

CPUC Public Agenda 3459 Thursday, April 16, 2020 10:00 a.m. Remotely



Commissioners:
Marybel Batjer, President
Liane M. Randolph
Martha Guzman Aceves
Clifford Rechtschaffen
Genevieve Shiroma







CPUC Mission

We Empower California through:

- Assuring utility services are clean and safe.
- Providing for critical services and infrastructure.
- Designing rates that are fair and reasonable.
- Protecting the interests of consumers and ratepayers.







CPUC Core Values

Accountability
Excellence
Integrity
Open Communication
Stewardship







Commissioner Code of Conduct

- I. Commissioners should conduct themselves in a manner that demonstrates respect for the public, for fellow Commissioners, and for Commission staff.
- II. Commission meetings should be opportunities for a full and respectful exchange of ideas and the responsible execution of Commission duties.
- III. Serving on the Commission is an honor and Commissioners should treat their colleagues at the Commission with respect for the varied backgrounds, skills and interests that each one brings.
- IV. Commissioners are public officials who should uphold the integrity of their office at all times.



Public Comment



- Per Resolution ALJ-252, any member of the public (excluding parties and their representatives) who wishes to address the CPUC about matters before the Commission must call in to toll-free number: 1-800-857-1917 passcode: 1673481. Or you may email brief written comments (which do not exceed three minutes when read aloud) to 04162020VotingMeetingComments@cpuc.ca.gov and our Public Advisor may read your comments out loud to the meeting if time permits.
- Once called, each speaker has up to 3 minutes at the discretion of the Commission President. Depending on the number of speakers, the time limit may be reduced to 1 minute.
- A bell will ring when time has expired.
- At the end of the telephonic Public Comment Section, the Commission President will ask the Public Advisor if there are any email commenters. The Public Advisor will read any email comments, time permitting.

Public Comment is not permitted on the following items:

- 17, 18, 27, 29, and 42.
- All items on the Closed Session Agenda





Public Agenda Changes

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each CPUC meeting.

- Items on Today's Consent Agenda are: <u>1, 3, 5, 6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39.</u>
- Any Commissioner, with consent of the other Commissioners, may request an item from the Regular Agenda be moved to the Consent Agenda prior to the meeting.
- <u>Items 41 and 53</u> from the Regular Agenda have been added to the Consent Agenda.
- Any Commissioner may request an item be removed from the Consent Agenda for discussion on the Regular Agenda prior to the meeting.
- <u>Items 11 and 29</u> have been moved to the Regular Agenda.
- Items 2, 4, and 52 have been withdrawn.
- The following items have been held to future Commission Meetings:

Held to 5/7/20: **9 and 20.**





Regular Agenda

- Each item on the Regular Agenda (and its alternate if any) will be introduced by the assigned Commissioner or CPUC staff and discussed before it is moved for a vote.
- For each agenda item, a summary of the proposed action is included on the agenda; the CPUC's final decision may, however, differ from that proposed.
- The complete text of every Proposed Decision or Draft Resolution is available for download on the CPUC's website: www.cpuc.ca.gov.
- Late changes to agenda items are available on the Virtual Escutia Table.



Regular Agenda – Communications Orders

Item #11 [18246] – Application of Sprint Communications Company L.P. and T-Mobile USA, Inc. for Approval of Transfer of Control of Sprint Communications Company L.P. and Related Cases

A.18-07-011, A.18-07-012 – Related matters.

In the Matter of the Joint Application of Sprint Communications Company L.P. and T-Mobile USA, Inc., a Delaware Corporation, for Approval of Transfer of Control of Sprint Communications Company L.P. Pursuant to California Public Utilities Code Section 854(a). Consolidated application includes Sprint Spectrum L.P., Virgin Mobile USA, L.P., and T-Mobile USA, Inc.

Ratesetting

Comr Rechtschaffen - Judge Bemesderfer

PROPOSED OUTCOME:

- Approves acquisition of Sprint by T-Mobile Communications Company L.P,. USA, Inc. subject to conditions.
- Closes the proceedings.

SAFETY CONSIDERATIONS:

There are no safety considerations associated with this decision.

ESTIMATED COST:

There are no costs associated with this decision.





