



**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE  
STATE OF CALIFORNIA**

**FILED**  
05/18/20  
04:24 PM

Order Instituting Rulemaking to Examine  
Electric Utility De-Energization of Power  
Lines in Dangerous Conditions

Rulemaking 18-12-005  
(Filed December 13, 2018)

**OPENING COMMENTS OF THE  
CALIFORNIA COMMUNITY CHOICE ASSOCIATION  
ON THE PROPOSED DECISION**

David Peffer  
**BRAUN BLAISING SMITH WYNNE P.C.**  
555 Capitol Mall, Suite 570  
Sacramento, CA 95814  
Tel: (916) 326-5812  
E-mail: [peffer@braunlegal.com](mailto:peffer@braunlegal.com)

On behalf of:  
The California Community Choice Association

May 18, 2020

## SUBJECT INDEX OF RECOMMENDED CHANGES

CalCCA recommends the following changes to the Proposed Decision:

1. The PD should find that IOUs are subject to a perverse incentive to engage in overbroad, overly frequent PSPS outages, due to the fact that they internalize many wildfire costs, but externalize most costs and harms created by PSPS outages.
2. The PD should be amended to require that before initiating any PSPS outage, the IOUs fully account for, and where possible quantify using Commission-approved methodologies, all reasonably foreseeable costs and harms of both: 1) the overall planned PSPS outage; and 2) de-energizing each individual transmission line, substation, and/or distribution circuit to be included in the PSPS outage.
3. The Commission should specify that in the next Phase/Track of this Rulemaking, the Commission should develop and adopt standard methodologies for quantifying the cost/harm of de-energization and weighing the reasonably foreseeable costs/harms of de-energization against reasonably likely wildfire harm.
4. The Commission should require that before initiating a PSPS event, an IOU must conduct an unbiased and neutral balancing test that weighs the potential for wildfire harm against the reasonably foreseeable costs/harms from de-energization. The IOU must conduct this balancing test for both the overall de-energization event as a whole, and separately for each substation, transmission line, and distribution circuit to be de-energized.
5. The Commission should require that the IOUs, in their PSPS post-event reports, provide detailed documentation of the balancing test the IOU performed prior to deciding to initiate the PSPS event.
6. The PD should be amended to direct the Safety and Enforcement Division to include in its review of each PSPS post-event report: 1) the IOU's compliance with these requirements; and 2) the neutrality and reasonableness of the IOU's decision to call the PSPS event, and to de-energize each specific transmission line, substation, and distribution circuit. If the SED determines that the IOU failed to comply with these requirements or that any of its de-energization decisions were unreasonable in light of the reasonably foreseeable costs/harms of de-energization, the SED shall refer the violation to the Commission for enforcement.
7. The PD should be amended to clarify that CCAs are programs operated by local governments either individually or through Joint Powers Authorities, and as such are within the definition of "local governments."
8. The Commission should require that the IOUs invite all town, city, and county government agencies, CCAs, and tribal governments to participate in all working groups, advisory boards, de-energization exercises, communications plans, resiliency taskforces, medical baseline needs assessments, and all other PSPS oversight/planning activities that are relevant to the entity's citizens and/or geographic area (i.e. local government or tribal boundaries or CCA service area).

9. The IOUs should be required to use multiple points of contact and means of communication as needed to provide the operators of critical facilities with priority notice of PSPS outages, and to require that the IOUs continue notification attempts until they confirm that the operator has received notice.
10. The IOU communications plans should be required to include detailed plans for: 1) identifying all critical facilities and infrastructure in partnership with local government and public safety partners; 2) developing and maintaining multiple, up-to-date points of contact for each CFI facility/operator; 3) ensuring that all CFI operators receive priority notice of de-energization; 4) ensuring that the IOU continues notification attempts until the CFI operator confirms that notice has been received.
11. The IOUs should be required to enroll 70% of their currently unenrolled Medical Baseline-eligible customers in 2020 and enroll 90% of currently unenrolled Medical Baseline-eligible customers in 2021.
12. The IOUs should be required to develop specific plans for ensuring that all households that include a person with a disability and all customers eligible for life support status are identified, informed of their eligibility, and are given a clear and straightforward process to enroll. These plans should be submitted to the Commission via Tier-2 advice letter within 30 days of the issuance of this decision.
13. The IOUs should be required to provide interested local/tribal governments (including CCAs), not just communications carriers, with meter and circuit IDs to be de-energized and re-energized in advance of all de-energization events.
14. The IOUs should be required to implement PSPS portals that provide detailed, event-specific information to interested local and tribal governments (including CCAs). At a minimum this information should include: 1) on a real-time basis, all information needed for local and tribal governments, including CCAs, to respond to and mitigate the impacts, costs, and harms caused by all planned, ongoing, or recently concluded PSPS outages; and 2) all information needed for local and tribal governments (including CCAs) to develop: PSPS emergency response and public safety strategies; PSPS mitigation strategies; and resiliency strategies, projects, and investments. This information shall be updated regularly and shall be available in both map and tabular formats when possible.

