

## PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SAFETY AND ENFORCEMENT DIVISION  
Electric Safety and Reliability Branch

December 19, 2024  
Resolution ESRB-12

**RESOLUTION**

**Resolution ESRB-12 – Resolution to modify/replace the electric incident reporting requirements in Resolution E-4184 and investigation requirements in General Order (GO) 95 and GO 128.**

OUTCOME: Modifies the incident reporting requirements for investor-owned electric utilities (Utilities) to clarify the current reporting requirements, eliminate confusing language, and make their interpretation and applications consistent among all Utilities.

SAFETY CONSIDERATIONS: Improves how Commission staff monitor and investigate electric incidents and allocate the resources required to investigate such incidents properly.

ESTIMATED COST: No significant cost.

**SUMMARY AND BACKGROUND**

In Decision (D.) 06-04-055, the California Public Utilities Commission (Commission) required Investor-Owned Utilities (referred to as “Utilities”) to report to the Commission staff by telephone or facsimile incidents that meet specified criteria. Resolution E-4184, approved on August 21, 2008, modified D.06-04-055 and set forth additional requirements for the Utilities to report accidents to the Commission. General Orders (GOs) 95 and 128 require the Utilities to establish investigation procedures for safety-related electric incidents meeting certain criteria.

Resolution E-4184 amended D.06-04-055 by increasing the damage threshold that must occur in order for an electric incident to be reportable from \$20,000 to \$50,000 and requiring incidents to be reported within two hours instead of 60 days. Resolution E-4184 also established a new web-based reporting system, which allows the Utilities to report incidents using a Commission web page designated for incident reporting.

This Resolution updates and modifies the electric incident reporting requirements established in Resolution E-4184 and the incident investigation requirements in General Orders (GO) 95 and 128 for electrical corporations. In modifying these requirements, this

Resolution eliminates confusion on how the current requirements are interpreted and clarifies the type and nature of incidents that should be reported by providing better guidance. The adopted modifications are to:

- Resolution E-4184, Appendix B, Incident Reporting Requirements
- GO 95, Rule 17
- GO 128, Rule 18

## **DISCUSSION**

The reporting criteria for the Utilities in Resolution E-4184 do not reflect today's safety concerns related to injuries, fatalities, and damages that warrant a CPUC investigation. These criteria can also be easily misinterpreted, especially the requirements that are based on damages and significant media attention, as discussed below. This Resolution adopts new definitions, criteria, and thresholds that clarify the requirements for reportable electric incidents and establishes a new quarterly reporting requirement for the Utilities. The changes to Resolution E-4184 will necessitate changes to GO 95, Rule 17 and GO 128, Rule 18 to reflect these new reporting requirements. Appendix A of this Resolution presents the changes to Resolution E-4184, GO 95, Rule 17 and GO 128, Rule 18.

### **I. Utility-Owned Facilities and Personal Injury Criteria**

Resolution E-4184 requires the Utilities to report incidents that “result in fatality or personal injury rising to the level of in-patient hospitalization and attributable or allegedly attributable to utility owned facilities”. However, Resolution E-4184 does not define the term “facilities” nor define the parameters/circumstances of “in-patient hospitalization”. In this context it is unclear whether the term “facilities” refers just to electric facilities or any other facilities (i.e. equipment that is not part of electric distribution, transmission, or substation systems) and the usage of “in-patient hospitalization” is ambiguous. The revised reporting requirements provide a definition for “facilities” to clarify what is considered facilities and references them to GOs 95, 128, and 165. They further clarify the circumstances in which a personal injury requiring “in-patient hospitalization” should be reported. Today, because of advances in medical technologies and changes in medical practices resulting from the COVID-19 pandemic, increasingly more medical procedures, including those necessary to treat serious injuries, are treated as outpatient procedures in which the patient is treated and released from the medical facility on the same day. In these instances, an injury that would have previously triggered a reportable incident no longer meets the threshold for a reportable incident. The clarification eliminates such confusion by making it clear that

any injury requiring the attention of a healthcare professional meets the threshold for a reportable incident and therefore must be reported.

