BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Examine Electric Utility De-Energization of Power Lines in Dangerous Conditions.  Rulemaking 18-12-005

ASSIGNED COMMISSIONER AND ASSIGNED ADMINISTRATIVE LAW JUDGE’S RULING SETTING THE SCOPE AND SCHEDULE OF THE ORDER TO SHOW CAUSE AGAINST PACIFIC GAS AND ELECTRIC COMPANY FOR VIOLATIONS RELATED TO THE IMPLEMENTATION OF THE PUBLIC SAFETY POWER SHUTOFFS IN OCTOBER 2019

Summary

This ruling sets forth the scope and schedule of the Order to Show Cause (OSC) phase of this proceeding.

1. Factual Background

On October 9, 2019, Pacific Gas and Electric Company (PG&E) shut off the power across 35 counties, impacting approximately 729,000 customer accounts. The shutoff lasted until October 12, 2019. Between October 23, 2019, and November 1, 2019, PG&E initiated three back-to-back Public Safety Power Shutoff (PSPS) events which, at one point, impacted 38 counties and approximately 975,000 customer accounts. Many of the affected customers were without power for nearly a week.

On October 18, 2019, the California Public Utilities Commission (Commission) convened an emergency meeting regarding the October 9-12, 2019 PSPS event. At the October 18, 2019 meeting, PG&E executives admitted to
significant shortcomings in the company’s execution of the October 9-12, 2019 PSPS event.  

1 Subsequently, in its October 25, 2019, November 8, 2019, and November 18, 2019 compliance reports regarding the October 9-12, 2019, October 23-25, 2019, and October 26-November 1, 2019 PSPS events, PG&E identified multiple areas where it failed to meet the requirements of Public Utilities (Pub. Util.) Code Section 451, Resolution ESRB-8, and Decision (D.) 19-05-042 with regards to those PSPS events.

2. Procedural Background

On November 12, 2019, the assigned Commissioner and Administrative Law Judge (ALJ) issued a ruling directing PG&E to show cause why it should not be sanctioned by the Commission for violation of Pub. Util. Code Section 451, D.19-05-042, and Resolution ESRB-8 during the PSPS events during October 9-12, 2019 and October 23-November 1, 2019 (Order to Show Cause or OSC).


3 The Order to Show Cause is available at: http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M319/K530/319530378.PDF.
A prehearing conference (PHC) was held on December 4, 2019, to discuss the issues of law and fact and determine the need for hearing and schedule for resolving the matter. After considering the current evidence in the OSC phase of this proceeding and the discussion at the PHC, we have determined the issues and schedule of the OSC phase to be as set forth in this ruling.

3. Factual Allegations and Issues to be Determined

In accordance with the OSC, PG&E is ordered to explain why it should not be sanctioned for the following violations of Pub. Util. Code Section 451, D.19-05-042 and Resolution ESRB-8:

1. As to the October 9-12, 2019 PSPS event:
   a. PG&E’s website was unavailable or non-functional during the majority of the duration of the PSPS event, with customers and government agencies unable to obtain information on the PSPS event and other important data.
   b. To the extent the website was functioning, the online maps were not accurate or were unavailable for some affected areas.
   c. PG&E’s secure data transfer portal was inaccessible to its Public Safety Partners during portions of the PSPS.
   d. PG&E failed to provide advanced notice to approximately 23,000 customers out of the 729,000 customers affected by the PSPS event.
   e. PG&E failed to provide advanced notice to approximately 500 medical baseline customers affected by the PSPS event.
   f. PG&E did not have sufficient staffing at its call centers to handle the volume of customer communications during the PSPS event.
2. As to the October 23–25, 2019 PSPS event:
   a. PG&E failed to provide advanced notification to approximately 1,900 customers out of the approximately 177,000 customers affected by the PSPS event.
   b. PG&E failed to provide advanced notice to approximately 15 medical baseline customers affected by the PSPS event.

3. As to the October 26–November 1, 2019 PSPS event:
   a. PG&E failed to provide advanced notification to approximately 28,600 customers of the total 941,000 customers affected by the PSPS event.
   b. PG&E failed to provide advanced notice to approximately 700 medical baseline customers affected by the PSPS event.

4. What penalties, if any, in the form of fines, remedies, and/or other corrective actions should be imposed for any proven violation(s) found above pursuant to Pub. Util. Code Sections 2107 and 2108?

Any other matters regarding PG&E’s late 2019 PSPS events not covered under the specific scope of the OSC phase of Ruling (R.) 18-12-005, as detailed above, will be considered within Investigation (I.) 19-11-013, the Order Instituting Investigation on the Commission’s Own Motion on the late 2019 Public Safety Power Shutoff Events. I.19-11-013 will determine whether California’s investor-owned utilities prioritized safety and complied with the Commission’s regulations and requirements with respect to their PSPS events in late 2019 and will serve as a forum for taking evidence to evaluate both the effectiveness and impacts of all phases of the PSPS events.

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4 I.19-11-013 is available at: http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M319/K821/319821875.PDF.
4. Schedule

The following schedule is adopted here and may be modified by the ALJ as required to promote the efficient and fair resolution of the OSC:

<table>
<thead>
<tr>
<th>EVENT</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>PG&amp;E serves testimony in response to the OSC</td>
<td>January 27, 2020</td>
</tr>
<tr>
<td>Other parties serve testimony in response to PG&amp;E’s testimony</td>
<td>February 19, 2020</td>
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<tr>
<td>Concurrent rebuttal testimony served</td>
<td>March 6, 2020</td>
</tr>
<tr>
<td>Cross-examination estimates</td>
<td>March 19, 2020</td>
</tr>
<tr>
<td>Hearings (if necessary)</td>
<td>March 24-26, 2020</td>
</tr>
<tr>
<td>Opening Briefs</td>
<td>April 15, 2020</td>
</tr>
<tr>
<td>Reply Briefs/Case Submitted</td>
<td>April 29, 2020</td>
</tr>
<tr>
<td>Presiding Officer Decision (POD)</td>
<td>60 Days after Submission</td>
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</tbody>
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IT IS RULED that:

1. The scope of this proceeding is described above.
2. The schedule of this proceeding is set forth above.
3. Evidentiary hearings are needed.
4. The presiding officer for the Order to Show Cause portion of this proceeding is Administrative Law Judge Marcelo L. Poirier.

Dated December 23, 2019, at San Francisco, California.

/s/  MARYBEL BATJER  
Marybel Batjer  
Assigned Commissioner

/s/  MARCELO L. POIRIER  
Marcelo L. Poirier  
Administrative Law Judge