



April 20, 2021

Ms. Marybel Batjer
President
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

RE: PG&E's Wildfire Wood Management Program

Dear President Batjer:

On behalf of the Rural County Representatives of California (RCRC), we write to express our concerns regarding the Pacific Gas and Electric Company's (PG&E) troubling post-wildfire vegetation management practices and respectfully support the Joint Local Governments' request for the Commission to require PG&E to immediately reinstate its Wildfire Wood Management Program prior to the 2021 wildfire season. RCRC is an association of thirty-seven rural California counties, and our Board of Directors is comprised of one elected county supervisor from each member county.

In their "Comments of the Joint Local Governments on Administrative Law Judge's Ruling Requesting Comment on Closing This Proceeding"¹ the Joint Local Governments highlighted the public safety risks and financial burden posed by PG&E's recent post-fire vegetation management activities, especially with respect to leaving felled trees behind after cutting them down. The Joint Local Governments requested the Commission address the problems created, "which may be as simple as the Commission directing PG&E to reinstate its Wildfire Wood Management Program and clarifying that the utility can record its costs in one of its many wildfire-related memorandum accounts."²

As you may know, California experienced the largest wildfire season on record in 2020, burning over four million acres. Given the unprecedented size of the 2020 wildfire season, the clean-up efforts are similarly daunting. By PG&E's own estimates, between 150,000-200,000 trees have been left behind by their clean-up and removal efforts.

¹ Joint Local Governments, "Comments of the Joint Local Governments on Administrative Law Judge's Ruling Requesting Comment on Closing This Proceeding," Order Instituting Rulemaking to Implement Electric Utility Wildfire Mitigation Plans Pursuant to Senate Bill 901 (2018), Rulemaking 18-10-007, December 11, 2020.

² Id., page 12.

Rural counties and their residents have suffered greatly from recent wildfires and efforts to avoid utility-caused wildfires through the use of public safety power shutoff events. As a foundational issue, we do not dispute the overwhelming need for utility vegetation management activities and the massive undertaking it entails. At the same time, we do not believe the costs and consequences of clean up should be externalized to property owners and local governments, especially considering previous actions by the utility.

PG&E's 2020 post-fire clean-up efforts have been very problematic from multiple vantage points. From the property-owners' perspective, it is very difficult and expensive to remove and dispose of those trees that were cut down and left on-site. Where merchantable timber exists, the value of those materials may help offset some of those costs. Unfortunately, it appears that PG&E cut many of those trees into unmerchantable lengths, thereby stymieing the ability for landowners to offset some of the tree removal costs. Furthermore, most insurance policies will not cover the costs of removing felled trees. Additionally, the utility's felling of the trees often precludes those property owners from eligibility for public post-disaster debris removal programs. Finally, the felled trees and manner in which they were left on-site may pose safety and wildfire risks and inhibit the ability to respond to and fight future wildfires.

In previous years, PG&E's post-fire vegetation management work included removing felled trees at the landowner's request. It appears that one of the reasons for this practice was that "the dead wood constitutes fuel on the ground that not only can catch fire, but also compromises firefighter safety."³ PG&E discontinued that practice for the 2020 wildfires. We also note that PG&E typically removes felled trees when requested by the landowner under its pre-fire Enhanced Vegetation Management program. To deal with the 2020 wildfires, PG&E recently approached local governments to share in the costs of managing these felled trees by asking them to shoulder the costs of disposal, which could be very significant for many jurisdictions that are already struggling to fund post-fire recovery.

We also observe that PG&E is currently sponsoring legislation, Assembly Bill 448 (Mayes) that would require utilities to remove wood cut as a result of vegetation management work upon timely request by the property owner. We offer this information to show PG&E's willingness to be required to remove felled trees. The Commission need not, and should not, wait for the Legislature to act, as this legislation would only go into effect on January 1, 2022. As such, it would not provide any relief for the property owners impacted by PG&E's post-fire vegetation management work related to the 2020 wildfires and would leave hundreds of thousands of dry, dead trees going into the 2021 wildfire season, which all but promises to fuel catastrophic outcomes and disproportionately burden these customers.

³ Pacific Gas and Electric Company, *2018 Catastrophic Event Memorandum Account Revised Testimony (Clean Version)*, August 7, 2019, page 3-34 to 3-37.

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PG&E should continue to dispose of the trees and record the costs in its 2020 Catastrophic Event Memorandum Account, which is the appropriate accounting mechanism for post-fire system restoration activities and a customary practice for other electric utilities. Given PG&E is doing this work during the ordinary course of restoring electric service, it is unreasonable for PG&E to externalize the costs and harm of leaving extraordinary amounts of felled trees on-site. It is immaterial that PG&E did not start the fires that led to their post-fire vegetation management work. The fact remains that PG&E determined the scope of the work performed and conducted the work. All that remains is for PG&E to finish the job and remove the felled trees upon request of the property owner. While we appreciate PG&E's concern for the landowner's rights to the felled timber, we note that in many cases, the residual creates a far greater liability than value for the owner. We strongly believe that PG&E should, at a minimum, offer to remove the trees cut at no cost to the landowner if so requested.

Thank you for your consideration of our comments. Rural communities continue to bear the significant costs and challenges flowing from wildfires and utility attempts to mitigate the risk of wildfires. Many local governments and residents are nearing their breaking points. For the reasons stated above, we support the Joint Local Governments' request that PG&E be required to reinstate its Wildfire Wood Management Program. Please do not hesitate to contact me if you have questions or would like to discuss further at (916) 447-4806 or jkennedy@rcrcnet.org.

Sincerely,



JOHN KENNEDY
Legislative Affairs Advocate

cc: Commissioner Martha Guzman Aceves, California Public Utilities Commission
Commissioner Clifford Rechtschaffen, California Public Utilities Commission
Commissioner Genevieve Shiroma, California Public Utilities Commission
Commissioner Darcie L. Houck, California Public Utilities Commission
The Honorable Bill Dodd, Member of the State Senate
The Honorable Mike McGuire, Member of the State Senate
The Honorable Mark Stone, Member of the State Assembly
The Honorable Jim Wood, Member of the State Assembly
Members of the Napa County Board of Supervisors

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Members of the Sonoma County Board of Supervisors
Caroline Thomas Jacobs, Wildfire Safety Division
Service List, R.18-10-007