

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

*Order Instituting Rulemaking to Examine
Electric Utility De-Energization of Power
Lines in Dangerous Conditions*

Rulemaking 18-12-005
(Filed December 13, 2018)

**COMMENTS OF THE RURAL COUNTY REPRESENTATIVES OF
CALIFORNIA ON THE SAFETY AND ENFORCEMENT DIVISION'S
REPORT AND THE FUTURE SCOPE OF THIS PROCEEDING**

John Kennedy
Legislative Affairs Advocate
Rural County Representatives of California
1215 K Street, Suite 1650, Sacramento, CA 95814
Tel: (916) 447-4806
E-mail: jkennedy@rcrcnet.org

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I. Introduction

In accordance with Rule 6.2 of the California Public Utilities Commission (Commission) Rules of Practice and Procedure (Rules), the Rural County Representatives of California (RCRC) submits comments to the Order Instituting Rulemaking 18-12-005 (Rulemaking).

II. Summary

Pursuant to Administrative Law Judge Brian Stevens’ September 14, 2020 ruling, RCRC is pleased to offer comments regarding how the Safety and Enforcement Division’s (SED) *Public Report on the Late 2019 Public Safety Power Shutoff Events* (SED Report) and comments on that included in I.19-11-013 may inform the issues scoped into this rulemaking, including potential additional or modified deenergization guidelines. RCRC is an association of thirty-seven rural California counties and its Board of Directors is comprised of one elected supervisor from each of those member counties. RCRC received party status on March 18, 2019.

RCRC member counties have suffered the lion’s share of destruction caused by catastrophic wildfires over the past decade and experienced most of the state’s Public Safety Power Shutoff (PSPS) events. We do not underestimate the risk of wildfire danger and appreciate the role that expertly-informed, tailored PSPS events play in avoiding catastrophic wildfires. At the

same time, the awesome power to deenergize individuals and communities cannot be taken lightly and must always be used as a last resort.

PSPS events are not mere inconveniences for many Californians. Rural areas are populated by a greater number of elderly persons, many of whom may rely on medical devices to sustain vital health care needs or have sensitivities to extreme heat. Furthermore, many rural areas have entire communities where residents rely on electricity to pump groundwater for domestic uses like bathing, cooking, and sanitation. Without fresh water, basic sanitary functions (including septic systems) are compromised. Due to rugged topography, vegetation, and other factors, many individuals and some communities in rural areas lack wireless phone coverage and rely upon landlines for crucial access to emergency services and alerts. As a result of migration away from traditional copper line telephone systems, PSPS events can eliminate access to communications services for those individuals and communities.

Given the substantial public health, safety, and environmental impacts related to deenergization, utilities must carefully evaluate the risks involved and strive to harden infrastructure and increase system resiliency to reduce the size, duration, and frequency of future PSPS events.

RCRC has several suggestions for future modification to the PSPS Guidelines and actions the Commission should take to reduce the size and scope of future PSPS events and mitigate their impacts. These include:

- Incorporating reasonableness reviews of PSPS events into the regular order of business.
- Requiring identification of circuits at greatest risk of PSPS events and ordering actions to harden infrastructure and improve resiliency of those circuits.
- Developing a standard template and refining content required in utility post-event reports.
- Clarifying notification expectations.
- Expanding the universe of critical facilities and infrastructure and requiring regular reconciliation between utility and local government lists.
- Placing a stronger emphasis on mitigating PSPS impacts on medically sensitive residents rather than merely providing notifications.
- Prohibiting utilities from directing customers to first responders for PSPS mitigation and transportation assistance.

- Requiring utilities to work with communications providers and the Commission to identify communities served predominantly or exclusively by landline phone service and prioritize strategies to reduce the risk of power loss to those communities.

RCRC also notes that the Commission’s PSPS guidelines are spread out over several separate orders¹ and urges the Commission to consolidate all the different PSPS guidelines into a single standalone decision for greater clarity for the benefit of both regulated entities and the impacted communities.

III. Comments

RCRC urges the Commission to consider the following modification to the PSPS guidelines and actions as part of this rulemaking:

1. Incorporate reasonableness reviews of PSPS events into the regular order of business.

The Commission must provide robust oversight and clear expectations for utility PSPS events. The ability to shut off power to entire communities and regions is an awesome responsibility and must be carefully overseen, lest PSPS events merely become risk-avoidance exercises where all the consequences and burdens are shifted to residents, businesses, and local governments.²

As a foundational issue, RCRC strongly disputes the way the SED Report dismisses the need for utilities to minimize PSPS related impacts because “the Commission should also recognize that resources are also provided by local jurisdictions.”³ Local government personnel and resources are already strained as a result of COVID-19, reduced revenues, wildfire disaster response and recovery, and having to mitigate PSPS impacts on their own facilities and operations. We agree with the City of San Jose⁴ and believe it is inappropriate to presume that the utilities should be relieved of any obligations to mitigate PSPS impacts simply because local governments have stepped in to protect the health and safety of their residents amidst the void created by those utilities.