**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)

**OPENING COMMENTS OF THE  
CALIFORNIA COMMUNITY CHOICE ASSOCIATION  
ON THE PROPOSED DECISION**

In accordance with Rule 14.3 of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), the California Community Choice Association (“CalCCA”) hereby submits the following opening comments on the *Proposed Decision of President Batjer Adopting Phase 2 Updated And Additional Guidelines For De-Energization Of Electric Facilities To Mitigate Wildfire Risk*, issued on April 27, 2020 in the instant proceeding, Rulemaking (“R.”) 18-12-005. CalCCA is the trade association that represents California’s Community Choice Aggregators (“CCAs”), and CalCCA is submitting these comments as the representative of its member CCAs.

CalCCA thanks the Commission for its tireless work and dedication to public health and safety in the De-Energization Rulemaking. The Phase 2 PD is a significant step forward in the Commission’s efforts to improve its PSPS guidelines. However, there is still much more work to be done to ensure that the investor owned utilities’ (“IOU”) PSPS programs protect the public against wildfires in a manner that does not impose undue costs and harms on the public, and does not unreasonably jeopardize public health, safety, and welfare. While CalCCA agrees that much of this work should be done in future Phases of this Rulemaking, CalCCA has identified several improvements to the PD that are robustly supported by the Phase 2 record, are clearly in the public interest, and can reasonably be incorporated into the Phase 2 Decision. These changes are discussed below, with proposed modifications to the PD’s Findings of Fact and Conclusions of Law provided in Appendix A to these comments. CalCCA requests that the Commission adopt

these Findings and Conclusions, and modify the proposed guidelines to enact the proposed changes.

**I. GENERAL COMMENTS ON THE PROPOSED DECISION**

**A. The PD Should Be Modified To Require That IOUs Identify And Quantify The Harms And Costs of De-Energization And Perform A Balancing Test Before Initiating Any PSPS Outage**

CalCCA respectfully requests that the Commission modify the PD to require that before initiating any public safety power shutoff (“PSPS”) outage, the investor owned utilities (“IOUs”): 1) identify and quantify all reasonably foreseeable harms and costs of de-energization; 2) balance these harms and costs against likelihood of ignition and reasonably foreseeable wildfire damages; and 3) only move forward with a PSPS event if the likely wildfire harms outweigh the likely harms and costs of de-energization.

This proposed modification is urgently needed to remedy a basic flaw in the existing PSPS paradigm: the IOUs’ PSPS decision-making process is inherently biased in favor of overly broad and frequent PSPS outages. IOUs are for-profit enterprises, and IOU directors and management have a fiduciary duty to maximize profits and minimize risks for their shareholders.<sup>1</sup> Recent settlements have established that IOUs are very likely to be held financially accountable for wildfire damage caused by their transmission and distribution systems, and that damages from catastrophic wildfires can fall into the multi-billion dollar range.<sup>2</sup> Like wildfires, de-energization events cause damage and create costs that are significant, reasonably foreseeable, and, in many cases, directly measurable.<sup>3</sup> Unlike wildfires, however, there is not yet a clearly established mechanism for making IOUs bear the costs of the harm created by their PSPS outages, even when such outages are the direct result an IOU misconduct, negligence, or, as is the case with PG&E, “cheating” on grid safety.<sup>4</sup> Thus, while IOUs are required to internalize the costs of wildfire harms, costs and damages created by PSPS outages are currently externalized, and are borne by local government agencies, residents,

---

<sup>1</sup> See, CalCCA Opening Comments on Proposed Additional De-Energization Guidelines (filed February 19, 2020) at 26.

<sup>2</sup> *Id.* at 26-27.

<sup>3</sup> *Id.* at 27 (listing a wide range of costs and harms created by PSPS events).