Regular Agenda – Energy Orders

Item #29 [18312] – Modified Presiding Officer's Decision on Appeals and Request for Review of Presiding Officer's Decision

1.19-06-015

Order Instituting Investigation on the Commission's Own Motion into the Maintenance, Operations and Practices of Pacific Gas and Electric Company with Respect to its Electric Facilities; and Order to Show Cause Why the Commission Should not Impose Penalties and/or Other Remedies for the Role PG&E's Electrical Facilities had in Igniting Fires in its Service Territory in 2017.

Adjudicatory

Comr Rechtschaffen - Judge Park





Regular Agenda – Energy Orders

Item #40 [18308] – Modification of Climate Credit Disbursement Schedule for Residential Electric Customers

R.11-03-012

Order Instituting Rulemaking to Address Utility Cost and Revenue Issues Associated with Greenhouse Gas Emissions.

Ratesetting

Comr Randolph - Judge Doherty - Judge McKinney

PROPOSED OUTCOME:

Modifies the Climate Credit disbursement schedule for residential electric customers to mitigate
potential bill increases that may result from increased home electric use during the time that
customers are directed to stay at home to mitigate spread of COVID-19.

SAFETY CONSIDERATIONS:

Compliance with Governor Newsom's March 19, 2020 Executive Order N-33-20 is intended to
preserve public health and safety and ensure the healthcare delivery system is capable of serving
all, during the COVID-19 pandemic. See https://covid 19.ca.gov/.

ESTIMATED COST:

This decision will not change the total amount of the 2020 Climate Credit.





Regular Agenda - Orders Extending Statutory Deadline

Item #42 [18229] - Order Extending Statutory Deadline

C.19-04-020

Judy Ann Ahmann and John Eugene Ahmann vs. Pacific Gas & Electric Company.

Adjudicatory

Comr Shiroma - Judge DeAngelis

PROPOSED OUTCOME:

• Extends Statutory Deadline for completion of this proceeding until October 22, 2020.

SAFETY CONSIDERATIONS:

• There are no safety considerations implicated with this Order Extending Statutory Deadline.

ESTIMATED COST:





Item #43 [18231] - Order Extending Statutory Deadline

R.18-04-018

Order Instituting Rulemaking to Evaluate the Mobilehome Park Pilot Program and to Adopt Programmatic Modifications.

Ratesetting

Comr Rechtschaffen - Judge Kersten

PROPOSED OUTCOME:

• Extends Statutory Deadline for completion of this proceeding until December 31, 2020.

SAFETY CONSIDERATIONS:

• There are no safety considerations implicated with this Order Extending Statutory Deadline.

ESTIMATED COST:





Item #44 [18247] – Order Extending Statutory Deadline

A.18-04-021

Application of the Metro Gold Line Foothill Extension Construction Authority for an order authorizing construction of two grade-separated light rail tracks, and alteration of two at-grade commuter rail tracks and up to one freight track, at two (2) highway-rail crossings at (I) at Indian Hill Boulevard, and (2) Towne Avenue in the Cities of Claremont and Pomona in Los Angeles County.

Ratesetting

Comr Randolph - Judge Glegola

PROPOSED OUTCOME:

• Extends Statutory Deadline for completion of this proceeding until June 26, 2020.

SAFETY CONSIDERATIONS:

• There are no safety considerations implicated with this Order Extending Statutory Deadline.

ESTIMATED COST:





Item #45 [18248] - Order Extending Statutory Deadline

A.18-10-008, A.18-10-009, and A.18-10-010 - Related matters.

Application of Pacific Gas and Electric Company in Compliance with Ordering Paragraph 37, Resolution E-4906.

Ratesetting

Comr Guzman Aceves - Judge Hymes

PROPOSED OUTCOME:

• Extends Statutory Deadline for completion of these proceedings until October 19, 2020.

SAFETY CONSIDERATIONS:

• There are no safety considerations implicated with this Order Extending Statutory Deadline.

ESTIMATED COST:





Item #46 [18263] - Order Extending Statutory Deadline

A.18-04-023, A.17-02-009 and A.16-03-009 - Related matters.

In the Matter of the Application of Crimson California Pipeline L.P. (PLC-26) for Authority to Increase Rates for its Crude Oil Pipeline Services.

