

DRAFT

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ITEM# 9 I.D.# 7783

ENERGY DIVISION

RESOLUTION E-4184

CONSUMER PROTECTION AND SAFETY DIVISION DATE: AUGUST 21, 2008

CONSUMER SERVICE AND INFORMATION DIVISION

RESOLUTION

RESOLUTION E-4184. ADOPTION OF WEB-BASED EMERGENCY
REPORTING SYSTEM FOR UTILITIES AND GENERATION ASSET
OWNERS

Summary

This resolution provides for reporting of electric and gas emergencies to Commission staff through the Commission's web site, as well as by telephone and revises gas and electric reporting requirements for consistency.

Background

For the purposes of this resolution, "emergencies" is defined to include incidents, accidents, and electric service interruptions that meet the reporting criteria below. General Order No. 112 E requires gas utilities to report incidents that meet specified criteria to the Commission staff by telephone and facsimile. General Order No. 166 requires electric utilities to notify the Commission staff of major outages, and its Standard 6 states that from time to time the Commission staff may issue instructions or guidelines regarding reporting. General Order No. 167 requires Generating Asset Owners (GAO) to report accidents that meet specified criteria and occur at their power plants. Appendix B to Decision No. 06-04-055 requires electric utilities to report incidents meeting specified criteria. Staff members are required to monitor these reports both during and outside of normal work hours. The reporting criteria specified in GO 112-E and Appendix B differ without good reason.

Discussion

As a result of utility feedback noting that reporting requirements were too complex and confusing, staff representatives from the CPSD and ED met to consider improvements to the reporting requirements and adopted five objectives:

1. Make the Commission's requirements for reporting emergencies clearer and more consistent.
2. Make it easier to change the details of how and when reports are to be submitted.
3. Combine all of the Commission's reporting requirements for emergencies in one place.
4. Eliminate the need for an on-call engineer to monitor voice mail.
5. Make emergency reports available, on demand, to all Commission staff that need them.

To accomplish these objectives, the staff recommends creating a web page that would summarize reporting requirements for all emergencies and would include forms for reporting each type. It could be arranged so that the electronic filing of a report would automatically generate a text message to the cell phone or pager of staff that need to be notified. The question of to whom to report would become moot. The utility or GAO would fulfill its obligation by reporting to the Commission's web page. Staff needing to receive reports would make their own arrangements for text messaging or would access the website.

The reporting language in General Order 166 is sufficiently flexible to enable use of a web-based report without further Commission action. However, the language in General Orders 112-E, 167, and Appendix B to D.06-04-055 specifically requires the use of methods other than the Internet. Those documents have been revised in appendices A and B to allow use of the web page.

While incorporating these amendments, we will take advantage of this opportunity to make the requirements for reporting gas and electric incidents more consistent. The time allowed for reporting electric incidents will be made the same as in GO112-E; two hours during business hours and four hours outside of business hours. It is confusing to persons responsible for reporting to the Commission to have two different time periods and there is no justification for the difference. If it is reasonable to give gas utilities four hours outside of business hours to report an incident, it is reasonable to do the same for electric utilities. The \$20,000 threshold for electric utilities to report property damage was set many years ago and has survived through tradition. The \$50,000 threshold for gas utilities is a national standard. We will adopt the same \$50,000 threshold for electric utilities. Since the damages are only an estimate, the time

to report incidents involving property damage will be made the same for electric as for gas.

In the event a reporting utility does not have internet access at the time it must report, a backup reporting system using telephones would be used. The instructions for using the backup system would be posted on the web page to be downloaded and kept for future reference by the utilities and GAOs.

Reports submitted through the web page would receive the same confidentiality privileges as reports submitted under the present system.

Notice: An early draft of this resolution was discussed informally at a workshop on April 29, 2008. Comments received at that workshop have been incorporated. In addition Public Utilities Code section 311(g)(1) provides that this resolution must be served on all parties and subject to at least 30 days public review and comment prior to a vote of the Commission. Section 311(g)(2) provides that this 30-day period may be reduced or waived upon the stipulation of all parties in the proceeding.

The 30-day comment period for the draft of this resolution was neither waived nor reduced. Accordingly, this draft resolution was mailed to parties for comments. Comments timely received are addressed below in this final draft which has been placed on the Commission's agenda for action no earlier than 30 days from first mailing.

