

AMENDED IN ASSEMBLY MARCH 9, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 2539

Introduced by Assembly Member Bigelow

February 19, 2020

An act to ~~amend Section 8386 of~~ *add Section 768.9* to the Public Utilities Code, relating to electricity.

LEGISLATIVE COUNSEL'S DIGEST

AB 2539, as amended, Bigelow. Electrical corporations: ~~wildfire mitigation plans~~. *deenergization events: elections.*

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations. Existing law requires each electrical corporation to annually prepare a wildfire mitigation plan and to submit its plan to the commission for review and approval, as specified. Existing law requires the wildfire mitigation plan to include, among other things, protocols for disabling reclosers and deenergizing portions of the electrical distribution system that consider the associated impacts on public safety.

Under existing law, a violation of the Public Utilities Act is a crime.

This bill would require an electrical corporation that initiates a deenergization event, as defined, in the 2 weeks preceding an election or in the month following an election to provide assistance to ensure that the deenergization event does not impair the ability of local elections officials to perform official duties.

Because these provisions would be a part of the Public Utilities Act, the violation of which is a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations. Existing law requires each electrical corporation to annually prepare and submit a wildfire mitigation plan to the commission for review and approval, as specified.~~

~~This bill would make a nonsubstantive change to the provisions relating to wildfire mitigation plans.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 768.9 is added to the Public Utilities
2 Code, to read:

3 768.9. (a) *If an electrical corporation provides notification of*
4 *a potential deenergization event in the two weeks preceding an*
5 *election or in the month following an election, the electrical*
6 *corporation shall work with local elections officials within its*
7 *service territory to determine the ability of those officials to*
8 *conduct their official duties. An electrical corporation shall provide*
9 *assistance, including, but not limited to, the provision of mobile*
10 *backup generators, to ensure that the deenergization event does*
11 *not impair the ability of the local elections official to perform*
12 *official duties.*

13 (b) *For purposes of this section, “deenergization event” means*
14 *the proactive interruption of electrical service for the purpose of*
15 *reducing or eliminating the risk of wildfires resulting from the*
16 *operation of the electrical grid or related facilities.*

17 SEC. 2. *No reimbursement is required by this act pursuant to*
18 *Section 6 of Article XIII B of the California Constitution because*
19 *the only costs that may be incurred by a local agency or school*
20 *district will be incurred because this act creates a new crime or*
21 *infraction, eliminates a crime or infraction, or changes the penalty*
22 *for a crime or infraction, within the meaning of Section 17556 of*

1 *the Government Code, or changes the definition of a crime within*
2 *the meaning of Section 6 of Article XIII B of the California*
3 *Constitution.*

4 SECTION 1. ~~Section 8386 of the Public Utilities Code is~~
5 ~~amended to read:~~

6 ~~8386. (a) Each electrical corporation shall construct, maintain,~~
7 ~~and operate its electrical lines and equipment in a manner that will~~
8 ~~minimize the risk of catastrophic wildfire posed by those electrical~~
9 ~~lines and equipment.~~

10 ~~(b) Each electrical corporation shall annually prepare and submit~~
11 ~~a wildfire mitigation plan to the Wildfire Safety Division for review~~
12 ~~and approval. In calendar year 2020, and thereafter, the plan shall~~
13 ~~cover at least a three-year period. The division shall establish a~~
14 ~~schedule for the submission of subsequent comprehensive wildfire~~
15 ~~mitigation plans, which may allow for the staggering of compliance~~
16 ~~periods for each electrical corporation. In its discretion, the division~~
17 ~~may allow the annual submissions to be updates to the last~~
18 ~~approved comprehensive wildfire mitigation plan, but each~~
19 ~~electrical corporation shall submit a comprehensive wildfire~~
20 ~~mitigation plan at least once every three years.~~

21 ~~(c) The wildfire mitigation plan shall include all of the~~
22 ~~following:~~

23 ~~(1) An accounting of the responsibilities of persons responsible~~
24 ~~for executing the plan.~~

25 ~~(2) The objectives of the plan.~~

26 ~~(3) A description of the preventive strategies and programs to~~
27 ~~be adopted by the electrical corporation to minimize the risk of its~~
28 ~~electrical lines and equipment causing catastrophic wildfires,~~
29 ~~including consideration of dynamic climate change risks.~~

30 ~~(4) A description of the metrics the electrical corporation plans~~
31 ~~to use to evaluate the plan's performance and the assumptions that~~
32 ~~underlie the use of those metrics.~~

33 ~~(5) A discussion of how the application of previously identified~~
34 ~~metrics to previous plan performances has informed the plan.~~

35 ~~(6) Protocols for disabling reclosers and deenergizing portions~~
36 ~~of the electrical distribution system that consider the associated~~
37 ~~impacts on public safety. As part of these protocols, each electrical~~
38 ~~corporation shall include protocols related to mitigating the public~~
39 ~~safety impacts of disabling reclosers and deenergizing portions of~~

1 the electrical distribution system that consider the impacts on all
2 of the following:

3 (A) Critical first responders.
4 (B) Health and communication infrastructure.
5 (C) Customers who receive medical baseline allowances
6 pursuant to subdivision (e) of Section 739. The electrical
7 corporation may deploy backup electrical resources or provide
8 financial assistance for backup electrical resources to a customer
9 receiving a medical baseline allowance for a customer who meets
10 all of the following requirements:

11 (i) The customer relies on life-support equipment that operates
12 on electricity to sustain life.
13 (ii) The customer demonstrates financial need, including through
14 enrollment in the California Alternate Rates for Energy program
15 created pursuant to Section 739.1.
16 (iii) The customer is not eligible for backup electrical resources
17 provided through medical services, medical insurance, or
18 community resources.