Ratesetting

Comr Rechtschaffen - Judge Miles

PROPOSED OUTCOME:

• Extends Statutory Deadline for completion of these proceedings until October 24, 2020.

SAFETY CONSIDERATIONS:

• There are no safety considerations implicated with this Order Extending Statutory Deadline.

ESTIMATED COST:





Item #47 [18268] - Order Extending Statutory Deadline

R.18-10-007

Order Instituting Rulemaking to Implement Electric Utility Wildfire Mitigation Plans Pursuant to Senate Bill 901 (2018).

Ratesetting

Comr Batjer - Judge Thomas

PROPOSED OUTCOME:

• Extends Statutory Deadline for completion of this proceeding until December 31, 2020.

SAFETY CONSIDERATIONS:

• There are no safety considerations implicated with this Order Extending Statutory Deadline.

ESTIMATED COST:





Item #48 [18304] - Order Extending Statutory Deadline

R.15-06-009

Order Instituting Rulemaking Regarding Policies, Procedures and Rules for Regulation of Physical Security for the Electric Supply Facilities of Electrical Corporations Consistent with Public Utilities Code Section 364 and to Establish Standards for Disaster and Emergency Preparedness Plans for Electrical Corporations and Regulated Water Companies Pursuant to Public Utilities Code Section 768.6.

Quasi-Legislative

Comr Rechtschaffen - Judge Kelly

PROPOSED OUTCOME:

• Extends the Statutory Deadline until November 29, 2020 for Phase II of this proceeding.

SAFETY CONSIDERATIONS:

• There are no safety considerations associated with this Order Extending Statutory Deadline.

ESTIMATED COST:





Management Reports







Regular Agenda - Management Reports and Resolutions

Item #50 [18264] – Bay Area Rapid Transit to Meet Commission Compliance Ordered by Decision 18-10-020, Paragraph 5.e.

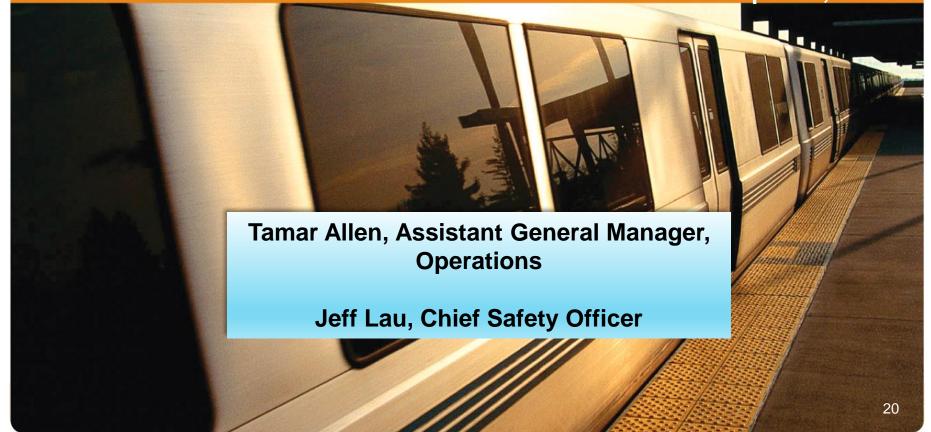
Bay Area Rapid Transit (BART) to report on Annual Safety and update on BART's ongoing efforts to improve safety.





Annual Presentation to CPUC

Commission Meeting April 16, 2020



Condition of Probation: Fine



1. 1st installment of \$224,666.67 paid in Dec 2018

2. 2nd Installment of \$224,666.67 paid in Sep 2019

Condition of Probation: Signage



Probation Term #1
Signage remains posted at each station

Status: Completed.



Condition of Probation: Annual Safety Reporting



Probation Term #2
Safety violations tracking

Status: Completed.

- 1st Annual Report submitted to SED Director on 1/28/19
- 2nd Annual Report submitted to Rail Safety Division Director on 1/27/20

Condition of Probation: Safety Culture



Probation Term #3
Safety culture assessment

Status: Completed.

