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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

**ADMINISTRATIVE LAW JUDGE'S RULING
RESPONDING TO JOINT MOTIONS**

This ruling responds to two motions that were filed in the docket Rulemaking (R.) 18-12-005 regarding electric utility de-energization events executed to mitigate the risk of catastrophic wildfire.

1. April 13, 2020 motion regarding de-energization protocols during the COVID-19 pandemic

On April 13, 2020, multiple parties to this proceeding filed a joint motion requesting an emergency order by the Commission regarding de-energization protocols during the COVID-19 pandemic. The joint moving parties include the California State Association of Counties; Center for Accessible Technology; Cities of San Jose and Santa Rosa; Counties of Santa Clara, Kern, Marin, Mendocino, Napa, Nevada, San Luis Obispo, Santa Barbara, and Sonoma; East Bay Community Energy; Marin Clean Energy; Peninsula Clean Energy; Pioneer Community Energy; and Rural County Representatives of California.

Responses to the motion were filed with the Commission on April 17, 2020, by Local Government Sustainable Energy Coalition and on April 20, 2020, by Bear Valley Electric Service, PacifiCorp, and Liberty Utilities (CalPeco Electric) LLC; The Public Advocates Office of the California Public

Utilities Commission (Cal Advocates); CITA; Mussey Grade Road Alliance; Southern California Edison Company; Pacific Gas and Electric Company; San Diego Gas & Electric Company; California Cable and Telecommunications Association; Consolidated Communications of California Company; Joint Small Local Exchange Carriers; and Pacific Bell Telephone Company, and AT&T Corp, AT&T and Mobility Wireless Operations Holdings, Inc. The joint moving parties filed a reply to the responses on April 24, 2020, that modified the relief requested.

The April 24, 2020 reply of the joint moving parties includes a 15-point request, modified from its initial motion, that specifies guidelines they request the Commission to codify in a Commission Order.

The requested guidelines by the joint moving parties include issues pertaining to local government and public safety partner coordination, a requirement for transparency regarding the specific qualitative and quantitative factors the electric investor owned utilities (IOU) relied on calling the de-energization to be communicated to local governments prior to the initiation of the de-energization event, and the ability for local governments to execute an exemption from a de-energization event. Other components of the requested guidelines include placing limitations on the abilities for the electric IOUs to call de-energization events on pandemic impacted communities and other actions that would minimize the impact to critical treatment facilities and essential businesses. The proposed guidelines also requested protections for telecommunications infrastructure during de-energization events, a claims process for which financial losses during de-energization events may be recovered by the electric IOUs, a bill credit being applied to customers who endure de-energization events that last longer than 48 hours, and mandatory after-the-fact reasonableness review by the Commission.

On April 27, 2020, the Commission issued a proposed decision that adopted additional guidelines that the electric IOUs must adhere to when initiating and sustaining de-energization events as a mechanism to mitigate wildfire risk. This proposed decision was voted on and approved by the Commission as Decision (D.) 20-05-051 on May 28, 2020.

Many of components of the relief requested by the joint moving parties were addressed and ordered in D.20-05-051. That decision includes requirements for working groups and advisory boards that mandate coordination between the local governments and the electric IOUs; increased and improved notification protocols for impacted customers, local governments, and public safety partners; requirements for timely restoration of power service upon the conclusion of the conditions that necessitated the de-energization event; mandated assistance provided by the electric IOUs to critical facilities in the securement of backup generation; the inclusion of public safety answering points and 9-1-1 emergency service on the list of critical facilities; and increased transparency for impacted customers and local governments.

In D.20-05-051, the Commission also acknowledged the impact that the COVID-19 pandemic will have on the wildfire season and response in California. As stated in D.20-05-051, *[t]he Commission acknowledges that the investor owned electric utilities should make every reasonable attempt to adhere to the guidelines adopted in this decision while complying with direction from public health officials regarding shelter-in-place, social distancing, or other measures that may need to be taken in response to the COVID-19 pandemic.*¹

¹ D.20-05-051 at 12.

We fully acknowledge the issues brought up by the joint moving parties in the April 13, 2020 motion. As noted above, D.20-05-051 addresses many of the issues raised by the joint moving parties, even going beyond the motion by indicating the electric IOUs should take all reasonable precautions to carry out the established de-energization guidelines while adhering to local health official and state guidance regarding stay-at-home, shelter-in-place, social distancing, and other relevant orders.

At the moment, we believe the relief requested in the motion has largely been addressed by the subsequently issued D.20-05-051. However, we will continue to closely monitor the COVID-19 issues that arise leading up to, during, and following de-energization events and will take action, if necessary, to protect the public safety and public interest.