<sup>4</sup> See, *United States v. Pacific Gas and Electric Company*, United States District Court Northern District of California, Case No. CR.0175 WHA, Order Modifying Conditions of Probation (Filed 04/29/20), at 1 (PG&E “cannot safely deliver power in California. This failure is upon us because for years, in order to enlarge dividends, bonuses, and political contributions, PG&E cheated on the maintenance of its grid – to the point that the grid became unsafe to operate during our annual high winds...”).

businesses, and society as a whole. This creates a perverse incentive to use PSPS as a shield against liability rather than a tool to protect public health, safety, and welfare.

In the record for this proceeding a number of parties in addition to CalCCA<sup>5</sup> have established that the IOUs' are subject to perverse incentives. For instance, the Center for Accessible Technology has noted that "de-energization pushes risks and costs from the IOUs broadly to utility consumers and community institutions."<sup>6</sup> Similarly, the Western States Petroleum Association has stated that the IOUs' complete discretion to call PSPS outages "places the fox in the henhouse" and has recommended making the IOUs liable for damages that result from PSPS outages because "such a measure places the utility in a position to seriously consider the implications of its actions and to balance the current standard of complete discretion to a utility avoiding wildfire liability to the consequences of de-energization on other customers."<sup>7</sup>

The disastrous PSPS events in PG&E territory in October 2019 demonstrated this fundamental flaw. As noted in PG&E's post-event reports for these events, in deciding whether to initiate these PSPS outage, PG&E considered *only the potential for wildfire damages* (the likelihood of fire ignition and the likelihood of fire spread). PG&E made no attempt to identify, estimate, or quantify the reasonably foreseeable costs and harms created by de-energization; nor did PG&E attempt to compare or balance the wildfire risks against the costs/harms of de-energization.<sup>8</sup>

In any given PSPS decision-making situation, the optimal decision is the one the IOU would reach if all wildfire costs and all PSPS costs were internalized by the IOU. In such a situation, the IOU would choose the option that creates the overall fewest harms and imposes the lowest costs on society as a whole. In order to move the IOUs' PSPS decision-making closer to this optimal outcome and reduce the influence of the IOUs' perverse incentive to avoid wildfire liability regardless of the costs/harms created by PSPS, CalCCA strongly recommends that the Commission add the new Findings and Conclusions to the PD identified in Appendix A. These additions would require that:

1. Before initiating any PSPS outage, an IOU must fully account for, and where possible quantify using Commission-approved methodologies, all reasonably foreseeable costs

---

<sup>5</sup> CalCCA Opening Comments on New De-Energization Guidelines at 26-27.

<sup>6</sup> Center For Accessible Technology's Phase 2 Track 1 Proposal (Filed September 17, 2019) at 16.

<sup>7</sup> Comments of the Western States Petroleum Association on Phase 2, Track 1 Issues (filed September 17, 2019) at 6

<sup>8</sup> At 28.

and harms of both: 1) the overall planned PSPS outage; and 2) de-energizing each individual transmission line, substation, and/or distribution circuit to be included in the PSPS outage.

2. Before initiating a PSPS event, the IOU must conduct an unbiased and neutral balancing test that weighs the potential for wildfire harm against the reasonably foreseeable costs/harms from de-energization. The IOU must conduct this balancing test for both the overall de-energization event as a whole, and separately for each substation, transmission line, and distribution circuit to be de-energized.
3. In their required PSPS post-event reports, the IOUs must provide detailed documentation of the balancing test performed prior to deciding to initiate the PSPS event.
4. In reviewing each PSPS post-event report, the Safety and Enforcement Division shall review: 1) the IOU's compliance with these requirements; and 2) the neutrality and reasonableness of the IOU's decision to call the PSPS event, and to de-energize each specific transmission line, substation, and distribution circuit. If the SED determines that the IOU failed to comply with these requirements or that any of its de-energization decisions were unreasonable in light of the reasonably foreseeable costs/harms of de-energization, the SED shall refer the violation to the Commission for enforcement.

This proposal is strongly supported by the record Phase 2 of this Rulemaking. Each of the recommended requirements was proposed in CalCCA's Opening Comments on the Proposed Additional De-Energization Guidelines.<sup>9</sup>

In the alternative, if the Commission chooses not to adopt this recommendation, CalCCA requests that, at a minimum, the PD be modified to adopt new Findings that:

1. Recognize the current perverse incentive problem and the need for IOUs to identify, quantify, and account for the costs and impacts of PSPS outages in their decision-making processes.
2. State that the development of specific methodologies for identifying and quantifying PSPS costs and harms and specific rules governing the IOUs' balancing test analysis are to be addressed in Phase 3 of this Rulemaking.

---

<sup>9</sup> CalCCA Opening Comments on New De-Energization Guidelines at 28-29.

