to construct two New Grade Separated Crossings, One under the Proposed High-Speed Rail Tracks at Peach Avenue (208.29) and one Over the Proposed High Speed Rail Tracks at Davis Avenue (212.08) Located in the County of Fresno, State of California.

Ratesetting

Comr Picker - Judge Burcham

PROPOSED OUTCOME:

- Grants the application.
- Closes this proceeding.

SAFETY CONSIDERATIONS:

- There are no unresolved safety considerations.

ESTIMATED COST:

- There are no costs associated with this application.





Regular Agenda- Orders Extending Statutory Deadline

Item # 30 [16973] – Order Extending Statutory Deadline

A.15-11-005

Application of PacifiCorp, an Oregon Company, for a Permit to Construct the Lassen Substation Project Pursuant to General Order 131-D.

Ratesetting

Comr Peterman - Judge Haga

PROPOSED OUTCOME:

- Extends Statutory Deadline for completion of this proceeding until January 31, 2019.
- This proceeding remains open.

SAFETY CONSIDERATIONS:

- This Order will ensure that all safety considerations are adequately/appropriately identified and addressed in the proposed decision.

ESTIMATED COST:

- There are no costs associated with this Order.





Regular Agenda- Orders Extending Statutory Deadline (continued)

Item # 31 [16976] – Order Extending Statutory Deadline

A.17-05-007, A.17-05-008 - Related matters.

Application of Southern California Gas Company for Approval to Extend the Mobilehome Park Utility Upgrade Program. Consolidated application includes San Diego Gas & Electric Company.

Ratesetting

Comr Rechtschaffen - Judge Semcer

PROPOSED OUTCOME:

- Extends the statutory deadline to February 28, 2019.

SAFETY CONSIDERATIONS:

- There are no safety considerations with this decision.

ESTIMATED COST:

- There are no costs associated with this decision.





Regular Agenda- Orders Extending Statutory Deadline (continued)

Item # 32 [16962] – Order Extending Statutory Deadline

C.10-10-010

Michael Hetherington and Janet Hetherington vs. Pacific Gas and Electric Company.

Adjudicatory

Comr Guzman Aceves - Judge Roscow

PROPOSED OUTCOME:

- Extends the Statutory Deadline to April 13, 2019.

SAFETY CONSIDERATIONS:

- There are no safety considerations associated with this order extending statutory deadline.

ESTIMATED COST:

- There are no costs associated with this order extending statutory deadline.





Commissioners' Reports





Management Reports





Regular Agenda – Management Reports and Resolutions

Item # 33 [16968]

**Report and Discussion on Recent Consumer Protection
and Safety Activities**





Driver Behavior at Highway Rail Grade Crossings



Matt Cardiff

***Supervisor, Operations and Safety Section, Railroad
Operations and Safety Branch***

ORS, SED

California Public Utilities Commission

November 8, 2018





Highway Rail Grade Crossing (HRGC) – Automobiles

- Driver behavior at HRGC's.
- What causes poor behavior?
- Solutions?





Vehicle Drivers vs. HRGC

HRGC's are among the top locations for fatal crashes and continue to be of concern, despite ever increasing HRGC engineering design improvements.

Numerous studies have been produced over many years to try and understand why motor vehicle drivers react in behaviors that often lead to fatal decisions. There is no simple explanation.

The best solution to prevent HRGC risks to drivers and pedestrians is to build grade separations and eliminate crossings altogether...but that is costly and won't work in every situation.

A HRGC cannot be built to fully protect vehicle drivers or trespassers who decide to act in an erratic manner when "inconvenienced" by the passage of a train.

First things first...what is the responsibility of the driver?





Driver Responsibilities

It is the driver's responsibility to take appropriate actions at a HRGC:

- **Always** approach a HRGC being prepared to stop.
- **Never** drive through flashing warning signals without stopping first.
- **Stop** 15 feet from track at the stop bar white line.
- **Never** go around lowered warning gates or under warning gates that are descending.
- **Look** both ways before proceeding.
- **Simple** – right?





Not so simple.

