

DRAFT

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

I.D.# 7783

ENERGY DIVISION

RESOLUTION E-4184

CONSUMER PROTECTION AND SAFETY DIVISION DATE: AUGUST 21, 2008

UTILITIES SAFETY AND RELIABILITY BRANCH

ELECTRIC GENERATION AND PERFORMANCE BRANCH

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 today to parties for comments. Additional comments timely received will be addressed in the final draft which will be placed on the Commission's agenda for action no earlier than 30 days from today.

Findings:

1. There are requirements for reporting various types of gas and electric emergencies contained in three general orders and one decision. These requirements can be confusing.
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 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
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 (<http://ops.dot.gov/library/forms/forms.htm#7100.1>) for distribution systems and on DOT Form ~~RSPA~~ 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~~(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

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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.

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