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R2410005

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Consider Proposed Changes to General Order 95 to Modernize the Rules and Regulations Governing the Design and Construction of Overhead Electric and Communications Facilities in California.

Rulemaking 24-10-005

**ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING**

This scoping memo and ruling sets forth the issues, need for hearing, schedule, category, and other matters necessary to scope this proceeding pursuant to Public Utilities Code Section 1701.1 and Article 7 of the Commission's Rules of Practice and Procedure (Rules).

**1. Procedural Background**

On March 18, 2024, Southern California Edison Company (SCE) filed Petition (P.) 24-03-014 to adopt, amend, or repeal a regulation pursuant to Public Utilities Code (Pub. Util. Code) Section 1708.5. P.24-03-014, filed on behalf of the General Order 95/128 Rules Committee, requested that the Commission consider modernizing General Order (GO) 95 to update the rules and regulations governing the design and construction of overhead electric and communications facilities in California through the incorporation of Load and Resistance Factor Design (LRFD), the engineering methodology currently taught in engineering schools and adopted and applied through the United States and North America.<sup>1</sup>

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<sup>1</sup> Petition at 1.

Several parties filed timely responses to the petition, including California Municipal Utilities Association (CMUA), the Public Advocates Office at the California Public Utilities Commission (Cal Advocates), and Safety and Enforcement Division (SED).

On October 17, 2024, the Commission opened this Order Instituting Rulemaking (OIR) to consider proposed changes to GO 95 to modernize the rules and regulations governing the design and construction of overhead electric and communications facilities in California. The OIR directed an investor owned utility (IOU) led party workshop, a filing of the joint party meeting report by SCE, and a subsequent comment period on the meeting report.

By November 22, 2024, opening comments on the OIR were filed by Bear Valley Electric Service, Inc. (BVES), Cal Advocates; the California Broadband & Video Association (CalBroadband); the Coalition of California Utility Employees (CUE); Crown Castle Fiber LLC (Crown Castle); Liberty Utilities, LLC (Liberty), and PacifiCorp (PacifiCorp) (jointly, the California Association of Small and Multi-Jurisdictional Utilities (CASMU); Pacific Bell Telephone Company (AT&T), Frontier California Inc., Citizens Telecommunications Company of California, Inc., and Frontier Communications of the Southwest Inc. (Frontier) (jointly AT&T/Frontier); Pacific Gas and Electric Company (PG&E); San Diego Gas & Electric Company (SDG&E); SCE; SED; the Small LECs;<sup>2</sup> and Sonic Telecom, LLC.

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<sup>2</sup> The Small LECs consist of Cal-Ore Telephone Company, Calaveras Telephone Company, Ducor Telephone Company, Foresthill Telephone Company, Happy Valley Telephone Company, Hornitos Telephone Company, Kerman Telephone Company, Pinnacles Telephone Company, The Ponderosa Telephone Company, Sierra Telephone Company, Inc., The Siskiyou Telephone Company, Volcano Telephone Company, and Winterhaven Telephone Company.

On December 9, 2024, reply comments on the OIR were filed by CalBroadband, PG&E, SCE, SDG&E, and SED.

On January 8, 2025, PG&E, SCE, and SDG&E (Joint IOUs) held a party workshop. On January 17, 2025, SCE, on behalf of the Joint IOUs, filed the joint party meeting report. On February 6, 2025, SCE and SDG&E jointly filed comments on the meeting report. On February 18, 2025, PG&E and SED filed reply comments on the meeting report.

On February 11, 2025, CMUA filed a motion for party status. On February 12, 2025, the motion was granted.

I have determined that no environmental and social justice issues have been raised at this time.

## **2. Issues**

The issues to be determined or otherwise considered are:

1. Whether the Commission should revise GO 95 to replace the Working Stress Design methodology with the LRFD methodology.
2. If the LRFD methodology is adopted, what related revisions in GO 95 should be made to incorporate LRFD methodology for seamless use? This may include defining load factors and strength factors to replace the existing safety factors associated with the Working Stress Design methodology.
3. Should the Commission create a process, including a framework, testing, or other means, to assess the safety impacts of the LRFD Load and Strength Factors? This may include a statistical framework to compare in-field performance against theoretical, statistically targeted, safety performance of the Load and Strength Factors.

## **3. Need for Evidentiary Hearing**

The issues scoped in this proceeding potentially have contested material facts. Any party that believes that an evidentiary hearing is required should file

and serve a motion requesting such a hearing in accordance with the schedule below. Any such motion must identify and describe (i) the material issues of disputed fact, (ii) the evidence the party proposes to introduce at the requested hearing, and (iii) the schedule for conducting the hearing. The motion shall also state a justification for hearing and what the moving party would seek to demonstrate through hearing. It shall also contain anything else necessary for the Commission to make an informed decision on the motion. Any right that a party may otherwise have to an evidentiary hearing will be waived if the party does not submit a timely motion requesting an evidentiary hearing. The record shall be composed of all filed and served documents and shall include evidence received at a hearing if a motion for hearing is granted.

**4. Schedule**

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

Event	Date
Workshops facilitated by Commission staff (up to six 3-day)	May 2025 - October 2025
Joint workshop report served by SCE to Commission staff	45 days after last workshop
ALJ ruling with joint workshop report	Within 30 days after joint workshop report submission
Joint workshop report opening comments	30 days after ALJ ruling
Joint workshop report reply comments	20 days after joint workshop report opening comments

Deadline to serve and file a motion requesting an evidentiary hearing	2 weeks after reply comments
Evidentiary hearing (if needed)	To be determined <sup>3</sup>
Proposed decision	No later than 90 days after submission
Commission decision	No sooner than 30 days after proposed decision

In the meeting report and comments, parties agreed that multiple 2-3 day workshops would be necessary to discuss legal, regulatory, and technical issues. Parties and Commission staff will confer to consider the workshops schedules and agendas. The ALJ will provide further schedule details and instructions in a subsequent ruling.

