

**Oregon Public Utility Commission  
Staff Policy**

**Electric and Communication Safety Enforcement**

**PURPOSE**

This policy is to set guidelines related to electric supply and signal line operator inspections by PUC staff. For the purpose of this document, an operator is defined as any person, company, utility, or municipality, pursuant to ORS 757.035, who is involved in the construction, operation, or maintenance of electrical supply and signal lines.

**POLICY**

A. Inspection of Operators by PUC Staff

1. Priority in inspections will be given to those systems and plants with greater risk potential. The following factors will be considered in determining potential risk: the size of the plant or system and the number of customers it serves; the number of past accidents; and the extent of the operator's past violations.
2. Field inspections will include evaluations to ensure that operator is complying with the latest edition of the National Electric Safety Code (NESC) adopted by the Public Utility Commission. Inspections may include reviews of the operator's standard practices and records concerning design, construction, operation, maintenance, inspection, and emergency procedures.

B. Written Notice of Probable Violations

1. As soon as practical after an inspection where a probable violation was noted, a written inspection report by PUC staff listing all violations found will be issued. The report will contain a notice that a probable violation exists, a short description of the probable violation, and a citation to the rule(s) in point. The report will specify reasonable times for the operator to submit a response to the violation.<sup>1</sup>
2. A written response from the operator, pursuant to paragraph C below, must be received by the PUC within the time specified in the inspection report.

C. Responses Open to the Operator

1. After receiving the probable violation, the operator may:
  - a. Correct the violation within the time allotted in the inspection report and notify the PUC staff of the action taken;

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<sup>1</sup>Although PUC staff may specify a deadline for the operator to respond to the probable violation, the operator retains full responsibility to correct those violations cited in a prompt manner so that life and property are not endangered. (See NESC Rules 121A, 214A.5, and 313A.5.)

- b. Submit a written plan of action indicating the action to be taken to correct the probable violation, including a schedule and the date when the completion of corrective action is anticipated; or<sup>2</sup>
  - c. Request an informal conference with the PUC staff.
2. If the plan of action is not accepted by PUC staff, or if the operator selects option c., an informal conference will be scheduled.

D. Informal Conference

A date, time, and place for the informal conference will be arranged. At the conference, the operator may explain his position and may present alternatives for remedying the probable violation. The operator and the PUC staff may agree on a plan to remedy the probable violation.

E. Referral to Commission

After receiving a response from the operator and after holding the informal conference, if any, or after receiving no response within the time specified in the inspection report, the PUC staff will determine whether to refer the case to the Public Utility Commission for formal action. In such case, the PUC staff shall notify the Commission of the response chosen by the operator and the result of the informal conference, if any.

F. Civil Penalties<sup>3</sup>

Civil penalties for failure to comply with PUC utility safety rules or regulations shall be based on the gravity of the violation, the extent of the operator's past violations, and other matters as justice may require.

G. Waivers

Upon formal application by an operator, the Public Utility Commission may grant a waiver from compliance with the utility safety regulations in accordance with OAR 860-024-0012 (4) and with Section 1 of the National Electrical Safety Code. The application shall include a statement of reasons why the regulations are not appropriate and why a waiver is consistent with sound electric and signal line safety practices.

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<sup>2</sup>As soon as the corrective action for the violation is completed, the operator shall notify PUC staff of the final action taken.

<sup>3</sup>ORS 756.180 provides for the enjoining of a violation of the utility laws. ORS 757.990 provides for penalties for failure to comply with PUC safety rules or regulations of not less than \$100, nor more than \$10,000 for each such offense.