

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 ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING
(PHASE 1)**

March 25, 2019

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The California State Association of Counties (CSAC) respectfully submits these Opening Comments on Assigned Commissioner's Scoping Memo and Ruling (Phase 1), issued in this Rulemaking (R.) 18-12-005 (De-Energization) on March 8, 2019 (Phase 1 Scoping Memo). 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 and the Phase 1 Scoping Memo.

**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. CSAC'S RESPONSES TO QUESTIONS POSED IN THE PHASE 1 SCOPING MEMO

The Scoping Memo requests responses from parties to several questions regarding the issues within Phase 1 of this proceeding. In addition, the Phase 1 Staff Proposal, attached as Appendix A to the Scoping Memo (Phase 1 Staff Proposal) sets forth the Safety and Enforcement Division's (SED's) recommendations in response to these questions. Below, CSAC provides its responses to the questions and the positions taken in the Phase 1 Staff Proposal.

1. Updates to Resolution ESRB-8;

- a. **What, if any, updates or modifications should be made to Resolution ESRB-8 to ensure that, should de-energization become necessary during the 2019 wildfire season, de-energization is undertaken as efficiently and safely as possible?**

CSAC does not have a response to this question at this time, but reserves the right to respond in Reply Comments.

2. Notification and communication to the public (including vulnerable populations), local governments, critical facilities, and emergency/first responders;

- a. **What are the best ways to notify the aforementioned parties of a planned de-energization event and when power will be restored in the event of de-energization?**

The Phase 1 Staff Proposal states that the investor-owned utilities (IOUs) "will be responsible for contacting local public safety officials in impacted jurisdictions prior to a de-energization event and must utilize all available means to communicate a de-energization event."¹ The Phase 1 Staff Proposal requires that these contacts, at a minimum, including local and County public safety notification points and primary 24-hour contact points, secondary contacts and tertiary contacts.² The proposal further requires the IOUs to update these lists

¹ Phase 1 Staff Proposal, at p. 1.

² *Id.*

annually and all notifications must be sent concurrently to the California Government's Office of Emergency Services, the California Public Utilities Commission, and CALFIRE.³

CSAC supports using the Phase 1 Staff Proposal's position as a starting point on this issue and that it should be expanded in several ways. First, the contact list must include the County's Office of Emergency Services (OES), Emergency Management Agency (EMA), Department of Public Health, Fire Service and Law Enforcement agencies, at a minimum. In large dense, urban areas there may be 50-70 or more of these types of agencies and each agency should receive its own notification. In addition, CSAC recommends that the IOU contact the County OES and its cooperators in such a way that allows for a coordinated response from all necessary County cooperators. Notifications should also go to the Operational Areas affected and the California OES Warning Center simultaneously and neighboring Operational Areas can be alerted by the Warning Center. CSAC supports the contentions made by the County of Mendocino, the County of Napa and the County of Sonoma (the Counties) in their Comments on this Order Instituting Rulemaking (OIR) that "[l]ocal governments will generally have more accurate information about their residents' needs, and will have more experience providing emergency notifications..."⁴

Second, CSAC agrees with the actions described in the Comments of the County of San Diego OES on this OIR wherein it set forth 10 actions that "should be required of utilities in de-energization events so that local governments are properly informed and ready to perform the necessary emergency management functions."⁵ These actions include, but are not limited to requirements that county authorities be the primary and first point of notification about a pending/upcoming de-energization, advance notice be given to county authorities, and advance

³ *Id.*

⁴ Opening Comments of the Counties on OIR, at p. 6.

⁵ Opening Comments of County of San Diego OES on OIR, at p. 3.

notice of de-energization be given to critical infrastructure, such as schools, water treatment facilities, hospitals, and dispatch centers.⁶

i. How far in advance (and in what order of priority) should the aforementioned parties be notified of an upcoming de-energization event?

CSAC recommends that notification of an anticipated de-energization event be given as early as possible with priority notification going to the County OES and critical infrastructure partners. Ideally, IOUs should provide notice of de-energization events at the beginning of the IOU's de-energization planning cycle. Furthermore, early communication between the IOU and local governments and first responders, and effective protocols for how to coordinate during a PSPS event, will minimize disruptions to these critical functions when power lines need to be de-energized.

