

**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 COMMUNITY CHOICE ASSOCIATION
ON PROPOSED ADDITIONAL DE-ENERGIZATION GUIDELINES**

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On behalf of:
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In accordance with the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”) and the January 30, 2020 *Administrative Law Judge’s Ruling Requesting Comments* (the “ALJ Ruling”), the California Community Choice Association (“CalCCA”) hereby submits the following reply comments addressing points raised in a number of parties’ February 19, 2019 opening comments on the Energy Division’s January 30, 2020 *Proposed Additional and Modified De-Energization Guidelines In Addition To Appendix A Of the De-Energization Phase 1 Decision (D.19-05-042) and Resolution ERSB-8* (the “Staff Proposal”). CalCCA was granted party status in this proceeding via email ruling on June 17, 2019.

I. REPLY COMMENTS

A. Working Groups And Advisory Boards

i. Working Groups Proposal

CalCCA agrees with the wide range of parties who support the working groups proposal in principle, but believe that additional detail and requirements are essential to its success, and strongly opposes requests by Pacific Gas and Electric Company (“PG&E”) and Southern California Edison (“SCE”) to weaken the working groups.

CalCCA agrees with the Joint Local Governments, Rural County Representatives of California (“RCRC”), and the City of San Jose (“San Jose”) that the “regions” that each working group is to cover should be clearly and specifically defined by the Commission, and further stresses the importance of ensuring that the task of defining the working group “regions” (as well as similar determinations regarding working group membership, meeting duration and frequency, and

information access) be specifically established in the Commission’s PSPS rules, not left up to the IOUs. In opening comments, CalCCA proposed that working group regions be defined as the pre-existing operational areas used in emergency management and response planning.¹ In light of RCRC’s persuasive arguments in favor of county-level working groups,² CalCCA amends its proposal, and asks that the Commission require the formation of a separate working group for each county and each tribal government within each IOU’s service territory.

CalCCA strongly agrees with the Joint Local Governments that the focus of the working groups should be on identifying and developing going-forward improvements to the utilities’ PSPS programs.³ The utilities’ handling of past PSPS events is already the subject of ample review in the OII proceeding. While CalCCA strongly supports the identification of lessons learned, these lessons are only useful in the context of assessing the adequacy of, and recommending improvements to, the IOUs *current* PSPS programs. This assessment should occur both at the local level (through the working groups) and at the IOU-level (through the advisory board).

CalCCA strongly opposes proposals by PG&E and SCE that would effectively weaken the working group requirements. PG&E proposes that the required meeting frequency for the working groups be reduced from monthly to quarterly, and that the number of stakeholder groups included in the working groups be reduced.⁴ SCE proposes that the working group and advisory board meetings be combined and held twice a year.⁵ As justification for these extraordinary requests, both SCE and PG&E point to their existing community outreach efforts, which they either state (SCE) or imply (PG&E) already fulfill the purpose of the working groups proposal, rendering Commission required working groups unnecessary.⁶

In order to provide any meaningful benefit, the working groups (and advisory boards) must be established and overseen by the Commission and must be able to perform their functions independently from IOU influence and control. The existing programs lauded by SCE and PG&E were created and organized by the utilities. Every key element of these programs, from meeting times and frequency, program purpose, meeting agenda, information sharing, and who is included or excluded from participation in these programs is determined by the IOU. For instance, PG&E has

¹ CalCCA Opening Comments at 5-6.

² RCRC Opening Comments at 3.

³ Joint Local Governments Opening Comments at 7.

⁴ PG&E Opening Comments at 7.

⁵ SCE Opening Comments at 3-4.

⁶ *See*, SCE Opening Comments at 4; PG&E Opening Comments at 2-6.

broadly excluded CCAs from its “listening sessions” and a range of other PSPS-related meetings, despite the fact that CCAs are both public safety partners and local government agencies. Even a high-level review of party comments on PG&E’s post-event reports demonstrates systematic failures to communicate with local governments and public safety partners. PG&E has repeatedly refused to share essential PSPS-related information with local governments and CCAs. In light of this dismal track record, it is difficult to imagine that PG&E’s outreach efforts will satisfy the goals of the working groups.