## **II. Significant Media Attention Criteria**

Resolution E-4184 requires electric utilities to report incidents that “are the subject of significant public attention or media coverage and are attributable or allegedly attributable to utility facilities.” This criterion does not take into account new ways for receiving news, such as social media. The new language includes social media coverage within the definition of media coverage and applies the new definition of “utility facilities” to this reportable criteria requirement. The current media coverage criteria does not clarify or explain what significant media coverage is and does not address how this relates to news reported on social media. This Resolution provides a definition and explanation of what significant media coverage is by providing references to daily circulation.

## **III. \$50,000 Property Damage Threshold**

Resolution E-4184 requires the Utilities to report incidents that “involve damage to property of the utility or others estimated to exceed \$50,000.” This language is ambiguous and does not distinguish between an incident related to electric facilities or another incident such as a utility vehicle involved in a car accident. Additionally, the \$50,000 damage threshold established in 2008 and has not been updated since then to account for inflation and increases in the cost of labor, technology, and goods and services. The new reporting requirements increase the property damage amount to \$200,000 and provide criteria for what should be included in the calculation of this threshold amount.

## **IV. Investigation of Utility Infrastructure by Other Government Entities**

Reportable incidents currently do not require Utilities to report when they are being investigated by a government entity (e.g., Cal FIRE) unless the incident meets one of the three criteria above. This means that the Commission may not be aware of instances where a government entity may be investigating whether infrastructure owned or operated by a Utility caused a fire and therefore may be unable to promptly investigate and address safety concerns. To address this gap, this Resolution adopts a new criteria for reportable incidents and requires Utilities to report incidents where a government entity has been prompted to investigate whether infrastructure owned or operated by a Utility caused a fire.

## **V. New Quarterly Reporting Requirement**

In addition to the changes and modifications detailed above, this Resolution also establishes a new quarterly reporting requirement for the Utilities that will be beneficial to public safety and reliability. The quarterly reporting requirement requires the Utilities to report to the Commission’s Safety and Enforcement Division (SED) incidents that resulted in damages greater than

\$50,000 but less than the \$200,000 threshold referenced above. The Utilities shall report all incidents that occurred in the most recent calendar quarter to SED within 20 business days after the close of each calendar quarter. For each incident listed, the Utility shall include information such as the date and location of the incident, a brief description of the incident and facilities, utility or otherwise, that sustained damage, and an estimated cost of those damages. Such information will be reported to SED in a searchable spreadsheet format that will allow SED to monitor trends and may help prevent future fatalities, injuries, and/or safety and reliability issues.

### **COMMENTS ON DRAFT RESOLUTION**

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 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 and will be placed on the Commission's agenda for action no earlier than 30 days from first mailing. Comments were received on \_\_\_\_\_ by \_\_\_\_\_.

### **FINDINGS**

1. The reporting criteria specified in Resolution E-4184 are outdated and subject to misinterpretation.
2. The electric incident reporting requirements in Resolution E-4184, Attachment B, should be modified to clarify the definitions of damages, significant media coverage, and facilities.
3. The electric incident reporting requirements in Resolution E-4184, Attachment B, should be modified to add a new requirement for a reportable incident.
4. Quarterly reporting of electric incidents is beneficial to public safety, beneficial to service reliability, and may help prevent future fatalities, injuries, and reliability issues.
5. GO 95 Rule 17 and GO 128, Rule 18 should be updated to be consistent with the new reporting requirements.

**THEFEFORE, IT IS ORDERED** that:

1. The electric incident reporting requirements are modified as shown in Appendix A to this Resolution.
2. Within 60 days of the effective date of this resolution, SED should revise GO 95, Rule 17 and GO 128, Rule 18 to reflect the changes in Appendix A.

This Resolution is effective today.