**B. The PD Should Be Modified To Require That CCAs Be Included In PSPS Planning And Oversight Processes**

The PD should be modified to explicitly require that the IOUs invite all interested CCAs, local governments (including cities), and tribal governments to participate in all PSPS-related planning and oversight processes, including the several new processes created by the PD.

The PD creates a number of new PSPS planning and oversight processes. For each of these processes, the PD identifies a number of different categories of participants that the IOUs must either include or invite to participate. These are summarized as follows:

**Table 1 – Summary of New PSPS Planning And Oversight Processes**

	<b>Requirement</b>	<b>Included Parties (Proposed Decision)</b>	<b>CCAs Included?</b>
<b>Working Groups (Proposal A)</b>	Each IOU must form local working groups with the identified parties.	<ul style="list-style-type: none"> <li>• Tribal and local government entities.</li> <li>• Public Safety Partners.</li> <li>• Representatives of AFN populations and vulnerable communities.</li> </ul>	Indirectly - CCAs are Public Safety Partners and local government agencies.
<b>Advisory Boards (Proposal A)</b>	Each IOU must form advisory boards with the identified parties.	<ul style="list-style-type: none"> <li>• Public safety partners.</li> <li>• Communications and water service providers.</li> <li>• Local and tribal government officials.</li> <li>• Business groups.</li> <li>• Non-profits.</li> <li>• AFN representatives.</li> <li>• Academic organizations.</li> </ul>	Indirectly - CCAs are public safety partners and local government agencies.
<b>De-Energization Exercises (Proposal B)</b>	Each IOU is required to conduct mock de-energization exercises with the identified parties.	<ul style="list-style-type: none"> <li>• CPUC.</li> <li>• CalFire.</li> <li>• CalOES.</li> <li>• Communications providers.</li> <li>• AFN representatives.</li> <li>• “Other public safety partners.”</li> </ul>	Indirectly – CCAs are public safety partners.
<b>IOU Comm. Plans (Proposal C)</b>	Each IOU to coordinate with the identified parties in developing its communications plans.	<ul style="list-style-type: none"> <li>• Local governments.</li> <li>• Independent living centers.</li> <li>• AFN representatives.</li> </ul>	Indirectly – CCAs are local government agencies.
<b>Resiliency Taskforce</b>	Each IOU required to implement a resiliency	<ul style="list-style-type: none"> <li>• Critical transportation operators.</li> </ul>	No.

<b>(Proposal F)</b>	taskforce and work with the governing bodies of the identified parties.	<ul style="list-style-type: none"> <li>• Critical communication operators.</li> <li>• Critical water infrastructure operators.</li> </ul>	
<b>Med. Baseline and AFN Needs Assessment (Proposal G)</b>	IOUs required to work with identified parties to conduct needs assessment.	<ul style="list-style-type: none"> <li>• Public safety partners.</li> <li>• Local governments.</li> <li>• AFN representatives.</li> </ul>	Indirectly – CCAs are public safety partners and local government agencies.

As noted in the above table, although CCAs are not explicitly mentioned as parties that must be included in the planning activities, in all but one case CCAs are indirectly included. CCAs are “public safety partners” as defined in the De-Energization Guidelines adopted in Phase 1 of this Rulemaking. In addition, *CCAs are local government agencies*. By definition, all CCAs are programs operated by local government agencies. All of the State’s CCAs are either programs operated by a single local government, or joint powers authorities (“JPAs”) that are formed, operated, and governed by other local governments, and by statute are themselves local government agencies.<sup>10</sup> This fact has been expressly recognized by the Commission in a Proposed Decision in a parallel and related proceeding – the Microgrids Rulemaking. The Microgrids PD states that the term “local and tribal government agencies” includes “cities and counties, tribal governments, and community choice aggregators.”<sup>11</sup> Similarly, the Microgrids PD notes that the Microgrids Staff Proposal “considers local governments as cities, counties, and community choice aggregators.”<sup>12</sup>

However, despite the fact that CCAs are both public safety partners and local government agencies, based on past experience, CalCCA is concerned that the IOUs may still attempt to exclude CCAs from their planning and oversight processes. In order to eliminate any ambiguity regarding the CCAs right to participate in the PSPS planning and oversight processes, CalCCA respectfully requests that the Commission amend the PD’s Findings and Conclusions as set forth in Appendix A to these comments. These amendments would clarify that:

<sup>10</sup> See, Cal. Govt. Code Section 6500 (JPAs are included in the definition of “public agency”); 6252 (as public agencies that are not state agencies, JPAs are “local agencies”); 434.5 (“local government agency means a county, city, whether general law or chartered, city and county, town, municipal corporation, school district or other district, political subdivision, or any board, commission, or agency thereof, or other local agency). See also Assembly Bill 1773, wherein the Legislature amended Pub. Util. Code Section 2830 to expand the definition of “local governments” eligible for RES-BCT to include Joint Power Authorities.