Similarly, SCE’s PSPS outreach efforts, such as “meeting every other week with representatives from county Emergency Management Agencies across the SCE territory charged with local emergency planning”⁷ do not provide a formal, guaranteed, Commission-overseen mechanism that allows local government agencies, CCAs, public safety partners, and other interested parties to share information with SCE, have guaranteed access to all relevant PSPS information, and develop meaningful assessments, feedback, and recommendations regarding SCE’s PSPS plans.

PG&E and SCE’s requests to reduce the frequency of the working group meetings must be rejected. Monthly meetings are the minimum meeting frequency needed to produce substantial results before next fire season. Assuming the Final Decision is issued in Q2 2020, there would only be time for 1 or possibly 2 quarterly working group meetings.

PG&E’s request to narrow the list of required representatives to be included in the working group should likewise be rejected. To be effective the working groups should represent a diverse range of perspectives and interests from each county. All IOUs would benefit greatly from hearing from these local voices, and the communities and agencies represented in the working groups would benefit greatly from increased engagement with the IOUs and access to information regarding the IOUs’ PSPS programs and plans.

ii. Advisory Boards Proposal

CalCCA views the formation of independent, service territory-level advisory boards that work with both the IOU and the local working groups as critical to producing meaningful PSPS program improvements. Above all, the advisory boards must be structured to provide necessary and critical recommendations to the IOU, and not for the IOU to disseminate information unidirectionally

⁷ SCE Opening Comments at 4-5.

to carefully selected individuals. For this reason, the Commission should reject SCE’s proposal to combine the advisory boards and working groups and have them meet twice yearly.⁸ Similarly, the Commission should clarify that PG&E’s proposed “advisory committee” which would be composed of 8-10 local and tribal government representatives (presumably selected by PG&E), would meet quarterly on an ad-hoc basis, and would be limited to 90 minute meetings,⁹ does not comply with the advisory board requirements and is not a substitute for the required advisory board. Restrictions of this nature weakens the Commission’s intent to create a more collaborative and inclusive process.

B. De-Energization Exercises

CalCCA agrees with the near-consensus support for the Staff-Proposal’s de-energization exercises, but agrees with many parties that the proposal should be improved. In addition to the modifications to the proposal recommended in CalCCA’s opening comments, CalCCA supports the inclusion of the following modifications:

- CalCCA agrees with San Jose that the “regions” covered by the planning exercises should cover no more than 2 counties at most,¹⁰ but recommends that the regions be limited to the county level in order to align with the working group regions
- CalCCA agrees with the Center for Accessible Technology (“CforAT”) that telecommunications company representatives should be included in exercises, and that exercises should include consideration of communications facilities and outages.¹¹
- CalCCA agrees with RCRC and CforAT that exercises should include planning for disasters that occur during PSPS events (such as the Kincade fire).¹²
- CalCCA agrees with the California Public Advocates Office (“CalPA”) that all relevant public safety partners should be included in the exercises,¹³ and notes, in particular, the importance of including CCAs in the exercises.

CalCCA further supports several proposals to expand the exercises to better consider the needs of Access and Functional Needs (“AFN”) individuals and communities:

⁸ SCE Opening Comments at 6.

⁹ PG&E Opening Comments at 5-6.

¹⁰ San Jose Opening Comments at 4.

¹¹ CforAT Opening Comments at 5.

¹² RCRC Opening Comments at 4; CforAT Opening Comments at 5-6.

¹³ CalPA Opening Comments at 6.

