

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

10703

2. Department

California Public Utilities Commission

3. Organizational Placement (Division/Branch/Office Name)

Safety Advocate Division

4. CEA Position Title

Director, Safety Advocate

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

Position is responsible for advocating for utility safety through research and analysis of utility safety risks from a technical engineering and cost perspective. Responsible for identifying safety gaps in utility operations and recommending improvements to the Commission's own safety management policies and procedures.

6. Reports to: (Class Title/Level)

Executive Director

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

8. Organizational Level (Select one)

- 1st
- 2nd
- 3rd
- 4th
- 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

Leads a staff of engineers and policy analysts performing high level research and technical, engineering and cost analyses of utility requests for infrastructure or other safety expenditures; manage staff performing evaluation of utility safety risks and comparison of utility risk management and risk mitigation plans with industry best practices, engineering guidelines, and federal and state public utility statutes, rules, and general orders. Participates in program planning, policy formulation, evaluation and implementation, organizational coordination and control. Formulates and provides policy recommendations to the Executive Director regarding overall system projects and activities. Assists the Executive Director in the planning and implementation of safety issue measures. Oversee and guide preparation of data requests, testimony, exhibits, technical reports, and other filings in Commission proceedings containing recommendations for utility safety improvements; Advocate safety improvement recommendations within ratesetting and quasi-legislative proceedings, and before Commissioners, advisors, other decision-makers, the Legislature and other forums; Develop and provide presentations at the Commission and externally on the subject of utility safety progress and safety management topics; Collaborate with Commission Industry Divisions and the Safety and Enforcement Division to identify safety gaps in utility operations, and to recommend improvements to the CPUCs safety management policies and procedures. Lead the development of educational seminars, in collaboration with consumer groups, industry organizations, and academia, on best practices for utility safety management systems. Plans, organizes and coordinates resource planning, staff development, management policies, budget development, personnel issues, recruiting and hiring. Work with Executive Director as part of Commission Management team on agency wide management tasks. Coordinate safety initiatives with sister agencies, such as CalFire, DOGGR, CalOES, and the State Fire Marshall.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The PUC received approval from DOF and the Governor's Office to establish a Division of Safety Advocates in response to unprecedented failures of utility infrastructure of the past five years that threaten the safety of Californians. This need has been further highlighted by the 2015 gas leak at the Aliso Canyon Storage Facility. In 1984 a public staff division (known as Office of Ratepayer Advocates) was created to critically review and analyst utility applications that were set for hearings, testify in hearings and investigations, and make analyses and recommendations intended to develop a formal record and serve the best long-term interests of all utility ratepayers. Creation of a Division of Safety Advocates allows the PUC to have a division dedicated to establishing a safety focus, testifying in hearings, and exclusively prioritizing and advocating for the protection and safety of Californians as a party to PUC proceedings. The mission of the PUC is to assure that utilities provide safety and reliable service at reasonable rates, in 1984, we recognized that keeping rates low was becoming an increasing priority and so we established the ORA. Now we are establishing the same in Safety.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

The PUC received approval from DOF for 11 positions to focus on safety advocacy. In addition, SB 62 (Ch806, Stats 2016) establishes the Safety Advocate Division. Together, these actions by DOF and the Legislature constitute both reorganization and a legislative mandate for the Commission to heighten its focus on safety performance by public utilities and its own methods for safety regulatory oversight. Tepic's mission has long been and remains to serve the public interest by protecting consumers and ensuring that regulated utilities provide safe and reliable service at reasonable rates. (See generally, Public Utilities Code §§ 451 and 761.) The Commission Safety and Enforcement Division has long provided enforcement authority of the over 160 Public Utilities Code sections and 25 General Orders mandating safety requirements for the utilities overseen by the PUC, and will continue in its enforcement role and prosecutorial role for incidents involving violations of statutes, rules, and general orders. This staff will continue to ensure utilities comply with existing safety requirements and bring enforcement actions when violations are discovered. SED staff also serves in an advisory role working with Administrative Law Judges and Commissioners in formal proceedings as decisions are drafted. However, what has changed is the need for the PUC to broaden its safety work so that it considers continuous improvement of safety policies, procedures, and management systems in each and every matter before the Commission and instills throughout every division in the Commission a vigilance towards safety matters. In order to consider safety ramifications, exhibits and testimony regarding safety best practices will broaden the record for Commissioners to consider when rendering a decision. The Safety Advocate (SA) Division is created to provide a unique safety advocacy voice in utility applications beyond the cases where SED staff normally are involved. In particular, the Safety Advocate Division will advance safety in applications requesting rate increases to finance new capital projects or requests for certificates to construct facilities, which do not raise safety enforcement issues that are the purview of SED. SA can provide exhibits and testimony in formal proceedings to play a critical advocacy role for consideration of best practices in safety management policies and procedures in every decision the PUC considers. Pursuant to Senate Bill 636 (Stats. 2014, Oh. 548), Commission staff cannot serve in both advisory and advocacy capacities in the same proceeding. Thus, in proceedings where SED serves in an advisory capacity (such as an application for a new facility), it cannot independently present testimony or evidence on general safety issues. Similarly, the Commission's various industry divisions may be able to identify safety concerns in various proceedings, but generally are not parties responsible for shaping an evidentiary record because they provide advisory staff support to the Administrative Law Judge.

