ORDER INSTITUTING RULEMAKING TO IMPLEMENT ELECTRICITY UTILITY WILDFIRE MITIGATION PLANS PURSUANT TO SENATE BILL 901 (2018)

Rulemaking 18-10-007
(Filed October 25, 2018)

RURAL COUNTY REPRESENTATIVES OF CALIFORNIA COMMENTS ON ADMINISTRATIVE LAW JUDGE’S RULING ON WILDFIRE MITIGATION PLAN TEMPLATES AND RELATED MATERIALS

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Dated: January 6, 2020
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Implement
Electricity Utility Wildfire Mitigation
Plans Pursuant to Senate Bill 901 (2018)  

Rulemaking 18-10-007  
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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) respectfully submits these comments to the Order Instituting Rulemaking 18-10-007 (‘Rulemaking’).

INTRODUCTION AND BACKGROUND INFORMATION

On behalf of the Rural County Representatives of California (RCRC), I am pleased to comment on the Administrative Law Judge’s (ALJ’s) ruling on Wildfire Mitigation Plan (WMP) templates and related materials of the Order Instituting Rulemaking to Implement Electricity Utility Wildfire Mitigation Plans Pursuant to Senate Bill 901 (2018) filed on December 16, 2019. RCRC received party status via written ruling on March 21, 2019. RCRC is an association of thirty-seven rural California counties, and our Board of Directors is comprised of elected supervisors from each of those member counties. Our comments are outlined via the topics raised in the ALJ’s ruling.
When the newly created Wildfire Safety Division (WSD) takes over the Wildfire Mitigations Plan Process per Assembly Bill 1054’s directive, RCRC hopes it will be a robust public process and appreciates that input from stakeholders is, so far, expected. RCRC emphatically believes the fundamental public policy goal surrounding utilities and wildfire should be the ultimate safeguarding of California’s residents from future harm in a utility-caused wildfire event. Developing and finalizing future wildfire safety and mitigation performance metrics cannot be done in a vacuum. Robust public input from residents who live in the wildland-urban interface (WUI) and from local governments whose constituencies are profoundly impacted by utility safety measures, such as de-energization procedures and vegetation clearing, is needed in the process moving forward. Communities and their local municipalities have decades of expertise from experiencing fire events since long before the Camp Fire occurred.

While we appreciate that the WMP process has evolved over the last year, we hope that the transition to the three-year process under the WSD is no less transparent and nimble to ensure safety efforts and goals. A three-year WMP is not without challenges and an effectively implemented “maturity model” as contemplated by the supporting material is key to evaluate if investor-owned utilities (IOUs) are meeting targets and safeguarding their infrastructure for customers from utility-caused catastrophic wildfire.

**WMP GUIDELINES**

Generally, we agree with the guiding principles to inform the 2020 WMP process, such as frontloading data collection in advance, standardizing templates for information collection to better compare plans across the various IOU’s and using audits as validation assessments during periodic review. The “maturity model” concept to conduct annual check-ins is appropriate given that WMPs are to become valid for three years under AB 1054.

That said, the current timeline outlined in Attachment 1 is inadequate and only appears to provide the public 20 days to review and submit comments on WMPs. The public should be afforded a minimum 45-day public comment period to thoroughly review and provide a thoughtful evaluation of WMPs, consistent with the minimum afforded the public under the Administrative Procedures Act. With the transition of yearly WMPs to a three-year process, the public needs a

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1 Figure 1, Attachment 1, “WMP Guidelines;” pg. 3.
more suitable timeframe for robust analysis and input, particularly since the three-year WMP’s will cover a longer timeframe and have a longer-term potential impact.

These guidelines also must include a more formal process for the California Department of Forestry and Fire Protection (CAL FIRE) to be involved and provide input in WMP development. Per SB 901, the CPUC has a memorandum of understanding (MOU) with CAL FIRE to cooperatively develop consistent approaches relating to fire safety and prevention, but the WSD would be well-served by establishing an official, permanent, transparent role for field-level wildfire experts. While we appreciate that additional metrics and program targets provided by an IOU include a component for third-party validation, we recommend that approval of WMPs should be contingent upon third-party validation by experts such as CAL FIRE.\(^2\)

While the definition of “rural region” has been well established in prior General Orders of the CPUC, the newly created definition of “highly rural region” needs clarification.\(^3\) RCRC is unclear what, exactly, the CPUC intends to measure by creating more granular regions in this manner and we request more clarity around the CPUC’s ultimate objectives for the use of these definitions. For example, what purpose would a distinctive “highly rural region” serve in the data set? What is intended by this data and why is “highly rural region” segregated from rural region? We request parties be given a better understanding of why this definition was created and why it will be included in the WMP Guidelines, as well as the WMP Metrics, and Supplemental Data Request.

