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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Consider Proposed Amendments to General Order 95.	Rulemaking 14-08-012 (Filed August 14, 2014)

ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING

Following the prehearing conference on November 12, 2014, this scoping memo and ruling (hereafter, "Scoping Memo") determines the scope, schedule, and category of this proceeding pursuant to Rule 7.3(a) of the Commission's Rules of Practice and Procedure;[1] determines the need for hearing pursuant to Rule 7.3(a); designates the presiding officer pursuant to Rule 13.2; and addresses certain other matters that are customarily the subject of scoping memos.

1. Background

The Commission issued Order Instituting Rulemaking 14-08-012 (hereafter, "OIR 14-08-012" or "the OIR") on August 14, 2014, and served the OIR on the service lists for Petition 14-02-010, Rulemaking (R.) 08-11-005, and R.01-10-001. Notice of the OIR appeared in the Commission's Daily Calendar on August 21, 2014.

As set forth in the OIR, the general scope of Rulemaking 14-08-012 is to consider 16 proposed amendments to General Order 95 (GO 95). The purpose of the proposed amendments is to improve safety, enhance reliability, increase

[1] Hereafter, the terms "Rule" and "Rules" refer to the Commission's Rules of Practice and Procedure unless otherwise indicated.

efficiency, and correct errors in GO 95. The text of the proposed amendments is contained in Appendix B of the OIR.

The OIR directed the General Order 95/128 Rules Committee (hereafter, "the Rules Committee")[2] to organize, chair, and notice at least one all-party meeting to (1) identify areas of consensus regarding matters within the scope of this proceeding; (2) identify disputed issues; and (3) discuss the schedule for this proceeding and appropriate procedures for resolving disputed issues.[3] The all-party meeting was held on September 18-19, 2014, at Southern California Edison Company's offices in Westminster, California.

Combined prehearing conference (PHC) statements and written comments[4] were filed on October 20, 2014, by the Rules Committee's Executive Board;[5] jointly by the California Municipal Utilities Association, LADWP, and SMUD (together, the "Publicly Owned Utilities" or "POUs"); and the Commission's Safety and Enforcement Division (SED). Reply comments were filed on October 29, 2014, by the POUs; jointly by CTIA-The Wireless Association and the California Cable and Telecommunications Association; and jointly by Bear Valley Electric Service, PacifiCorp, PG&E, SCE, and SDG&E. A publicly noticed PHC was held on November 12, 2014.

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[2] The Rules Committee is an *ad hoc* organization whose membership consists of California's electric utilities, telecommunications companies, trade associations, and labor unions. The Rules Committee provides a forum to share information on the application of GOs 95 and 128, and to develop consensus proposals to revise GOs 95 and 128.

[3] OIR 14-08-012 at 28.

[4] The written comments were submitted in accordance with Rule 6.2.

[5] The Rules Committee's Executive Board includes representatives from Southern California Edison Company (SCE), Pacific Gas and Electric Company (PG&E), the Los Angeles Department of Water and Power (LADWP), the Sacramento Municipal Utility District (SMUD), San Diego Gas and Electric Company (SDG&E), and AT&T.

Of importance to this Scoping Memo, the Rules Committee's comments included a report of the all-party meeting (hereafter, the "All-Party Meeting Report" or "Report"). The Report presents the consensus position of the all-party meeting participants regarding the following matters:

- The specific changes to the text of GO 95 that implement each proposed amendment to GO 95 set forth in Appendix B of the OIR, including ancillary changes to GO 95's tables of contents, index, and internal cross references. Both the Report and the OIR refer to the proposed amendments as "proposed rule changes" or "PRCs."
- The cost and benefits of each PRC, including economic costs and benefits; impact on worker safety and public safety; and impact on service reliability.
- An explanation of why each PRC is in the public interest.
- Implementation issues and implementation timeframe for the PRCs.
- Several alternate PRCs that (1) correct cut-and-paste errors and typographical errors in the "original" PRCs appended to the OIR, and (2) provide internal cross references within GO 95 that are more precise compared to the original PRCs.

Also of importance to this Scoping Memo is SED's recommendation to open a Phase 2 of this proceeding to consider 10 additional amendments to General Orders 95, 128, and 165. None of the 10 additional amendments are directly related to the 16 PRCs in Appendix B of the OIR.

2. Scope of the Proceeding

2.1. General Scope

The general scope of this rulemaking proceeding is to consider and possibly adopt the proposed amendments to GO 95 set forth in Appendix B of OIR 14-08-012 (referred to hereafter as "PRCs"). Appendix B of the OIR is incorporated into this Scoping Memo by reference.

The adopted PRCs, if any, should achieve one or more of the following objectives:

- Improved safety for workers or the public.
- Enhanced reliability for utility facilities or services.
- Increased efficiency for utility facilities or operations.
- Correction of errors in GO 95 or other technical revisions.

There should be no tradeoff among the objectives. For example, an adopted PRC should not increase safety at the expense of reliability.