Assessment results have guided the development of SMS and BART PTASP

Condition of Probation: Safety Training



Probation Term #4

40-hour annual safety refresher courses for managers and supervisors that enforce safety compliance

Status: First Year Program submitted 4/11/19; Enhanced Program approved 7/2/19

- Scheduled to be completed by May 2020 but unfortunately came to a halt due to COVID-19
- Remaining classes will shift to Remote Learning delivery

Safety Culture at BART



As discussed last year, since 2013 these Safety Programs were improved:

- GO 175: Roadway Worker Protection Program
- GO 172: Personal Electronic Devices
- Right of Way Safety Barrier and Fencing Program
- Operations Safety Compliance Program
- Personal Protective Equipment (PPE) Policy
- Safety Reporting and Complaint Investigation
- Internal Safety & Security Audit Program
- Environmental Compliance
- Employee Safety Training

Safety Culture at BART



Improved Programs (cont'd):

- Union and Management Safety Committees
- Enhanced Roadway Worker Protection
- RWP Early Warning System
 - eBART has completed installation of EMTRAC RWP System and is undergoing testing
 - BART is procuring an early warning system
- Increased CPUC Interaction
- SMS Safety Data Analyst (position created and filled)
- New Department of Fire Life Safety (established)

Safety Culture at BART



Since our 2019 presentation, here is an update:

- Safety Management System (SMS) Training
- PTASP Development and Submittal
- SMS Manager
- Maximo HSE Safety Data Analysis and Dashboard
- Increased Operations & Safety Focus Meetings
- "Frontline with Ops" Monthly Newsletter
- Improved Safety Reporting System
- Department of Fire Life Safety

SMS Training



SMS Safety Training for Managers:

- Training focus on SMS, FTA CFRs, CPUC GOs, RWP rules, PED Rules, etc.
- Program includes classroom instructions, group discussions, field hazard identification and mitigation exercise
- Eight training classes have been completed to date. The final three classes are rescheduled/postponed due to COVID-19 outbreak – changed to remote training
- 193 managers have been trained and 105 will complete remote training

BART PTASP



FTA requires all transit agencies to have an approved Agency Safety Plan in place by July 2020

- BART Agency Safety Plan was completed and submitted to CPUC on 3/15/20
- BART will work closely with CPUC to address comments to obtain conditional approval
- BART Board approval will be contingent on virtual Board meetings

SMS Manager



New position of SMS Manager created to support BART SMS implementation

- Reports to Chief Safety Officer
- Oversees SMS implementation
- Conducts SMS training and outreach
- Creates safety communications
- Fosters continuous improvement of BART Safety Culture



Maximo HSE (Safety Database)



- Safety database provides safety data analysis and dashboarding
- Operations utilizes automated reporting process
- System Safety tracks and monitors safety data and results for compliance and trend analyses
- Continuously being improved based on stakeholders' feedback

Safety Focus Meetings



Safety staff attendance in:

- Quarterly Meetings with Training Professionals (EDS'es)
- Shop Tailgate Safety Meetings
- Local Safety Committee Meetings
- M&E/Engineering Safety Bi-weekly Meetings
- M&E Safety Committee Monthly Meetings
- Design & Construction/Environmental Safety Bi-weekly Meetings
- Quarterly Project Engineering Review Meetings
- Construction Safety Meetings

Frontline with Ops Newsletter





Operations publishes a monthly newsletter for employees:

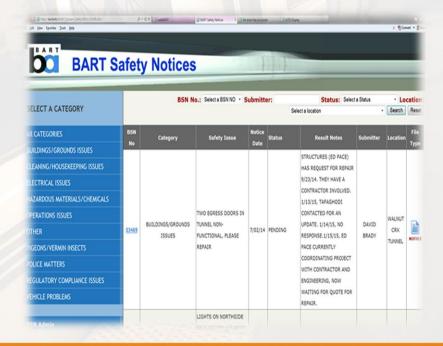
- Safety Corner in every issue
- Safety Communication written by System Safety staff

Improved Safety Reporting System



Multiple ways for employees to report safety issues:

- New email (systemsafety@bart.gov)
- 24/7 Access Day/Night safety staff
- BART Safety Notice Online
- Unusual Occurrence Report
- Safety Committees
- Staff email/phone/fax
- Safety Hotline
- Near-Miss Reporting