¹ D.19-05-042, Resolution E.SRB-8, and D.12-04-024.

² See *Center for Accessible Technology’s Comments on Scoping Memo Issues* (I.19-11-013), October 16, 2020, pages 3 and 7.

³ California Public Utilities Commission Safety and Enforcement Division, *Public Report on the Late 2019 Public Safety Power Shutoff Events*, April 30, 2020, page 73.

⁴ *City of San Jose’s Comments on Assigned Commissioner’s Scoping Memo and Ruling* (I.19-11-013), October 16, 2020, page 17.

Utilities must expect careful regulatory scrutiny of their actions in order to ensure that their decisions were reasonable, that they carefully weighed the risks of deenergization against the risks of utility caused wildfire, and they complied with the Commission’s directives. Without regular and systematic oversight of PSPS events, there is no guarantee that utilities will comply with the letter and spirit of the guidelines and that PSPS events are only used as a last resort pursuant to D.19-05-042 and D.20-05-051⁵. We believe the reviews currently being conducted in I.19-11-013 are a good start and will set the tone for how seriously utilities take their PSPS obligations in the future.

The PSPS Guidelines should be modified to articulate an oversight structure in which reasonableness reviews are conducted at regular intervals following a PSPS event to assess whether utilities acted reasonably and prudently.

2. Require annual reporting of circuits at greatest risk of PSPS and order actions to harden infrastructure and improve resiliency of those circuits.

Californians live in a state at the forefront of technological advancement and innovation and should not be forced to choose between safe or reliable electricity. This is especially true for those who live in rural areas where income levels are often much lower than the statewide median household income.

While we acknowledge that the utilities are making substantial investments to harden their infrastructure and increase resiliency, hundreds of thousands of Californians still had their power shut off during one or more PSPS event this year. Those events coincided with extreme heat and poor local air quality.

The Commission must ensure that utility investments in hardening and resiliency are directed to those circuits at greatest risk. With much more weather data and two years of PSPS events under their belts, utilities should have enough information to be able determine the probability of having to deenergize any given circuit.

⁵ D.19-05-042 states: “The electric investor-owned utilities must deploy de-energization as a measure of last resort and must justify why de-energization was deployed over other possible measures or actions.” D.20-05-051 Conclusions of Law 40 reads, “The electric IOUs’ post event reports should include a thorough and detailed description of the quantitative and qualitative factors it considered in calling, sustaining, or curtailing each de-energization event (including information regarding why the de-energization event was a last resort option) and a specification of what factors must be present for the de-energization event to be concluded.”

RCRC believes that new annual reports can paint a better picture of the utility's progress in reducing the size, scope, and frequency of PSPS events and mitigating their impacts. The Commission should establish a new requirement for utilities to annually report information on those circuits at greatest risk of being deenergized during a PSPS event and outline planned efforts to mitigate those risks.

In that report, utilities should annually provide data on the number of times individual circuits were deenergized. Based on that information, utilities should describe steps they will take to reduce the risk of deenergizing those circuits (including through system hardening, sectionalization, or deployment of microgrids), an estimated time to complete those projects, and explain how they are building local resiliency and mitigating effects in impacted communities in the interim. Finally, utilities should submit regular progress reports on those activities.

3. Develop a standard template and refine content required in utility post-event reports.

RCRC encourages the Commission to refine the existing post-event report guidelines and develop a simplified standard template for post-event reports. These changes will better enable the Commission and stakeholders to conduct cross-utility comparisons and clearly measure improvements over time. These reports should not just be for the Commission and public - they should also help inform utilities' future actions and wildfire prevention efforts.

The SED Report makes several meritorious suggestions, such as including information on the effectiveness of community resource centers, maps depicting PSPS impacts, better information about notification and mitigation efforts, and an enhanced "lessons learned" section that includes a thorough discussion about how the utility can and will address any problems, reduce the risk that impacted circuits will be deenergized, and improve mitigation efforts (especially for medically sensitive individuals).⁶

Post-event reports should identify the intervals in which the customers were notified (less than 12 hours, 12-24 hours, 25-48 hours, or more than 48 hours before a PSPS event). Particular attention should be paid to the number of customers that received less than 12 hours advanced notice and those that received no advanced notice. The reports should also explain why the utility was unable to provide advanced notice to those groups and what steps can be taken, if any, to avoid similar problems in the future. As the CPUC established different advanced notification

⁶SED Report, pages 86-88.

timeframes for the public than for “public safety partners” and “priority notification entities”, the data should break out how many customers in each group were notified during which period.