HRGC violations are associated with a driver's decision-making behavior. That is, the driver's decision to stop or proceed when faced with a crossing activation or an oncoming train.

Despite numerous studies focusing on **improving HRGC safety**, the performance of the rail level crossing and crashes due to driver behaviors, such as driver error and situational awareness, **remain ambiguous.**

*This is largely because many factors contribute to a driver's behavior and these are **difficult to measure.**

Studies have identified this can be due to:

- Driver failure to detect HRGC warning signals;
- Poor driver comprehension of meaning of signs and signals;
- Lack of situational awareness.

**Information from USDOT Research and Innovation Technology Administration; and John A. Volpe National Transportation Systems Center studies.*





Factors Influencing Driver Behaviors

***Driving skill:** Behavior characteristics of human information processing that limit driver performance.

- Driving skill is impaired by aging;
- lack of experience;
- internal or external distractions, or
- driver impairment

***Driving style:** Biases and attitudes that affects how one chooses to drive by influencing one's perception of the situation.

- Driver doesn't expect a train;
- Some drivers are risk takers;
- Driver attitudes moderated by gender and age differences:
Males committed more violations than females;
Younger drivers more aggressive than older drivers.

**Information from USDOT Research and Innovation Technology Administration; and John A. Volpe National Transportation Systems Center studies.*





Other Problems

- Distractions;
- Loss of situational awareness;
- Obliviousness.



*May 2016 - Amtrak vs. farm truck in Madera, CA.
Photo Credit - ABC Channel 30 News – Fresno.*





Queueing on a Crossing



Poor driver behavior - stopping on top of the tracks...unaware or uncaring?





Solutions: Signs?

Railroad Crossing Signs and Signals

LOOK FOR and **OBEY** all railroad crossing signs and signals

REPORT PROBLEM
OR EMERGENCY
1-800-555-5555
X-ING 836 597 H
XYZ RAILROAD



Advance warning signs – a round, yellow sign with a black “RR” tells you that a highway-rail crossing is ahead--be prepared to stop.

Pavement markings – when you see the “RR” painted on the pavement, be prepared to stop.

STOP signs at railroad crossings – the same laws apply here as for any other intersection regulated by a **STOP** sign. You must come to a complete stop. If no trains are coming, you may proceed.



Crossbuck signs are like yield signs – You must **YIELD** to trains.

- Slow down and be prepared to stop when you see the crossbuck sign.
- A sign below the crossbuck indicates the number of tracks.



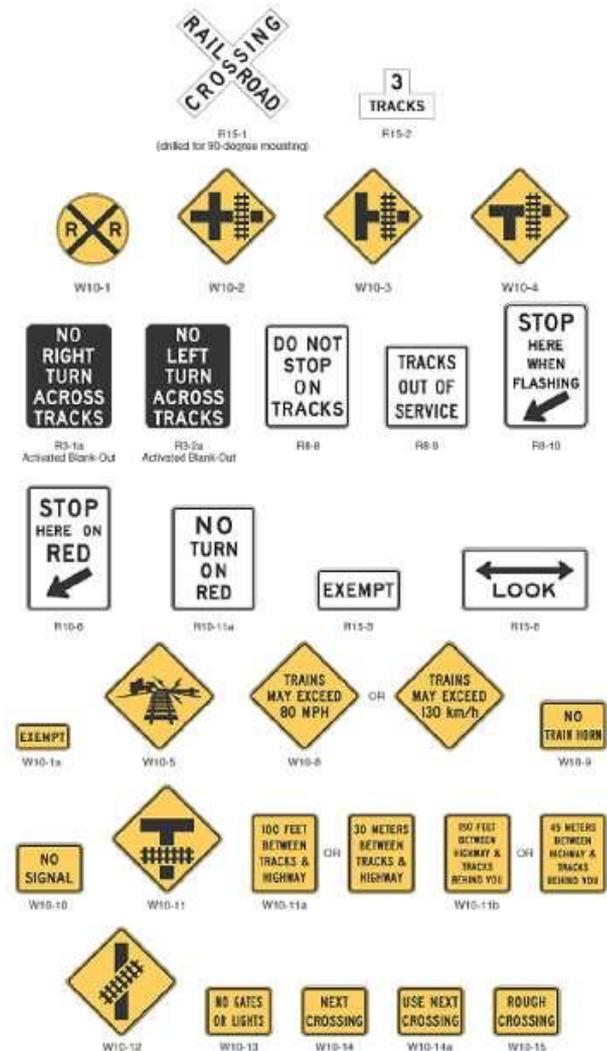


Sign, sign...

