



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

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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 THE PROPOSED DECISION**

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On behalf of:
The California Community Choice Association

May 26, 2020

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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 reply 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 reply comments as the representative of its member CCAs.

I. GENERAL REPLY COMMENTS

A. The Reasonableness Review Requirements Proposed By TURN And CalPA Should Be Adopted And Integrated Into A Balancing Test Requirement

CalCCA supports proposals by The Utility Reform Network (“TURN”) and the California Public Advocates Office (“CalPA”) to strengthen Commission review of the investor owned utilities’ (“IOU”) de-energization decisions. CalCCA agrees with CalPA that the Proposed Decision (“PD”) should be amended to require the development of specific guidelines for determining the reasonableness of de-energization decisions, and that any reasonableness review “assess the IOUs’ decision-making process (for example, to verify de-energization was used as a tool of last resort), the duration and geographical scope of the de-energization event (for example, to verify that the event was appropriate based on the causal environmental conditions), and whether the de-energization

event was executed in accordance with the Commission’s guidance.”¹ CalCCA also agrees with TURN that the Commission should clarify that the IOUs have the burden of proving that each PSPS outage was as narrowly tailored as possible.²

However, these requirements should be adopted as part of a broader balancing test requirement, as proposed by both CalCCA and the Center for Accessible Technology (“CforAT”).³ Any true reasonableness review of IOU’s de-energization decision-making must consider both the benefits of de-energization and the costs/harms created by de-energization.

The importance of integrating TURN and CalPA’s proposals into a broader balancing test requirement is highlighted by CforAT’s persuasive arguments on the matter. As CforAT aptly notes, a balancing test requirement is implicitly required by the relevant statutes, and “is the only true way to structure a de-energization program that actually considers the best way to broadly promote public safety at times of increased wildfire risk.”⁴

B. The Commission Must Address Coronavirus Issues In The PSPS Context

CalCCA agrees with the California State Association of Counties (“CSAC”) and CalPA that the PSPS guidelines need to be adapted to the ongoing Coronavirus emergency. In particular, CalCCA agrees with CSAC’s concern that “the new guidelines do not take into consideration COVID-19 and the current shelter in place orders”⁵ and CalPA’s concern that “it is possible that during the upcoming wildfire season there will be a de-energization event while residents are sheltered in place. If de-energization is called in an area where shelter-in-place orders are implemented, efforts to prevent the spread of COVID-19 could be impaired.”⁶ CalCCA shares these concerns, and agrees that the Commission should give consideration to the shelter-in-place orders which may serve as a proxy for PSPS operations considerations during other disasters.

C. The Commission Should Keep And Strengthen The Power Restoration Notice Requirements

PG&E objects to the proposed new guideline requiring advance notice of power restoration to public safety partners and critical facilities and infrastructure (“CEI”) operators, and instead asks

1 CalPA Opening PD Comments at 2-3.

2 TURN Opening PD Comments at 2.

3 See, CalCCA Opening PD Comments at 2-4; CforAT Opening PD Comments at 2-3.

4 CforAT Opening PD Comments at 2-3.

5 CSAC Opening PD Comments at 2.

6 CalPA Opening PD Comments at 3.

that IOUs only be required to provide public safety partners and CFI operators with the same notice provided to the general public.⁷ CalCCA opposes PG&E's proposal, as it ignores: 1) the critical role that CFI operators and public safety partners play in protecting the public health, safety, and welfare; 2) the reasonably foreseeable possibility that some CFI operators or public safety partners may not immediately receive IOU communications provided through normal (public facing) channels; and 3) the potential harm and disruption that may occur if adequate notice is not received by these parties.⁸

Rather than weakening this requirement as proposed by PG&E, CalCCA recommends that the requirement be strengthened. First, CalCCA supports AT&T's proposal that the IOUs be required to provide telecom operators with separate notice: 1) immediately before re-energization begins; 2) when the IOU begins to walk each circuit; and 3) when re-energization is complete. However, CalCCA recommends that the IOUs be required to share this information with all public safety partners and CFI operators. In addition, the IOUs should be required to provide this information on a circuit/sub-circuit level on their PSPS portals.