- CalCCA agrees with RCRC that exercises should include scenarios for addressing the needs of AFN populations, including providing backup power, transportation, and other accommodations for those in need.¹⁴
- CalCCA agrees with CforAT that exercises should include planning for how to respond to people with medical needs, identifying people at risk and providing appropriate services and support, which could include:
 - Evacuation or transport to a safe location
 - Providing backup power to homes of at risk individuals
 - Providing necessary support including items like oxygen tanks or replacement medication
 - Plans for food (beyond IOUs’ proposed “snacks”).¹⁵

C. Notice Requirements

i. Public Notice Requirements

CalCCA joins the wide range of parties expressing general support for the Staff Proposal’s public notice requirements. In particular, CalCCA joins RCRC, CforAT, and San Jose, among others in strongly supporting the requirement that the public be provided with precise and accurate maps and outage information.¹⁶

In addition, CalCCA joins RCRC in supporting SCE’s proposal (from its Wildfire Mitigation Plan) to provide PSPS notice to all cell phones physically located in a planned PSPS area. CalCCA agrees with RCRC that this will help provide notice to non-account holders such as tenants, relatives, tourists, and domestic workers.¹⁷ This proposal will also benefit those who live in an area not impacted by a PSPS event, but work or go to school in a PSPS-impacted area. CalCCA strongly recommends that the Commission amend the Staff Proposal to adopt this as a mandatory notice requirement for all IOUs, and require that the IOUs, in coordination with the telecom providers, have this capability in place no later than May 15, 2020.

ii. AFN Notice Requirements

¹⁴ RCRC Opening Comments at 4.

¹⁵ CforAT Opening Comments at 5.

¹⁶ RCRC Opening Comments at 5, CforAT Opening Comments at 7, San Jose Opening Comments at 5.

¹⁷ RCRC Opening Comments at 5.

CalCCA agrees with San Jose that the Staff Proposal should be expanded to adopt more thorough requirements for providing PSPS notification to AFN individuals.¹⁸ As such, CalCCA requests that the Staff Proposal be amended to adopt the AFN notice requirements CalCCA previously proposed in its September 17, 2019 Phase 2 Proposal in this docket:

- For all AFN individuals, the IOUs should be required to continue attempts to provide notice of a planned or pending PSPS outage until they receive confirmation that the AFN individual has received notice.
- The IOUs should be required to keep records of all notification attempts, including the date and time and method of the notification attempt, the time that confirmation of the notification is received, and the method via which the confirmation was provided.
- The IOUs should be required to provide AFN individuals with notification through human phone calls and in-person visits if necessary, and may not rely solely on email, text-messages, or robocalls.¹⁹

CalCCA supports Santa Clara’s proposal that the IOUs be required to notify local governments of Medical Baseline customers they were unable to contact. CalCCA recommends that this requirement be expanded to also include all AFN customers. The IOUs should also be required to provide detailed information regarding their attempts to provide AFN customers with notice and secure confirmation in their post-event reports.

D. Community Resource Centers

i. Role of Local Governments

In its opening comments, CalCCA proposed that the IOUs be required to defer to local government decisions regarding Community Resource Center (“CRC”) siting, facilities, and operations; and defer to local governments that elect to plan and operate their own CRCs.²⁰ Based on its review of government parties’ opening comments, CalCCA amend this proposal to add the following clarification:

- CalCCA’s proposal in no way shifts the burden or responsibility for mitigating the impacts of PSPS events from the IOUs.

¹⁸ San Jose Opening Comments at 4-5.

¹⁹ *California Community Choice Association Proposal In Response To Assigned Commissioner’s Phase 2 Scoping Memo And Ruling* at 22-24.

²⁰ CalCCA Opening Comments at 17-18.

- If a local government elects to impose requirements for IOU CRCs or operate its own CRCs, the IOU still bears full financial responsibility for the CRC and is still required to provide all resources needed by the CRC.