While railroad approach warning signs are certainly necessary, Railroad signage may, in certain cases, contribute to driver confusion.

That's arguable.

It can depend on how a driver processes the information one views as one approaches the **grade crossing environment.**





Sign, sign...

Even when signage is clear in its meaning, there may still exist some confusion by drivers as to what conditions they are encountering.





All improvements are costly





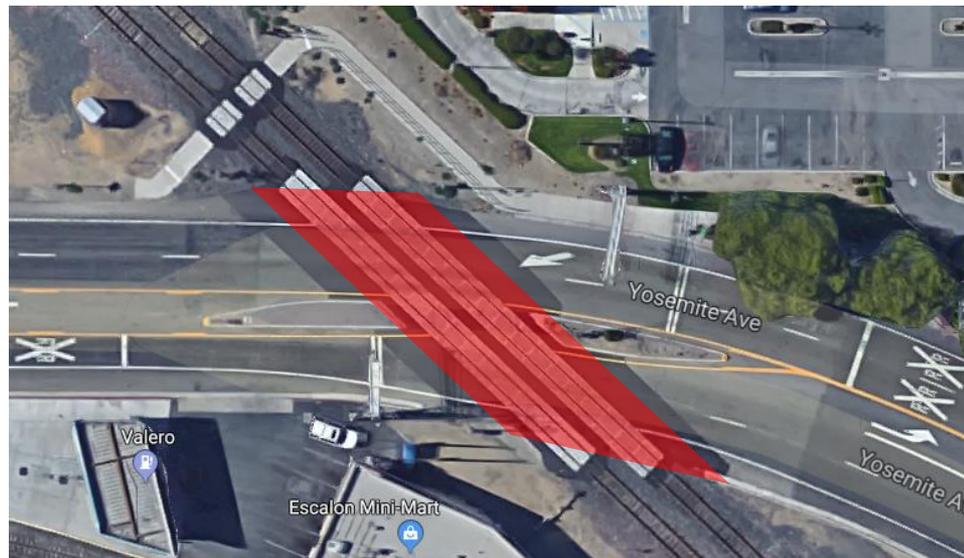
Operation Lifesaver





Other Possible Solutions?

- A **different** visual awareness concept may have a more immediate impact on driver awareness, such as track dynamic envelope pavement painting. And...the cost is **low**.
- The CPUC's **Office of Rail Safety**, in cooperation with **Caltrans**, is moving forward on such a project, which was presented to the Commission in April, 2016.



SR 120 in Escalon, CA





Pavement Painting Project - status

- Caltrans' Division of Research, Innovation and Systems Information (DRISI) are working with CPUC in this effort.
- The **California Traffic Control Device Committee (CTCDC)** approved the project in August 2018.
- The city of **Escalon** and **BNSF Railway** are also on board with the concept.
- We are awaiting approval from **Federal Highway Administration (FHWA)**.
- The project will hopefully come to fruition in 2019 – 20.





Questions?





Thank you!

For Additional Information please contact me or visit our webpage:

<http://www.cpuc.ca.gov/rail/>



Roger Clugston

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Regular Agenda – Management Reports and Resolutions

Item # 33 [16968]

**Report and Discussion on Recent Consumer Protection
and Safety Activities**





Kenneth Bruno - Program Manager
Safety and Enforcement Division
California Public Utilities Commission
November 8, 2018





Damage Prevention

- ❖ Nationally, excavation damage continues to be a leading cause of pipeline incidents
- ❖ Pipeline incidents caused by excavation damage can result in fatalities and injuries, as well as significant costs, property damages, environmental damages, and unintentional fire or explosions
- ❖ 49 CFR §192.614 Damage Prevention
 - Operators must have a Written Program to prevent damage to pipelines for excavation activities