Second, in order to ensure that public safety partners and CFI operators actually receive notice of de-energization and re-energization, all IOUs should be required to maintain up-to-date lists of primary and secondary 24/7 contacts for these parties, and should be required to make continued efforts to provide notice to public safety partners and CFI operators until the IOU confirms that notice has been received.

D. The Commission Should Strengthen The Backup Generation Requirement And Require IOU Collaboration With CCAs

CalCCA opposes the IOU proposals to weaken or eliminate the requirement that IOUs provide backup generation for CFI.⁹ The backup generation requirement, with reasonable clarification, is just, reasonable, and consistent with the public interest. One of the best ways to protect public health and safety and reduce economic harm and societal disruption during PSPS events is to ensure that CFI sites have adequate backup generation to continue to provide essential public services.

As noted by the Joint Water Agencies, existing PSPS rules already require that the IOUs: 1) assist CFI operators in evaluating their need for backup generation (Resolution ERSB-8); and 2)

⁷ PG&E Opening PD Comments at 2-4.

⁸ See, AT&T Opening PD Comments at 4.

⁹ See, PG&E Opening PD Comments at 5; SCE Opening PD Comments at 2-4; SDG&E Opening PD Comments at 7.

work with CFI operators to provide backup generation (De-Energization Guidelines).¹⁰ CalCCA supports the Joint Water Agencies' recommendation that the IOUs be required to implement these existing requirements by conducting "comprehensive demand analysis of backup power needs" for key CFIs.¹¹ CalCCA further recommends that the Commission preserve the PD's statements regarding backup generation, and use these statements as a springboard to address the backup generation requirement in the next phase/track of this Rulemaking. In implementing this requirement, CalCCA recommends that the Commission clarify that:

- Facilities eligible for IOU-supplied backup generation are limited to critical water/wastewater, communications, transportation, medical, and emergency response infrastructure.
- Only government and nonprofit entities are eligible for IOU-supplied backup generation, with a potential exception for for-profit medical facilities.
- IOU-supplied backup generation is only available to facilities not otherwise required to have backup generation in place.
- Where backup generation is required as a result of IOU failure to properly maintain, operate, and upgrade its T&D system, backup generation should be entirely shareholder funded.
- IOUs should develop plans to deploy fully IOU-funded temporary generation and subsidized permanent backup generation at critical facilities in high PSPS risk areas.
- All backup generation plans should be consistent with the state's environmental, reliability, and safety goals.

In implementing this requirement, the Commission must take into consideration the special role of CCAs within their service areas and the specific needs of CCA customers. Under Public Utilities Code Section 366.2(a)(5), CCAs have a right to select and procure generation resources for their customers within their service areas, and to implement generation-related programs for their customers. In recognition of this role, plans to deploy IOU-funded generation in CCA territory should be collaboratively developed and mutually agreed upon by the CCA and IOU. This will provide a number of benefits: ensuring that the backup generation reflects the goals, needs, and preferences of the communities served by the CCA; avoiding duplication of efforts; and ensuring that

¹⁰ Joint Water Agencies Opening PD Comments at 2, citing Resolution ERSB-8; D.19-05-042 (Appendix A).

¹¹ Joint Water Agencies Opening PD Comments at 3.

resources are used in the most efficient manner. The CCAs have the ability and desire to be active participants in the development and implementation of CFI backup generation plans, and view collaboration with the IOUs as a resiliency multiplier. At the same time, the Commission must ensure that IOU-funded backup generation resources are distributed equitably without regard to whether a CFI operator is a CCA customer or a bundled customer.

E. CalCCA Supports CalPA’s Transparency Proposals

Transparency continues to be the base drum beat of many comments and interest of several parties. CalCCA encourages the Commission to give consideration to all requests for transparency, especially as it relates to the factors and considerations leading up to the decision to implement PSPS. As a broad principle, CalCCA agrees with CalPA that the PD’s guidance on transparency “should be enhanced to ensure further transparency and accountability of the IOUs.” CalCCA supports CalPA’s proposal that the IOUs be required to submit annual status update reports, and with CalPA’s recommendations regarding the required content of such reports.¹²

II. CONCLUSION

CalCCA thanks the Commission for its consideration of these Reply Comments on the PD.

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Respectfully Submitted,

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