



September 24, 2021

Rachel Peterson
Executive Director
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102

Re: Local Governments' Response to PG&E Wood Haul Program

Dear Executive Director Peterson:

The Rural County Representatives of California (RCRC), the Counties of Napa and Sonoma, and the City of Santa Rosa (together, the Local Governments) submit this letter in response to the 2020 Wildfire Tree Hauling Program that PG&E described in its September 7, 2021 letter to you. The Local Governments greatly appreciate the Commission's August 24 directive to PG&E to establish a responsible tree-removal program for the trees it cut down during post-fire system restoration in 2020, and to act in a similarly responsible manner regarding trees cut down in 2021. The Local Governments strongly support efforts to reduce the risk of utility-caused wildfire and are committed to a responsible, holistic approach to reduce overall wildfire risk. The Commission's order to PG&E was necessary: since October 2020, PG&E resisted calls from impacted residents and local governments to remove the trees it felled after the 2020 wildfires and disclaimed any responsibility to remediate the fire and safety hazards those actions created.¹

The Local Governments also appreciate that PG&E finally developed a program of sorts to remove the trees it cut down, and that PG&E has recently expanded the scope of that program to address a larger portion of the 150,000–200,000 trees it felled in 2020. We are, however, concerned about several aspects of PG&E's program as described in the materials PG&E provided to the Commission and as we are seeing it unfold on the ground.

We acknowledge that PG&E has begun working more closely with some local governments impacted by the 2020 tree cutting to provide information about the scope of the wood removal program and PG&E's on-the-ground activities. The Local Governments' concerns detailed below are not intended to suggest that PG&E is being obstructionist or refusing outright to meet impacted communities' needs with respect to felled tree removal. We do note, however, that PG&E's stance on its felled trees has been a noticeable anomaly in its otherwise aggressive

¹ While PG&E's actions to remove large diameter trees are commendable, the utility still disclaims any legal or regulatory requirement to remove those trees, as evidenced by the sample 2020 Wildfire Wood Management Program letter submitted as "Attachment E" to its September 7 letter to the Commission.

approach to wildfire mitigation across its service territory, and that PG&E did not develop its tree removal program on its own initiative. The current wood removal program still bears marks of PG&E's singular reluctance to acknowledge the current safety and fire risks posed by large numbers of felled trees that it previously recognized as posing risks or its responsibility for remediating those risks.

Background of 2020 Wood Removal Program

The Local Governments have chronicled PG&E's cancellation of its previous Wildfire Wood Management Program and its grudging development of a new series of lesser wood removal proposals in previous correspondence to the Commission. PG&E's statements that it welcomes the Commission's letter ordering the development of a wood removal program and that it is eager to share the details of its already-underway program are a welcome change in attitude, because they are a distinct about-face.

It is notable that PG&E frames the issue of large amounts of wood left on the ground following system restoration as a burden on property owners but does not acknowledge the safety and fire risks created by leaving whole and chipped trees and limbs on site. This is a particularly concerning omission, since the utility previously acknowledged these issues as justification for creating its Wildfire Wood Management Program after the 2017 and 2018 wildfires. Given the ravages of climate change and the current levels of wildfire risk in California, the presence of hundreds of thousands of felled trees and large quantities of chipped material on the ground arguably presents a greater fire and safety risk today than it did in 2017.

Specific Concerns With the 2020 Wood Removal Program

PG&E's current program has two phases. The wood removal program PG&E started in June was limited to residential properties; Napa, Sonoma, and Santa Rosa learned in early September that PG&E had created a second phase of the program that extended to governmental property. The Local Governments support the expansion, as PG&E cut down a significant number of trees in 2020 on government property and in locations that PG&E deemed out of scope for Phase One of the wood removal program. Until we learned of the expanded scope of the program, the Local Governments feared PG&E would only remove a small fraction of the trees it cut down after the 2020 wildfires. This improvement notwithstanding, the Local Governments are troubled by several aspects of the program as currently described.