<sup>11</sup> PD at 39.

<sup>12</sup> PD at 5 (Footnote 7).

1. IOUs are required to invite all town, city, and county government agencies, CCAs, and tribal governments to participate in all working groups, advisory boards, de-energization exercises, communications plans, resiliency taskforces, medical baseline needs assessments, and all other PSPS oversight/planning activities that are relevant to the entity's citizens and/or geographic area (i.e. local government or tribal boundaries or CCA service area).
2. IOUs may not exclude any town, city, or county government; CCA; or tribal government from attendance and participation in any PSPS oversight/planning activity that is relevant to the CCA's member governments and/or geographic service area.

These amendments are reasonable and are fully supported by the record for this proceeding. The record establishes that CCAs have a number of strong interests in the PSPS context, including:

- Ensuring that the power that they procure for their communities and customers is delivered reliably over IOU transmission and distribution systems and is not subject to overbroad or unreasonable outages or interruptions.
- Ensuring that CCA programs to develop community resiliency resources and implementation of resiliency programs to reduce the impact of PSPS outages on their customers and communities is done so efficiently and at lowest cost.
- Ensuring that CCAs are able to use their regulatory and technical expertise to assist their member government agencies and their communities in planning for and responding to PSPS events as directed by our Boards of Directors.
- Ensuring that their customers and communities receive reasonable notice of PSPS and access to all information needed ensure their health and safety, and welfare.
- Ensuring that all eligible CCA customers are enrolled in the Medical Baseline program, and that all eligible CCA customers are able to self-identify as AFN or Life-Support.
- Limiting the financial exposure of their customers and avoiding potential overprocurement penalties by modifying their procurement to match actual load during PSPS outages.

As the entities primarily responsible for PSPS response planning and real-time PSPS emergency response, city, town, county, and tribal governments have similarly compelling interests.

Given the strength of their interests and the essential roles played by CCAs and local/tribal governments in the PSPS context, the Commission should adopt clear, unambiguous language to require that all interested CCAs and local/tribal governments are able to participate in *all* relevant PSPS oversight/planning activities. This includes participation in the Proposal F resiliency taskforce, which as currently worded is limited to critical transportation, communication, and water infrastructure operators. CCAs, not IOUs, are the key agencies responsible for resiliency planning and the procurement of resiliency generation resources within their service territories, while local and tribal governments are the primary agencies responsible for PSPS emergency response. It is essential that these entities be fully incorporated into the IOUs efforts to increase transportation, communication, and water infrastructure resiliency.

## **II. COMMENTS ON SPECIFIC PROPOSALS**

### **A. The Notice Requirement Should Be Amended To Require That The IOUs Provide CFI Operators With Priority Confirmed Notice**

The PD should be amended to require that each IOU's communications plan include specific steps to ensure that critical facilities and infrastructure ("CFI") operators receive *expedited* and *confirmed* notice of PSPS events and developments. At a minimum, the IOU plans should be required to provide detailed steps for achieving the following:

- Identifying all critical facilities and infrastructure in partnership with local government and public safety partners (as required by D.19-05-042, Appendix A, at A4-A5).
- Developing and maintaining multiple, up-to-date points of contact for each CFI facility/operator.
- Ensuring that all CFI operators receive priority notice of de-energization.
- Ensuring that the IOU continues notification attempts until the CFI operator confirms that notice has been received.

Specific modifications to the PD to enact this requirement are set forth in Appendix A to these comments.

These changes to the PD are reasonable. Under the existing De-Energization Guidelines, IOUs are required to ensure that CFI operators receive priority notice, a requirement that is recognized in the discussion section of the PD.<sup>13</sup> However, as currently worded, the PD does not

---

<sup>13</sup> PD at 43.

specifically require that the IOUs include the steps necessary to fulfill this requirement in their communications plans. CalCCA’s proposed changes to the PD, set forth in Appendix A, would address this oversight.

