

**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)

**RURAL COUNTY REPRESENTATIVES OF CALIFORNIA RESPONSE
ON THE JOINT CCAs MOTION TO OPEN ADDITIONAL TRACK OF
PHASE 3 TO DEVELOP A DE-ENERGIZATION GENERAL ORDER**

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I. Introduction

In accordance with Rule 11.1(e) of the California Public Utilities Commission (“Commission”) Rules of Practice and Procedure (“Rules”), the Rural County Representatives of California (RCRC) submits this response to the March 29, 2021 motion by Pioneer Community Energy, East Bay Community Energy, Sonoma Clean Power Authority, Central Coast Community Energy, and Redwood Coast Energy Authority—collectively, the “Joint CCAs”—to the Order Instituting Rulemaking 18-12-005 (“Rulemaking”). RCRC received party status via written ruling on March 18, 2019.

II. Comments

Overall, RCRC strongly supports opening an additional track in this rulemaking to develop a De-Energization General Order. RCRC responds to each aspect of the Joint CCAs requested motions in order, below.

- 1. Separate Phase 3 of the instant Rulemaking into two tracks: Track 1 would continue to develop the improved Phase 3 guidelines according to the existing schedule.***

RCRC supports this motion. The additional and modified guidelines of the Staff Proposal, issued in the February 19, 2021 Scoping Memo ruling, should continue in a separate fashion. We appreciate the Joint CCAs recognition that Phase 3 as currently

scoped makes many valuable improvements to protect health and safety;¹ however, RCRC also believes the scope of Phase 3 should be broadened even further to conduct reasonableness reviews and drive system upgrades, thereby reducing the need for utilities to conduct a PSPS event.²

- 2. Define the scope of Track 2 of Phase 3 of this rulemaking as: developing a general order that will codify the guidelines and directives contained in this decision and previous authorities, for the purpose of developing this general order of having one primary authority that provides guidelines and/or directives to the electric IOUs regarding deenergization events that are initiated to mitigate the risk of catastrophic wildfires.***

RCRC supports this motion. Given the authorization to employ de-energization events extends to all electrical corporations³ and publicly owned utilities⁴ and the fragmented nature of all the existing rules governing those events, the CPUC must reconcile those rules into a single comprehensive regulatory framework through a General Order.

Further, as this proceeding goes on, we concur with the Joint CCAs—and the Joint Local Governments—that it is getting more confusing for parties to understand how proposed new or modified guidelines fit in to that existing framework, whether it is changing, replacing, or overruling existing guidelines. This problem is exacerbated by the inconsistent numbering conventions and lack of organized structure in existing Decisions.⁵ All stakeholders would benefit from consolidating existing guidelines and Decisions into one document.

- 3. Adopt a schedule for Track 2 of Phase 3 that initiates work on the General Order now, focusing on consolidating Resolution ERSB-8, the Phase 1 Guidelines, and the Phase 2 Guidelines, but allows adequate time for the later incorporation of the Commission's adopted Phase 3 Guidelines before the formal adoption of the General Order.***

¹ MOTION OF PIONEER COMMUNITY ENERGY, EAST BAY COMMUNITY ENERGY, SONOMA CLEAN POWER AUTHORITY, CENTRAL COAST COMMUNITY ENERGY, AND REDWOOD COAST ENERGY AUTHORITY TO OPEN ADDITIONAL TRACK OF PHASE 3 TO DEVELOP A DE-ENERGIZATION GENERAL ORDER, page 3.

² RURAL COUNTY REPRESENTATIVES OF CALIFORNIA REPLY COMMENTS ON PHASE 3 SCOPING MEMO AND STAFF PROPOSAL, page 3.

³ Public Utilities Code Section 8386(c)(6); CPUC Resolution ESRB-8.

⁴ Public Utilities Code Section 8387(b)(2)(F)

⁵ MOTION OF PIONEER COMMUNITY ENERGY, EAST BAY COMMUNITY ENERGY, SONOMA CLEAN POWER AUTHORITY, CENTRAL COAST COMMUNITY ENERGY, AND REDWOOD COAST ENERGY AUTHORITY TO OPEN ADDITIONAL TRACK OF PHASE 3 TO DEVELOP A DE-ENERGIZATION GENERAL ORDER, page 2.

RCRC supports this motion. The outcome of the additional and modified guidelines of the Staff Proposal, issued in the February 19, 2021 Scoping Memo ruling, should ultimately be incorporated into the General Order rather than be issued in a separate Decision.

4. *Instruct Commission Staff to develop a proposed General Order that fully incorporates all existing de-energization requirements.*

RCRC supports this motion. The Joint CCA's correctly note, "This piecemeal approach significantly increases the potential for confusion, and is far less efficient than a single set of governing rules from both from a compliance perspective and an enforcement perspective."⁶ We therefore urge the staff proposal to organize, and fully incorporate, all existing de-energization requirements, guidelines and protocols, such as those found in ESRB-8, D.19-05-042, and D.20-05-051. For the best outcome, the Commission should allow parties to provide comments and reply comments on the proposed General Order.

5. *Ensure that the General Order is finalized General Order before fire season 2021.*

RCRC supports a timely completion of a General Order. Fire seasons are not well defined and are proving to start earlier and extend longer given worsening climate conditions and a backlog of forest management projects on federal and state-owned lands. Because of the changing nature of the fire season, we urge the Commission to expedite finalizing the General Order as soon after adoption of the Phase 3 Guidelines as possible. At the same time, we note that development of a General Order should not prejudice consideration or adoption of the various changes contemplated in Phase 3 of this proceeding.

III. Conclusion

We urge the Commission to grant the Joint CCAs motion in full. Three sets, perhaps more as currently contemplated by the Scoping Memo, of overlapping documents is overly cumbersome for stakeholders, local practitioners, and the public to navigate and understand. RCRC appreciates your consideration of our comments, and respectfully requests your acceptance of these comments for filing.

⁶ Ibid, pages 1-2.

Respectfully submitted,

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