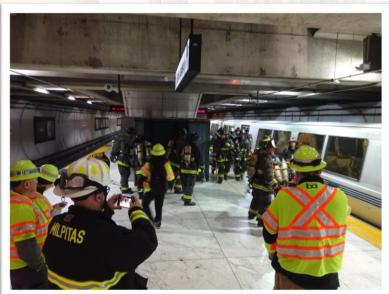


Department of Fire Life Safety



Department of Fire Life Safety has been established

- Deputy Director hired
- Annual inspection program being implemented
- Partnership with CPUC and Fire Departments
- Interfaces with BART Fire Liaison Committee
- Collaborates closely with System Safety and Operations



Operations Safety Compliance Program



- CPUC Mandated
- Field Safety Compliance Checks/Audits by Supervisors & Managers
- Overseen by System Safety which also conducts its own checks

2019 Safety Compliance Checks				
	Number of Checks	Safety Areas/Categories Checked		
M&E	5,627	95		
Transportation	2,769	36		
RS&S	2,073	12		

M&E Operations Safety Compliance Program



Program CY19	Minimum Yearly Checks	Areas Checked	Compliance	Number of Employees
Electrical	997	24	99%	701
Escalator/Elevator	321	7	100%	307
General	1279	10	100%	904
NRVE	197	15	100%	120
Systems Maintenance	1095	13	100%	854
Way and Facilities	1738	26	99%	1336
Total Checks	5627	95	99.5%	4222

Division	Completed in 2019	Safety Areas
ROW Maintenance	3283	50
Facilities Maintenance	2344	16

RS&S Operations Safety Compliance Program



Program CY19	Minimum	Locations	Compliance	Number of Employees
Radio Communications		7	100%	169
Under-Floor Lift Operation		6	100%	26
Move Crew	52	8	100%	183
Transit Vehicle Hostling		1	100%	1
Personal Protective Clothing & Equipment and Ergo Devices		18	98%	852
Overhead Crane Operation		6	100%	24
Personal Electronic Device Rule Compliance		17	99%	343
Workstation Safety (Secondary)		6	99%	306
Forklift (Secondary)		8	100%	57
Lockout/Tagout		3	100%	40
Ascending and Descending From Top of Revenue Vehicles		3	100%	6
Safe Working Within Car Over Work Pit		3	87%	15
Total Checks	2073		99%	2001

eBART Operations Safety Compliance Program



Program CY20	Min Yearly Checks	Areas Checked	Compliance 1 st Quarter	Number of Employees
Operations Safety Compliance Plan - Ops	25% of Engineers/Qtr. 100% annually.	2 (yard and mainline)	100%	18
Operations Safety Compliance Plan-Systems	25% of Systems workers/Qtr. 100% annually.	2	100%	10
Operations Safety Compliance Plan – Vehicle Maintenance	25% of CVMs/ Qtr. 100% annually.	6	100%	11
In-Cab Video Reviews per General Order 172	25% random checks of Engineers and CVM's/ Qtr.	1 (operating cab)	100%	29
DMU Engineer Evaluations	1 per Qtr. per Engineer	2 (yard and mainline)	67%	18

Transportation Operations Safety Compliance Program



Program CY19	Minimum Yearly Checks	Areas Checked	Compliance	Number of Employees
Train Operator/Foreworker Safety Compliance Plan (OSCP)	26 annually per supervisor	15	99%	530*
Train Operator In-Cab Video Reviews General Order 172	184 annually	1	100%	452**
Train Operator Ride Checks	452 annually	20	100%	452**
Total Individual Supervisor Checks	2769	36		

^{*}Total Number of Foreworkers (78) + Total Number of Train Operators (452) = Total Number of Employees (530)

^{**} Total Number of Train Operators (452)

Operations Control Center (OCC) Monthly No-Notice Drills



- Ensures the readiness of the OCC for emergencies
- No-Notice Drills are conducted every shift, every month on the console or as tabletop exercises with a representative of each group in the room (Train Controller / Power Support / Comspec / Tango)

2019: 37 drills or tabletops completed

- Created an OCC "Safety Compliance Checks" within Maximo
 - Allows drills, Controller observation check-rides and other compliance to entered and tracked in Maximo.
 - Implementing May 4, 2020

BART Emergency Preparedness Drills & Training - 2019



- Jan 13-20-27 2019: TBT full exercise, multi-agencies.
- April 2019: Begins ongoing monthly SFFD and OFD Transition Structure Familiarizations.
- April 14 2019: S Line Full exercise with Milpitas FD.
- Jun 10 2019: SFFD New recruit Familiarization.
- Oct 11 2019: OFD New recruit Familiarization.
- Nov 10 2019: Berryessa Full exercise. SJFD.
- Nov 13 2019: Berryessa undercar exercise SJFD and BFD.
- Nov 17 2019: OAC Medical Full exercise OFD.
- Nov 19 2019: Ops Unannounced Drill internal.
- Dec 2-3-4 2019: Embarcadero ICP Exercise SFFD.



