

**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)

**OPENING COMMENTS OF THE CALIFORNIA STATE ASSOCIATION OF
COUNTIES ON THE PROPOSED DECISION ADOPTING DE-ENERGIZATION
(PUBLIC SAFETY POWER SHUT-OFF) GUIDELINES (PHASE 1 GUIDELINES)**

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The California State Association of Counties (CSAC) respectfully submits these Opening Comments on the Proposed Decision Adopting De-Energization (Public Safety Power Shut-Off) Guidelines (Phase 1 Guidelines), issued in this Rulemaking (R.) 18-12-005 (De-Energization) on April 26, 2019 (Proposed Decision). CSAC was granted party status in this proceeding on March 18, 2019. These Opening Comments are timely filed and served pursuant to the Commission's Rules of Practice and Procedure.

**I.
BACKGROUND ON CSAC**

CSAC is a nonprofit mutual benefit corporation under the California Nonprofit Mutual Benefit Corporation Law. CSAC is a lobbying, advocacy and service organization which represents all 58 counties of the State of California. CSAC is focused on advancing the vital public interest in effective, efficient and responsive local government. CSAC, under the name of the County Boards of Supervisors Association of California began meeting in 1895 and was later renamed CSAC in 1991 and is based in Sacramento, California. CSAC's long-term objective is to significantly improve the fiscal health of all California counties so they can adequately meet the demand for vital public programs and services.

II. INTRODUCTION

CSAC supports the Commission’s consideration of CSAC’s position on de-energization and adoption of CSAC’s recommendations in the Proposed Decision, and generally supports many of the guidelines identified in the Proposed Decision. The Proposed Decision demonstrates the Commission’s commitment to moving forward to effectively adopt de-energization protocols in advance of the 2019 wildfire season. In addition, CSAC supports the Proposed Decision’s requirements regarding pre-notification of de-energization events, communication of thresholds for initiating power shutdowns, after action reports from the utilities and comprehensive public education by the utilities.¹

However, as discussed in more detail below, CSAC does have concerns regarding some of the Proposed Decision’s determinations regarding de-energization notification and whether it is the utility or the local government who sends out a de-energization notification alert or warning. In addition, the Proposed Decision should provide clarification about what information will be provided from the utilities to local governments regarding populations with access and functional needs (AFN populations). Lastly, while the preliminary list of Phase 2 is not meant to be comprehensive, CSAC recommends inclusion of additional issues in Phase 2.²

CSAC has overarching concerns about de-energization and recommends that de-energization only be used in isolated, extremely limited circumstances after applying detailed objective criteria. Power outages cause risk to all members of an affected population. De-energization will disrupt numerous necessary systems, upset daily business, strand residents, compromise water and food, risk health and safety and interfere with a community’s ability to

¹ Proposed Decision, at pp. 69-70, 84-85, 88-95, and 103-105.

² *Id.*, at Appendix B.

respond to other dangerous situations and catastrophes. Communities that do not have water suppliers, mostly larger unincorporated areas, suffer when a de-energization event occurs, in part because they do not have access to private wells when the power has been shut off which, in turn, leads to lack of drinking water, basic sanitation and water for livestock.

III.

THE PROPOSED DECISION MUST CLARIFY THAT THE RESPONSIBILITY OF NOTIFICATION OF A DE-ENERGIZATION EVENT REMAINS PRIMARILY WITH THE UTILITIES

In its Opening Comments on the Assigned Commissioner’s Scoping Memo and Ruling (Phase 1), filed and served on March 25, 2019, CSAC argued that “[c]ustomer notification is a direct responsibility of the [investor-owned utility (IOU)]. In addition, CSAC recommends that the IOUs provide message language to the local [Office of Emergency Services (OES)]...”³ As such, while CSAC appreciates the Proposed Decision’s finding that it is critical that the utilities work closely with safety partners and local governments in developing and deploying de-energization, the responsibility for its complete and seamless deployment, including notification of the de-energization event, should remain with the utilities.⁴

CSAC also has concerns about the fact that the Proposed Decision contains conflicting language about who shall provide de-energization alerts or warnings. For example, the Proposed Decision states that “[t]he electric investor-owned utilities, as the entity with the most knowledge of and jurisdiction to call a de-energization event, retain ultimate responsibility for notification in advance of, during and after a de-energization event.”⁵ However, the Proposed Decision later indicates that public safety partners will use de-energization templates “leading up to, during,

³ CSAC Opening Comments on Assigned Commissioner’s Scoping Memo and Ruling (Phase 1) in R.18-12-005, filed and served on March 25, 2019, at p. 6.

