

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

Application of San Diego Gas & Electric)	Application 08-12-021
Company for Review of Its Proactive De-)	(Filed December 22, 2008)
Energization Measures and Approval of)	
<u>Proposed Tariff Revisions. (U902E)</u>)	

**RESPONSE OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) TO
PETITION FOR MODIFICATION OF DECISION 09-09-030 BY
DISABILITY RIGHTS ADVOCATES**

I.

INTRODUCTION

Pursuant to Rule 16.4 of the Rules of Practice and Procedure of the California Public Utilities Commission (Commission or CPUC), Southern California Edison Company (SCE) respectfully files this response to the Petition for Modification of Decision 09-09-030 (PFM) filed by Disability Rights Advocates (DisabRA) on September 7, 2010.

On December 22, 2008, San Diego Gas & Electric Company (SDG&E) filed an Application (08-12-021) for review of its plan to de-energize circuits during periods of high fire danger, and for approval of proposed tariff revisions. The Commission denied SDG&E's application in D.09-09-030 and ordered SDG&E to convene a stakeholder collaboration process to discuss the issues raised in its application. In the Decision, the Commission also affirmed

SDG&E's statutory right to shut off power in emergency situations when necessary to protect public safety.¹

DisabRA's PFM now seeks to insert language into D.09-09-030 to require that SDG&E provide notice to customers and take mitigation measures whenever exercising its statutory authority to protect public safety by de-energizing affected circuits.² DisabRA's PFM should be denied.

SCE currently has no plans to implement a shut-off program based upon pre-defined weather conditions. However, SCE does – and will continue to – de-energize circuits for safety and reliability reasons. SCE must have the flexibility to operate its electrical system in a manner that considers public and worker safety, as well as system reliability. To accomplish this, SCE must have the right to de-energize its system when it deems necessary. If time allows, customers are notified. However, a requirement to first notify customers prior to de-energizing a line should not take precedence over safety and reliability. Moreover, SCE's tariffs already deal with mitigation following outages.³ DisabRA provides no compelling reason for modifying these tariffs based upon the reason for the outage.

II.

OPERATIONAL FLEXIBILITY IS CRITICAL TO MAINTAINING A SAFE AND RELIABLE ELECTRIC SYSTEM

The California legislature has affirmed the principle that owners of electric systems must have the flexibility to operate their systems to maintain safety and reliability:

399.2 (a)(1): It is the policy of this state, and the intent of the Legislature, to reaffirm that each electrical corporation shall continue to operate its electric distribution grid in its service territory and shall do so in a safe, reliable, efficient, and cost-effective manner.

¹ D.09-09-030 at pp. 61-62 & Conclusions of Law No. 3.

² DisabRA PFM at pp. 3-4.

³ See Preliminary Statement, Section E.4., Service Guarantee Program; Rule 14.

399.2 (a)(2): In furtherance of this policy, it is the intent of the Legislature that each electrical corporation shall continue to be responsible for operating its own electric distribution grid including, but not limited to, owning, controlling, operating, managing, maintaining, planning, engineering, designing, and constructing its own electric distribution grid, emergency response and restoration, service connections, service turnons and turnoffs, and service inquiries relating to the operation of its electric distribution grid, subject to the commission's authority.

SCE takes this obligation seriously. Even though SCE has not developed a plan for de-energizing circuits when pre-defined weather conditions occur, SCE does preemptively turn off power when necessary to protect public safety, worker safety, to prevent damage to private property, and to preserve system reliability.

For example, SCE developed a Protective Outage Plan (POP) for the bark beetle infested communities in the San Bernardino National Forest in the fall of 2003. Later that fall, SCE implemented protective outages in three communities.⁴ Following those outages, SCE identified six locations in the Idyllwild area where trees had fallen into our lines while the lines were de-energized.⁵ SCE believes that its operational flexibility in this instance prevented a potentially catastrophic ignition from occurring.⁶

SCE continues to de-energize its lines today when necessary. The following are examples of instances where SCE crews have called for – and received authorization on short notice – to de-energize a line:⁷

- debris is hitting a line during a wind storm;
- vegetation in contact with a line;

⁴ In its advice letter describing the program (SCE Advice Letter 1801-E), SCE stated that “We have also informed customers about this policy and have personally contacted customers identified as critical care on medical baseline. Even though it is not always possible, we will attempt to give advanced notice to customers and public agencies about the potential for a protective outage.” (SCE Advice Letter 1801-E, at p. 6.)

⁵ SCE Advice Letter 1801-E, at p. 6.

⁶ SCE’s POP in response to the bark beetle infestation was terminated on August 10, 2005.

⁷ In instances like these, SCE will endeavor to notify customers if possible and perform the work on a planned basis. However, customers are not notified if emergency conditions require an immediate shut-off. In addition, mitigation for all outages, whatever the cause, is addressed in SCE’s existing, Commission-approved tariffs (most specifically in Rule 14 and Preliminary Statement, Section E.4., Service Guarantee Program).

- line down for any reason (e.g., car hit pole); and
- unstable poles (e.g., leaning significantly, erosion at the base).