In addition, the Commission should consider the concept that notification should occur in steps or phases. For example, notice of a Public Safety Power Shutoff (PSPS) would occur seven days before the event. Thereafter, notification of the threat of a PSPS would occur 72 hours before the event, again at 48 hours if the threat continues. At 24 hours, a warning should be issued that the threat of a PSPS is likely or imminent. A PSPS warning would occur 12 hours before the event and a PSPS activation would occur during the event. Weather patterns normally become indicative of high wind/low humidity conditions about seven days out and as the critical period approaches, the forecast becomes more accurate as to timing and intensity at about the 48 to 72-hour period. Finally, about 12 hours before the PSPS the forecast is highly accurate. At a minimum, two hours prior to the PSPS, a warning should be issued to allow local agencies to prepare and stage resources, active their Emergency Operations Center (EOC) and notify the public with warnings about their safety.

⁶ *Id.*

There should be a series of progressively more accurate and detailed notifications occurring across a timeline to the critical event. Furthermore, rural residents and farms are dependent on IOUs for water pumps and must be informed in as much time as possible in advance so that they can build gravity backup water storage or generators for power. This is a major concern for rural residents who may otherwise be able to protect their property if they had power to their wells.

ii. What information should be conveyed about an upcoming de-energization event?

All available information related to a de-energization event should be conveyed so local Emergency Managers can formulate the proper response. This information should include, but is not limited to, the following: (1) the reason for proposed outage or event triggering the de-energization, (2) trigger points for outage, (3) area of proposed outage, (4) anticipated length of outage, (5) number of residents affected (6) estimated de-energizing start date and time, (7) restoration date and time and (8) estimated time to re-energize the off-line grid. There should also be daily morning and evening briefings or status updates. Effective communication about the duration of a de-energization event is critical because as noted by the Counties in their Comments on the OIR “[t]he length of a PSPS event will almost always exceed the battery backup capabilities of cell towers and generators, which increases public safety risks for both residents and first responders.”⁷

Furthermore, the notification list should include additional partners such as EMAs, Medical Alert Centers (EMS Networks), transportation agencies, non-public safety government leaders and elected officials. There should be an opportunity for government agencies that are impacted by a PSPS to have a method to enroll in the IOU’s PSPS outage notification system. It

⁷ Opening Comments of the Counties on OIR, at pp. 6-7.

is extremely helpful if the IOU provides the government partners a set of Outage Maps that corresponds to the services areas which are expected to be deenergized. This allows the agency to pre-plan for critical infrastructure which may be impacted.

As for Medical Baseline customers, a challenge for EMAs is resolving overlapping registries; an individual medically dependent on power can exist on several local, state and federal lists, and on the IOU's too. Deconflicting these lists in real-time during an emergency is labor intensive.

Lastly, the information provided by the IOUs should include safety messages. For example, these would include messages such as not to use elevators; power down machines that could be harmful if in use during a power shutdown; do not use a barbeque indoors to cook or heat; charge your cell phone, wheel chair, or other devices that have batteries; and backup data files to backup systems.

iii. Who should be responsible for notifying affected customers/populations? Should the utilities be solely responsible, or should other parties such as local governments have a responsibility in communicating these events?

CSAC supports the Phase 1 Staff Proposal which states that the “IOUs should retain the responsibility for notifying impacted jurisdictions of de-energization events ...”⁸ Customer notification is a direct responsibility of the IOU. In addition, CSAC recommends that the IOUs provide message language to the local OES so it can use its Emergency Notification System and all Social Media presence to augment the IOU's message. Messaging should also be coordinated and translations required as per State guidance. Lastly, a Memorandum of Understanding (MOU) should be developed if local governments are to effectively assist the IOUs.

⁸ Phase 1 Staff Proposal, at p. 3.

iv. What systems should be used for notification of customers (for example, the Standardized Emergency Management System framework, reverse 9-1-1, etc.)?