811 – One Call

- ❖ A mandated - nationwide - process for avoiding excavation related damages to subsurface facilities (mainly utilities)
- ❖ The process includes facility owners, excavators, facility locators and One-Call Centers
- ❖ Process starts with excavators contacting One-Call Centers and providing them with information on intended excavations, such as:
 - *Scope of work and excavation method*
 - *Area where excavations will be performed*
 - *Date when work will start*
 - *Contact information for excavator representative(s), etc.*





Relationship between One-Call and 811

- ❖ There are two One-Call Centers in California:
 - Underground Service Alert (USA North) covers northern California (Oregon Border down to Kern and San Luis Obispo counties)
 - Dig Alert covers Los Angeles, Santa Barbara, Inyo and San Bernardino counties south to the Mexican Border





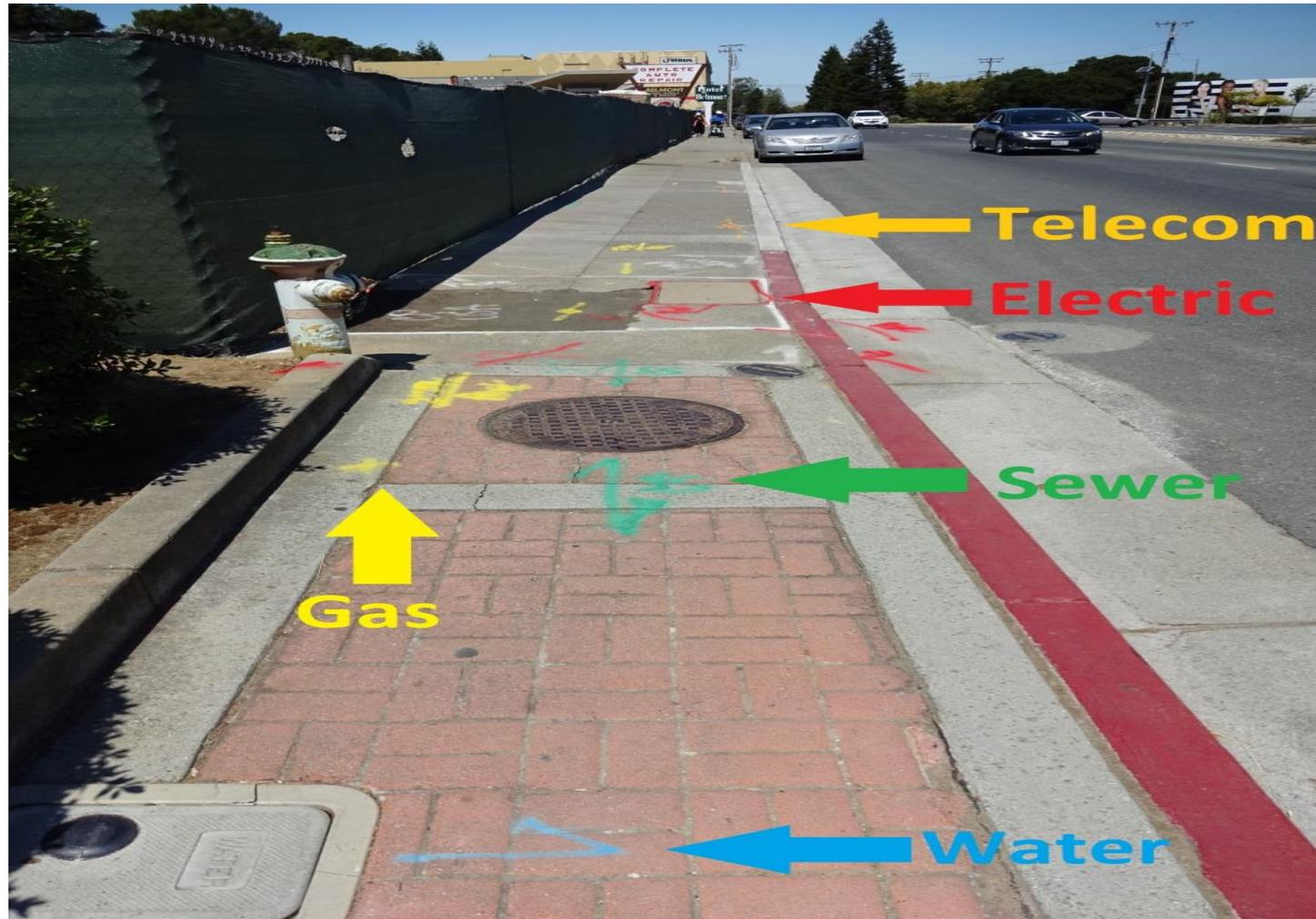
811 – One Call

- ❖ Excavators must notify One-Call at least two business days before excavating
- ❖ The One-Call Centers convey the notification to members who may have facilities in the work area
- ❖ Members must mark the approximate location of subsurface facilities, or confirm area is clear
- ❖ Each excavator must take steps to protect subsurface facilities while excavating and report any damages





Standard Color Markings for USA Locates





California Government Code 4216

- ❖ California Government Code 4216 (GC 4216) governs and defines the One-Call process

- ❖ GC 4216 requires sub-surface facility owners to be members of their local One-Call Center

- ❖ Entities exempted from GC 4216:
 - Caltrans
 - Operators of non-pressurized sewers, drain lines, and storm drains
 - Owners of facilities located entirely on their property