COMMENTS

Southwest Gas Corporation

Comment 1. Southwest believes that each data entry field that is to be employed in the incident reporting website should be included in the General Order (GO) 112-E and can not support the Resolution's proposed deletion of the text currently found in Rule 122.2(b)(3). Southwest believes the above-referenced text provides needed clarity.

Response 1. The detail removed from Rule 122.2 is as follows: time of incident, time of call, location of the incident, a detailed description of the incident, and the name and telephone number of a utility company contact that a CPUC inspector can reach immediately at any time. These seem like common sense items that anyone reporting an incident would include. It is difficult to understand what clarity is added to the requirement to report an incident by these details. Specifying every data field in the database would require a change in the general order every time there is a change in the format of the reporting form. It has taken more than two years to achieve consensus on the currently proposed changes. Web reporting is a new process and there are certain to be improvements in the process suggested as soon as it comes into use. It would be unwise not to provide sufficient flexibility to achieve these improvements in a timely manner.

Comment 2. Southwest believes that all substantive changes to an operator's reporting obligations should be made pursuant to the CPUC's rulemaking procedures. However, Southwest believes the Resolution does not achieve those procedural goals and may instead contain an unintended delegation of its rulemaking authority to one or more Divisions of the CPUC. While Southwest appreciates the CPUC's desire to make it easier to change the details of how and when reports are to be submitted, Southwest believes that the act of changing these details constitutes a rulemaking which must be preceded by minimal notice and hearing requirements. For example, Southwest notes that the current version of the incident reporting website requires the operator to provide substantially more information in the initial report than is currently required by Rule 122, but there is no evidence that has been presented to support a finding that any expansion of this initial reporting requirement is warranted.

Response 2. The report form prepared for the website is based on the database record in the gas incident database. The on-call engineer tries to fill in as many of the blanks as possible but is rarely able to do so completely on the initial report. Most of the blanks in the web reporting form are optional. If the information is not available, the utility is not required to fill it in. When the on-call engineer receives the text message generated by filing of the report form, he/she will call the utility if additional information is needed.

Comment 3. Southwest believes that the Resolution should provide that the proposed Rule 122.2 will list all necessary reporting contact information including the incident reporting email address, the emergency phone number, the incident reporting facsimile number, and the incident reporting website address.

Response 3. Rule 122.2 does not now list phone numbers. It is not necessary to put the Commission's URL in the general order. If the utility does not know it, it can easily be found through use of any web browser. Backup phone numbers are listed on the web page and utilities already have these numbers on file in case of loss of web access.

Comment 4. Southwest believes that the Resolution should provide that the incident reporting website contain an ability to allow an operator to rescind an initial report. For instance, if an operator was prohibited from entering a scene of a significant media covered event where natural gas is suspected to be involved, the operator is required under Rule 122.2(a)(2) to make an initial report to the CPUC. If a later investigation shows no release of gas occurred from the operator's facilities, the operator should be able to rescind the initial report from the incident reporting website. Operators currently rescind initial reports with the Pipeline and Hazardous Materials Safety Administration (PHMSA) under similar circumstances. No further updating of information for that event should be necessary if the event does not meet the criteria of a CPUC or PHMSA reportable incident. The inclusion of checkbox on the incident reporting website to "Rescind," accompanied by an explanation, should be added.

Response 4. This is why flexibility in modifying the web page is advisable. There is a list of improvements that we would like to attempt once the system is in use. Many of the suggestions were put on hold because of security concerns. The utility still has the option of rescinding a report via email , telephone, or letter to USRB.

Comment 5. Southwest believes that the Resolution should be amended so that Rule 122.2 clarifies that operators are not required to update their initial incident report made through the incident reporting website. Since the proposed regulation provides that operators are required to provide this additional information by the end of the next working day on a form entitled, "Report of Gas Leak or Interruption," CPUC File No. 420, Southwest believes that the failure to make this clarification could result in an unnecessary duplication of work.

Response 5. It may be that the follow up report can be dispensed with if the web reporting proves successful, however, this is not something that was agreed to in the workshops and USRB still prefers that the form 420 be submitted to provide additional information not available at the time of the initial report.

Comment 6. Southwest requests the Resolution be amended to provide that the incident reporting website shall permit an operator to print a draft of their input before submission. This will enable the operators to perform an internal review for quality and accuracy of information before submission.