Accessibility of information. Despite its allegedly broad publicity campaign, the wood removal program does not appear anywhere on PG&E's website. None of the local press releases, information about the program, or landowner permission form appear in a Google or PG&E website search.² Given the extent to which PG&E relies on its website as the primary source of information for customers, the absence of the 2020 wood removal program is conspicuous. The press release for PG&E's 2017 Wildfire Wood Management Program, and the wood removal permission form for Enhanced Vegetation Management activities, on the other

² Searches last performed September 22, 2021.

hand, do appear on PG&E's website. The press releases and information for the 2020 wood removal program that appear in Google searches are all from the impacted local governments. The Local Governments have heard from some residents that they have been unable to find any information about the wood removal program online, which suggests that PG&E's direct residential outreach has not been as comprehensive or effective as PG&E asserts.

Metrics for determining scope and effectiveness of outreach. The Local Governments have been unable to assess the actual scope or effectiveness of PG&E's outreach to affected properties. PG&E reports numbers of letters sent to *eligible* customers, numbers of telephone calls made, and numbers of parcels that have opted in, but those numbers are meaningless without the larger context of total customers impacted (including ones deemed ineligible in June but now moved into Phase Two of the program) and total parcels on which PG&E cut down trees in 2020. PG&E did not provide this contextual information to the Commission in its letter. We also do not have information regarding the number of landowners who gave up on waiting for PG&E and removed the wood themselves. Napa, Sonoma, and Santa Rosa have been asking PG&E for contextual information for months. While PG&E's attorneys have been making good-faith efforts to answer our substantive questions about the program, PG&E has not yet shared much of the necessary information regarding the full scope of its 2020 tree-cutting activities. As of early September, PG&E stated that it did not intend to share information regarding the location of Phase Two wood, which will remain on the ground for some period of time, with impacted local governments. This reluctance is of particular concern to the Local Governments, as it could hinder our own ability to plan and prepare for the height of wildfire season. On September 22, PG&E provided Napa County with some information regarding the locations in which it performed post-fire system restoration work in 2020; the County is very appreciative, but it must be noted that the information came after months of entreaties to PG&E.

As part of its improved approach to the wood removal program, PG&E has expressed some willingness to hold meetings with Napa, Sonoma, and Santa Rosa's fire and public works staff to discuss the situation on the ground in terms of locations and volumes of felled trees. The felled trees and chipped material left onsite pose a legitimate fire risk, and if they will remain in place, local governments need to know where the trees and/or chipped material are located and the volumes involved. Napa County has met twice with PG&E; Sonoma and Santa Rosa have not yet heard from PG&E to schedule a meeting. PG&E appears to reference those completed and yet-to-be-scheduled meetings in its letter as part of its local government outreach and coordination, but the Commission should bear in mind that the meetings were at the local governments' request, not PG&E's initiative.

Program eligibility. The scope of what constitutes "eligible" wood is concerning. While the Local Governments are pleased that Phase Two of the program will revisit trees felled in riparian areas, on steep slopes, and other locations that PG&E believes pose safety risks, PG&E's eligibility criteria overlook the fact that the trees are on the ground in those locations solely because PG&E cut them down and left them there. The Local Governments support PG&E's focus on worker safety and protecting sensitive environments, but PG&E should not be able to use haphazard tree-cutting as the justification for why it cannot remediate the risks it

created in the first place. This issue goes to the heart of the Commission's directive to PG&E to prepare and train its workforce in tree-removal best practices. We note that, beyond a stated intention to stage wood in an operationally efficient manner to facilitate hauling in 2021, PG&E provides no information about its plans to cut trees in a more responsible fashion following the 2021 wildfires.

Manner of removal and disposal may increase fire risk. While the Local Governments support PG&E's efforts to remove large diameter materials, we are concerned that the manner in which removal is conducted could actually increase fire risk. As previously stated, we are approaching this program from a holistic wildfire risk reduction perspective. We understand that some tree limbs may need to be chipped and left on site; materials left on site by PG&E, however, cannot be allowed to significantly increase the fuel load on the forest floor or increase overall fire risk. We are particularly concerned that PG&E's Response Letter contemplates using "specialized chipping equipment" that can handle material as large as 28" in diameter.³ We hope that PG&E is not planning on simply chipping and leaving on site all trees and trunks up to 28" in diameter, as that much woody debris left in place could significantly increase fuel loads and wildfire risk. Additionally, PG&E's "Landowner Permission Form" indicates that it will only haul away material that is greater than 4" inch diameter (measured at the smaller end).⁴ While a 4" bright line may be reasonable, measuring from the smaller end means that a large branch with twigs at the small end would be left onsite. That will ensure that far more large branches (and even trees) are chipped and left on site, based solely on if or where PG&E's tree crews choose to segment the felled trees and branches, than if PG&E measured from the large end.