CalCCA agrees with RCRC, LGSEC, Santa Clara and the Joint Local Governments that the IOUs should be explicitly required to fully fund and provide all reasonably needed resources to CRCs.

ii. Required Services at CRCs

CalCCA is concerned by the casual attitude towards CRCs demonstrated by some IOUs. PG&E, for instance, has previously proposed that CRCs provide “snacks” and cell phone charging. This ignores one of the “Overarching Guidelines” identified in the De-Energization Guidelines, the principle that the “consequences of de-energization should be treated in the same manner as any other emergency that may result in loss of power, such as earthquakes, floods, or non-utility caused fire events.”²¹

CalCCA agrees with a number of parties who argue that CRCs should be required to provide standard emergency relief services beyond snacks and phone charging:

- CalCCA agrees with CforAT that the guidelines should be amended to require that CRCs have the capacity to function as emergency shelters, with the capacity to provide food, hygiene facilities, sleeping facilities, and power for medical devices and communication devices.²²
- CalCCA agrees with CforAT that CRCs should account for the needs of people without transportation, and that the IOUs should be required to identify and provide transportation for people in need who otherwise cannot reach a CRC.²³
- CalCCA agrees with TURN that IOUs should be required to provide Wi-Fi and communication access at CRCs.²⁴

Based on the principles that PSPS events should be treated as emergencies and CRCs should be treated in the same manner as other emergency shelters, and parties’ recommendations from

²¹ D.19-05-042, Appendix A (De-Energization Guidelines) at A2.

²² CforAT Opening Comments at 8.

²³ CforAT Opening Comments at 8.

²⁴ TURN Opening Comments at 4.

opening comments, CalCCA offers the following proposed addition to the Staff Proposal adopting a list of required services for CRCs:

- IOUs shall be required to provide the following services at IOU CRCs, and provide local government agencies with the resources needed to provide these services at their local government CRCs:
 - Device charging.
 - Wi-Fi and internet access.
 - Telecommunications access, including free telephone use.
 - Direct access to first responders and evacuation resources for medical emergencies.
 - On site first aid.
 - Access to adequate bottled/purified water to provide to the community in case tap water is contaminated or becomes unavailable.
 - Sufficient beds to:
 - Provide shelter in case residents are required to evacuate due to a concurrent disaster or PSPS-related issues.
 - Serve CPAP users and other medical device users.
 - Allow vulnerable individuals, including AFN individuals, to stay at the CRC and avoid exposure to heat and cold.
 - Cooling centers during hot weather.
 - Warming centers for communities where night temperatures drop dramatically.
 - Shuttles to/from public transport, hospitals/medical centers, and other key points.
 - Hygiene facilities.
 - AFN Accommodations.

iii. Travel Time Requirement

The Staff Proposal's proposed requirement that CRCs be located within a 30-minute drive of all PSPS-impacted individuals prompted mixed reactions in opening comments. Commenters noted the challenges faced by individuals with mobility limitations and those who rely on public transit

(which may not be operational during PSPS outages), as well as the significant differences between a “30 minute drive” in an urban area and a “30 minute drive” in a rural area.

In light of these comments, CalCCA recommends that the hard and fast “30 minute drive” rule be replaced with the following, more flexible requirement:

- CRCs shall be sited in locations that are reasonably accessible to all residents in the CRC’s coverage zone, regardless of the residents’ mode of transportation or transportation limitations.
- Prior to initiating a PSPS event, the IOU shall ensure that all potentially impacted customers are within the coverage zone and have reasonable access to a CRC, including residents who are without cars, depend on mass transit, or are mobility impaired.
- The size and service capacity of the CRC should be adequate to serve the population of the CRC’s coverage zone.
- CRC planning should focus on those areas most likely to experience PSPS outages.

The IOUs’ concerns regarding the burden of the Staff Proposal’s CRC requirements are groundless. For instance, SCE presents the straw-man argument that the guidelines could require deployment of CRCs throughout its service area, at no more than 30 minutes driving distance from every single customer.²⁵ This claim is contradicted by the letter and intent of the Staff Proposal. The purpose of CRCs is to protect the public and mitigate the impact of PSPS outages. The IOUs have detailed climate and system information that allows them to identify the specific lines and circuits that have a meaningful probability of losing power during a PSPS event. CRCs are only needed in the areas supplied by these “PSPS-risk” lines and circuits, areas that, in sum, constitute only a fraction of each IOU’s service territory.

