

**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
REPORT**

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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. Comments

RCRC is pleased to offer comments on the Commission’s Safety and Enforcement Division’s (SED) *Public Report on the Late 2019 Public Safety Power Shutoff Events* (SED Report) pursuant to the Administrative Law Judge’s September 14, 2020 ruling. RCRC received party status on March 18, 2019 and is an association of thirty-seven rural California counties.

While we appreciate that the SED conducted their own investigation of the late 2019 Public Safety Power Shut-off (PSPS) events and has made a number of recommendations for future refinements to the Commission’s PSPS guidelines, we are disappointed with the scope of SED’s review. The SED prioritized expediency over accountability and made no determinations of compliance with CPUC rules and directives. We understand that the SED was trying expedite its assessment in advance of the 2020 fire season; however, the report was released *to the public* too late to for public review and incorporation of suggested changes in time for this year’s fire season.

The SED Report was finalized on April 30, 2020 but only recently released to the public. This is despite a June 15, 2020 motion by the Joint Parties¹ asking the Commission to review “each determination by the major investor owned utilities (“IOUs”) to initiate a [PSPS] event to assess whether it was a reasonable exercise of the IOU’s discretion under the Public Utilities Code, as contemplated by prior Commission decisions.” The Administrative Law Judge rejected that motion on August 24, 2020 “on the basis that the existing CPUC review process as set forth in D.19-05-042 of reviewing each post-event report, the ongoing PG&E OSC in this docket, the review in the PSPS OII in I.19-11-013, and the review of the wildfire mitigation plans renders the requested relief unnecessary (emphasis added).” By that time, the state was already in the midst of prime wildfire conditions and suffering from some of the most catastrophic fires in California history. Given the advisory nature of the SED Report, RCRC is concerned that there will be no inquiry into the reasonableness of last year’s PSPS events, thereby increasing the risk of overly-broad and disruptive future events.

Notwithstanding our concerns about the delayed release and limited scope of the SED report, we do appreciate the significant effort that went into the undertaking and the suggestions that were made to improve PSPS implementation and refine the PSPS guidelines. Our comments are based on the report’s recommendations and organized by topic below.

Proposed Guideline Modifications

Guideline Clarifications

RCRC appreciates the Commission’s tremendous efforts to establish regulatory guidelines for the conduct of utility PSPS events. Unlike traditional regulatory agencies whose regulations are codified in the California Code of Regulations, the Commission’s PSPS guidelines are contained in *three separate* Commission Orders.² RCRC would support the Commission’s reconciliation and refinement of those three separate guidelines into one standalone document.

¹ The Joint Parties comprised of AT&T Services, Inc., the California State Association of Counties, the California Community Choice Association, the Center for Accessible Technology, the City of San Jose, CTIA, the Joint Local Governments (the Counties of Kern, Marin, Mendocino, Napa, Nevada, San Luis Obispo, Santa Barbara, and Sonoma, and the City of Santa Rosa), Mussey Grade Road Alliance, The Protect Our Communities Foundation, the Rural County Representatives of California, Sprint Spectrum L.P. dba Sprint, T-Mobile West LLC dba T-Mobile, the Utility Consumer Action Network, and The Utility Reform Network.

² D.19-05-042, Resolution E.SRB-8, and D.12-04-024.

1. Public Safety Partners and Communications Service Providers

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, perhaps by including county administrative officers and city managers on the distribution list.

Given the widespread disruption that last year’s PSPS events had on communications networks, it is vital that they be given as much warning of a potential PSPS as possible. Communications networks are vital for delivering emergency notifications and evacuation orders and facilitating 9-1-1 service. While “communications service providers” are already included in the definition of “public safety partners,” we believe that the utilities should give as liberal a definition to that term as possible and agree with the SED’s recommendation to include internet service providers.

2. Lessons Learned Include Refining Thresholds and Decision Criteria

RCRC supports the SED’s comments that “lessons learned” should include planned improvements or changes to utility deenergization protocols, including refinements based on post-event observations. RCRC also supports SED’s suggestion that utilities compare the number of customers notified with the total number of customers de-energized.

3. Timing of Notifications—Required Versus Recommended

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 mere 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.

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 and utilities should be required to explain why they failed to provide timely notifications. We

also agree with SED that a PSPS cancellation notification can ease customer anxiety and allow impacted customers to redeploy resources where they are more likely to be needed.

Programmatic and Procedural Requirements that Could Be Addressed in Appropriate Venues

1. Minimum Notification and Communication Procedures

Please see our comments to #3 above.

4. Coordinate with Local Jurisdictions to Proactively Identify Medical Baseline Customers and Those Reliant on Life Sustaining Equipment

RCRC continues to support efforts to improve information sharing between local governments and utilities about medically sensitive individuals who may need assistance during a PSPS event. The SED suggests that “IOUs should be required to coordinate with local jurisdictions to comprehensively identify medical baseline populations, including those that rely on electric-powered life-sustaining devices, and populations who may qualify for low-income assistance programs.”