The proceeding will stand submitted upon the filing of the Joint Workshop Report reply comments, unless the ALJ requires further evidence or argument. Based on this schedule, the proceeding will be resolved within 18 months as required by Pub. Util. Code Section 1701.5.

**5. Alternative Dispute Resolution (ADR) Program and Settlements**

The Commission’s Alternative Dispute Resolution (ADR) program offers mediation, early neutral evaluation, and facilitation services, and uses ALJs who have been trained as neutrals. At the parties’ request, the assigned ALJ can refer this proceeding to the Commission’s ADR Coordinator. Additional ADR information is available on the Commission’s website.<sup>4</sup>

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<sup>3</sup> If required, the ALJ will set dates for prepared testimony, briefs, status conference, and evidentiary hearing.

<sup>4</sup> <https://www.cpuc.ca.gov/PUC/adr/>

Any settlement between parties, whether regarding all or some of the issues, shall comply with Article 12 of the Rules and shall be served in writing. Such settlements shall include a complete explanation of the settlement and a complete explanation of why it is reasonable in light of the whole record, consistent with the law and in the public interest. The proposing parties bear the burden of proof as to whether the settlement should be adopted by the Commission.

#### **6. Category of Proceeding and Ex Parte Restrictions**

This ruling confirms the Commission's preliminary determination<sup>5</sup> that this is a quasi-legislative proceeding. Accordingly, ex parte communications are permitted without restriction or reporting requirement pursuant to Article 8 of the Rules.

#### **7. Public Outreach**

Pursuant to Pub. Util. Code Section 1711(a), where feasible and appropriate, before determining the scope of the proceeding, the Commission sought the participation of those likely to be affected, including those likely to derive benefit from, and those potentially subject to, a decision in this proceeding. This matter was noticed on the Commission's daily calendar. Where feasible and appropriate, this matter was incorporated into engagements conducted by the Commission's External Affairs Division with local governments and other interested parties.

#### **8. Intervenor Compensation**

Pursuant to Pub. Util. Code Section 1804(a)(1), a customer who intends to seek an award of compensation must file and serve a notice of intent to claim compensation within 30 days of the issuance of this scoping memo.

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<sup>5</sup> OIR at 12.

## **9. Response to Public Comments**

Parties may, but are not required to, respond to written comments received from the public. Parties may do so by posting such response using the “Add Public Comment” button on the “Public Comment” tab of the online docket card for the proceeding.

## **10. Public Advisor**

Any person interested in participating in this proceeding who is unfamiliar with the Commission’s procedures or has questions about the electronic filing procedures is encouraged to obtain more information at <https://www.cpuc.ca.gov/about-cpuc/divisions/news-and-public-information-office/public-advisors-office> or contact the Commission’s Public Advisor at 866-849-8390 or 866-836-7825 (TTY), or send an e-mail to [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov).

## **11. Filing, Service, and Service List**

The official service list has been created and is on the Commission’s website. Parties should confirm that their information on the service list is correct and serve notice of any errors on the Commission’s Process office, the service list, and the ALJ. Persons may become a party pursuant to Rule 1.4.<sup>6</sup>

When serving any document, each party must ensure that it is using the current official service list on the Commission’s website.

This proceeding will follow the electronic service protocol set forth in Rule 1.10. All parties to this proceeding shall serve documents and pleadings using electronic mail, whenever possible, transmitted no later than 5:00 p.m., on the date scheduled for service to occur.

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<sup>6</sup> The form to request additions and changes to the Service list may be found at <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/administrative-law-judge-division/documents/additiontoservicelisttranscriptordercompliant.pdf>

When serving documents on Commissioners or their personal advisors, whether or not they are on the official service list, parties must only provide electronic service. Parties must not send hard copies of documents to Commissioners, their personal advisors, or the ALJ unless specifically instructed to do so.

Persons who are not parties but wish to receive electronic service of documents filed in the proceeding may contact the Process Office at [process\\_office@cpuc.ca.gov](mailto:process_office@cpuc.ca.gov) to request addition to the “Information Only” category of the official service list pursuant to Rule 1.9(f).

The Commission encourages those who seek information-only status on the service list to consider the Commission’s subscription service as an alternative. The subscription service sends individual notifications to each subscriber of formal e-filings tendered and accepted by the Commission. Notices sent through subscription service are less likely to be flagged by spam or other filters. Notifications can be for a specific proceeding, a range of documents and daily or weekly digests.

## **12. Receiving Electronic Service from the Commission**

Parties and other persons on the service list are advised that it is the responsibility of each person or entity on the service list for Commission proceedings to ensure their ability to receive emails from the Commission. Please add “@cpuc.ca.gov” to your email safe sender list and update your email screening practices, settings and filters to ensure receipt of emails from the Commission.

## **13. Assignment of Proceeding**

Matthew Baker is the assigned Commissioner and presiding officer and Joanna Perez-Green is the assigned ALJ for the proceeding.



**IT IS RULED** that:

1. The scope of this proceeding is described above and is adopted.
2. The schedule of this proceeding is set forth above and is adopted.
3. Evidentiary hearing may be needed.
4. The presiding officer is the assigned Commissioner.
5. The category of the proceeding is quasi-legislative.
6. Southern California Edison Company shall serve the Joint Workshop Report to Commission staff 45 days after the last workshop.

Dated April 14, 2025, at San Francisco, California.

/s/ MATTHEW BAKER

Matthew Baker  
Assigned Commissioner