In addition, it is reasonable to require that IOUs secure confirmation that each CFI operator has received notice of a planned PSPS event, and that IOUs be required to continue attempts to notify CFI operators until confirmation is received. Many CFI operators require as much advance notice of a potential outage as possible to protect their operations and public safety. For instance, the California Water Association notes that PSPS outages can disrupt water service, leading to unsanitary conditions, health hazards, and inadequate water supply for fire protection and suppression, problems that are compounded if adequate notice is not provided.<sup>14</sup> In some instances, a single or even multiple emails or phone calls may not be enough to ensure that CFI operators receive timely notice. Emails can be caught in spam filters or overlooked, and calls from unfamiliar numbers may be ignored. It is essential that IOUs continue reasonable attempts to provide CFI operators with notice, using multiple points of contact and means of communication as needed, until the IOU knows with certainty that the notice has been received.

**B. The Commission Should Strengthen The PD To Require That IOUs Improve Medical Baseline Enrollment and Protect Life Support Customers And Households With Disabled Individuals**

CalCCA strongly supports the PD’s recognition of the need for IOUs to identify ways to provide support for both currently enrolled medical baseline (“MB”) customers and unenrolled customers eligible for the MB program. CalCCA further supports the PD’s recognition of the need for the IOUs to identify households that have self-identified as life support customers (requiring an in-person visit prior to disconnection of service for nonpayment)<sup>15</sup> or as having a person with disability in the household.

However, CalCCA believes that there are important additional steps that the Commission should take to strengthen this requirement and protect vulnerable customers. First, CalCCA recommends that the PD be modified to require that each IOU meet Commission-set targets/deadlines for the enrollment of eligible but currently unenrolled MB customers. Although

---

<sup>14</sup> Comments of the California Water Association on Additional and Modified De-Energization Guidelines at 3-4.

<sup>15</sup> D.12-03-054 at 30.

the specific timeline proposed in CalCCA's opening comments is no longer workable, CalCCA still believes that it is reasonable to require that the IOUs enroll 70% of their currently unenrolled MB-eligible customers in 2020 and enroll 90% of currently unenrolled MB-eligible customers in 2021.<sup>16</sup> This requirement is reasonable and is supported by the record. The record establishes that the under-enrollment of MB customers is a significant problem.<sup>17</sup> Mandatory enrollment targets will ensure that the IOUs take action to identify eligible customers and encourage them to enroll in this program, increasing the number of vulnerable customers that the IOUs are able to take additional steps to protect.

Second, the PD should be modified to require that the IOUs develop specific plans for ensuring that all households that include a person with a disability and all customers eligible for life support status are identified, informed of their eligibility, and are given a clear and straightforward process to enroll. CalCCA is unaware of any existing formal process that allows life-support and disabled-household customers to self-identify and is further unaware of any large-scale efforts by the IOUs to educate customers about their self-identification options.

Third, the PD currently requires that each IOU's needs assessment include plans to "identify assistance (including evacuation plans) required by current and potentially eligible medical baseline customers during de-energization events." The PD should be modified to also include similar assistance plans for life-support and disabled-household customers.

### **C. The IOUs Should Be Required To Provide Meter And Circuit IDs To All Local And Tribal Governments, Including CCAs**

CalCCA supports the PD's requirement that the IOUs provide communications carriers with meter and circuit IDs to be de-energized and re-energized in advance of all de-energization events. CalCCA agrees that it is important that communication carriers be provided with actionable notification information to inform proactive deployment of resources to minimize the impact of the de-energization events on communications infrastructure.

CalCCA strongly recommends that the PD be amended to require that this information also be provided to CCA programs. Specific recommended modifications to the PD are provided in Appendix A to these comments. CalCCA and its member CCAs have requested meter and circuit ID

---

<sup>16</sup> See, CalCCA Opening Comments at 20.

<sup>17</sup> See, Proposals Of The Utility Reform Network On The Assigned Commissioner's Phase 2 Scoping Memo And Ruling (Filed September 17, 2019) at 3-4.

information both in this Rulemaking and directly from IOUs. This information is critical to CCA resiliency planning, procurement mitigation efforts, customer education, and PSPS planning and response coordination with other local government agencies. There is no record basis for providing this information to communication carriers but withholding it from CCAs, particularly in light of the fact that the information concerns CCA customers, and the fact that CCAs are already subject to the Commission's confidentiality rules.

**D. The Commission Should Strengthen The PD's Transparency Proposal By Requiring That The IOUs Implement A PPS Information Portal For Local Governments**

CalCCA views the PD's Transparency proposal as a significant step forward in many aspects. For instance, CalCCA strongly supports the PD's requirement that the IOUs take steps to ensure that their servers have adequate capacity to handle customer traffic during PPS outages. However, the PD still has significant room for improvement in the area of information access. The PD should be modified to require a that each IOU implement a secure PPS information portal and use this portal to share detailed technical outage information with CCAs and Local and Tribal Governments.