I certify that this Resolution was duly introduced, passed, and adopted by the Public Utilities Commission of the State of California at its regular business meeting held on December 19, 2024 and the following Commissioners approved favorably:

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Rachel Peterson  
Executive Director

# APPENDIX A

## PROPOSED CHANGES

### ***Resolution E-4184, Appendix B INCIDENT REPORTING REQUIREMENTS***

Within two (2) hours of a reportable incident during normal working hours or within four (4) hours of a reportable incident outside of normal working hours, the utility shall provide notice to designated CPUC staff of the incident which includes a detailed description of what has occurred ~~general nature of the incident~~, its cause, and the estimated damages. The notice shall include the following information:

- (a) identify the time and date of the incident,
- (b) the time and date of notice to the Commission,
- (c) the location of the incident,
- (d) casualties that resulted from the incident any injuries sustained either by a utility employee, contractor, or civilian that may have resulted from the incident,
- (e) ~~identification of casualties and property damage~~ identification of injured individual(s) and the nature of their injuries, as applicable,
- (f) identification of the utility facilities involved in the incident (by name and voltage),
- (g) estimated amount of property damage to the utility facilities,
- (h) identification and estimated amount of property damage to non-utility facilities (if known),
- (i) the name of other public agencies that were contacted as a result of the incident, and
- (j) the name and telephone number of a utility contact person.

This notice may be provided 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)~~ Safety and Enforcement Division (SED), 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.~~

Facilities as used in this resolution refer to electric facilities/equipment owned or operated by the electric public utility and subject to the CPUC jurisdiction

Within twenty (20) business days of a reportable incident, the utility shall provide to designated CPUC staff a written account report of the incident. The report shall which includes, at minimum, the following information as well as updates to any previous information provided:

- (a) a detailed description of the nature of the incident, and its cause,
- (b) 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.
- (c) the name(s) and contact information of any injured person(s),
- (d) whether the utility is investigating the incident,
- (e) identification of any public agencies that were notified of the incident,
- (f) any corrective action(s) the utility has taken as a result of the incident,
- (g) a list of evidence collected by the utility as a result of the incident,
- (h) a list of witnesses the utility identified and their contact information,
- (i) identification of the utility's facilities/equipment that were damaged as a result of the incident, an updated amount of the cost of damages (utility and non-utility), and updated identification of non-utility facilities/property that were damaged as a result of the incident.

The report shall also identify the date/time of the incident, the time and date of the notice to the Commission, the location of the incident, and date/time the utility became aware of the incident.

Reportable incidents are those which:

- (a) result in fatality or personal injury rising to the level of in-patient hospitalization that requires medical attention from a healthcare professional and are 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 the utility electrical facilities (media as used in this context refers to any of the major news outlets and publications (i.e. a minimum daily circulation of 25,000 or minimum daily followers of 25,000) in the area, city and/or county where the incident occurred); or
- (c) involve damage (caused by a utility facility) to property of the utility or others estimated to exceed \$50,000 estimated to equal or exceed

\$200,000. Property in this section refers to any utility-owned and/or non-utility owned property and facilities. In calculating the amount of damages, the utility shall estimate the cost to replace any damaged facilities that belong to the utility or properties of a non-utility entity. The cost shall also include the labor involved to replace the damaged facilities and should be broken down to show the cost of damages to the utility's facilities and non-utility properties

- (d) prompted a government entity to investigate whether the infrastructure owned or operated by the utility caused a fire.

### Quarterly Reports

Within twenty (20) business days after the close of each calendar quarter, the utility shall submit to SED or its successor, a report of all incidents that occurred in the most recent calendar quarter and resulted in estimated property damages of \$50,000 or greater but less than \$200,000. The definition of damages and cost is the same as defined above.

The report shall include the date of the incident, the location and/or address of the incident, the city and county where the incident occurred, a brief description of the incident, the name and voltage of each circuit(s) involved in the incident, the identification of the utility facilities and/or any non-utility facilities that were damaged, and the cost of damages of the utility facilities and/or non-utility facilities.

