

AMENDED IN ASSEMBLY APRIL 23, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2584**

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**Introduced by Assembly Member Bradford**

February 24, 2012

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An act to add Section ~~557~~ 316 to the Public Utilities Code, relating to electrical corporations and gas corporations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2584, as amended, Bradford. Electrical corporations and gas corporations: ~~unplanned service outages; retention of evidence; investigations.~~

~~Under~~

(1) ~~Under~~ existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations and gas corporations, as defined. Existing law requires the PUC to adopt inspection, maintenance, repair, and replacement standards for the distribution systems of electrical corporations in order to provide high quality, safe, and reliable service. Existing law requires the PUC to conduct a review to determine whether the standards have been met and to perform the review after every major outage.

This bill would require every electrical corporation and gas corporation ~~that has an unplanned service outage resulting from an accident, natural event, or caused by the unplanned act of a utility employee, to preserve and not dispose of any materials that evidence the cause of the unplanned outage for 5 business days following the unplanned outage. The bill would provide that where evidence is required to be altered in order to restore utility service or to protect the public safety, the electrical corporation or gas corporation is required~~

~~to identify those utility facilities that have been altered and preserve those materials that are unnecessary to restoration of service or protection of the public safety to cooperate fully with the PUC in an investigation into any major accident or any reportable incident regardless of pending litigation or other investigations, including, but not limited to, those that may be related to a PUC investigation. The bill would require every electrical corporation and gas corporation to provide the PUC, upon its request, immediate access to specified documents. The bill would require every electrical corporation and gas corporation to preserve any and all documents it collects as part of its own investigation related to the incident for at least 5 years.~~

~~Under~~

(2) Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because the provisions of this bill are within the act, the bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 316 is added to the Public Utilities Code,
- 2     to read:
- 3     316. (a) Each electrical corporation and gas corporation shall
- 4     cooperate fully with the commission in an investigation into any
- 5     major accident or any reportable incident regardless of pending
- 6     litigation or other investigations, including, but not limited to,
- 7     those that may be related to a commission investigation.
- 8     (b) After the scene of the incident has been made safe and
- 9     service has been restored, each electrical corporation and gas
- 10    corporation shall provide the commission, upon its request,
- 11    immediate access to all of the following:

1 (1) Any factual or physical evidence under the electrical  
2 corporation's or gas corporation's, or its agent's, physical control,  
3 custody, or possession related to the incident.

4 (2) The name and contact information of any known percipient  
5 witness.

6 (3) Any employee percipient witness under the electrical  
7 corporation's or gas corporation's control.

8 (4) The name and contact information of any person or entity  
9 that has taken possession of any physical evidence removed from  
10 the site of the incident.

11 (5) Any and all documents under the electrical corporation's  
12 or gas corporation's control that are related to the incident and  
13 are not subject to attorney-client privilege or attorney work product  
14 doctrine.

15 (c) Each electrical corporation and gas corporation shall  
16 preserve any and all documents it collects as part of its own  
17 investigation related to the incident for at least five years.

18 SECTION 1. ~~Section 557 is added to the Public Utilities Code,~~  
19 ~~to read:~~

20 ~~557. Every electrical corporation and gas corporation that has~~  
21 ~~an unplanned service outage resulting from an accident, natural~~  
22 ~~event, or caused by the unplanned act of a utility employee, for~~  
23 ~~five business days following the unplanned outage, shall preserve~~  
24 ~~and not dispose of any materials that evidence the cause of the~~  
25 ~~unplanned outage. Where materials or evidence are required to be~~  
26 ~~altered in order to restore utility service or to protect the public~~  
27 ~~safety, the utility shall identify those utility facilities that have~~  
28 ~~been altered and preserve those materials or evidence that are~~  
29 ~~unnecessary to restoration of service or protection of the public~~  
30 ~~safety. The duty to preserve evidence of unplanned outages~~  
31 ~~pursuant to this section is inapplicable when, during the five-day~~  
32 ~~period, the commission notifies the utility that it has concluded~~  
33 ~~any investigation it intends to conduct as to the reasons for the~~  
34 ~~outage.~~

35 SEC. 2. No reimbursement is required by this act pursuant to  
36 Section 6 of Article XIII B of the California Constitution because  
37 the only costs that may be incurred by a local agency or school  
38 district will be incurred because this act creates a new crime or  
39 infraction, eliminates a crime or infraction, or changes the penalty  
40 for a crime or infraction, within the meaning of Section 17556 of

- 1 the Government Code, or changes the definition of a crime within
- 2 the meaning of Section 6 of Article XIII B of the California
- 3 Constitution.

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