Several significant expansions of the IOU's PPS transparency requirements are currently under consideration. The PD would require that the IOUs: 1) make detailed PPS event-specific information available to the public (including public safety partners) on its website; and 2) provide communications companies with meter and circuit IDs for the areas being de-energized. In parallel, the Microgrids PD would require that the IOUs create a secure portal that provides certain parties access to IOU system information for resiliency resource planning.

CalCCA strongly recommends that the PD be amended to build on the work already being done to require that the IOUs implement PPS portals that provide detailed, event-specific information to interested local and tribal governments (including CCAs). As proposed in CalCCA's opening comments, Each IOU should be required to implement its own data portal that, at a minimum, provides:

- On a real-time basis, all information needed for local and tribal governments, including CCAs, to respond to and mitigate the impacts, costs, and harms caused by all planned, ongoing, or recently concluded PPS outages.
- All information needed for local and tribal governments (including CCAs) to develop: PPS emergency response and public safety strategies; PPS mitigation strategies;

and resiliency strategies, projects, and investments. This information shall be updated regularly.

- All information shall be available in both map and tabular formats when possible.

CalCCA further recommends that the Commission require that the IOUs provide detailed plans for implementing the portal, including lists of the information to be provided, information format, and update frequency in their communications plans.

### III. CONCLUSION

CalCCA thanks the Commission for its consideration of these Opening Comments on the PD. For the reasons set forth above, CalCCA respectfully asks that the Commission adopt the proposed Findings and Conclusions set forth in Appendix A, and modify the proposed guidelines to enact the changes recommended in these comments and Appendix A.

Dated: May 18, 2020

Respectfully Submitted,

/s/ David Peffer

David Peffer  
**BRAUN BLAISING SMITH WYNNE P.C.**  
555 Capitol Mall, Suite 570  
Sacramento, CA 95814  
Tel: (916) 326-5812  
E-mail: [peffer@braunlegal.com](mailto:peffer@braunlegal.com)

On behalf of:  
The California Community Choice Association

**APPENDIX A: APPENDIX OF PROPOSED MODIFICATIONS**  
**(Modifications to existing language: deletions are shown as strike-outs; additions are underlined and italicized)**

**MODIFICATIONS TO FINDINGS OF FACT:**

**Add New Finding of Fact:**

*PSPS events cause damages and create harms that are significant, reasonably foreseeable, and, in many cases, directly measurable.*

**Add New Finding of Fact:**

*While the IOUs are usually forced to internalize the costs of wildfires caused by their transmission and distribution infrastructure through wildfire liability, there is not currently a clear mechanism that requires the IOUs to internalize the damages and harms created by PSPS outages.*

**Add New Finding of Fact:**

*The IOUs have a perverse incentive to minimize potential internalized wildfire costs through the use of PSPS outages without regard for the costs and damages created by those outages.*

**Add New Finding of Fact:**

*The optimal PSPS decision-making outcome would weigh reasonably likely wildfire harm against reasonably foreseeable damages and costs created by de-energization, and only initiate outages where the foreseeable risk/harm of wildfire clearly outweighs the foreseeable harms and damages of de-energization.*

**Add New Finding of Fact:**

*CCAs are programs operated by town, city, or county local governments, either directly or through Joint Powers Authorities. CCAs meet the definition of local governments.*

**Add New Finding of Fact:**

*All references in this Decision to “Public Safety Partners” or “Local Governments” include CCAs. Where the Decision mentions CCAs and Local Governments separately, the Commission does not mean to imply that CCAs are not Local Governments.*

**Add New Finding of Fact:**

The operators of critical facilities and infrastructure require as much advance notice of a potential outage as possible to protect their operations and public safety.

**Add New Finding of Fact:**

The Medical Baseline program is currently under-enrolled, meaning that many medical baseline eligible vulnerable customers may not receive needed PSPS-related notice, aid, and resources.

**Add New Finding of Fact:**

The Medical Baseline program is currently under-enrolled, meaning that many medical baseline eligible vulnerable customers may not receive needed PSPS-related notice, aid, and resources.

**Add New Finding of Fact:**

Local and tribal governments (including CCAs) require direct access to information on planned, ongoing, and historical PSPS outages that is more technical and granular than the IOUs publicly-facing information.