- ❖ The One-Call process in California is **free** to the excavator





Consequences of Improper Practices

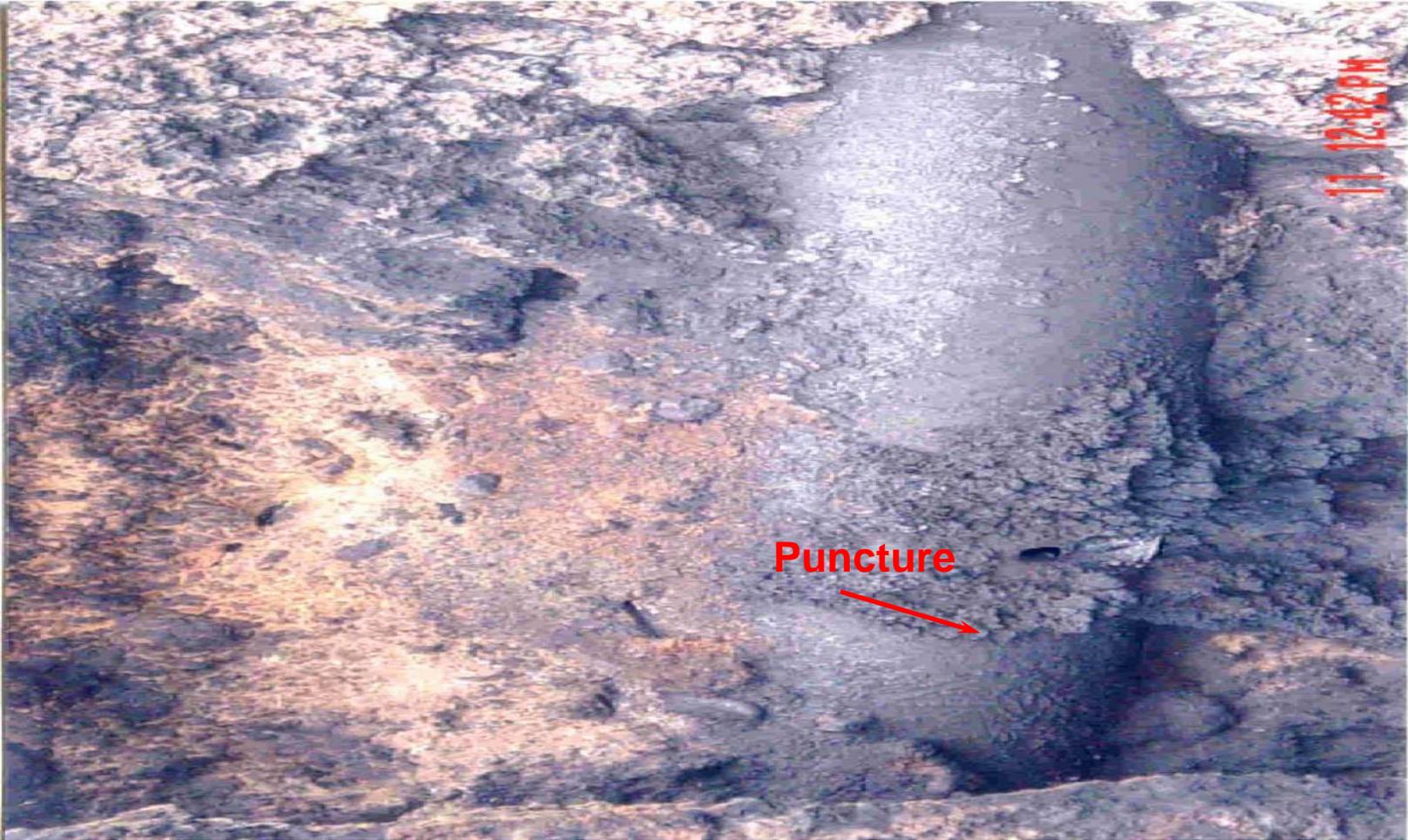


Near Madera – 8-inch Gas Line
August 2003





Consequences of Improper Practices



Walnut Creek - Kinder Morgan LS 16 pipeline with through-wall puncture – November 2004.

Photo Courtesy of CalOSHA





Consequences of Improper Practices



Fresno 2015





Damage Prevention

- ❖ SED Damage Prevention Expert – Sunil Shori
 - Specialized Damage Prevention Audits
 - Refining Damage Prevention Audit Procedure
 - Safety Promotion of 811
