

AMENDED IN ASSEMBLY SEPTEMBER 6, 2013

AMENDED IN ASSEMBLY SEPTEMBER 3, 2013

AMENDED IN ASSEMBLY JUNE 25, 2013

SENATE BILL

No. 291

Introduced by Senator Hill

February 14, 2013

An act to add Section 1702.5 to the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 291, as amended, Hill. Public Utilities Commission: safety enforcement: gas and electrical corporations.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including gas corporations and electrical corporations, as defined. The Public Utilities Act requires the commission to investigate the cause of all accidents occurring upon the property of any public utility or directly or indirectly arising from or connected with its maintenance or operation, resulting in loss of life or injury to person or property and requiring, in the judgment of the commission, investigation by it, and authorizes the commission to make any order or recommendation with respect to the investigation that it determines to be just and reasonable. The act additionally authorizes the commission to ascertain and fix just and reasonable standards, classifications, regulations, practices, measurements, or services to be furnished, imposed, observed, and followed by specified public utilities, including electrical and gas corporations. Existing law authorizes the commission to issue and serve citations in the enforcement of certain

pipeline safety laws applicable to mobilehome park gas delivery systems and propane operators.

This bill would require the commission, in an existing or new proceeding, to develop and implement a safety enforcement program that includes procedures for monitoring, data tracking and analysis, and investigations, as well as issuance of citations by commission staff, under the direction of the ~~Executive Director~~ *executive director* of the commission, to gas corporations and electrical corporations for correction and punishment of safety violations. The bill would require the commission to develop and implement an appeals process to govern issuance and appeal of citations, or resolution of corrective action orders. The bill would require the commission to implement the safety enforcement program for gas safety by July 1, 2014, and for electrical safety by January 1, 2015.

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

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

1 SECTION 1. Section 1702.5 is added to the Public Utilities
2 Code, to read:

3 1702.5. (a) The commission shall, in an existing or new
4 proceeding, develop and implement a safety enforcement program
5 applicable to gas corporations and electrical corporations ~~that are~~
6 ~~public utilities~~, which includes procedures for monitoring, data
7 tracking and analysis, and investigations, as well as issuance of
8 citations by commission staff, under the direction of the executive
9 director. The enforcement program shall be designed to improve
10 gas and electrical system safety through the enforcement of
11 applicable law, or order or rule of the commission related to safety
12 using a variety of enforcement mechanisms, including the issuance
13 of corrective actions, orders, and citations by designated
14 commission staff, and recommendations for action made to the
15 commission by designated commission staff.

16 (1) ~~When issuing~~ *considering the issuance of* citations and
17 ~~assessing~~ *assessment of* penalties, the commission staff shall take
18 into account voluntary reporting of potential violations, voluntary
19 removal or resolution efforts undertaken, the prior history of
20 violations, the gravity of the violation, and the degree of
21 culpability.

1 (2) The procedures shall include, but are not limited to,
2 providing notice of violation within a reasonable period of time
3 after the discovery of the violation.

4 (3) The commission shall adopt an administrative limit on the
5 amount of monetary penalty that may be set by commission staff.

6 (b) The commission shall develop and implement an appeals
7 process to govern the issuance and appeal of citations or resolution
8 of corrective action orders issued by the commission staff. The
9 appeals process shall provide the respondent a reasonable period
10 of time, upon receiving a citation, to file a notice of appeal, shall
11 afford an opportunity for a hearing, and shall require the hearing
12 officer to expeditiously provide a draft disposition.

13 (c) The commission shall, within a reasonable time set by the
14 commission, conclude a safety enforcement action with a finding
15 of violation, a corrective action order, a citation, a determination
16 of no violation, approval of the corrective actions undertaken by
17 the gas corporation or electrical corporation, or other action. The
18 commission may institute a formal proceeding regarding the alleged
19 violation, potentially resulting in additional enforcement action,
20 regardless of any enforcement action taken at the commission staff
21 level.

22 (d) The commission shall implement the safety enforcement
23 program for gas safety by July 1, 2014, and *implement* the safety
24 enforcement program for electrical safety no later than January 1,
25 2015.

26 (e) *This section does not apply to an exempt wholesale*
27 *generator, a qualifying small power producer, or qualifying*
28 *cogenerator, as defined in Section 796 of Title 16 of the United*
29 *States Code and the regulations enacted pursuant thereto. Nothing*
30 *in this section affects the commission's authority pursuant to*
31 *Section 761.3.*