The following issues are within the scope of this proceeding:

- The costs and benefits, broadly construed, of each PRC.
- The specific changes to GO 95 that are necessary to fully integrate the PRCs, including ancillary changes to GO 95's tables of contents, index, and internal cross references.
- Alternative PRCs recommended by parties that address the same parts of GO 95 as the PRCs in Appendix B of the OIR.
- The environmental impacts, if any, of the PRCs.
- Implementation issues and timeframe for the PRCs.

The scope of this proceeding includes the ancillary changes to GO 95 and the alternate PRCs set forth in the All-Party Meeting Report, as these proposed revisions to GO 95 are aligned with the overall scope of this proceeding as described previously. Consistent with Rule 6.3(a), any amendments to GO 95 adopted in this rulemaking proceeding will apply prospectively.

2.2. Safety and Reliability

In keeping with the Commission's focus on safety and reliability, several of the PRCs in Appendix B of the OIR are specifically intended to improve safety or increase reliability.[6] None of the parities has identified any adverse safety or reliability impacts associated with the PRCs in Appendix B of the OIR.

2.3. Excluded Issues

The scope of this proceeding excludes SED's proposal to open a Phase 2 of this proceeding to consider 10 additional proposed amendments to General Orders 95, 128, and 165. Although the purpose of SED's proposed amendments is to enhance safety, none of the proposed amendments are directly related to the PRCs in Appendix B of the OIR that are the focus of this proceeding. Furthermore, SED's proposals are only conceptual at this time. SED did not provide the text for its proposed amendments or more than a cursory description of the proposed amendments. Without more information, there is no certainty that opening a Phase 2 of this proceeding would be a productive use of the Commission's scarce resources.

SED's effort to develop amendments that enhance safety is commendable, and SED is encouraged to continue its effort. When SED is ready, it should hold good-faith meet-and-confer discussions with the Rules Committee to vet and refine the amendments. SED may then present its proposed amendments to the Commission by filing a petition for rulemaking pursuant to Rule 6.3 and Public Utilities Code Section (Pub. Util. Code §) 1708.5.

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[6] The specific PRCs that appear reasonably formulated to improve safety or increase reliability are identified in OIR 14-08-012 at 16 – 18.

3. Need for Hearing

In the OIR, the Commission preliminarily determined pursuant to Rule 7.1(d) that there is no need for a hearing in this proceeding. No party disagreed with the preliminary determination. This Scoping Memo affirms pursuant to Rule 7.3(a) that there is no need for a hearing.

4. Proceeding Schedule

At this time, there is no need for additional information, hearings, briefs, or an oral argument. Taking this into account, the adopted schedule for the proceeding is set forth below.

Proceeding Schedule	
Event	**Anticipated Date**
Projected Submission Date.	Not Applicable
Proposed Decision (PD) Mailed.	January 23, 2015
Comments and Reply Comments on the PD.	February 2015
PD Presented at Commission Meeting.	February 26, 2015

The adopted schedule calls for the proposed decision to be mailed in time for the Commission meeting on February 26, 2015. The assigned Commissioner and/or the assigned Administrative Law Judge may modify the schedule, as necessary, for the reasonable and efficient conduct of this proceeding. In any event, this proceeding will conclude no later than 18 months from the date of this Scoping Memo as required by Pub. Util. Code § 1701.5.

5. Proceeding Category

In the OIR, the Commission preliminarily determined pursuant to Rule 7.1(d) that the category for this proceeding is quasi-legislative as defined by Rule 1.3(d). No party objected to this categorization. This Scoping Memo affirms pursuant to Rule 7.3(a) that the category for this proceeding is quasi-legislative.[7]

6. *Ex Parte* Communications

This Scoping Memo contains a final determination pursuant to Rule 7.3(a) that the proceeding category is quasi-legislative as defined by Rule 1.3(d). Therefore, in accordance with Rule 8.3(a), *ex parte* communications are allowed in this proceeding without restriction or reporting requirement.

7. Presiding Officer

Rule 13.2(c) provides that the assigned Commissioner shall be the presiding officer at a hearing in a quasi-legislative proceeding where evidence is taken. Rule 13.2(d) provides that when the assigned Commissioner is designated as the presiding officer but is absent, the assigned administrative law judge shall preside at the hearing to the extent permitted by law.

This Scoping Memo determined previously that there is no need for a hearing in this proceeding. However, if a hearing is held, the assigned Commissioner will preside as required by law and the Commission's Rules. Assigned Administrative Law Judge (ALJ) Timothy Kenney will preside in the assigned Commissioner's absence to the extent permitted by law.

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[7] This Scoping Memo's categorization of the proceeding may be appealed to the Commission pursuant to Rule 7.6.

8. The Official Service List

When serving a document, each party must use the most up-to-date service list for this proceeding. The official service list on the Commission's website meets this requirement. The Commission's Process Office will publish the official service list on the Commission's website (www.cpuc.ca.gov) and update the list as necessary.