We note that there may be some restrictions that local governments face in sharing client lists with utilities (and even with sister agencies within that local government). Note the changes made to Welfare and Institutions Code Section 10850.9 by the recently enacted Assembly Bill 2213 (Limon, Chapter 998 Statutes of 2020). That section allows a county social services department to share information about elderly and disabled individuals receiving services with local first responders during a public safety emergency, which includes public safety power shutoff events beginning January 1, 2021.³ While RCRC suggested that the information sharing authority be extended to utilities to better mitigate PSPS impacts on medically sensitive individuals, those suggestions were not incorporated.⁴ At the same time, utilities may not be subject to the same types of restrictions on sharing information about which customers are in greater need of assistance during a PSPS event.

With respect to identifying populations who may qualify for low-income assistance programs, the recently-enacted Senate Bill 596 (Stern, Chapter 304 Statutes of 2020)

³ Note that local agencies must also create a pathway through which those individuals can opt out of having their information shared beginning January 1, 2022.

⁴ Those suggestions were made to the precursor bill, SB 753 (Stern), the contents of which were subsequently included in SB 794 (Jackson) and finally into AB 2213 (Limon).

authorizes county welfare departments to use utility-provided materials to inform In-Home Supportive Services beneficiaries of the medical baseline program and PSPS notifications.

Despite these complications, RCRC believes there would be great value in having utilities coordinate with local governments *and community based organizations* to identify medically sensitive individuals who are more likely to need assistance during a PSPS event and those individuals who may qualify for low-income assistance programs.

5. CBO Partnerships

RCRC agrees with the SED that utilities “should be required to build partnerships with CBOs to lessen the impact of PSPS events on AFN communities and at-risk populations.” We note (and greatly appreciate) that the utilities have already made great strides in contracting with the CBOs to provide goods and services to at-risk individuals to mitigate PSPS impacts. Less clear is whether those CBOs can fully satisfy customer demand before the allocated resources are exhausted. While utilities are tapping into a large network of CBOs, it is not clear if any communities remain unserved by that network.

6. Critical Facilities and Infrastructure

RCRC agrees with the SED that utility lists of critical facilities and infrastructure must be reconciled with local governments and SED’s observation that some of those facilities lack alternative sources of power. This points to an increased need for coordination and consultation between the utilities and operators prior to deenergization.

7. Community Resource Centers (CRCs)/Assistance Locations

We agree with the SED that the IOUs should be required to coordinate with local governments and CBOs to better serve communities during PSPS events and that the CPUC should consider adopting some or all of the recommendations we previously made about the siting of and services provided by CRCs. We note that the utilities have increased their coordination and outreach to local governments; however, 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. We do note that the number of centers and services available for the first PSPS event of 2020 was a significant improvement from last year.

9. Annual Reporting

RCRC agrees with SED’s suggestion that utilities annually report progress toward non-event-specific guidelines and requirements. While post-event reports can and should provide important insights into the conduct of individual events, we believe that a separate annual report can paint a better picture of the utility’s progress in reducing the size, scope, and frequency of PSPS events and mitigating their impacts.

10. Explore Allowing Public Safety Partners to Opt Out of Notifications

RCRC is perplexed by the SED recommendation to allow public safety partners to opt out of receiving notifications. While there is a risk that recipients will ignore an oversaturation of notices, communications with detailed information are more likely to be considered valuable. We suggest careful consideration of any opt out mechanism to ensure that entities receive the information they need to prepare for a PSPS event.

Post-Event Reporting Standardization and Additional Proposed Reporting Requirements

RCRC encourages the Commission to develop a standard template for post-event reports to facilitate better analysis and comparisons between utilities and PSPS events. 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 report 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 timeframes for the public than for “public safety partners” and “priority notification entities”⁵, 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 de-energization 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 These definitions should be consistent with those established in D.19-05-042 and D. 20-05-051.

- 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).

1. Metrics for Notification of People/Communities with Access and Functional Needs

RCRC supports the SED’s suggestion to include more information in post-event reports – specifically the number of people with access and functional needs impacted by and notified of a PSPS event. However, we agree with the utilities that the “access and functional needs” community represents a very large portion of the population and may not be the best descriptor for those in need of assistance. The focus on AFN notifications and assistance should be on medically sensitive populations and the Commission refine the term so that utilities can focus their resources on individuals at greatest risk.

2. Information on CRC Effectiveness

RCRC agrees with SED’s suggestions to determine effectiveness of CRCs; 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, 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.

3. Maps Depicting Actual PSPS Event Impact

In addition to the information suggested by SED, maps should include the locations of critical facilities (where allowed), CRC locations, and political boundaries (such as county and city lines). Maps must be more accurate than those provided in late 2019.

III. Conclusion

RCRC appreciates your consideration of our comments.

Respectfully submitted,

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