Comment 7. Southwest notes that on the current version of the incident reporting website, the date icon to assist with selecting the "Incident Date" does not produce a date in the same format as required. (mm/dd/yyyy).

Responses 6. and 7. We will forward these comments to the Commission's Webmaster for correction.

Comment 8. Southwest notes that the current version of the incident reporting website requires operators to identify the names of injured and deceased persons. However, operators may be prohibited from releasing to the CPUC the names of injured or deceased operator employees due to the operation of the federal Health Insurance Portability and Accountability Act (HIPAA). Providing the names of persons dead or injured is not a DOT forms F7100.1 or F7100.2 reporting criteria nor is it a CPUC file form, 420 criteria. Southwest urges the removal of this data field from the incident reporting website.

Response 8. This is an optional field in the web report form. Utilities are not required to fill it out. However, it is a field in the incident database and the assigned engineer will ask for this information during his/her investigation. If the utility elects to supply the information on the web form, it will speed the assigned engineer's investigation.

Comment 9. Southwest notes that the proposed amendments to Rule 122.2 provide that a telephonic incident reporting method is retained as a back-up reporting method in case of inability to access the internet. Southwest believes the proposed Rule should

retain the instructions and the list of information currently required for telephonic reporting so that the operator is aware of the scope and substance of its reporting obligations when the reporting is made telephonically.

Response 9. The instructions in Rule 122.2 provided little detail. They consist of "common sense" instructions to refer to a list of phone numbers which is not included and leave a message if no one answers. Telephone reporting instructions have been included on the new web page.

Sempra

Comment 1. The general orders should be amended to clarify the process for noticing the utilities when changes occur to the emergency reporting website

Response 1. Language providing for notice to utilities of changes in website reporting requirements will be included in the general order.

[Proposed Language: The Commission staff will maintain a list of utility contacts for incident reporting. These contacts will be notified of any proposed changes in the reporting requirements contained on the Commissions incident reporting web page and given an opportunity to comment.]

Comment 2. The general orders should be amended to clarify the time for reporting for generation.

Response 2. General Order 167, Rule Number 10.4 clearly states that any safety-related incidents involving a Generating Asset shall be reported to the Commission within 24 hours of its occurrence. General Order 122-E applies to gas operators (as defined by the United States Department of Transportation), not Generation Asset Owners (GAO).

GAO Coalition

Comments The GAO Coalition's comments concern only the proposed revisions to Rule 10.4 of General Order 167, which would establish web-based reporting as the preferred means of reporting safety-related incidents and, more broadly, the need for secure websites for receipt of information related to the operations of power plants and safety-related incidents. In general, the GAO Coalition welcomes the addition of web-based reporting of safety-related incidents, as long as a backup phone-in option remains available.

However, the proposed changes shown in the body of Draft Resolution E-4184 differ from the text shown in Appendix B to the Draft Resolution. Specifically, the version shown in the body of Draft Resolution E-4184 includes the words "or by any method chosen by the executive director," but those words are omitted in Appendix B.

The GAO Coalition prefers the version reflected in Appendix B because it provides more certainty than the version stated in the body of the Draft Resolution. The version shown in the body of the Draft Resolution leaves several key questions unanswered:

By what process will the Executive Director choose a reporting method?
How will the Executive Director's choice be communicated to the affected GAOs?
Will GAOs be allowed to comment on the Executive Director's choice?

By contrast, the version in Appendix B is clear: web-based reporting is preferred, but telephone reporting may be used if internet access is unavailable. In addition, the GAO Coalition is concerned that the Draft Resolution makes no mention of establishing secure websites, encryption protocols, or other measures to protect the security of information related to the operation of power plants or safety-related information that is transmitted through the websites referred to in the Draft Resolution. Submissions from power plant operators may include information that the Federal Energy Regulatory Commission classifies as Critical Energy Infrastructure Information, and reports of safety-related incidents could include information protected under various privacy statutes.

The Draft Resolution should be revised to expressly state that before any information is received through these websites, the Commission will take whatever steps are necessary to ensure that the information can be viewed and retrieved only by authorized personnel and is maintained in a secure manner.