**MODIFICATIONS TO CONCLUSIONS OF LAW:**

**Add New Conclusion of Law:**

It is reasonable to require that before initiating any PSPS outage, an IOU must fully account for, and where possible quantify using Commission-approved methodologies, all reasonably foreseeable costs and harms of both: 1) the overall planned PSPS outage; and 2) de-energizing each individual transmission line, substation, and/or distribution circuit to be included in the PSPS outage.

**Add New Conclusion of Law:**

In the next Phase/Track of this Rulemaking, the Commission should develop and adopt standard methodologies for quantifying the cost/harm of de-energization and weighing the reasonably foreseeable costs/harms of de-energization against reasonably likely wildfire harm.

**Add New Conclusion of Law:**

It is reasonable to require that before initiating a PSPS event, the IOU must conduct an unbiased and neutral balancing test that weighs the potential for wildfire harm against the reasonably foreseeable costs/harms from de-energization. The IOU must conduct this balancing test for both the overall de-energization event as a whole, and separately for each substation, transmission line, and distribution circuit to be de-energized.

**Add New Conclusion of Law:**

It is reasonable to require that in their required PSPS post-event reports, the IOUs must provide detailed documentation of the balancing test performed prior to deciding to initiate the PSPS event.

**Add New Conclusion of Law:**

It is reasonable to direct the Safety and Enforcement Division to include in its review each PSPS post-event report: 1) the IOU's compliance with these requirements; and 2) the neutrality and reasonableness of the IOU's decision to call the PSPS event, and to de-energize each specific transmission line, substation, and distribution circuit. If the SED determines that the IOU failed to comply with these requirements or that any of its de-energization decisions were unreasonable in light of the reasonably foreseeable costs/harms of de-energization, the SED shall refer the violation to the Commission for enforcement.

**Add New Conclusion of Law:**

As a matter of law, CCAs are programs operated by local governments either individually or through Joint Powers Authorities.

**Add New Conclusion of Law:**

It is reasonable to require that the IOUs invite all town, city, and county government agencies, CCAs, and tribal governments to participate in all working groups, advisory boards, de-energization exercises, communications plans, resiliency taskforces, medical baseline needs assessments, and all other PSPS oversight/planning activities that are relevant to the entity's citizens and/or geographic area (i.e. local government or tribal boundaries or CCA service area).

**Add New Conclusion of Law:**

It is reasonable to prohibit the IOUs from excluding any town, city, or county government; CCA; or tribal government from attendance and participation in any PSPS oversight/planning activity that is relevant to the CCA or government agency.

**Add New Conclusion of Law:**

It is reasonable to require that the IOUs use multiple points of contact and means of communication as needed to provide the operators of critical facilities with priority notice of PSPS outages, and to require that the IOUs continue notification attempts until they confirm that the operator has received notice.

**Add New Conclusion of Law:**

It is reasonable to require that IOU communications plans include detailed plans for: 1) identifying all critical facilities and infrastructure in partnership with local government and public safety partners; 2) developing and maintaining multiple, up-to-date points of contact for each CFI facility/operator; 3) ensuring that all CFI operators receive priority notice of de-energization; 4) ensuring that the IOU continues notification attempts until the CFI operator confirms that notice has been received.

**Add New Conclusion of Law:**

It is reasonable to require that the IOUs enroll 70% of their currently unenrolled Medical Baseline-eligible customers in 2020 and enroll 90% of currently unenrolled Medical Baseline-eligible customers in 2021.

**Add New Conclusion of Law:**

It is reasonable to require that each IOU develop specific plans for ensuring that all households that include a person with a disability and all customers eligible for life support status are identified, informed of their eligibility, and are given a clear and straightforward process to enroll. These plans should be submitted to the Commission via Tier-2 advice letter within 30 days of the issuance of this decision.

**Add New Conclusion of Law:**

It is reasonable to require that the IOUs provide interested communications carriers and local/tribal governments (including CCAs) with meter and circuit IDs to be de-energized and re-energized in advance of all de-energization events.

**Add New Conclusion of Law:**

It is reasonable to require that the IOUs implement PSPS portals that provide detailed, event-specific information to interested local and tribal governments (including CCAs). At a minimum this information should include: 1) on a real-time basis, all information needed for local and tribal governments, including CCAs, to respond to and mitigate the impacts, costs,

and harms caused by all planned, ongoing, or recently concluded PSPS outages; and 2) all information needed for local and tribal governments (including CCAs) to develop: PSPS emergency response and public safety strategies; PSPS mitigation strategies; and resiliency strategies, projects, and investments. This information shall be updated regularly and shall be available in both map and tabular formats when possible.