Further, a utility should not determine its own weather risk threshold without additional input from credible or objective sources, like the National Weather Service or CAL FIRE. As such, the definition of “PSPS weather” should be revised to include baseline criteria—like Red Flag Warnings—plus other criteria approved in their WMP to avoid subjectivity by the IOU submitting the plan. “Weather Patterns” in Table 10 appropriately excludes “PSPS weather” as currently defined as a weather measurement. How does the CPUC envision an IOU to communicate “PSPS weather” or otherwise use this term?

Table 5, “Accidental deaths due to utility wildfire mitigation initiatives, last 5 years,” should include reporting Public Safety Power Shutoff (PSPS) activities. RCRC is a party to the De-Energization Proceeding (R. 18-12-005) and has made extensive comments as to the serious

\(^2\) Table 3 & 4 of Attachment 1, “WMP Guidelines;” pg. 22-23.
\(^3\) Attachment 1, “WMP Guidelines;” pg. 12 and 10, respectively.
emergency conditions that PSPS events cause. Table 12, “Recent use of PSPS, last 5 years” should also include data on the number or type of critical facilities that were de-energized, including the duration.

**UTILITY WILDFIRE MITIGATION MATURITY MODEL**

We believe the Maturity Model is an appropriate assessment to determine IOU wildfire risk reduction capabilities and program responsiveness. The state and its rural residents in wildfire-prone communities cannot afford to wait three years before evaluating WMPs to discover if IOU’s are meeting their targets. We appreciate the level of detail used to organize this assessment and assign scoring values. The scoring is fair and articulated in a straightforward manner. We would request that a PSPS category be added to ensure that utilities are using PSPS as a last resort and minimizing the scope and duration of these events. We would also request that local government and community engagement, such as advance notification, coordination and mapping, be measured and evaluated during PSPS events and be scored to address issues raised by President Batjer in her October 14, 2019 letter to PG&E regarding the failures in their execution of the large-scale PSPS event during the week of October 7, 2019.

**UTILITY SURVEY**

RCRC appreciates that the CPUC dedicated a separate proceeding to the complexity of De-Energization (R. 18-12-005) but look forward to PSPS being re-incorporated into the broader discussion of wildfire safety and preparedness. We appreciate the robust survey to utilities and are encouraged by the inclusion of questions that address, for instance, grid design, resiliency, minimizing PSPS, including PSPS forecasting, protocols, and sectionalization of the grid.

Regarding F.III “PSPS op. model and consequence mitigation,” we’d like the CPUC to include more questions regarding utility consequence mitigation. Specifically, utilities should be surveyed on 1) how far in advance local governments are notified and communicated with regarding forecasted PSPS events, 2) how often do local governments—including emergency responders—have concerns or identify severe problems or issues during PSPS events, 3) are these issues resolved, and 4) if so, how quickly are these issues resolved. Finally, utilities should be

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surveyed on the resources provided to the broader community to alleviate PSPS impacts (such as community resource centers). We acknowledge that the survey poses somewhat related questions concerning local governments for continuous improvement after wildfire and PSPS, particularly in portions of I and J, but the CPUC should consider other feedback elements both in specific contexts of this survey, as well as the broader contexts as currently posited. Moreover, question F.IV.d needs to be refined and expanded to identify what share of customers are affected by PSPS in a given year by region, such as urban, rural, highly rural, and High Fire Threat District. This will also help portray whether circuit sectionalization and minimizing PSPS events are occurring at a customer level. We also request that utilities be surveyed if they’re prioritizing critical facilities for re-energization.

Questions surrounding community and homeowner/landowner involvement (e.g. in vegetation management) will provide valuable insights. Wide sweeping culture changes are needed from the top down of IOU upper management and leadership, most acutely with Pacific Gas & Electric (PG&E). These survey questions will help glean not only if an IOU is making progress on their WMP, but how they are approaching the various aspects of work before them on a customer level. True progress cannot be fully realized without a sense of corporate accountability.

**WMP METRICS**

The WMP Metrics proposed in Attachment 4 are a major step forward to transitioning utilities away from tracking a checklist of program targets to measuring actual outcomes. The principle that metrics be auditable over time should not be undervalued. That said, we are disheartened that the WSD may only potentially consider third parties to independently verify all utility-reported metrics. It is imperative that the WSD confer with experts and stakeholders in a transparent process to ensure that WMPs are meaningful. RCRC, as previously mentioned, also believes in a robust public comment period throughout the WMP process with the WSD during the implementation of both SB 901 and AB 1054.

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CONCLUSION

For the reasons stated above, the Rural County Representatives of California respectfully requests that the CPUC accept RCRC’s comments for filing.

Dated: January 6, 2020

Respectfully submitted,

_/s/_ Staci Heaton
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