For these reasons, the GAO Coalition respectfully urges the Commission to adopt the version of the revisions to General Order 167 shown in Appendix B of Draft Resolution E-41 84, and to conform the text stated in the body of the Draft Resolution to the text of Appendix B.

In addition, the Commission should revise the Draft Resolution to expressly state that before any information is received through the websites referred to in the Draft Resolution, the Commission will ensure that the information can be viewed and retrieved only by authorized personnel and is maintained in a secure manner.

Response. For General Order 167, Rule Number 10.4, we agree that the text in Appendix B contains more certainty in the reporting method than the text in the body of the Draft Resolution. The Commission should adopt the Appendix B version.

Also, the Draft Resolution states that "reports submitted through the web page would receive the same confidentiality privileges as reports submitted under the present system." Therefore, the GAO request for additional text to "ensure that the information can be viewed and retrieved only by authorized personnel and is maintained in a secure manner" is redundant and unnecessary.

Findings:

1. Three general orders and one decision contain confusing requirements for reporting various types of gas and electric emergencies.
2. The requirements for reporting emergencies should be consolidated in a web-based reporting system.
3. Utilities and GAOs should be directed to report emergencies through a web page on the Commission's website.
4. Reports submitted through the Commission's web page should receive the same confidentiality privileges as reports submitted under the current system.
5. When the reporting entity cannot get internet access to make a report, a backup telephone system should be used for reporting
6. General Order 112-E and Appendix B to D. 06-04-055 should be amended to make incident reporting requirements consistent between gas and electric incidents.
7. General Orders 112-E, 167, and Appendix B to D. 06-04-055 should be amended to provide for incidents to be reported through the Commission's web site.

THEREFORE, IT IS ORDERED that:

1. The preferred method for reporting accidents, interruptions of service, and incidents that are required to be reported by General Orders 112-E, 166, 167, and Appendix B to D. 06-04-055 shall be through the Commission's web site. A backup telephone reporting system will be retained in case internet access is not available.
2. Accidents and incidents reported through the Commission's web site shall receive the same confidentiality privileges as granted under the present reporting system.
3. The specifications of reportable emergencies, time limits for reporting and information required in reports shall be posted on the Commission's web site.
4. General Orders 112-E, 167, and Appendix B to D. 06-04-055 are amended as shown in appendices A and B.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted by the Commission at its regularly scheduled meeting on August 21, 2008. The following Commissioners voted favorably thereon:

Paul Clanon

DRAFT

Executive Director

APPENDIX A PROPOSED CHANGES

GO112-E, Rule 122 GAS INCIDENT REPORTS

122.1 Each operator shall comply with the requirements of 49 CFR Part 191, for the reporting of incidents to the United States Department of Transportation (DOT). The operator shall submit such reports directly to the DOT, with a copy to the California Public Utilities Commission (CPUC).

122.2 Requirements for reporting to the CPUC.

(a) Each operator shall report ~~by telephone~~ incidents to the CPUC as follows ~~that meet the following criteria:~~

1. Incidents which require DOT notification.
 - i. An event that involves a release of gas from a pipeline or of liquefied natural gas (LNG) or gas from an LNG facility and
 - A death, or personal injury necessitating in-patient hospitalization; or
 - Estimated property damage, including cost of gas lost, of the operator or others, or both, of \$50,000 or more.
 - ii. An event that results in an emergency shutdown of an LNG facility.
2. Incidents which have either attracted public attention or have been given significant news media coverage, that are suspected to involve natural gas, which occur in the vicinity of the operator's facilities; regardless of whether or not the operator's facilities are involved.

(b) ~~In Each operator shall execute the following procedures for notifying the CPUC Safety Branch Staff in the event of an incident listed in 122.2(a) above:~~ an operator shall go to the Commission's website, select the link to the page for reporting emergencies and follow the instructions thereon. If internet access is unavailable, the operator may report using the backup telephone system.

1. If the utility is notified of the incident during its normal working hours, the ~~telephonic~~ report should be made as soon as practicable but no longer than 2 hours after the utility is aware of the incident and its personnel are on the scene.

