



CALIFORNIA LEGISLATIVE COUNCIL OF PROFESSIONAL ENGINEERS

IN REPLY PLEASE ADDRESS:

Robert A. Katin, P.E.
Katin Engineering Consulting
P. O. Box 4727
Antioch, California 94531-4727
(925) 755-1150

e-mail bobkatin@katinengineering.com
www.clcpe.org

March 19, 2013

Mr. Christopher P. Johns
President
Pacific Gas and Electric Company
77 Beale Street
P. O. Box 770000, Mail Code B30A
San Francisco, CA 94177

Subject: State PE Act requires all utility company engineering & science be conducted by a civil engineer

Dear Mr. Johns:

I am president of the California Legislative Council of Professional Engineers (CLCPE). It is an organization of engineering societies. The main purpose of CLCPE is to advise the California Legislature regarding laws that impact the engineering profession. Because the California Professional Engineers Act (PE Act) provides a monopoly for civil engineers over the development of California's infrastructure, we have been supporting legislation that would reform that law. California is the only state with this type of monopoly.

The PE Act requires competency for all licensed engineers, however its highest priority is to require all scientific and professional services regarding any geographically fixed facility to be provided by licensed civil engineers. The requirement to only use civil engineers applies to every component of every facility a utility relies on to serve the public.

A civil engineer must design every aspect of every facility necessary to generate, transmit or distribute energy. No licensed engineers, scientists or members of other generally recognized professions, can provide such services, unless they are also licensed as civil engineers. In every other state, utilities are able to rely on competent experts without checking to see if they are licensed as civil engineers.

Because of a tragic dam collapse, California enacted the PE Act decades ago to require any person providing any professional expertise needed to develop any component of geographically fixed facilities to be licensed as a civil engineer. It includes all scientific and professional services by defining them to be "civil engineering". The exemptions to this requirement are narrow, and specific, and the exemption that applies to public utilities specifies that it does not exempt civil engineering, thereby imposing the monopoly on public utilities.

Member
Organizations

American Institute of Chemical
Engineers-NorCal

American Institute of Chemical
Engineers-SoCal

American Nuclear Society

American Society of Agricultural
and Biological Engineers

American Society of Mechanical
Engineers

California Industrial Engineers

California Manufacturing
Engineers

California Society of Professional
Engineers

Institute of Electrical & Electronics
Engineers

Instrumentation Society of
Automation

Mechanical Engineers Association
of California

Registered Traffic Engineers of
America

Society of Fire Protection
Engineers

Enclosed is the list of the code sections in the PE Act that contain the civil engineering monopoly. Also enclosed is a legal opinion issued by the Legislative Counsel Bureau at the request of Senator Mimi Walters, the author of legislation that would have reformed the PE Act. That legislation, SB 692 (2011), as amended 1-4-12, was successfully opposed by entities that have an interest in maintaining the monopoly. This is a legislative affirmation of the intent of the PE Act. CLCPE does not foresee any further legislative effort to reform the law.

If you have any questions, I would be happy to answer them.

Sincerely,



Robert A. Katin, PE
CLCPE President

Enclosures:

- o legal opinion of the PE Act issued by the Legislative Counsel Bureau dated July 22, 2011
- o summary of applicable Code Sections in the PE Act

Copy to: Dr. Allison M. MacFarlane, U. S. Nuclear Regulatory Commission Chairman
Mr. William D. Magwood, IV, U. S. Nuclear Regulatory Commission Commissioner
Ms. Kristine L. Svinicki, U. S. Nuclear Regulatory Commission Commissioner
Dr. George Apostolakis, U. S. Nuclear Regulatory Commission Commissioner
Mr. William C. Ostendorff, U. S. Nuclear Regulatory Commission Commissioner
Mr. R. William Borchardt, U. S. Nuclear Regulatory Commission Exec Dir for Operations
Mr. Jon Wellenough, JD, Federal Energy Regulatory Commission Chairman
Mr. Philip D. Moeller, Federal Energy Regulatory Commission Commissioner
Mr. John R. Norris, JD, Federal Energy Regulatory Commission Commissioner
Ms. Cheryl A. LaFleur, JD, Federal Energy Regulatory Commission Commissioner
Mr. Tony Clark, Federal Energy Regulatory Commission Commissioner
Ms. Kimberly D. Bise, JD, Federal Energy Regulatory Commission Secretary
Mr. Michael R. Peevey, California Public Utilities Commission President
Mr. Michel Peter Florio, JD, California Public Utilities Commission Commissioner
Ms. Catherine J. K. Sandoval, JD, California Public Utilities Commission Commissioner
Mr. Mark J. Ferron, California Public Utilities Commission Commissioner
Dr. Carla J. Peterman, California Public Utilities Commission Commissioner
Mr. Paul Clanon, California Public Utilities Commission Executive Director