Placement on the official service list is governed by Rule 1.9(f). To ensure receipt of all documents, requests to be placed on the official service list for this proceeding should be sent to the Process Office as soon as practical.[8] Persons with party status will be placed on the official service list in the "Parties" category. A person may obtain or request party status in accordance with Rule 1.4. The Commission's practice is to list only one representative per party in the "Parties" category. Other representatives for the same party may be placed on the official service list in the "State Service" category or "Information Only" category using the procedures described below.

Anyone can receive electronic service of documents in this proceeding by asking to be placed on the official service list in the "Information Only" category. Such requests should be sent to the Commission's Process Office by e-mail (ProcessOffice@cpuc.ca.gov). The request should include the following:

[8] To ensure receipt of all documents prior to obtaining party status, persons should promptly request addition to the "Information Only" or "State Service" category. Such persons will be removed from that category upon obtaining party status.

- Docket Number of this proceeding (R.14-08-012).
- Name of the person (and the entity represented, if applicable).
- E-mail address (if available) and postal address.[9]
- Desired category (Information Only or State Service).

Employees of the State of California who wish to receive service of documents may be added to the service list in the "State Service" category using the procedures described previously for the "Information Only" category.

It is the responsibility of each person or entity on the official service list to ensure that their information on the service list (e.g., the name and e-mail address of a party's representative) is correct and up to date. This information can be corrected and updated by sending an e-mail to the Process Office.

9. Document Subscription Service

Persons may monitor this proceeding by subscribing to receive electronic copies of documents in this proceeding that are published on the Commission's website. There is no need to be on the official service list in order to use the subscription service. Instructions for using the subscription service are available on the Commission's website at http://subscribecpuc.cpuc.ca.gov/.

10. Filing and Serving Documents

All documents that are filed and/or served in this proceeding must comply with Article 1 of the Commission's Rules of Practice and Procedure. (*See* particularly Rules 1.5 - 1.10 and 1.13.) Questions about filing or serving documents may be directed to the Commission's Docket Office by telephone

[9] Non-parties, other than those eligible for addition to the service list as "State Service," must provide an e-mail address in order to receive electronic service of documents that are not required to be served by hard copy. (*See* Rule 1.10(b).)

((415) 703-2121) or by e-mail (efile-help@cpuc.ca.gov). Additional information about electronic filing is available at http://www.cpuc.ca.gov/puc/efiling.

Any party that files or serves a document in this proceeding shall provide both a hard copy and an electronic copy of the document to the assigned ALJ. The electronic copy provided to the assigned ALJ should be in both PDF format and, to the extent practical, Microsoft Word and/or Excel format.

11. E-Mail Communications

The subject line of e-mail correspondence in this proceeding should include both the docket number (R.14-08-012) and a brief description of the content, purpose, and/or subject of the e-mail (e.g., motion for party status).

12. Public Advisor

Anyone interested in participating in this rulemaking proceeding who is unfamiliar with the Commission's procedures may obtain assistance by calling or e-mailing the Commission's Public Advisor as follows:

Contact Information for the Public Advisor	
Toll Free Number	(866) 849-8390
Regular Number	(415) 703-2074
TTY-Toll Free Number	(866) 836-7825
E-mail Address	public.advisor@cpuc.ca.gov

13. Intervenor Compensation

In accordance with Pub. Util. Code § 1804(a)(1) and Rule 17.1(a)(1), notices of intent to claim intervenor compensation in this proceeding must be filed and served no later than 30 days after the PHC that was held on November 12, 2014.

IT IS RULED that:

1. The scope and schedule for this proceeding are set forth in Sections 2 and 4 of this ruling. The assigned Commissioner and/or the assigned Administrative

Law Judge may modify the schedule, as necessary, for the reasonable and efficient conduct of this proceeding.

2. There is no need for a hearing in this proceeding. If a hearing is held, the assigned Commissioner will preside at the hearing as required by law and the Commission's Rules of Practice and Procedure. Assigned Administrative Law Judge Timothy Kenney will preside in the assigned Commissioner's absence to the extent permitted by law.

3. The category of this rulemaking proceeding is quasi-legislative.

4. Pursuant to Rule 8.3(a) of the Commission's Rules of Practice and Procedure, *ex parte* communications are allowed in this quasi-legislative rulemaking proceeding without restriction or reporting requirement.

5. Any party that files or serves a document in this proceeding shall provide the assigned Administrative Law Judge with both a hard copy and an electronic copy of the document. The electronic copy shall be in both PDF format and, to the extent practical, Microsoft Word and/or Excel format.

6. In accordance with Public Utilities Code Section 1804(a)(1) and Rule 17.1(a)(1) of the Commission's Rules of Practice and Procedure, notices of intent to claim intervenor compensation in this proceeding must be filed and served no later than 30 days after the prehearing conference that was held on November 12, 2014.

Dated November 19 2014, at San Francisco, California.

/s/ MICHAEL R. PEEVEY
Michael R. Peevey
Assigned Commissioner