Underground Facilities Safe Excavation Board

In the Matter of
Pacific Gas & Electric Company

No. 20SA1059

November 16, 2020

DECISION

This decision was made by the Board on November 16, 2020. Pacific Gas & Electric Company did not respond to the Notice of Probable Violation.

Board members Bianchini, Charland, Del Toro, Johns, Munoz, and Voss participated in the decision. Board members Forte and Johnson did not participate in the decision.

Having considered the report of investigation, the Board finds that a probable violation of Government Code section 4216.3(a)(1)(A) occurred.

The Board finds that an order directing PG&E to take the Board's education course is an appropriate sanction.

The Board will transmit the investigation results and the recommended penalty to the California Public Utilities Commission.

PG&E Did Not Field Mark the Location of the Line That Was Damaged
Government Code section 4216.3(a)(1)(A) provides that, in response to a locate-and-mark request, an operator may respond by locating and field marking the area delineated for excavation, indicating the number of subsurface installations where "multiple installations of the same type are known to exist together." (Gov. Code § 4216.3(a)(1)(A)(i).) PG&E responded by field marking the work area, but did not mark the location of the line that was damaged.

Referral to the California Public Utilities Commission is appropriate
When the Board finds a probable violation of Dig Safe laws, the Board may "transmit the investigation results and any recommended penalty" to the

appropriate agency, identified in Government Code section 4216.6(c) or (d). Section 4216.6(c)(2) provides that the Public Utilities Commission shall enforce the requirements of Article 2 (commencing with section 4216) on gas corporations, electrical corporations, and water corporations. PG&E is within the enforcement jurisdiction of the Public Utilities Commission.

An Order to Take the Board's Education Course is Appropriate
Section 4216.19(e) provides that sanctions shall be graduated and may include notification and information letters, direction to attend relevant education, and financial penalties. And further, that this information is relevant to the sanction determination:

(1) The type of violation and gravity.

(2) The degree of culpability.

(3) The operator's or excavator's history of work conducted without violation.

(4) The operator's or excavator's history of work conducted without violations.

(5) The efforts taken by the violator to prevent violation and, once the violation occurred, the efforts taken to mitigate the safety consequences of the violation.

Date:

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Carl Voss, Chair