 - Participates in Damage Prevention portion of PHMSA Evaluations
 - Common Ground Alliance – task force
 - Participate in One-Call Center Meetings
 - Building out our efforts in 2019 and beyond





Enforcement Of Government Code Section 4216 (California's One-Call Law)

- ❖ Entities that have historically had enforcement authority against violators of GC 4216, California's One-Call Law, include:
 - Local permitting agencies,
 - District Attorneys, or
 - California's Attorney General

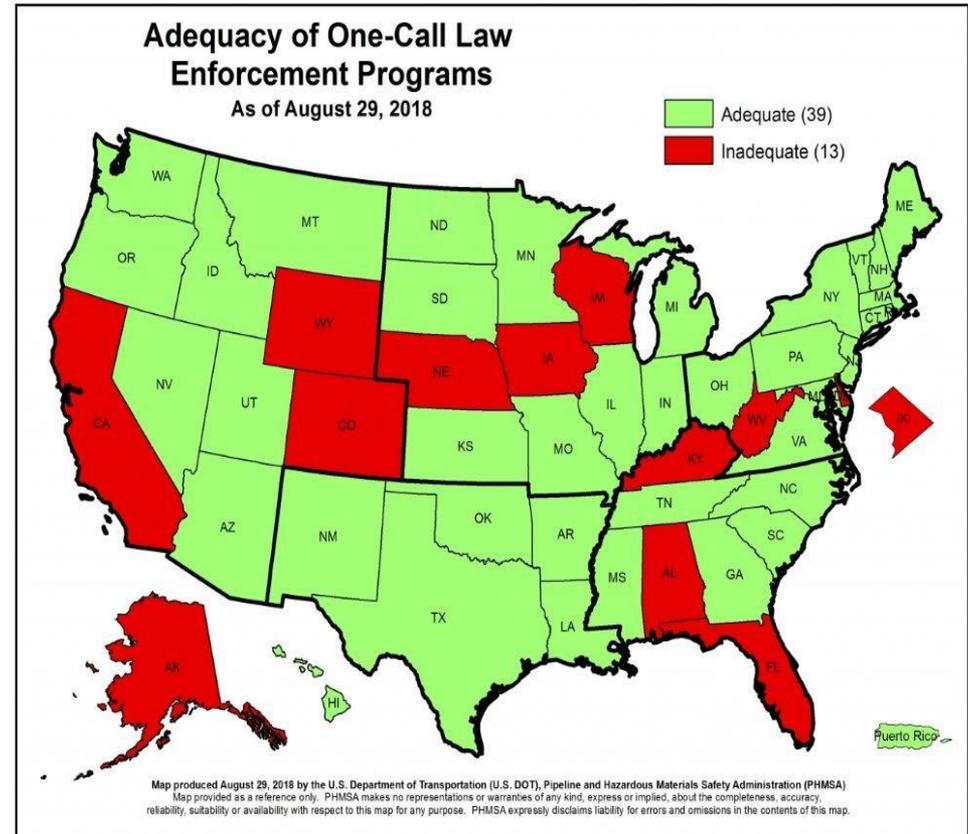
- ❖ As a result, enforcement of GC 4216 has essentially been non-existent