⁴ See Proposed Decision, at pp. 70, 81, and 87.

⁵ *Id.*, at p. 88.

and after a de-energization event”⁶ and that there is a goal “that local governments provide supplemental or secondary notification in the near future based upon pre-designed templates and scripts developed by the utilities in coordination with relevant state and local agencies.”⁷ The Proposed Decision also requires that there be a “shared responsibility” between the utilities, public safety partners and local governments to achieve the goals of timely notifying the public of de-energization events and that this “shared responsibility” is “critical.”⁸

De-energization creates greater risk to local governments and agencies as opposed to utilities by negatively impacting infrastructure, not just through depriving a community of an essential utility, but by appropriating resources that could and would be deployed elsewhere. The Proposed Decision’s requirement of “shared responsibility” between the utilities and local governments could place an undue burden on local governments whose resources are more limited than those of the utilities.

As such, CSAC recommends that the Proposed Decision be modified to resolve these discrepancies and inconsistencies and unequivocally state that the utilities, not public safety partners or local governments, bear the responsibility of notification of de-energization events. This would then allow the local governments to focus their valuable, and often limited, resources on more immediate catastrophes, such as other fires. However, in the event that the Proposed Decision is not modified to resolve these issues, the definition of “Public Safety Partner” must be modified to include the local OES.⁹

⁶ Proposed Decision, at p. 91.

⁷ *Id.*, at p. 88.

⁸ See *Id.*, at pp. 70, 81, and 87.

⁹ *Id.*, at p. 73.

IV.
**THE PROPOSED DECISION MUST BE MODIFIED TO PROVIDE MORE
INFORMATION REGARDING GUIDELINES TO LOCAL GOVERNMENTS FOR AFN
POPULATIONS**

The Proposed Decision sets forth several guidelines for populations with AFN populations.¹⁰ These guidelines once again stress the importance of “shared responsibility” between the utilities and “local governments and agencies to encourage identification of AFN populations through those agencies.”¹¹ The Proposed Decision further states:

“Recognizing privacy concerns, the Commission does not require the electric investor-owned utilities to develop a comprehensive contact list of AFN populations; rather, the Commission encourages that, through local agency partnerships, the electric investor-owned utilities and local jurisdictions can together provide up front education and outreach before and communication during a de-energization event in formats appropriate to individual AFN populations.”¹²

However, it is unclear from this guideline what information exactly the utilities will be providing local governments and agencies to identify AFN populations. This guideline also raises several questions:

- (1) Are customers aware that their information is going to be shared by the utilities to local governments and agencies?
- (2) By releasing identification of AFN populations, what liability does the local government take on and is the utility absolved of liability?
- (3) What resources, if any, are the utilities providing local governments to address the needs of AFN populations during de-energization events?

¹⁰ Proposed Decision, at pp. 81-82.

¹¹ *Id.*, at p. 81.

¹² *Id.*

Due to the fact that the 2019 wildfire season is fast approaching, CSAC recommends that the Commission provide further direction in this Proposed Decision in response to these questions instead of deferring these issues to Phase 2.

V.

CSAC RECOMMENDS THAT ADDITIONAL ISSUES BE INCLUDED IN THE LIST OF PRELIMINARY PHASE 2 ISSUES

While the list of preliminary Phase 2 issues outlined in the Proposed Decision is non-exhaustive, CSAC appreciates the opportunity to express its concerns about some of these issues at this time. Regarding mitigation measures, CSAC has concerns about how local governments are expected to meet these requirements when the current infrastructure is not designed to address proactive de-energization events that are widespread and may last several days.¹³ Resources will be needed to equip and update facilities at the local level and additional equipment such as portable generators may be needed for AFN populations. This issue will need further discussion so that local governments can best address this.