2. If the utility is notified of the incident outside of its normal working hours, the ~~telephonic~~ report should be made as soon as practicable but no longer than 4 hours after the utility is aware of the incident and its personnel are on the scene.
3. ~~The report is to be made to one of the inspectors listed in the CPUC reporting list, either at their office number during normal office hours, or their home numbers outside of normal office hours. If a CPUC inspector cannot be reached personally, leave a message on the office recorder stating the time of incident, time of call, location of the incident, a detailed description of the incident, and the name and telephone number of a utility company contact that a CPUC inspector can reach immediately at any time. Also, if calling outside of normal office hours, and a CPUC inspector cannot be reached immediately, leave a message on at least one home recorder of a CPUC inspector briefly describing the incident and a telephone number and name of the utility person to be called for more information.~~
4. All ~~telephonic~~ reports required by this section shall be followed by the end of the next working day by an email or telefacsimile (fax) of the standard reporting form, "Report of Gas Leak or Interruption," CPUC File No. 420 (see attachment).

(c) Written Incident Reports .

1. The operator shall submit to the CPUC on DOT Form ~~RSPA PHMSA F7100.1~~ PHMSA F7100.1 (<http://ops.dot.gov/library/forms/forms.htm#7100.1>) for distribution systems and on DOT Form ~~RSPA PHMSA F7100.2~~ PHMSA F7100.2 (<http://ops.dot.gov/library/forms/forms.htm#7100.2>) for transmission and gathering systems a report describing any incident that required notice ~~by telephone~~ under Items 122.2(a)(1) or (2).
2. Together with the form required by ~~d-c~~ d-c(1) above, the operator shall furnish a letter of explanation giving a more detailed account of the incident unless such letter is deemed not necessary by the CPUC staff. The operator may confirm the necessity of a letter of explanation ~~while making the telephonic report by telephone~~. If, subsequent to the initial report or letter, the operator discovers significant additional information related to the incident, the operator shall furnish a supplemental report to the CPUC as soon as practicable, with a clear reference by date and subject to the original report. These letters, forms, and reports shall be held confidential under the provisions of Paragraph 2, Exclusions, of General Order 66-C and Public Utilities Code Section 315.

3. The operator of a distribution system serving less than 100,000 customers need not submit the DOT forms required by paragraph (1) above; however, such operator must submit the letter of explanation required by (2) above, subsequent to any ~~telephonic~~initial report to the CPUC, unless such letter is deemed unnecessary by the CPUC staff.
- (d) Quarterly Summary Reports. Each operator shall submit to the CPUC quarterly, not later than the end of the month following the quarter, a summary of all CPUC reportable and non-reportable gas leak related incidents which occurred in the preceding quarter as follows:
1. Incidents that were reported through the Commission's Emergency Reporting website.
 2. Incidents for which either ~~a telephonic report, a letter of explanation, or~~ a DOT Form RSPAPHMSA F7100.1 or F7100.2 ~~was~~ was submitted.
 3. Incidents which involved escaping gas from the operator's facilities and property damage including loss of gas in excess of \$1,000.
 4. Incidents which included property damage between \$0 and \$1,000, and involved fire, explosion, or underground dig-ins.

General Order 167

Rule No.10.4 Safety-related Incidents. Within 24 hours of its occurrence, a Generating Asset Owner shall report to the Commission's emergency reporting web site or by any method chosen by the executive director CPSD Director or designee, either verbally or in writing, any safety-related incident involving a Generating Asset. If internet access is unavailable, the Generating Asset Owner may report using the backup telephone system. Such reporting shall include any incident that has resulted in death to a person; an injury or illness to a person requiring overnight hospitalization; a report to Cal/OSHA, OSHA, or other regulatory agency; or damage to the property of the Generating Asset Owner or another person of more than \$50,000. The Generating Asset Owner shall also report any other incident involving a Generating Asset that has resulted in significant negative media coverage (resulting in a news story or editorial from one media outlet with a circulation or audience of 50,000 or more persons) when the Generating Asset Owner has actual knowledge of the media coverage. If not initially provided, a written report also will be submitted within five business days of the incident. The report will include copies of any reports concerning the incident that have been submitted to other governmental agencies.