SCE further requests that the Commission allow the IOUs to make “reasonable exceptions to the 30-minute driving rule” suggesting that the IOUs shouldn’t be required to set up CRCs for small numbers of customers that reside in remote locations.²⁶ This request should be rejected. The IOUs duty to provide electric service and to mitigate the impacts of PSPS events applies to small rural

²⁵ SCE Opening Comments at 12.

²⁶ SCE Opening Comments at 13.

communities just as much as it applies to large urban ones. Further, arranging CRCs for even small, isolated communities is not an undue burden for the utilities. Smaller communities have smaller populations. Serving small rural communities will require significantly more CRCs, but these CRCs can be significantly smaller than CRCs that serve dense urban populations. The number of CRCs needed to cover rural areas is counterbalanced by the smaller size (and lower cost) of these CRCs.

E. Restoration of Power Service Upon Conclusion of PSPS Event

CalCCA supports the Staff Proposal's 24-hour power restoration proposal, and ask that the Commission disregard IOU opposition to this proposal. As currently worded, the proposal is not a set-in-stone mandate, but rather a reporting requirement. The proposal allows ample room for the IOUs to exceed the 24-hour period if safety, physical conditions, or other reasonable circumstances dictate. The proposal only requires that the IOU document the fact that the time limit was exceeded and demonstrate that there was a reasonable basis for exceeding the limit. This is not an undue burden, and any additional operational pressure that the requirement places on the IOUs is far outweighed by the impact experienced by the public as the result of even an hour of unnecessary delay in power restoration.

F. Transportation Resilience

CalCCA does not have comments on this subject at this time.

G. Medical Baseline and Access and Functional Needs Populations

i. AFN Evacuation Plan

CalCCA agrees with the Joint Local Governments' concerns regarding the feasibility of developing or implementing a comprehensive evacuation plan for all AFN individuals within likely PSPS-impact areas.²⁷ These concerns highlight the need for a separate "life support" designation and the identification of all life support customers, as proposed by CalCCA in its opening comments.²⁸ While it is clear that some evacuations are necessary prior to PSPS events, the most important population to evacuate consists of AFN individuals that rely on electrically powered equipment for life support. Developing a plan to identify and evacuate these critically vulnerable individuals should be significantly less burdensome than developing a broad evacuation plan for all AFN

²⁷ Joint Local Governments Opening Comments at 19.

²⁸ CalCCA Opening Comments at 22.

individuals, and will ensure that limited evacuation resources are targeted to those at the greatest risk during a PSPS outage.

ii. Needs Assessment

CalCCA strongly agrees with TURN that that the IOUs should be required to aggressively expand MB enrollment.²⁹ As proposed in CalCCA’s opening comments, the IOUs should be subject to mandatory deadlines for identifying and enrolling currently unenrolled MB-eligible customers. SCE’s objections to the Staff Proposal’s 60-day window for developing a plan should be disregarded. The IOUs should have been engaged in this type of planning for months now, and in many cases should be able to leverage the significant work in this area already performed by local HHS and AFN coordinators in response to federal requirements.

CalCCA supports CforAT’s proposal that the IOUs focus their AFN identification efforts on those AFN individuals that are identifiable using information already in the IOUs’ customer databases.³⁰ This “low hanging fruit” can be implemented immediately and without raising any privacy questions, while providing time for the Commission to give more deliberate consideration to the more complex public safety and AFN individual privacy considerations raised by expanding IOU-held AFN lists.

H. Transparency

CalCCA does not have comments on this subject at this time.

I. Definitions

CalCCA does not have comments on this subject at this time.

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²⁹ TURN Opening Comments at 7.

³⁰ CforAT Opening Comments at 11-13.

II. CONCLUSION

CalCCA thanks the Commission for its consideration of these reply comments.

Respectfully Submitted,

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