Additionally, post-event reports should:

- 1) Detail requests to delay deenergization or to reenergize a circuit because of concurrent emergencies, whether those requests were granted, and why any were denied.
- 2) Include the number of medical baseline and/or medically sensitive customers who received PSPS mitigation assistance.
- 3) Estimate of the number medical baseline and/or medically sensitive customers impacted and who did not receive any mitigation assistance other than notification.
- 4) Report the percentage of customers whose service was restored within 24 hours.
- 5) Report the number of customers whose power was not restored within 24 hours after the end of the event and how long it took to fully restore power.
- 6) Report whether power was fully restored to all impacted customers before the next PSPS event and how many customers did not have service restored between events.
- 7) Disclose the longest period a customer was without power due to a PSPS event(s).

4. Clarify notification expectations.

One of the lingering challenges with the Commission’s PSPS Guidelines concerns pre-event notifications. The existing guidelines are “recommendations” and stop short of establishing requirements for pre-event customer notifications. Rather than being required to notify customers of a potential PSPS event so many hours in advance of the event, the guidelines merely ask utilities to provide notifications *where feasible*, thereby creating loopholes at the customers’ expense. While we understand that changing weather conditions may make it difficult to always provide early notifications, the “where feasible” clause provides little incentive for utilities to ensure that all customers are timely notified.

Inadequate notification can wreak havoc on emergency response and put people and communities at risk.⁷ While we can appreciate the challenges of predicting extreme weather patterns, utilities must be given clearer expectations of who, when, and how to communicate

⁷ *Comments of the Public Advocates Office to the Order Instituting Investigation (I.19-11-013)*, October 16, 2020, page 9.

prospective a de-energization event. If these metrics cannot be achieved, explanations should be included in the post-event report.

Timely notifications are not a matter of courtesy - they are a matter of public safety. At a minimum, priority notification entities like critical facilities and infrastructure and medically sensitive customers must be notified at least 48 hours prior to a PSPS event. We also agree with the SED Report that a PSPS cancellation notification can ease customer anxiety and allow impacted customers to redeploy resources where they are more likely to be needed.⁸

Finally, PSPS events can have far ranging impacts on communities and it is important that public safety partners be given as much advanced notification as possible to prepare for deenergization. While the first priority for notification should be to “first/emergency responders,” we believe utilities can easily notify local governments at the same time - perhaps by including county administrative officers and city managers on the distribution list.

5. Expand universe of critical facilities and infrastructure and require regular reconciliation between utility and local government lists.

Utilities are already required to develop their own lists of critical facilities and infrastructure and to work with first/emergency responders and local governments to identify critical facilities.⁹ Despite those requirements, there were numerous instances of discrepancies between utility and local government lists of critical facilities and situations in which critical facilities were not notified in advance of PSPS events.¹⁰ RCRC agrees with the SED that it is imperative for utility lists of critical facilities and infrastructure to be reconciled with local governments to ensure the accuracy of those databases.¹¹ We agree with SED’s observation that some of those facilities lack alternative sources of power, which highlights a crucial need for coordination and consultation between the utilities and operators prior to deenergization.

We also reiterate our previous suggestions to slightly expand the definition of critical facilities and infrastructure. Designation is important not only because of the advanced notification of PSPS events, but also because the utility must assess the ability of that facility to

⁸ SED Report, pages 83-84.

⁹ D. 19-05-042, *Decision Adopting De-Energization (Public Safety Power Shut-Off) Guidelines (Phase 1 Guidelines)*, page A-11.

¹⁰ *City of San Jose*, page 3.

¹¹ SED Report, page 85.

maintain operations during de-energization events of varying lengths.¹² In particular, we suggest designating county election offices and food banks as critical facilities.