The April 13, 2020 motion, as modified by the April 24, 2020 reply of the joint moving parties, is held in abeyance.

2. June 15, 2020 motion requesting Commission review of post public safety power shutoff event reports

On June 15, 2020, multiple parties to this proceeding filed a joint motion requesting specific parameters regarding the Commission's review of required post public safety power shutoff (PSPS) event reports (post event reports) provided by the electric IOUs after the completion of any de-energization event in response to catastrophic wildfire risk. The joint moving parties of this second motion (June 15, 2020 joint moving parties) include County of Mendocino, County of Sonoma, Mussey Grade Road Alliance, Protect Our Communities Foundation, County of Kern, County of Marin, Spring Spectrum L.P., County of San Luis Obispo, AT&T Services, Inc., CITA, County of Nevada, Center for Accessible Technology, Utility Consumers' Action Network, The Utility Reform

Network, T-Mobile West LLC, County of Napa, County of Santa Barbara, California State Association Counties, City of Santa Rosa, California Community Choice Association, City of San Jose, and Rural County Representatives of California.

Responses to the motion were filed with the Commission on June 30, 2020, by Southern California Edison, Cal Advocates, California Cable and Telecommunications Association, and the Coalition of Utility Employees.

The June 15, 2020 joint moving parties replied to the responses to the initial joint motion regarding PSPS post event reporting on June 10, 2020.

The relief requested in the joint motion regarding the post event reports is for the commission to issue a reasonableness determination following every PSPS event, focusing on the decision to call the event and execution of the event.

Beginning with D.12-04-024, various authorities directed each electric IOU to provide a post event report to the Commission providing specific information about the circumstances of calling and executing PSPS events.

After the shut off has ended, SDG&E shall provide a report to the Director of CPSD that includes (i) an explanation of SDG&E's decision to shut off power; (ii) all factors considered by SDG&E in its decision to shut off power, including wind speed, temperature, humidity, and vegetation moisture in the vicinity of the de-energized circuits; (iii) the time, place, and duration of the shutoff event; (iv) the number of affected customers, broken down by residential, medical baseline, commercial/industrial, and other; (v) any wind-related damage to SDG&E's overhead power-line facilities in the areas where power is shut off; (vi) a description of the notice to customers and any other mitigation provided by SDG&E; and (vii) any other matters that SDG&E believes are relevant

to the Commission's assessment of the reasonableness of SDG&E's decision to shut off power.²

This guidance was reiterated in Commission Resolution ESRB-8 and expanded to include all electric IOUs.³ In D.19-05-042, the Commission further expanded this guidance to allow for public comment on the electric investor-owned utility's post event reports in order to inform the Commission's review.⁴

Following every PSPS event, the Commission reviews the post event reports filed by the electric IOUs and the comments filed on each post event report. In one circumstance, as indicated in the June 15, 2020 joint motion, the Commission has opened a formal investigation into a range of previous de-energization events with Investigation (I.) 19-11-013.⁵

"On November 13, 2019, the Commission instituted this proceeding, Investigation (I.) 19-11-013, to determine whether California's electric investor owned utilities (IOUs) prioritized safety and complied with the Commission's regulations and requirements with respect to their pro-active de-energization of power lines during high wildfire danger events (also known as Public Safety Power Shutoff or PSPS events) during October and November of 2019."⁶

The Commission has taken other actions to consider the execution of previous PSPS events and minimize the impact of future PSPS events. These actions include the Order to Show Cause (OSC) initiated in this docket and the

² D.12-04-024 at 32.

³ ESRB-8 at 4.

⁴ D.19-05-024 at 106-108.

⁵ Order Instituting Investigation (OII) on the Commission's Own Motion on the Late 2019 Public Safety Power Shutoff Events.

⁶ I.19-11-013 August 3, 2020 Scoping Memo Phase 2.

consideration of PSPS event preparation, execution, and minimization in the wildfire mitigation plan process. Additionally, on July 30, 2020, the California Public Utilities Commission Executive Director sent a letter to leadership of Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company regarding preparation for PSPS events and the 2020 wildfire season. As a part of this letter, the Commission scheduled public briefings by the individual electric IOUs to outline the actions each utility has taken to reduce the impact of future PSPS events.

The content of the post event reports continue to be critical to assist the public with transparency into the decision-making by the electric IOUs employed in calling these events and for the Commission to understand and evaluate the actions taken by the utilities. In light of the significant scrutiny the Commission has given to the PSPS events called by each electric IOU, and is presently giving to the utilities' preparation for the 2020 wildfire and PSPS season, the Commission is using the lessons learned from previous PSPS events to inform this rulemaking and the future rulemakings and proceedings related to these events.

