



Date: May 31, 2019

To: Patrick H. West, City Manager *T.H.W.*

From: *C.B.* Craig A. Beck, Director of Public Works

For: Mayor and Members of the City Council

Subject: **Update on Citywide Utility Wires Audit**

At its November 13, 2018 meeting, the City Council requested a report back on the feasibility of City staff conducting an audit of utility wires throughout Long Beach to identify maintenance needs, violations, and safety concerns, which would then be addressed with the utility providers and the California Public Utilities Commission (CPUC). This memorandum provides an update on the City Council's request.

Background

In December 2015, the City Council added language to the State Legislative Agenda directing the City to request an amendment to CPUC rules and regulations "to ensure that the City has the authority to abate visual blight that is created by cable television service wires and related equipment that are in place and open to public view when these wires and related equipment are not actually being used for their intended purpose."

In early 2016, as a follow-up to the City Council's request, a letter was sent to the CPUC requesting clarification on General Order 95 (GO 95), Section II, Chapter 31.6 (Abandoned Lines), as to the CPUC's interpretation of "permanently abandoned." Without clarification, the rule allows telecommunications companies to keep unused cable wires attached to poles due to the assumption that the lines could have "foreseeable future use." The City did not receive a response from the CPUC.

On March 28, 2018, after extensive coordination, City staff, CPUC, and a representative from Senator Lara's Office, met with members of the Belmont Neighborhood Association to tour areas within the neighborhood showcasing wire blight. Following the tour, the CPUC Director of Safety and Enforcement sent the City an email summarizing resources for filing a complaint with the CPUC, as well as reference to two active proceedings that would provide opportunities to raise concerns.

City staff was informed that the first active proceeding included the filing of a petition on December 1, 2016 by the CPUC's Safety and Enforcement Division to repeal or modify Rule 18 of GO 95, which covers reporting and resolution of safety hazards as discovered by utility companies. The CPUC's petition resulted in changes that require utilities to have auditable maintenance programs for overhead facilities. On May 16, 2019, a final decision by the CPUC was made, which adopts a settlement agreement that (1) reduces or establishes the timeframe for utilities to make repair; (2) clarifies communications and establishes a timeframe within

which utilities must communicate observed or created potential violations of GO 95 and safety hazards; (3) clarifies CPUC staff's authority to shorten timeframes to correct a violation; (4) expands the recordkeeping required in the utilities' auditable maintenance programs; and, (5) clarifies utilities' obligation to maintain safe facilities. The second proceeding, which was also filed by the CPUC's Safety and Enforcement Division on June 19, 2017, involved an order instituting an investigation into the creation of a shared database or statewide census of utility poles and conduit in California. No new work by the CPUC has been completed as a result of this proceeding.

Process for Filing CPUC Complaints

There is both a formal and an informal process available for filing complaints. The CPUC encourages that informal complaints be filed with the Consumer Affairs Branch or the Safety and Enforcement Division, if pertaining to safety issues. Informal requests require limited information to submit, including: address of specific location, photographs, and a summary or copies of correspondence with the utility or telecommunication company in question. Through the formal complaint procedure, the CPUC can order the utility company to take corrective action, but the process and requirements to make formal complaints is more complex. As a result of the most recent changes to Rule 18 of GO 95, the maximum timeframe for utilities to correct Priority Level 2 risks has been reduced from 59 months to 36 months; (2) the maximum time for utilities to correct Level 3 risks has been set at 60 months with certain exceptions (previously there was no deadline for correcting Priority Level 3 risks); and, (3) CPUC staff may direct utilities to correct violations of GO 95 at specific locations sooner than the maximum timeframes allowed by Rule 18. A detailed guide outlining the full requirements of formal complaints can be found at:

http://www.cpuc.ca.gov/uploadedFiles/CPUC_Website/Content/About_Us/Organization/Divisions/News_and_Outreach_Office/PAO/Documents/Formal_Process/FormalComplaintDirectionsandForm091214word.pdf

Feasibility of a Citywide Utility Wires Audit

Staff estimates there is approximately 760 miles of above ground utility wires in Long Beach. These wires, which are both active and abandoned, are owned by multiple companies. Accordingly, significant resources would be required to perform an audit of wires on utility poles, identify their respective owners, and evaluate possible safety and code compliance violations. The submittal of complaints, either formal or informal, and consistent follow-up to track progress would also require significant effort.

To perform the work requested by the City Council, staff estimates that a two-year process would be required to complete the audit, with associated costs exceeding \$2 million. The following is a breakdown of the process and estimated costs:

1. Hire a consultant team with expertise in State and Federal laws and regulations affecting utility wires to take the lead in performing inspections, documenting existing conditions, and flagging possible violations. Estimated Cost: \$800,000 per year, for two years.

2. Allocate an Administrative Analyst (0.5 FTE) to help manage contract and internal and external communications. Estimated Cost: \$80,000 per year, for two years.
3. Allocate a Civil Engineer (0.5 FTE) to review technical reports, perform inspections for high risk areas, oversee communications with the CPUC, review existing franchise agreements and track compliance, oversee enforcement actions, and manage emergency coordination with utility companies if warranted by site specific safety conditions. Estimated Cost: \$98,000 per year, for two years.
4. Allocate an Inspector (0.5 FTE) to perform regular inspections, document progress, assist Civil Engineer, and perform inspections of new installations or maintenance activities to ensure compliance with all legal requirements, and proactively communicate with utilities companies operating within the City limits. Estimated Cost: \$46,000 per year, for two years.

After conclusion of the citywide audit, City staff would work with utilities and CPUC to address identified issues.

If you have questions, please contact me at (562) 570-6771.

CC: CHARLES PARKIN, CITY ATTORNEY
LAURA L. DOUD, CITY AUDITOR
TOM MODICA, ASSISTANT CITY MANAGER
KEVIN JACKSON, DEPUTY CITY MANAGER
REBECCA GARNER, ADMINISTRATIVE DEPUTY TO THE CITY MANAGER
MONIQUE DE LA GARZA, CITY CLERK (REF. FILE #18-1005)
ERIC LOPEZ, PROJECT MANAGEMENT BUREAU MANAGER