While we appreciate utility efforts to coordinate with local elections officials in advance of this year's election, we believe those efforts should be incorporated into the PSPS guidelines to ensure continued collaboration in the future. County elections officials operate under tight timelines (and increasingly under much scrutiny) and can ill afford the confusion and delays resulting from PSPS events in late October (during the early voting process) or November (during the election and post-election tabulation). In the interest of brevity, we incorporate by reference our previous justifications for why such a change is warranted.¹³

Additionally, we still urge designation of food banks as critical facilities. As the Commission noted, "Food Banks are essential sources of food for lower-income families during PSPS events or wildfires."¹⁴ Any loss of power to a food bank will hobble community response and mitigation efforts. It may be very difficult to replace the perishable food lost because of spoilage from the loss of power – these consequences would be especially catastrophic around the Thanksgiving holiday season. We note that food banks have already been identified by the Commission as having "critical resiliency needs" under the Self-Generation Incentive Program (SGIP) and so are eligible for funding under the equity resiliency budget.¹⁵ Adding food banks to the definition of critical facilities under the PSPS Guidelines will complement their eligibility for funding under the SGIP program and help ensure that they receive advanced notification so they can plan for impending PSPS events.

6. Place stronger emphasis on mitigating PSPS impacts on medically sensitive residents rather than merely providing notifications.

RCRC agrees with the SED Report that utilities "should be required to build partnerships with [community-based organizations] to lessen the impact of PSPS events on AFN communities and at-risk populations."¹⁶

¹² D. 19-05-042, page A-12.

¹³ *Rural County Representatives of California Comments on Proposed Additional and Modified De-Energization Guidelines*, February 19, 2020, pages 11-12.

¹⁴ D. 20-01-021, *Self-Generation Incentive Program Revisions Pursuant to Senate Bill 700 and Other Program Changes*, January 27, 2020, page 87.

¹⁵ *Id.*, pages 87, 93, and 102.

¹⁶ *SED Report*, page 84.

To protect our most vulnerable residents, we urge the Commission to devote greater attention to mitigating the impacts of PSPS events on medical baseline and medically sensitive customers. While advanced notifications for medically sensitive residents are absolutely necessary, notifications alone fail to protect those individuals from adverse PSPS-related impacts. Much of the existing focus has been on notification and urging medically sensitive residents to have a plan in place in case their power is shut off during a PSPS event. This “hands-off” approach inappropriately places unnecessary burdens on customers who often lack the resources to adequately prepare for losing electricity, particularly those customers who depend on electric-powered medical equipment. We acknowledge the role that the Self-Generation Incentive Program may play in helping to mitigate these risks for some customers; however, those resources are quickly being exhausted.

We note (and greatly appreciate) that the utilities have already made great strides in contracting with community-based organizations to provide goods and services to at-risk individuals to mitigate PSPS impacts. Less clear is whether those organizations can fully satisfy customer demand before the allocated resources are exhausted. While utilities are tapping into a large network of organizations, it is not clear if any communities remain unserved by that network or if individuals have fallen through the cracks and been unable to obtain mitigation assistance.

7. Prohibit utilities from directing customers to first responders for PSPS mitigation and transportation assistance.

The Commission should make it clear that it is unacceptable for utilities to encourage customers to contact 9-1-1 for non-emergency issues to mitigate the impacts of PSPS events.

As the Joint Local Governments note, “SCE’s plan to have customers call 911 for non-medical emergency issues related to a de-energization event was a problem for local governments, and also likely burdened those customers with significant expenses.”¹⁷ Similarly, PG&E’s Wildfire Mitigation Plan suggests using first responders to provide medical transportation of access and functional needs individuals to community resource centers.¹⁸

¹⁷ *Joint Local Governments’ Opening Comments on Phase 2 Scoping Memo Issues* (I. 19-11-013), October 16, 2020, page 37.

¹⁸ *Pacific Gas and Electric Company 2020 Wildfire Mitigation Plan Report Updated Rulemaking 18-10-007*, February 28, 2020, page 5-290.

While we support PG&E's efforts to coordinate with medical transportation providers and community-based organizations to arrange free transportation of medically sensitive individuals, first responders generally do not have the resources to provide those services. Local governments and first responders are already incredibly burdened responding to PSPS events and other contemporaneous emergencies. It should also be noted that PPS events by nature occur during periods of high fire risk, and responders must be on alert if a high severity wildfire event should occur. Utilities should not be allowed to slough off their risk and shift the burden of mitigating PPS impacts onto local governments and taxpayers. Furthermore, utilization of first responders can be expensive for the resident served, placing an unacceptable additional burden on medically sensitive residents who often have limited incomes.

8. Work with communications providers and the Commission to identify communities served predominantly or exclusively by landline phone service and prioritize strategies to reduce the risk of power loss to those communities.

It is deeply disturbing that, in a state like California, entire communities can lose access to both electricity and communications networks for extended periods of time during the fire season. RCRC believes that the Commission should incorporate new requirements into the PPS Guidelines to require utilities to work with communications providers and the Commission to identify communities served predominantly or exclusively by landlines and implement strategies to reduce the risk of power loss to those communities.

