

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Safety and Enforcement Division
Electric Safety and Reliability Branch

San Francisco, California
Date: July 13, 2017
Resolution ESRB-7

RESOLUTION

**RESOLUTION RATIFYING CALIFORNIA PUBLIC
UTILITIES COMMISSION EXECUTIVE DIRECTOR
TIMOTHY J. SULLIVAN'S MAY 31, 2017 HEALTH AND
SAFETY DIRECTIVE GRANTING THE SOUTHERN
CALIFORNIA EDISON COMPANY (SCE) A TEMPORARY
DEVIATION FROM GENERAL ORDER (GO) 95, RULE 54.7
REQUIREMENTS DUE TO EMERGENCY CONDITIONS**

SUMMARY

1. By directive dated May 31, 2017, Executive Director Timothy Sullivan authorized SCE to temporarily deviate from General Order 95, Rule 54.7, to attach air quality monitors supplied by third-party, South Coast Air Quality Management District (SCAQMD), to SCE-owned poles located in or near the City of Compton, California, to address an immediate public health threat caused by toxic emissions from nearby manufacturers. See Attachment A.
2. GO 95, Rule 54.7 governs climbing space dimensions and attachments to utility poles.
3. GO 95, Rule 15.1 permits the Commission to authorize GO 95 deviations in specific circumstances and with proper justification.
4. Commission-Staff Linkage (CL) Policy No. CL-1 provides that the Commission's Executive Director "shall have authority to act expeditiously and in coordination with other agencies of the State of California in emergencies endangering the public health, safety and the environment."
5. This resolution ratifies Executive Director Sullivan's May 31, 2017 emergency directive granting SCE a temporary deviation from the rules set forth in GO 95, Rule 54.7.

BACKGROUND

The Commission's General Order (GO) 95 provides rules governing overhead line construction, maintenance, and modification. GO 95, Rule 54.7 specifically governs the “climbing space” on poles, and requires utilities to comply with limiting conditions on attachments and other obstructions to workers’ safe climbing space. Separate provisions of GO 95 permit deviations or modifications to these requirements where proper justification is shown. Pursuant to GO 95, Rule 15.1, the Commission may authorize deviations where:

15.1 Changes and Special Installations

If, in a particular case or a special type of construction, exemption from or modification of any of the requirements here in is desired, the Commission will consider an application for such exemption or modification when accompanied by a full statement of conditions existing and the reasons why such exemption or modification is asked and is believed to be justifiable. It is to be understood that, unless otherwise ordered, any exemption or modification so granted shall be limited to the particular case or special type of construction covered by the application.

In his May 31, 2017 directive, Executive Director Sullivan outlined the emergent conditions justifying his decision to authorize SCE’s temporary deviation from GO 95, Rule 54.7. Executive Director Sullivan explained that, on May 26, 2017, SCAQMD contacted the Commission for immediate assistance in attaching up to three air quality monitors to SCE-owned poles located in or near the City of Compton, California. SCAQMD explained that the devices were necessary to address an immediate public health threat caused by toxic airborne agents, known as hexavalent chromium emissions, from nearby chrome application manufacturers. SCE agreed to SCAQMD’s request, but correctly noted that the Commission must first authorize a deviation from the rules governing pole attachments and climbing space in GO 95, Rule 54.7. Pursuant to his authority under Commission Policy CL-1 and GO 95, Rule 15.1, Executive Director Sullivan determined that the immediate health threat facing Compton residents justified a temporary deviation from GO 95, Rule 54.7, and directed SCE to attach the devices “as soon as possible.”

DISCUSSION

The Commission Safety and Enforcement Division's Electric Safety and Reliability Branch (ESRB) evaluated the requested temporary deviation, taking into consideration its impact on worker safety and public welfare. Given the immediate and serious nature of the air quality threat, ESRB recommended that the temporary deviation be approved, subject to the safety measures described in the findings and order below.

COMMENTS ON DRAFT RESOLUTION

The Draft Resolution was mailed to the parties of interest on June 16, 2017 accordance with Cal. Pub. Util. Code § 311. Comments are permitted pursuant to Rule 14.3 of the Commission's Rules of Practice and Procedure, as shortened below.