CSAC asserts that alerts and warnings must be disseminated through as many formats and channels as possible and should be communicated using available technologies and meeting the minimum standards of the State Alert and Warning Guidance. IOUs should utilize all available formats to notify customers. This includes partnering with the local OES as they have more robust notification systems to reach the local populace, such as Reverse 9-1-1-, Wireless Emergency Alerts (WEA), Emergency Alert System (EAS), Nixle, Nextdoor, and social media. Lastly, these notifications should use common nomenclature.

People receive their information today in a variety of formats, there is no single tool that reaches everyone. Often the same event that triggered the PSPS also disrupts the power supply which then impacts cellular systems, internet providers, and land-lines. There is a tendency to consider PSPS as a local event which impacts only a small portion of the Operational Area at a time, but the consequences often travel far beyond the boundaries of the event. As such, PSPS activations should utilize broadcast media too.

b. How should ‘vulnerable populations’ be defined and identified?

CSAC supports the Phase 1 Staff Proposal’s definition of “vulnerable populations” which identifies those individuals who are or have the following: (1) physical, developmental or intellectual disabilities; (2) chronic conditions or injuries; (3) limited English proficiency; (4) elderly; (5) children; (6) low income, homeless and/or transportation disadvantaged; and (7) pregnant women.⁹ Identification should be handled by the local Public Health Departments and by the IOU’s programs for the medically fragile.

⁹ Phase 1 Staff Proposal, at pp. 3-4.

CSAC asserts that the list identified in the Phase 1 Staff Proposal is a fairly inclusive list, but the reality is that any sub-set of the population that as a result of their personal circumstances, suffers a disproportionate amount of impact from a PSPS event, is a “vulnerable population.” Furthermore, the IOUs should have a plan for de-energizations that impact vulnerable populations which should include assistance from local jurisdictions, but should be the utilities’ plan to implement. For vulnerable populations, the work of ensuring proper notice has to begin long before a PSPS event occurs. The IOU must have an accurate list of vulnerable customers.

i. Is a list of Medical Baseline customers sufficient, and if not, how should the utilities identify vulnerable populations?

CSAC believes that the list of Medical Baseline customers is not sufficient and must include all vulnerable populations as noted in the Phase 1 Staff Proposal for several reasons.¹⁰ Medical Baseline does not identify individuals who have recently become vulnerable or have recently moved to the area. Medical Baseline is also problematic because that program is significantly under-enrolled. Self-registration acts as a barrier to people who, as noted by the Counties, “have limited English language capabilities, cognitive issues or severe physical impairments, sensory disabilities, medication or other substance impairment, and psychosocial instability.”¹¹

The IOUs need a much stronger and robust response to critical care customers. PSPS outages can occur for much longer periods than traditional outage scenarios, and this can exceed the standby power capabilities of Medical Baseline customers. More pre-planning and standby power solutions are necessary to protect this population. Furthermore, Southern California

¹⁰ Phase 1 Staff Proposal, at p. 4.

¹¹ Opening Comments of the Counties on OIR, at p. 7.

Edison (SCE) also uses two terms “Medical Baseline” and “Critical Care” and further definition of these two terms is required.

Lastly, IOUs should identify vulnerable populations through contacting the County Public Health agencies, County Departments of Human Assistance, Child Family and Adult Services and Health Services.

c. How should critical facilities be defined and identified?

In general, CSAC supports the Phase 1 Staff Proposal which identifies critical facilities as: (1) police stations, (2) fire stations, (3) EOCs, (4) medical facilities, (5) schools and day care centers, (6) public and private utility facilities vital to maintaining or restoring normal services, (7) drinking water and wastewater treatment plants and (8) communication carrier infrastructure.¹² However, CSAC recommends that the Commission also consider the Federal Emergency Management Agency (FEMA) definition of critical facilities which is slightly broader. Most jurisdictions know which of their facilities are critical to maintain government function which is why outage maps are important. With these maps, local governments can identify critical infrastructure impacts and plan for standby power and alternative service delivery models.

Lastly, CSAC recommends that the Commission consider adding to its definition of medical facilities to include dialysis centers, surgical centers, hospitals, and lock down facilities. The Commission should also include pump stations to the definition of drinking water and wastewater treatment plants. Finally, the Commission should add fueling facilities and hazardous material operating facilities such as refineries and chemical production facilities to its list of critical facilities.