While we understand that the Commission is working to increase communications resiliency as part of the Order Instituting Rulemaking Regarding Emergency Disaster Relief Program (R. 18-03-011), we believe that ensuring communications reliability in these communities is a shared responsibility of both the communications and energy sectors and so should also be woven into the PPS Guidelines as part of this proceeding.

There are a substantial number of Californians living in rural areas that either have no access to wireless service or where reception to wireless service is poor.¹⁹ As a result of landline provider migration away from resilient copper line telephone systems, many residents in these

¹⁹ See *Comments of the Rural County Representatives of California to the Assigned Commissioner and Administrative Law Judge's Ruling Requesting Comments on Wireline Provider Resiliency Strategies* (Rulemaking 18-03-011), August 10, 2020, pages 14-15 and *Comments of the Public Advocates Office on Assigned Commissioner and Administrative Law Judge's Ruling Requesting Comments on Wireline Provider Resiliency Strategies* (Rulemaking 18-03-011), August 12, 2020, Page 2.

communities must have electricity in order to use the phone system – even to reach 9-1-1 or access emergency services. Often located in rugged terrain, many of these communities are also at increased wildfire risk. These are some of the communities in greatest need of reliable electricity (especially during the weather conditions that trigger PSPS events) because of an increased risk of wildfire. Residents in high fire risk zones need access to information about any fires that break out and any shelter-in-place or evacuation orders that may be issued by the local emergency manager. Conversely, residents also need to have the ability to quickly report wildfires to emergency responders because timely response to wildfire is often the key to effective management and containment.

To prevent the loss of communications service and reduce the PSPS impacts where deenergization is unavoidable in the short term, the Commission should direct utilities to work with the wireline communications industry to prioritize and implement system hardening and resiliency projects in those areas.

9. Enhance the quality of Community Resource Centers.

RCRC strongly supported the Commission’s minimum requirements for Community Resource Centers (CRC) outlined in Decision 20-05-051.²⁰

RCRC agrees with the SED that the IOUs should be required to coordinate with local governments and CBOs to better serve communities during PSPS events.²¹ We note that the utilities have increased their coordination and outreach to local governments and the number of centers and services available was a significant improvement from last year.

If anything, any Commission revisions to the PSPS CRC Guidelines should reemphasize the need to site CRCs at fixed facilities in a post-COVID-19 world and expand the hours those facilities are accessible to the public. We believe that the current reliance on outdoor tents to serve as CRCs in response to COVID-19 is less than ideal and should not become the norm. This year’s first PSPS event occurred at a time of very high temperatures and extremely poor air quality - neither of which can be effectively mitigated by outdoor tents. While we understand the immense challenges COVID-19 is currently placing on our society, dependence on open-air CRCs is not appropriate in a post-COVID-19 world, especially during extreme weather events and when air

²⁰ *Decision Adopting Phase 2 Updated and Additional Guidelines for De-Energization of Electric Facilities to Mitigate Wildfire Risk* (Rulemaking 18-12-005), June 5, 2020, Appendix A, pages 5-6.

²¹ *SED Report*, page 85.

quality is poor. These are the types of scenarios when using climate-controlled facilities with air filtration systems is especially important for many of the residents who utilize CRCs.

Under D. 20-05-051, utility CRCs shall be operable between the hours of 8AM-10PM during an active-deenergization event. Unfortunately, that may not be sufficient to meet the needs of medically sensitive residents who need to recharge their medical devices during the evening hours. Early closure of a CRC leaves those individuals with little choice but to go to facilities open during the night where they can access electricity – oftentimes a hospital or emergency room. While the utilities have increased their coordination with community based organizations to mitigate the impacts of PSPS events on medically sensitive residents, it is not clear whether those efforts are sufficient and whether certain individuals or areas are falling through the cracks.

RCRC agrees with SED’s suggestions to evaluate the effectiveness of CRCs²²; however, we also suggest including information on the distance (road miles) between the CRC and the population served, hours of operation, number of persons served (broken down by indoor vs. outdoor venue), range of services offered, number of individuals transported to CRCs by contracted CBOs, whether the facility was fixed or in a portable tent, and local temperature and air quality data.

III. Conclusion

RCRC appreciates your consideration of our comments, which suggest further refinements to the PSPS Guidelines and other commission actions to reduce the scope and number of PSPS events and mitigate their impacts. We respectfully request your acceptance of RCRC’s comments for filing.

Dated: December 2, 2020

Respectfully submitted,

/s/ **John Kennedy**

John Kennedy
Legislative Advocate
Rural County Representatives of California
Tel: (916) 447-4806
E-mail: jkennedy@rcrcnet.org

²² Id., pages 71-72.