Such reports shall be submitted to the ESRB Compliance Filing inbox at [ESRB\\_ComplianceFilings@cpuc.ca.gov](mailto:ESRB_ComplianceFilings@cpuc.ca.gov) in a searchable spreadsheet format with a separate column for each of the categories of information listed above. SED or its successor, has the discretion to request a different format for the report and/or additional information to be included as necessary.

### ***Clean version of INCIDENT REPORTING REQUIREMENTS in ESRB-12:***

Within two (2) hours of a reportable incident during normal working hours or within four (4) hours of a reportable incident outside of normal working hours, the utility shall provide notice to designated CPUC staff of the incident which includes a detailed description of what has occurred, its cause, and the estimated damages. The notice shall include the following information:

- (a) the time and date of the incident,
- (b) the time and date of notice to the Commission,
- (c) the location of the incident,



- (d) any injuries sustained either by a utility employee, contractor, or civilian that may have resulted from the incident,
- (e) identification of injured individual(s) and the nature of their injuries, as applicable,
- (f) identification of the utility facilities involved in the incident (by name and voltage),
- (g) estimated amount of property damage to the utility facilities,
- (h) identification and estimated amount of property damage to non-utility facilities (if known),
- (i) the name of other public agencies that were contacted as a result of the incident, and
- (j) the name and telephone number of a utility contact person.

This notice may be provided by using the Commission's Emergency Reporting Web Page, or by calling an established CPUC Incident Reporting Telephone Number designated by the Commission's Safety and Enforcement Division (SED), or its successor.

Facilities as used in this resolution refer to electric facilities/equipment owned or operated by the electric public utility, and subject to the CPUC jurisdiction.

Within twenty (20) business days of a reportable incident, the utility shall provide to designated CPUC staff a written report of the incident. The report shall include, at minimum, the following information as well as updates to any previous information provided:

- (a) a detailed description of the nature of the incident, and its cause,
- (b) 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,
- (c) the name(s) and contact information of any injured person(s),
- (d) whether the utility is investigating the incident,
- (e) identification of any public agencies that were notified of the incident,
- (f) any corrective action(s) the utility has taken as a result of the incident,
- (g) a list of evidence collected by the utility as a result of the incident,
- (h) a list of witnesses the utility identified and their contact information,
- (i) identification of the utility's facilities/equipment that were damaged as a result of the incident, an updated amount of the cost of damages (utility and non-utility), and updated identification of non-utility facilities/property that were damaged as a result of the incident.

Reportable incidents are those which:

- (a) result in fatality or personal injury that requires medical attention from a healthcare professional and are 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 the utility electrical facilities (media as used in this context refers to any of the major news outlets and publications (i.e. a minimum daily circulation of 25,000 or minimum daily followers of 25,000) in the area, city and/or county where the incident occurred); or
- (c) involve damage (caused by a utility facility) to property estimated to equal or exceed \$200,000. Property in this section refers to any utility-owned and/or non-utility owned property and facilities. In calculating the amount of damages, the utility shall estimate the cost to replace any damaged facilities that belong to the utility or properties of a non-utility entity. The cost shall also include the labor involved to replace the damaged facilities and should be broken down to show the cost of damages to the utility's facilities and non-utility properties
- (d) prompted a government entity to investigate whether the infrastructure owned or operated by the utility caused a fire.

### Quarterly Reports

Within twenty (20) business days after the close of each calendar quarter, the utility shall submit to SED or its successor, a report of all incidents that occurred in the most recent calendar quarter and resulted in estimated property damages of \$50,000 or greater but less than \$200,000. The definition of damages and cost is the same as defined above.

The report shall include the date of the incident, the location and/or address of the incident, the city and county where the incident occurred, a brief description of the incident, the name and voltage of each circuit(s) involved in the incident, the identification of the utility facilities and/or any non-utility facilities that were damaged, and the cost of damages of the utility facilities and/or non-utility facilities.