Enforcement Of Government Code Section 4216 (California's One-Call Law)

- ❖ PHMSA considers California's One-Call Enforcement Inadequate;
- ❖ PHMSA has authority to enforce One-Call laws in inadequate states; and
- ❖ PHMSA has authority to reduce an inadequate state's grant funding until state is deemed adequate through its evaluation





Enforcement Of Government Code Section 4216 (California's One-Call Law)

- ❖ In order to implement effective enforcement of GC 4216, in late 2016 Governor Brown signed Senate Bill 661, which:
 - Modified C 4216
 - Created a nine member California Underground Facilities Safe Excavation Board (Board),
 - develop standards, coordinate excavation related education and outreach activities, and investigate possible violations of GC 4216
 - Authorized the Board to make recommendations for graduated enforcement actions to agencies overseeing the offender's activities





CUFSEB





California Underground Facilities Safe Excavation Board





Enforcement Of Government Code Section 4216 (California's One-Call Law)

- ❖ The Board began operations in January 2018, and has:
 - Held eight meetings/workshops throughout the state to learn about excavation related issues;
 - Establishing operational procedures and drafting resolutions related to funding and timetables for inspections and enforcement actions beginning in 2019-2020
 - Program staffing





Dig Safe Board Activities

- Beginning accident investigations (Mar 2019)
- Creating a curriculum for remedial education of one-call law violators (Mar 2019)
- Developing regulations for dig-in notification requirements (Jan 2020)
- Developing a year-long ticket process for farmers (Jan 2020)
- Implementing AB 1914, to allow limited power tools (Jul 2020)





California Underground Facilities Safe Excavation Board

Members Arden, Del Toro, Munoz, and Voss speak to farmers in Bakersfield





Enforcement Of Government Code Section 4216 (California's One-Call Law)

- ❖ Sunil Shori, Damage Prevention SME from SED, continues to be the CPUC's liaison with the Board
- ❖ On October 19, 2018, the CPUC formalized a Memorandum of Understanding (MOU) with the Board which clarifies:
 - Roles and Responsibilities of both entities under the Dig Act of 2016
 - The investigative and Enforcement Process; and
 - Provides guidelines for information sharing between both entities





Enforcement Of Government Code Section 4216 (California's One-Call Law)

- ❖ CPUC has jurisdiction over many of the subsurface utility facilities in California including natural and propane gas, electric, communications, and investor-owned water and sewer
- ❖ The Board's processes will not alter the CPUC's authority to continue investigating / enforcing reportable incidents submitted by its jurisdictional gas operators





Summary

- ❖ **Damage Prevention / 811 – One Call** is an industry-wide process which works to prevent:
 - damage to subsurface facilities
 - loss of service, and most importantly
 - injuries or deaths which can result when facilities are struck or damaged
- ❖ CPUC continues to work cooperatively and effectively with the CUFSEB Board to help develop and implement their processes which will begin introducing true enforcement of GC 4216





Regular Agenda – Management Reports and Resolutions

Item # 33 [16968]

**Report and Discussion on Recent Consumer Protection
and Safety Activities**





The CPUC Thanks You For Attending Today's Meeting

**The Public Meeting is adjourned.
The next Public Meeting will be:**

**November 29, 2018 at 9:30 a.m.
in San Francisco, CA**