DECISION NO. 06-04-055 APPENDIX B

ACCIDENT REPORTING REQUIREMENTS

Within 2 hours of a reportable incident during normal working hours or within 4 hours of a reportable incident outside of normal working hours, the utility shall provide notice to designated CPUC staff of the general nature of the incident, its cause and estimated damage. The notice shall identify the time and date of the incident, the time and date of notice to the Commission, the location of the incident, casualties that resulted from the incident, identification of casualties and property damage, and the name and telephone number of a utility contact person. This notice may be by (a) using to the Commission's Emergency Reporting Web Page, (ab) calling an established CPUC Incident Reporting Telephone Number designated by the Commission's Consumer Protection and Safety Division (CPSD) or its successor (bc) sending a message to an electronic mail address designated by the Commission's CPSD or its successor or (ed) sending a message to the Commission's facsimile equipment using a form approved by the Commission's CPSD or its successor and at numbers CPSD may designate for use during normal business hours. Telephone notices provided at times other than normal business hours shall be followed by a facsimile or email report by the end of the next working day.

1. Within twenty business days of a reportable incident, the utility shall provide to designated CPUC staff a written account of the incident which includes a detailed description of the nature of the incident, its cause and estimated damage. The report shall identify the time and date of the incident, the time and date of the notice to the Commission, the location of the incident, casualties which resulted from the incident, identification of casualties and property damage. The report shall include a description of the utility's response to the incident and the measures the utility took to repair facilities and/or remedy any related problems on the system which may have contributed to the incident.
32. Reportable incidents are those which: (a) result in fatality or personal injury rising to the level of in-patient hospitalization and attributable or allegedly attributable to utility owned facilities; or (b) are the subject of significant public attention or media coverage and are attributable or allegedly attributable to utility facilities; or (c) involve damage to property of the utility or others estimated to exceed \$50,000.
4. ~~Incidents involving damage to property of the utility or others estimated to exceed \$20,000 that are attributable or allegedly attributable to utility owned facilities shall be reported within 60 days of their occurrence to designated staff of the CPUC. The report shall be structured in a form acceptable to the designated staff~~

APPENDIX B NEW VERSIONS

GO112-E, Rule 122 GAS INCIDENT REPORTS

122.1 Each operator shall comply with the requirements of 49 CFR Part 191, for the reporting of incidents to the United States Department of Transportation (DOT). The operator shall submit such reports directly to the DOT, with a copy to the California Public Utilities Commission (CPUC).

122.2 Requirements for reporting to the CPUC.

(a) Each operator shall report incidents to the CPUC that meet the following criteria:

1. Incidents which require DOT notification.
 - i. An event that involves a release of gas from a pipeline or of liquefied natural gas (LNG) or gas from an LNG facility and
 - A death, or personal injury necessitating in-patient hospitalization; or
 - Estimated property damage, including cost of gas lost, of the operator or others, or both, of \$50,000 or more.
 - ii. An event that results in an emergency shutdown of an LNG facility.
2. Incidents which have either attracted public attention or have been given significant news media coverage, that are suspected to involve natural gas, which occur in the vicinity of the operator's facilities; regardless of whether or not the operator's facilities are involved.

(b) In the event of an incident listed in 122.2(a) above, an operator shall go to the Commission's website, select the link to the page for reporting emergencies and follow the instructions thereon. If internet access is unavailable, the Operator may report using the backup telephone system.

1. If the utility is notified of the incident during its normal working hours, the report should be made as soon as practicable but no longer than 2 hours after the utility is aware of the incident and its personnel are on the scene.
2. If the utility is notified of the incident outside of its normal working hours, the report should be made as soon as practicable but no longer than 4 hours after the utility is aware of the incident and its personnel are on the scene.

3. All reports required by this section shall be followed by the end of the next working day by an email or telefacsimile (fax) of the standard reporting form, "Report of Gas Leak or Interruption," CPUC File No. 420 (see attachment).

(c) Written Incident Reports .

1. The operator shall submit to the CPUC on DOT Form PHMSA F7100.1 (<http://ops.dot.gov/library/forms/forms.htm#7100.1>) for distribution systems and on DOT Form PHMSA F7100.2 (<http://ops.dot.gov/library/forms/forms.htm#7100.2>) for transmission and gathering systems a report describing any incident that required notice under Items 122.2(a)(1) or (2).
2. Together with the form required by (c)(1) above, the operator shall furnish a letter of explanation giving a more detailed account of the incident unless such letter is deemed not necessary by the CPUC staff. The operator may confirm the necessity of a letter of explanation by telephone. If, subsequent to the initial report or letter, the operator discovers significant additional information related to the incident, the operator shall furnish a supplemental report to the CPUC as soon as practicable, with a clear reference by date and subject to the original report. These letters, forms, and reports shall be held confidential under the provisions of Paragraph 2, Exclusions, of General Order 66-C and Public Utilities Code Section 315.
3. The operator of a distribution system serving less than 100,000 customers need not submit the DOT forms required by paragraph (1) above; however, such operator must submit the letter of explanation required by (2) above, subsequent to any initial report to the CPUC, unless such letter is deemed unnecessary by the CPUC staff.