Such reports shall be submitted to the ESRB Compliance Filing inbox at [ESRB\\_ComplianceFilings@cpuc.ca.gov](mailto:ESRB_ComplianceFilings@cpuc.ca.gov) in a searchable spreadsheet format with a separate column for each of the categories of information listed above. SED or its successor, has the discretion to request a different format for the report and/or additional information to be included as necessary.

## ***Proposed GO 95, Rule 17 INVESTIGATION OF ACCIDENTS***

**A.** Each owner or operator of supply lines shall establish procedures for the Investigation of major accidents and failures for the purpose of determining the causes and minimizing the possibility of recurrence. Nothing in this rule is intended to extend, waive, or limit any claim of attorney client privilege and/or attorney work product privilege.

### **(1) Definition of major accidents and failures:**

**(a)** Incidents associated with utility facilities which ~~cause property damage estimated at or about the time of the incident to be more than \$50,000~~ meet the definition of the latest reportable incidents damage criteria set by the latest Commission Incident Reporting Requirement.

**(b)** Incidents resulting from electrical contact which ~~cause personal injury which require hospitalization overnight, or result in death~~ meet the definition of the latest reportable incidents fatality/injury criteria set by the latest Commission Incident Reporting Requirement.

**EXCEPTION:** Does not apply to motor vehicle caused incidents.

## ***Final GO 95, Rule 17 INVESTIGATION OF ACCIDENTS***

**A.** Each owner or operator of supply lines shall establish procedures for the Investigation of major accidents and failures for the purpose of determining the causes and minimizing the possibility of recurrence. Nothing in this rule is intended to extend, waive, or limit any claim of attorney client privilege and/or attorney work product privilege.

### **(1) Definition of major accidents and failures:**

**(a)** Incidents associated with utility facilities which meet the definition of the latest reportable incidents damage criteria set by the latest Commission Incident Reporting Requirement.

**(b)** Incidents resulting from electrical contact which meet the definition of the latest reportable incidents fatality/injury criteria set by the latest Commission Incident Reporting Requirement.

**EXCEPTION:** Does not apply to motor vehicle caused incidents.

## ***Proposed GO 128, Rule 18 INVESTIGATION OF ACCIDENTS***

**A.** Each owner or operator of supply lines shall establish procedures for the Investigation of major accidents and failures for the purpose of determining the causes and minimizing the possibility of recurrence. Nothing in this rule is intended to extend, waive, or limit any claim of attorney client privilege and/or attorney work product privilege.

### **(1) Definition of major accidents and failures:**

**(a)** Incidents associated with utility facilities which ~~cause property damage estimated at or about the time of the incident to be more than \$50,000~~ meet the definition of the latest reportable incidents damage criteria set by the latest Commission Incident Reporting Requirement.

**(b)** Incidents resulting from electrical contact which ~~cause personal injury which require hospitalization overnight, or result in death~~ meet the definition of the latest reportable incidents fatality/injury criteria set by the latest Commission Incident Reporting Requirement.

**EXCEPTION:** Does not apply to motor vehicle caused incidents.

## ***Final GO 128, Rule 18 INVESTIGATION OF ACCIDENTS***

**A.** Each owner or operator of supply lines shall establish procedures for the Investigation of major accidents and failures for the purpose of determining the causes and minimizing the possibility of recurrence. Nothing in this rule is intended to extend, waive, or limit any claim of attorney client privilege and/or attorney work product privilege.

### **(1) Definition of major accidents and failures:**

**(a)** Incidents associated with utility facilities which meet the definition of the latest reportable incidents damage criteria set by the latest Commission Incident Reporting Requirement.

**(b)** Incidents resulting from electrical contact which meet the definition of the latest reportable incidents fatality/injury criteria set by the latest Commission Incident Reporting Requirement.

**EXCEPTION:** Does not apply to motor vehicle caused incidents.

**(END OF APPENDIX A)**