¹² Phase 1 Staff Proposal, at p. 4.

d. How should first responders/emergency responders be defined and identified?

CSAC supports the Phase 1 Staff Proposal's definition and identification of first responders/emergency responders except that EMAs and public works should be included in the definition of emergency response providers.

i. Should water utilities and communication companies be defined as first responders?

CSAC's position is that public utilities and communication companies while not defined as first responders are relied upon by first responders to provide critical fire flow water, critical cell and internet services so first response agencies can notify the public with emergency information and the public can contact first responders with 911 emergency information. Failure of a waste water system because of loss of power could create an environmental hazard if they have a loss of power to lift stations and treatment facilities.

3. What structures and practices should be in place to maximize coordination between utilities and first responders/local governments;

CSAC generally supports the Phase 1 Staff Proposal position on this matter but emphasizes the fact that there should be crystal clear and open lines of communications between the IOUs and local OES and critical infrastructure providers. Furthermore, REST and Shapefiles should be defined in more generic terms because these Geographic Information System (GIS) terms are not universally recognized or understood.

The best practice is to ensure close coordination during actual events which begins with close professional relationships between government agencies and IOUs. These relationships are developed prior to PSPS events. Formats to do this include conducting mutual operational briefings, participating in joint training sessions, conducting scenario-based exercises, joint facility tours and exchanging Liaison Officers between EOCs.

CSAC further recommends that model runs using past critical weather days should be conducted to identify for local government what they are to expect when a shutdown is initiated. Currently there is no way to determine whether a shutdown will affect 100 customers or 20,000 customers on any given circuit. This emphasizes the need for accurate maps of shutdown areas because there is currently too much uncertainty. Formalized protocols that outline the roles and responsibilities of the IOUs and local government and first responders are necessary to ensure effective notification and coordination.

a. Should the utilities be required to embed liaison officers (who are empowered to make decisions on behalf of the utility) in emergency operations centers carried out under state and local plans consistent with SEM?

CSAC supports the IOUs being required to embed liaison officers. This person must be able to make decision on behalf of the utility or be able to immediately access someone who can. Furthermore, this should be done not only at the local level but at the State Regional Emergency Operations Center (REOC), as well.

4. What information should be provided to the Commission after a de-energization event to show that de-energization was used as a method of last resort and that it was in compliance with Commission rules?

CSAC recommends that the IOU provide a comprehensive After-Action Report to the Commission that clearly shows the timeline of the de-energization event and every action taken with justifications for the actions taken. This report should also include how the IOUs arrived at their decision to issue a shutdown and be shared with local Governments.

5. What additional provisions or protocols are necessary if de-energization of transmission lines become necessary?

CSAC recommends that the following provisions and protocols be adopted if de-energization of transmission lines become necessary:

- They should be formulated to provide for the least impact on critical infrastructure and transportation infrastructure.
- The scale and scope of the response should reflect the scale and scope of the events.
- All shutdowns should only be initiated if the IOUs are capable of a rapid re-energization in case a real emergency occurs that will require power to mitigate.
- Hardening and maintenance, not shutting off the power, is the most crucial method of preventing fires from electrical equipment.
- There should be an effective code of enforcement rather than shutting down power.
- There needs to be clear parameters for an event to trigger de-energization, such as humidity factors, wind speed, and dry foliage.

Furthermore, immediate power restoration is of critical importance. It is also crucial that IOUs consider that there is no point in time when power is more important than when a fast-moving wildfire is devastating a community. For example, if a de-energization event takes place and people are not able to charge their cell phones and a fire begins, that person would be unable to access an alert system. IOUs should support de-energized areas with temporary emergency assistance centers which provide the public with an area to seek climate-controlled facilities that allow for access to necessities and the ability to keep critical communication devices like cellular phones charged.

III. CONCLUSION

CSAC appreciates the opportunity to provide responses to the questions posed in the Phase 1 Scoping Memo and supports many of the positions taken by the Commission in the Phase 1 Staff Proposal. However, as discussed above, many of those recommendations must be

expanded upon to ensure that notification and communication de-energization rules implemented by this Commission accurately and safely protect those affected by de-energization.

Respectfully submitted,

March 25, 2019

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