Furthermore, CSAC recommends that the Commission include traffic impacts under the topic of “Other Issues.”¹⁴ CSAC has found that traffic issues during power outages are crippling for first responders and communities. As such, CSAC would appreciate information in Phase 2 regarding what is being done by the utilities to address traffic impacts.

VI.
CONCLUSION

Again, CSAC generally supports the guidelines adopted and positions taken in the Proposed Decision regarding de-energization. However, CSAC recommends that the Proposed Decision be modified to clarify that the utilities, and not local governments and public safety

¹³ Appendix B to the Proposed Decision, at p. B3.

¹⁴ Appendix B to the Proposed Decision, at p. B4.

partners, bear the responsibility of providing notification of de-energization events. Furthermore, there should be additional clarification regarding what information is being provided to local governments from the utilities regarding AFN populations. Lastly, CSAC would appreciate confirmation at this time that there will be further discussion of mitigation measures and traffic impacts during Phase 2.

Respectfully submitted,

May 16, 2019

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APPENDIX A

CALIFORNIA STATE ASSOCIATION OF COUNTIES' PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDERING PARAGRAPHS FOR THE PROPOSED DECISION ADOPTING DE-ENERGIZATION (PUBLIC SAFETY POWER SHUT-OFF) GUIDELINES (PHASE 1 GUIDELINES)

The California State Association of Counties (CSAC) proposes the following modifications to the Findings of Fact, Conclusions of Law, and Ordering Paragraphs of the Proposed Decision mailed in R.18-12-005 (De-Energization) on April 26, 2019 (Proposed Decision).

Please note the following:

- A page citation to the Proposed Decision is provided in brackets for each Finding of Fact, Conclusion of Law, or Ordering Paragraphs for which a modification is proposed.
- Added language is indicated by **bold type**; removed language is indicated by **bold strike-through**.
- A new or added Finding of Fact, Conclusion of Law, or Ordering Paragraph is labeled as “**NEW**” in **bold**, underscored capital letters.

PROPOSED FINDINGS OF FACT:

3. [107] De-energization is the proactive shut-off of power to power lines that may fail in certain weather conditions in order to reduce the likelihood that utility infrastructure can cause or contribute to a wildfire. It is a measure that can be used after the electric investor-owned utility has exhausted all other means to protect against the risk of wildfire ignitions as a result of utility infrastructure. **De-energization should only be used in isolated, extremely limited circumstances after applying detailed objective criteria.**

10. [107] Partnering with local governments and agencies will help electric investor-owned utilities identify AFN populations within their service territories. **However, it is unclear at this time what information the utilities will be providing local government and agencies to identify AFN populations and what the impacts will be of providing that information.**

20. [109] Local jurisdictions are responsible for notification and communication related to other emergency events that result in a loss of power, such as wildfires. **However, the electric investor-owned utilities must retain the primary responsibility of providing notification in advance of, during and after a de-energization event.**

CONCLUSIONS OF LAW:

7. [113] It is reasonable to adopt definitions for first responders/emergency responders, public safety partners, critical facilities/infrastructure and AFN populations set forth in the Guidelines in Appendix A. **However, the definition of public safety partners should include Local Office of Emergency Services (OES).**

13. [113] It is reasonable for the electric investor-owned utilities to retain **primary** responsibility for notification and communication of a de-energization event.

19. [114] It is reasonable to require the electric investor-owned utilities to partner with local public safety partners to communicate to impacted customers that a de-energization event is possible, the estimated start date and time of the de-energization event, the estimated length of the de-energization event, and the estimated time to power restoration. **However, the electric investor-owned utilities are primarily responsible for providing notification of a de-energization event.**

20. The electric-owned utilities should partner with state and local public safety partners to develop notification strategies that comport with the California Alert and Warning Guidelines. **However, the electric investor-owned utilities are primarily responsible for providing notification of a de-energization event.**

21. It is reasonable to require the electric investor-owned utilities, in collaboration with state and local public safety agencies, to deliver notifications to all customer groups in multiple formats and through multiple media channels including, but not limited to, telephonic notification, text message notification, social media advisories, emails and messages to agencies that serve disadvantaged communities within an impacted area to allow. **However, the electric investor-owned utilities are primarily responsible for providing notification of a de-energization event.**