(d) Quarterly Summary Reports. Each operator shall submit to the CPUC quarterly, not later than the end of the month following the quarter, a summary of all CPUC reportable and non-reportable gas leak related incidents which occurred in the preceding quarter as follows:

1. Incidents that were reported through the Commission's Emergency Reporting website.
2. Incidents for which either a DOT Form PHMSA F7100.1 or F7100.2 was submitted.
3. Incidents which involved escaping gas from the operator's facilities and property damage including loss of gas in excess of \$1,000.

4. Incidents which included property damage between \$0 and \$1,000, and involved fire, explosion, or underground dig-ins.

General Order 167

Rule No.10.4 Safety-related Incidents. Within 24 hours of its occurrence, a Generating Asset Owner shall report to the Commission's emergency reporting web site any safety-related incident involving a Generating Asset. If internet access is unavailable, the Generating Asset Owner may report using the backup telephone system. Such reporting shall include any incident that has resulted in death to a person; an injury or illness to a person requiring overnight hospitalization; a report to Cal/OSHA, OSHA, or other regulatory agency; or damage to the property of the Generating Asset Owner or another person of more than \$50,000. The Generating Asset Owner shall also report any other incident involving a Generating Asset that has resulted in significant negative media coverage (resulting in a news story or editorial from one media outlet with a circulation or audience of 50,000 or more persons) when the Generating Asset Owner has actual knowledge of the media coverage. If not initially provided, a written report also will be submitted within five business days of the incident. The report will include copies of any reports concerning the incident that have been submitted to other governmental agencies.

DECISION NO. 06-04-055 APPENDIX B

ACCIDENT REPORTING REQUIREMENTS

Within 2 hours of a reportable incident during normal working hours or within 4 hours of a reportable incident outside of normal working hours, the utility shall provide notice to designated CPUC staff of the general nature of the incident, its cause and estimated damage. The notice shall identify the time and date of the incident, the time and date of notice to the Commission, the location of the incident, casualties that resulted from the incident, identification of casualties and property damage, and the name and telephone number of a utility contact person. This notice may be by (a) using to the Commission's Emergency Reporting Web Page, (b) calling an established CPUC Incident Reporting Telephone Number designated by the Commission's Consumer Protection and Safety Division (CPSD) or its successor (c) sending a message to an electronic mail address designated by the Commission's CPSD or its successor or (d) sending a message to the Commission's facsimile equipment using a form approved by the Commission's CPSD or its successor and at numbers CPSD may designate for use during normal business hours. Telephone notices provided at times other than normal business hours shall be followed by a facsimile or email report by the end of the next working day.

2. Within twenty business days of a reportable incident, the utility shall provide to designated CPUC staff a written account of the incident which includes a detailed description of the nature of the incident, its cause and estimated damage. The report shall identify the time and date of the incident, the time and date of the notice to the Commission, the location of the incident, casualties which resulted from the incident, identification of casualties and property damage. The report shall include a description of the utility's response to the incident and the measures the utility took to repair facilities and/or remedy any related problems on the system which may have contributed to the incident.

2. Reportable incidents are those which: (a) result in fatality or personal injury rising to the level of in-patient hospitalization and attributable or allegedly attributable to utility owned facilities; (b) are the subject of significant public attention or media coverage and are attributable or allegedly attributable to utility facilities; or (c) involve damage to property of the utility or others estimated to exceed \$50,000.

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



July 22, 2008

I.D.# 7783
RESOLUTION E-4184
Commission Meeting August 21, 2008

TO: PARTIES REQUIRED TO REPORT EMERGENCIES TO THE
COMMISSION

Enclosed is Draft Resolution Number E-4184 sponsored by the Energy Division and the Consumer protection and Safety Division. It will be on the agenda at the next Commission meeting, which is held at least 30 days after the date of this letter. The Commission may then vote on this Resolution or it may postpone a vote until later.