The 30-day comment period otherwise required by Cal. Pub. Util. Code § 311(g)(1) may be shortened for an unforeseen emergency situation, pursuant to § 311(g)(2). Rule 14.6 of our Rules of Practice and Procedure (Rules) defines "unforeseen emergency situation" to include "[a]ctivities that severely impair or threaten to severely impair public health or safety" and "[r]equests for relief based on extraordinary conditions in which time is of the essence." Rules 14.6(a)(1);(6). Rule 14.6(c)(9) refers to situations where "public necessity requires reduction or waiver of the 30-day period for public review and comment."

Here, SCAQMD has reasonably identified an unforeseen risk to the health and safety of Compton residents caused by toxic emissions from nearby chrome application manufacturers. Time is clearly of the essence, where, without the devices, SCAQMD cannot monitor the local air quality and prevent public exposure to the airborne toxins.

Under these circumstances, we find that the public necessity requires that the 30-day period for public review and comment provided in Cal. Pub. Util. Code § 311(g)(1) be reduced. Comments must be filed by July 3, 2017, and reply comments must be filed by July 10, 2017.

No comments were received.

FINDINGS

1. On May 26, 2017, the Commission received a request to grant SCE immediate authority to attach up to three air quality monitors to SCE-owned poles located in or near the City of Compton, California, to address an immediate public

health threat caused by toxic emissions from nearby chrome application manufacturers.

2. The request required Commission authorization for SCE to deviate from the rules set forth in GO 95, Rule 54.7, governing climbing space and attachments to utility poles.
3. GO 95, Rule 15.1 permits the Commission to authorize GO 95 deviations in specific circumstances and with proper justification.
4. Imminent threats to public health and safety stemming from potential exposure to hexavalent chromium emissions justify a temporary GO 95, Rule 15.1 deviation from the GO 95, Rule 54.7 climbing space rules.
5. A temporary deviation from GO 95, Rule 54.7, allowing SCE to install up to three air quality monitors to its poles, is a reasonable approach to protecting the public from immediate exposure to toxic emissions.
6. Granting a temporary deviation from GO 95, Rule 54.7 was a proper exercise of the Executive Director's vested authority to act in an emergency situation endangering the public health and safety in accord with Commission-Staff Linkage Policy No. CL-1.
7. Executive Director Sullivan's May 31, 2017 emergency directive granting SCE a temporary GO 95, Rule 15.1 deviation from the rules set forth in GO 95, Rule 54.7 should be ratified in whole.

THEREFORE, IT IS ORDERED THAT:

1. This resolution ratifies Executive Director Sullivan's May 31, 2017 emergency directive granting SCE a temporary deviation from GO 95, Rule 54.7, to attach air quality monitors to SCE-owned poles located in or near the City of Compton, California, to address an immediate public health threat caused by toxic emissions from nearby chrome application manufacturers.
2. The authorized deviation is temporary in nature. During this time:
 - To the maximum possible extent, SCE must remain in compliance with all applicable rules in GO 95.
 - SCAQMD and SCE must make every effort to attach the air quality monitors and their hardware without obstructing the climbing space on the poles.

- If the monitors or their hardware do obstruct the climbing space, the monitors must be attached only to poles that are accessible to bucket/boom trucks.
 - SCE must ensure that the attachment of the monitors does not violate the pole strength requirements set forth in GO 95 Section IV. In this regard, the monitors shall only be attached to poles having sufficient strength to support them and the existing facilities, without reducing the safety factors of the poles to a level below the requirements of GO 95.
3. The temporary deviation applies to no more than three air quality monitors supplied by SCAQMD to be attached to SCE-owned poles located in or near the City of Compton, California.
 4. At the cessation of the exigent circumstances justifying the temporary deviation, SCE shall commence full compliance with all applicable rules in GO 95.
 5. This order shall be effective immediately.