Fine print of the Permission Form may chill acceptance and create a Catch-22. The Local Governments are concerned that the fine print of PG&E's "Landowner Permission Form for 2020 Wildfire Tree Hauling"⁵ may have a chilling impact on customer acceptance. The Local Governments are concerned that PG&E is using this opportunity to have customers affirmatively disclaim any future utility obligation to perform large wood removal or haul material away for any future vegetation management work performed on the property. While the Local Governments hope that PG&E was thorough in its assessment and cutting of trees that posed a risk to power lines at the time those trees were removed during 2020 and 2021 post-fire actions, utility vegetation management obligations are ongoing. As such, trees that were not removed because they did not pose a risk to power lines at the time of the assessment may require treatment at some point (even decades) in the future. PG&E's removal of material cut during future vegetation management activities at the property should not be foreclosed because the current landowner needs the utility to remediate the immediate safety and fire risks caused by 2020 and 2021 post-fire tree removal. This concern is heightened if PG&E intends the disclaimer to absolve it of responsibility to remove debris created during the course of routine vegetation management operations not related to post-fire remediation.

³ PG&E Response Letter, p. 2.

⁴ "Attachment F" to PG&E's Response Letter.

⁵ *Id.*

Furthermore, there appears to be a disconnect between PG&E's stated intent to conduct "Phase Two" removals and the language in the Permission Form property owners are required to sign. In its letter to the Commission, PG&E indicated that it will return to properties in Phase Two to remove wood that is not readily accessible or that may require additional permitting or risk environmental degradation.⁶ At the same time, the Permission Form allows PG&E to avoid those Phase Two responsibilities at its sole discretion. In signing the Permission Form, the property owner must acknowledge that "if hauling may cause substantial environmental or physical damage as determined by PG&E, PG&E will not haul [trees] and is not obligated to haul [trees] away." Perhaps this was unintentional or a byproduct of the changes PG&E has made to its program over the last several months. But it creates a Catch-22 in which PG&E commits to the Commission to develop a program to remove more challenging materials in Phase Two, but then avoids any responsibility to actually perform that work because it received/required written permission from the landowner stating otherwise.

Specific Concerns With the 2021 Wood Removal Program

The Local Governments are concerned that PG&E's commitment to remove trees it cuts down as part of 2021 wildfire system restoration is subject to the caveat that the work will be done "on a rolling basis when it is safe to do so *and as resources allow*."⁷ While we understand that conditions in the field will ultimately dictate the scope of work, it is not clear that PG&E has committed to do anything with the 2021 trees other than see how it goes. It may be that PG&E simply intended to reflect the uncertainty inherent in post-fire response activities, but our concern is based on our difficult experience with PG&E following the 2020 fires. The Local Governments are also concerned that the "as resources allow" caveat could allow PG&E to seek to avoid its obligation and commitment to remove 2021 trees if the Commission ultimately declines to allow PG&E cost recovery from ratepayers.⁸ Local governments do not have the resources to repeatedly raise these concerns and advocate for PG&E to remove as much felled wood as possible after every fire season.

We appreciate your attention to this issue and the continued efforts of the Commission to safeguard communities from wildfire risks. We also value PG&E's improved attitude toward remediating the fire and safety risks it creates during post-fire system restoration work, and we look forward to working more closely and collaboratively with PG&E on this issue. It appears, however, that there may still be a disconnect between what the Local Governments and perhaps the Commission expect of PG&E's tree removal program and the actual program as implemented.

⁶ PG&E Response Letter, p. 2.

⁷ PG&E Response Letter, p. 7 (emphasis added).

⁸ The Commission noted in its August 24 letter to PG&E regarding "[m]anagement and removal of burned and felled wood following wildfires" that "[n]othing in this letter states any position on whether PG&E will be authorized to collect the costs of removing felled trees in rates from ratepayers. That question will be resolved during formal proceedings before the CPUC."

Very truly yours,

/s/ John Kennedy

Rural County Representatives of
California

/s/ Megan Somogyi

Napa and Sonoma Counties, and the
City of Santa Rosa

cc: Service List R.18-10-007
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