****SEE SECTION #39: (OTHER INFORMATION) FOR CONTINUED JUSTIFICATION>>**

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

Senate Bill 62 establishes the Safety Advocate (SA) Division. Based on requirements in the statute, the CEA position leading SA will be the principle policy maker over the following topics:

1) Suggested improvements to utility safety management policies and processes. Specifically, the CEA position will manage and direct research and analysis into current utility safety management efforts in an effort to uncover safety gaps, safety hazards, and to compare California utility safety practices to best practices in other utilities and industries. This work will occur both in the context of Commission general rate cases and other applications where utilities request funds for operations, maintenance, and capital for infrastructure projects; and in industry-wide rulemakings to review utility safety policies, risk management practices, and safety performance. The CEA position will formulate and direct advocacy positions by SA in Commission proceedings, and will endeavor to persuade CPUC decision-makers to make safety policy improvements through introduction of testimony and exhibits in the record of proceedings. This work will have a statewide impact by identifying and minimizing potential future impacts to public safety from aging utility infrastructure.

2) Suggested improvements to utility safety accountability and transparency of utility safety information. The CEA position will direct SA staff to research and develop safety performance metrics for utility accountability reporting as well as risk indicators, or "precursors" to potential safety hazards. The CEA will also direct research into utility safety history through analysis of existing data on violations and safety incidents to identify areas of potential safety improvement. This research and data will be used to develop SA's advocacy positions in Commission proceedings, and may even be used by SA to petition the CPUC for the opening of additional safety proceedings focused on specific safety topics. This work on safety accountability and transparency will have a statewide impact by focusing attention on utility safety issues at the highest levels of the Commission in an open and transparent fashion.

3) Suggested improvements to CPUC safety management and safety culture. The CEA position will direct SA staff to create a "safety think tank" to identify improvements to CPUC safety oversight practices. Safety oversight and safety culture improvements that OSA will pursue may relate to CPUC emergency preparedness, training of employees both in workplace safety and understanding of their safety oversight roles as regulators, and coordination between the various divisions at the CPUC with safety oversight responsibilities to ensure critical safety information is shared and acted upon promptly. The CEA position will also review and recommend improvements, if needed, to ensure CPUC coordination with other state agencies such as CalFire, DOGGR, the Fire Marshall, and Office of Emergency Services in utility risk identification and emergency response. This work will have a statewide impact by improving CPUC safety oversight, preparedness, and response.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The Director of the Safety Advocate (SA) Division will be directly responsible for: 1) Leading and directing senior engineers and analysts in OSA to advocate for utility safety improvements in Commission proceedings. The CEA will have final decision-making authority regarding all advocacy positions taken by SA in regulatory proceedings. Any advocacy positions taken in CPUC proceedings will then go before an administrative law judge and/or assigned commissioner who will consider Postpositions and make a recommendation for action through Commission proposed decisions or rulings. 2) Developing recommendations to influence the Commission's Executive Director and Commissioners regarding CPUC safety management policies. The CEA will have final decision-making authority regarding recommendations that SA will offer to the CPUC Executive Director. The CEA will work collaboratively as a peer with CPUC industry division directors, the director of the Office of Ratepayer Advocates, and the director of the Safety and Enforcement Division to identify potential improvements to safety management policies and procedures.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The CEA position will be developing new policies with regard to both utility and CPUC safety management and interpreting and implementing new policies adopted in statutes. The CEA will direct review of utility safety management policies and procedures and develop recommendations to address safety gaps that are identified at the utilities. This work will occur in the context of rate applications and infrastructure requests by the utilities, and also in the context of rulemaking proceedings to evaluate CPUC general orders, policies, and rules, as well as safety risk assessment approaches. The CEA may also direct other collaborative work with the utilities to investigate and refine utility safety processes. The CEA will review CPUC safety management policies, including, but not limited to, workforce safety, training, and emergency preparedness, and recommend safety management improvements and safety culture initiatives to the Executive Director and other senior Commission management (i.e., Division Directors).