

**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)

**REPLY COMMENTS OF THE CALIFORNIA STATE ASSOCIATION OF COUNTIES
ON THE PROPOSED DECISION ADOPTING PHASE 2 UPDATED AND ADDITIONAL
GUIDELINES FOR DE-ENERGIZATION OF ELECTRIC FACILITIES TO MITIGATE
WILDFIRE RISK**

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The California State Association of Counties (CSAC) respectfully submits these Reply Comments on the Proposed Decision Adopting Phase 2 Updated and Additional Guidelines for De-Energization of Electric Facilities to Mitigate Wildfire Risk, 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 Reply Comments are timely filed and served pursuant to the Commission’s Rules of Practice and Procedure.

**I.
CSAC AGREES WITH MULTIPLE PARTIES WHO URGE THE COMMISSION TO
REVISE THESE GUIDELINES GIVEN THE CURRENT COVID-19 PANDEMIC**

In its Opening Comments, CSAC recommended that the Commission rule on the April 13, 2020 Joint Motion for Emergency Order Regarding the De-Energization Protocols During the COVID-19 Pandemic (Joint Motion) and that the Commission adopt emergency COVID-19/public safety power shutoff (PSPS) regulations that the investor-owned utilities (IOUs) must follow.¹ This position is shared by Protect Our Communities Foundation (POC) who note that the Proposed Decision fails to address the Joint Motion which POC largely supports.² In

¹ CSAC Opening Comments on the Proposed Decision, at p. 2.

² POC Opening Comments on the Proposed Decision, at p. 12.

addition, CSAC concurs with POC who “urges the Commission to revise the PD to address the COVID-19 crisis.”³

CSAC supports the Center for Accessible Technology (CforAT) who request that the Proposed Decision be modified to reflect that the “Commission’s De-Energization policies are to support public safety in a holistic manner, not simply to reduce the risk of wildfire.”⁴ CforAT correctly states that:

The need for enhanced consideration of the risks to public safety of de-energization were disastrously clear in the chaos of the massive de-energization events that took place in 2019 ..., and are of even greater urgency in light of the COVID-19 pandemic facing California as we enter the 2020 fire season.⁵

In addition, CSAC agrees with the Public Advocates Office who stated that if “de-energization is called in an area where shelter-in-place orders are implemented, efforts to prevent the spread of COVID-19 could be impaired.”⁶ CSAC further supports the Public Advocates Office’s recommendation that the Joint Local Governments provide an example of these limited resources by stating that the Commission “establish the criteria for review discussed in D.19-05-042 in order to verify that the IOUs are following established guidelines, and in particular are utilizing de-energization prudently as a tool of last resort.”⁷

II. DE-ENERGIZATION EVENTS MUST BE LAST RESORT OPTIONS FOR THE IOUS

Throughout this proceeding, CSAC has argued that de-energization events must only be used in isolated, extremely limited circumstances.⁸ In the Decision Adopting De-Energization

³ *Id.*, at p. 12.

⁴ CforAT Opening Comments on the Proposed Decision, at p. 1.

⁵ *Id.*, at p. 1 (Footnote 1).

⁶ Public Advocates Office Opening Comments on the Proposed Decision, at p. 3.

⁷ *Id.*

⁸ *See, e.g.*, CSAC Opening Comments on the Proposed Decision Adopting Phase 1 Guidelines, submitted on May 16, 2019 in R.18-12-005 (De-Energization), at p. 2.

(Public Safety Power Shut-Off) Guidelines (Phase 1 Guidelines) (D.19-05-042) , the Commission ruled that de-energization events should be deployed by the IOUs “as a measure of last resort” and that the IOUs “must justify why de-energization was deployed over other possible measures or actions.”⁹ As such, CSAC shares the concerns raised by CforAT that the Proposed Decision appears to move away from that overarching guideline and that “the Commission should continue to emphasize that its fundamental goal is not to normalize the extraordinary notion of electric utilities routinely failing in their fundamental task of delivering power to their customers.”¹⁰

CSAC supports CforAT’s recommendation that the Proposed Decision should be revised to state that IOUs must use de-energization events as last resorts.¹¹ Furthermore, CSAC supports The Utility Reform Network (TURN) who recommends that the Commission establish a burden of proof for the IOUs “to demonstrate that the de-energization event was as narrowly tailored as possible.”¹²

III. THE DE-ENERGIZATION EXERCISES REQUIREMENTS SHOULD BE CLARIFIED

In its Opening Comments, CSAC argued that additional information should be provided as to the proposed de-energization exercises.¹³ CforAT and the Joint Local Governments also request clarity on these exercises.¹⁴ CSAC agrees with the Joint Local Governments “that the regulation calling for de-energization exercises, as currently written, will result in effective de-

⁹ D.19-05-042, Appendix A, at p. A1.

¹⁰ CforAT Opening Comments on the Proposed Decision, at p. 4.

¹¹ *Id.*

¹² TURN Opening Comments on the Proposed Decision, at p. 2.

¹³ CSAC Opening Comments on the Proposed Decision, at p. 4.

¹⁴ CforAT Opening Comments on the Proposed Decision, at pp. 6-7 and Joint Local Governments Opening Comments on the Proposed Decision, at pp. 6-8.

energization planning.”¹⁵ In addition, CSAC agrees with CforAT and the Joint Local Governments that these requirements should be clarified and that the requirement should explicitly state that the IOUs are obligated to coordinate these exercises with local and tribal governments¹⁶ and that more guidance is needed to ensure that these exercises meet the needs of access and functional needs (AFN) customers.¹⁷

IV. TRANSPARENCY SHOULD REMAIN A HIGH PRIORITY IN THIS PROCEEDING

Transparency regarding PSPS events was a significant issue in 2019 and CSAC appreciates the additional requirements set forth in the Proposed Decision.¹⁸ However, CSAC agrees with those parties who recommend that the Proposed Decision be modified to include additional transparency guidelines. CSAC concurs with the Joint Local Governments that the “final decision should clarify that the decisionmaking information addressed in the proposed decision requires a greater level of detail and analysis than the information the utilities have provided to date in their post-event reports or anywhere else.”¹⁹ Likewise, CSAC supports CforAT’s recommendation that the Proposed Decision must explicitly require the IOUs to balance the harms of de-energization with the harms of keeping the power on.²⁰

CSAC agrees with the Public Advocates Office that the guidance set forth in the Proposed Decision “to ensure further transparency and accountability of the IOUs.”²¹ Similarly, CSAC supports the Public Advocates Office’s recommendation that the Proposed Decision

¹⁵ Joint Local Governments Opening Comments on the Proposed Decision, at p. 8.

¹⁶ *Id.*, at p. 7.

¹⁷ CforAT Opening Comments on the Proposed Decision, at p. 5.

¹⁸ Proposed Decision, Appendix A, at p. 8.

¹⁹ Joint Local Governments Opening Comments on the Proposed Decision, at p. 13.

²⁰ CforAT Opening Comments on the Proposed Decision, at pp. 11-12.

²¹ Public Advocates Office Opening Comments on the Proposed Decision, at p. 5.

“should include additional measures to improve transparency and increase the Commission’s level of oversight over the planning and execution of de-energization events.”²²

**V.
CONCLUSION**

CSAC reiterates its recommendation that the Commission adopt emergency COVID-19/PSPS regulations and rule on the Joint Motion. In addition, CSAC encourages the Commission to modify the Proposed Decision to affirm that de-energization events must be last resorts for the IOUs, provide clarity on the de-energization exercises and emphasize transparency requirements.

Respectfully submitted,

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²² Public Advocates Office Opening Comments on the Proposed Decision, at p. 7.