When the Commission votes on a draft Resolution, it may adopt all or part of it as written, amend, modify or set it aside and prepare a different Resolution. Only when the Commission acts does the Resolution become binding on the parties.

Parties may submit comments on the draft Resolution.

An original and two copies of the comments, with a certificate of service, should be submitted to:

Honesto Gatchalian
Energy Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Fax: 415-703-2200

A copy of the comments should be submitted in electronic format to:

Brian Schumacher and Julian Ajello
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
Email: bds@cpuc.ca.gov and jea@cpuc.ca.gov

Any comments on the draft Resolution must be received by August 8, 2008. Those submitting comments must serve a copy of their comments on 1) the entire service list attached to the draft Resolution, 2) all Commissioners, and 3) the Directors of the Energy Division and Consumer Protection and Safety Divisions, 4) the Chief Administrative Law Judge, and 5) the General Counsel on the same date.

Comments shall be limited to five pages in length and should list the recommended changes to the draft Resolution.

Comments shall focus on factual, legal or technical errors in the proposed draft Resolution.

Late submitted comments will not be considered.

Brian Schumacher, Program and Project Supervisor
Energy Division

Enclosure: Service List
Certificate of Service

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of Draft Resolution E-4184 on all parties in these filings or their attorneys as shown on the attached list.

Dated July 22, 2008 at San Francisco, California.

Honesto Gatchalian

NOTICE

Parties should notify the Energy Division, Public Utilities Commission, 505 Van Ness Avenue, Room 4002 San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the Resolution number on the service list on which your name appears.

Service List for Resolution E-4184

Alan Johnson	alan.johnson@mirant.com
Bruce Balaam	bbalaam@sppc.com
Christopher Allen	christopher_l_allen@fpl.com
Dan Arellano	danar@calpine.com
Dave Jackson	davej@calpine.com
David Stone	david.stone@aes.com
Daniel Baerman	dbaerman@semprautilities.com
David S. King	dsking@sycamore.com
Grant J. McDaniel	gmcdaniel@wellhead.com
George Pettyjohn	gpettyjohn@reliant.com
Ian Cuthbertson	ian.cuthbertson@sce.com
Jason King	j.king@dgc-ops.com
Jim Bresnahan	james.bresnahan@aes.com
James Tucker	james.tucker@dynegy.com
Jerry Carter	jerry.carter@nrgenergy.com
Joe Hartlein	joe.hartlein@dynegy.com
Larry Sessions	larrys@calpine.com
Lee J. Moore	ljmoore@reliant.com
Mike Fees	michaelf@calpine.com
Mike Montany	mike.montany@mirant.com
Mike Barrios	mike_barrios@fpl.com
Mike Rinehart	mrinehart@calpine.com
Nick Park	npark@complete-energy.com
Perry Windecker	perryw@calpine.com
Patrick Ramsey	pramsey@elkhills.com
Roy Willis	rbw2@pge.com
Robert Rea	rearobert@nrgenergy.com
Ronald Hoffard	rhoffard@bhgen.com
Robert Smothers	Robert.smothers@sce.com
Robert Parker	rparker@calpine.com
Terry Mahoney	terrym@calpine.com
Thomas F. Kelley	thomas_kelley@fpl.com
Tony Chavez	tony.chavez@aes.com
Larry O'Neal	larry.g.o'neal@dynegy.com
Allen Trial	atrial@sempra.com
Barbara Clement	bhc4@pge.com
Ben Dreese	bjd3@pge.com
Boris Andino	bfa1@pge.com
Brad Spainhower	bss2@pge.com
Brian Cragg	bcragg@gmssr.com
Carl Villareal	cvillareal@semprautilities.com
Earl Saunders	earle.saunders@sce.com
Gene Williams	gwilliams@spp.com

DRAFT

Gladys Rosendo
Gloria Ing
Jim Matthews
Wayne Amer
Kathleen Sauer
Rebecca Giles
Richard S. Jones
Rob Ramos
Ronald Moore

grosendo@gswater.com
gloria.ing@sce.com
jim.matthews@swgas.com
wamer@kirkwood.com
kathleen.sauer@pacificorp.com
rgiles@semprautilities.com
rsj4@pge.com
robert.ramos@sce.com
rkmoore@gswater.com