I certify that this Resolution was adopted by the California Public Utilities Commission at its regular meeting of July 13, 2017, and that the following Commissioners approved it:

/s/ TIMOTHY J. SULLIVAN
TIMOTHY J. SULLIVAN
Executive Director

MICHAEL PICKER
President
CARLA J. PETERMAN
LIANE RANDOLPH
MARTHA GUZMAN ACEVES
CLIFFORD RECHTSCHAFFEN
Commissioners

ATTACHMENT A

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
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May 31, 2017

SENT VIA U.S. MAIL AND EMAIL

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**Re: HEALTH AND SAFETY DIRECTIVE GRANTING TEMPORARY
DEVIATION FROM GENERAL ORDER 95 RULE 54.7 REQUIREMENTS
DUE TO EMERGENCY CONDITIONS**

Southern California Edison (SCE) is granted immediate authority to install air quality monitors on SCE poles located in the City of Compton, California, in order to expeditiously address and monitor toxic air emissions stemming from the manufacture of chrome by nearby factories. This authority is granted pursuant to the rules and policies governing my authority as Executive Director and the Commission's authority to act during public health emergencies.

Pursuant to Commission Policies and Priorities, CL-1, the Commission's Executive Director "shall have authority to act expeditiously and in coordination with other agencies of the State of California in emergencies endangering the public health, safety and the environment." Additional rules and statutes provide specific circumstances wherein the Commission may act to protect the public. Relevant here is Commission General Order (GO) 95 Rule 15.1, which permits the Commission to waive requirements governing the installation of overhead lines in special circumstances, such as preventing imminent threats to public health.

On May 26, 2017, General Counsel, Kurt Wiese for the South Coast Air Quality Management District (SCAQMD) contacted Commission General Counsel Arocles Aguilar, requesting that the Commission grant SCE immediate authority to attach up to three air quality monitors to overhead poles near the City of Compton, California, to address an immediate threat to public health caused by toxic air emissions from nearby

chrome application manufacturers. SCE expressed its willingness to install the monitors, however, correctly noted that the Commission must provide authority to deviate from the rules established in General Order 95, which governs overhead line construction, maintenance, and modification.

Commission staff informs me that the attachments may obstruct the climbing space reserved along climbable poles in violation of GO 95 Rule 54.7. Under normal circumstances, this rule is critical to protecting utility workers from dangerous obstructions or impediments to safe climbing spaces. However, General Rule 95 Rule 15.1 vests the Commission with the authority to grant exemptions or modifications to the climbing space rules, stating:

15.1 Changes and Special Installations

If, in a particular case or a special type of construction, exemption from or modification of any of the requirements here in is desired, the Commission will consider an application for such exemption or modification when accompanied by a full statement of conditions existing and the reasons why such exemption or modification is asked and is believed to be justifiable. It is to be understood that, unless otherwise ordered, any exemption or modification so granted shall be limited to the particular case or special type of construction covered by the application.

On May 26, 2017, SCAQMD explained to General Counsel Aguilar that monitoring the toxic emissions, known as hexavalent chromium emissions, is vital to protecting Compton residents against exposure to toxic, carcinogenic agents. Given the imminent threat of exposure, SCAQMD requested that the Commission issue a waiver no later than June 2, 2017. These circumstances clearly justify a temporary exemption from the rules established in GO 95 Rule 54.7 in order to protect against a serious, imminent public health threat.

The Commission notes that the GO 95 Rule 15.1 exemption is temporary. Following the installation of the monitors, SCE shall conduct all engineering studies in conformity with the requirements of GO 95. Additionally, SCAQMD and SCE must make every effort to attach the monitors and their hardware without obstructing the climbing space on the poles. If the monitors or their hardware do obstruct the climbing space, the monitors must be attached only to poles that are accessible to bucket/boom trucks. Further, SCE must ensure that the attachment of the monitors does not violate the pole strength requirements set forth in GO 95 Section IV. In this regard, the monitors shall only be attached to poles having sufficient strength to support them and the existing facilities,

without reducing the safety factors of the poles to a level below the requirements of GO 95.

Now, given the serious and imminent threat to public safety, I, Timothy J. Sullivan, Executive Director of the California Public Utilities Commission, in accordance with the authority vested in me by Commission Practices and Priorities CL-1, and GO 95 Rule 15.1, hereby grant SCE authority to temporarily deviate from the rules established in GO 95, Rule 54.7 to attach air monitoring devices supplied by SCAQMD to monitor toxic air emissions in Compton, California as soon as possible. Thereafter, my action will be put before the Commission for ratification at the first available Commission meeting.

Sincerely,

Timothy Sullivan
Executive Director
Public Utilities Commission
of the State of California
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CC:
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