19 (D) Subparagraph (C) shall not be construed as preventing an
20 electrical corporation from deploying backup electrical resources
21 or providing financial assistance for backup electrical resources
22 under any other authority.

23 (7) Appropriate and feasible procedures for notifying a customer
24 who may be impacted by the deenergizing of electrical lines,
25 including procedures for those customers receiving a medical
26 baseline allowance as described in paragraph (6). The procedures
27 shall direct notification to all public safety offices, critical first
28 responders, health care facilities, and operators of
29 telecommunications infrastructure with premises within the
30 footprint of potential deenergization for a given event.

31 (8) Plans for vegetation management.
32 (9) Plans for inspections of the electrical corporation's electrical
33 infrastructure.
34 (10) Protocols for the deenergization of the electrical
35 corporation's transmission infrastructure, for instances when the
36 deenergization may impact customers who, or entities that, are
37 dependent upon the infrastructure.
38 (11) A list that identifies, describes, and prioritizes all wildfire
39 risks, and drivers for those risks, throughout the electrical
40 corporation's service territory, including all relevant wildfire risk

1 and risk mitigation information that is part of the Safety Model
2 Assessment Proceeding and the Risk Assessment Mitigation Phase
3 filings. The list shall include, but not be limited to, both of the
4 following:

5 (A) Risks and risk drivers associated with design, construction,
6 operations, and maintenance of the electrical corporation's
7 equipment and facilities.

8 (B) Particular risks and risk drivers associated with topographic
9 and climatological risk factors throughout the different parts of
10 the electrical corporation's service territory.

11 (12) A description of how the plan accounts for the wildfire risk
12 identified in the electrical corporation's Risk Assessment
13 Mitigation Phase filing.

14 (13) A description of the actions the electrical corporation will
15 take to ensure its system will achieve the highest level of safety,
16 reliability, and resiliency, and to ensure that its system is prepared
17 for a major event, including hardening and modernizing its
18 infrastructure with improved engineering, system design, standards,
19 equipment, and facilities, such as undergrounding, insulation of
20 distribution wires, and pole replacement.

21 (14) A description of where and how the electrical corporation
22 considered undergrounding electrical distribution lines within those
23 areas of its service territory identified to have the highest wildfire
24 risk in a commission fire threat map.

25 (15) A showing that the electrical corporation has an adequately
26 sized and trained workforce to promptly restore service after a
27 major event, taking into account employees of other utilities
28 pursuant to mutual aid agreements and employees of entities that
29 have entered into contracts with the electrical corporation.

30 (16) Identification of any geographic area in the electrical
31 corporation's service territory that is a higher wildfire threat than
32 is currently identified in a commission fire threat map, and where
33 the commission should consider expanding the high fire threat
34 district based on new information or changes in the environment.

35 (17) A methodology for identifying and presenting
36 enterprisewide safety risk and wildfire-related risk that is consistent
37 with the methodology used by other electrical corporations unless
38 the commission determines otherwise.

1 ~~(18) A description of how the plan is consistent with the~~
2 ~~electrical corporation’s disaster and emergency preparedness plan~~
3 ~~prepared pursuant to Section 768.6, including both of the following:~~
4 ~~(A) Plans to prepare for, and to restore service after, a wildfire,~~
5 ~~including workforce mobilization and prepositioning equipment~~
6 ~~and employees.~~
7 ~~(B) Plans for community outreach and public awareness before,~~
8 ~~during, and after a wildfire, including language notification in~~
9 ~~English, Spanish, and the top three primary languages used in the~~
10 ~~state other than English or Spanish, as determined by the~~
11 ~~commission based on the United States Census data.~~
12 ~~(19) A statement of how the electrical corporation will restore~~
13 ~~service after a wildfire.~~
14 ~~(20) Protocols for compliance with requirements adopted by~~
15 ~~the commission regarding activities to support customers during~~
16 ~~and after a wildfire, outage reporting, support for low-income~~
17 ~~customers, billing adjustments, deposit waivers, extended payment~~
18 ~~plans, suspension of disconnection and nonpayment fees, repair~~
19 ~~processing and timing, access to electrical corporation~~
20 ~~representatives, and emergency communications.~~
21 ~~(21) A description of the processes and procedures the electrical~~
22 ~~corporation will use to do all of the following:~~
23 ~~(A) Monitor and audit the implementation of the plan.~~
24 ~~(B) Identify any deficiencies in the plan or the plan’s~~
25 ~~implementation and correct those deficiencies.~~
26 ~~(C) Monitor and audit the effectiveness of electrical line and~~
27 ~~equipment inspections, including inspections performed by~~
28 ~~contractors, carried out under the plan and other applicable statutes~~
29 ~~and commission rules.~~
30 ~~(22) Any other information that the Wildfire Safety Division~~
31 ~~may require.~~
32 ~~(d) The Wildfire Safety Division shall post all wildfire~~
33 ~~mitigation plans and annual updates on the commission’s internet~~
34 ~~website for no less than two months before the division’s decision~~
35 ~~regarding approval of the plan. The division shall accept comments~~
36 ~~on each plan from the public, other local and state agencies, and~~
37 ~~interested parties, and verify that the plan complies with all~~
38 ~~applicable rules, regulations, and standards, as appropriate.~~

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