BART Emergency Preparedness Drills & Training - 2020





- Jan 17 2020: Ops Unannounced Drill internal.
- Jan 12-19-26: TBT full exercises multi agencies.
- Feb 6 2020: SFFD New recruit Familiarization.
- Feb thru March 2020: multi dates, agency wide
 Familiarizations with North County FD.
- Feb thru March 2020: multi dates, agency wide
 Familiarizations with OFD in WYE.

eBART Emergency Preparedness Drills & Exercises







- 2/25/19 Suspicious Package Full
 Scale Exercise
- 12/4/19 Power Loss Tabletop Drill
- 12/19/19 Facility Evacuation Drill

Internal Safety & Security Audit Program



System Safety audits safety programs managed by Operations and other departments every year

- CPUC staff participated and approved BART annual summary reports
- Number of recent audits performed:
 - 2018 RS&S in 39 areas; Procurement in 1; Leave Management in 1; BPD in 1
 - 2019 Transportation in 22 areas; BPD in 2
 - 2020 In-Progress: M&E in 31 areas; System Safety in 11 Scheduled: BPD in 2 areas

eBART Internal Safety & Security Audit Program



System Safety audits safety programs managed by eBART Operations and other departments every year

- CPUC staff participated and approved eBART annual summary report
- Number of recent eBART audits performed:
 - 2018 3 Audits covering 6 sections of the eBART SSPP
 - 2019 4 Audits performed covering 8 sections of the eBART SSPP
 - 2020 1 Audit performed covering 2 sections of the eBART SSPP
 - 3 additional audits scheduled 1 per quarter

Capital Projects BART Essential Infrastructure



Track & Structures – Assets beyond design life

Rail Replacement and Rail Grinding

Electrical Power - Existing assets past design life

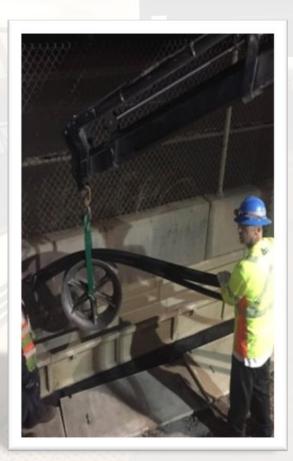
Replacing 34.5 kV cable and substations

Train Control – Heart of train movement, prone to failures

Replacing existing switch machines, cabling, cover boards

Extensions and Fleet Replacement – Improve transit connectivity and rail car reliability

- Silicon Valley Extension (SVBX)
- Rail Car Procurement



Capital Projects BART Essential Infrastructure



Stations - Replace aging assets and protect new assets

- 19th Street Station (ADA improvements, Lighting)
- Union City Station (Fire Alarm, Lighting)
- El Cerrito Del Norte (CCTV, Elevators, Fire Alarm, Lighting)
- Downtown SF Canopies and Escalators

Transbay Tube – Asset needs code-compliant egress/longevity

- Cross-Passage Doors
- Oakland Emergency Generator
- Cathodic Protection

Thank you!



Questions?

Tamar Allen, Assistant General Manager, Operations tallen@bart.gov

Jeff Lau, Chief Safety Officer jlau@bart.gov



Regular Agenda - Management Reports and Resolutions

Item #50 [18264] - Bay Area Rapid Transit to Meet Commission Compliance Ordered by Decision 18-10-020, Paragraph 5.e.

Bay Area Rapid Transit (BART) to report on Annual Safety and update on BART's ongoing efforts to improve safety.





Management Reports







Commissioners' Reports















The CPUC Thanks You For Participating in Today's Meeting

The next Public Meeting will be:

May 7, 2020 at 10:00 a.m. Remote