SCE understands that any outage is subject to review by the Commission, a fact which is clearly stated in D.09-09-030.⁸ Thus, there is no need for DisabRA’s new language, which has the potential to insert delay into the decision-making process of the utility during an emergency. The utility should be encouraged to use its operational expertise to make timely decisions when safety or system reliability is threatened. Instead, DisabRA’s language will introduce delay into that process at the precise moment when a timely decision and rapid, effective response to an emergency situation is most needed.

III.

SCE RESERVES ITS RIGHT TO DE-ENERGIZE CIRCUITS TO PROTECT SAFETY AND PRESERVE RELIABILITY

SCE agrees with the Commission’s express recognition in D.09-09-030 of the electric utilities’ statutory right to shut-off power in the interest of public safety:

SDG&E's statutory obligation to operate its system safely requires SDG&E to shut off its system if doing so is necessary to protect public safety. For example, there is no dispute that SDG&E may need to shut off power in order to protect public safety if Santa Ana winds exceed the design limits for SDG&E's system and threaten to topple power lines onto tinder dry brush.⁹

Pursuant to this authority, SCE expressly reserves its right to de-energize circuits when deemed necessary by utility personnel to protect safety and preserve the reliability of the system.¹⁰ Further, SCE reserves the right to de-energize circuits in a manner consistent with its tariffs, which include a service guarantee and provisions for customer notice.

⁸ “Any decision by SDG&E to shut off power under its existing statutory authority may be reviewed by the Commission pursuant to its broad jurisdiction over matters regarding the safety of public utility operations and facilities. The Commission may decide at that time whether SDG&E’s decision to shut off power was reasonable and qualifies for an exemption from liability under Tariff Rule 14.” D.09-09-030 at p. 62.

⁹ D.09-09-030 at pp. 61-62.

¹⁰ For example, SCE’s tariff Rule 14 states “Whenever, in the operation of SCE’s electric plants, properties, and/or systems, interruption in the delivery of electric energy to customers results from or is occasioned by

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IV.

**THE CHANGES REQUESTED BY DISABILITY RIGHTS ADVOCATES
ARE UNNECESSARY AND DANGEROUS, CONFLICT WITH SCE'S TARIFFS,
AND SHOULD NOT BE ADOPTED**

The changes to D.09-09-030 requested by DisabRA should not be adopted because they are unnecessary and potentially dangerous, and because they conflict with SCE's existing tariffs. At first blush, DisabRA's proposed changes appear to be minor affirmations of existing policies. It is true that the changes are unnecessary, but that is precisely what makes them potentially dangerous. SCE already has existing long-standing tariffs in place that address both of the issues raised by DisabRA (notice and mitigation). And it is axiomatic that the Commission may review any outage. However, the proposed language will be perceived as adding new requirements in addition to what SCE's tariffs provide, creating an untenable exception to SCE's existing outage policies for a particular type of outage.

Any utility-directed outage, whatever the cause, should be performed consistent with the utility's approved tariffs. And any Commission review of an outage should be performed with reference to the utility's tariffs to determine whether the utility complied with its tariffs. DisabRA's requested changes would conflict with SCE's existing tariffs and create uncertainty and delay during emergency conditions. Although SCE endeavors to notify customers in advance of an outage due to emergency conditions, SCE has no obligation to do so under its tariffs. In addition, SCE's service guarantee applies once an unplanned outage has exceeded 24 hours. DisabRA's requested language has the potential to undermine these tariff provisions.

DisabRA would add language purporting to require extra-ordinary customer notice and mitigation whenever the utility exercises its statutory obligation to shut-off power to protect

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causes other than the exercise by SCE of its right to suspend temporarily the delivery of electric energy for the purpose of making repairs or improvements to its system, notice of any such interruption will not be given to the customers of SCE, but SCE shall exercise reasonable diligence to reinstitute delivery of electric energy."

public safety.¹¹ DisabRA’s justification for this additional language is that SDG&E’s original power shut-off plan included some mitigation measures and notice provisions.¹² Because the Commission rejected SDG&E’s original plan, and because SDG&E’s current plan would be implemented at a higher wind speed threshold more akin to emergency conditions, SDG&E is now not committing to advance notice or mitigation measures.¹³ Accordingly, “DisabRA is concerned that conducting such shutoffs without any mitigation measures will place SDG&E’s residential customers, especially those with disabilities, at serious risk.”¹⁴

SCE understands the hardships imposed on all customers as well as special hardships faced by disabled customers whenever an outage occurs. However, the language proposed by DisabRA is broad enough to encompass all utility-directed unplanned outages, including those listed above (car-hit-pole, line down, vegetation in lines, etc.). The requested changes would also require the Commission to consider the adequacy of notice and mitigation when reviewing such outages, which appears not to be limited to whether the utility has complied with its tariffs.¹⁵ As discussed above, operational decision-makers must have flexibility when making critical decisions during emergency conditions. Uncertainty about whether a condition is “dangerous enough” to permit immediate shut-off without customer notification, and to what extent the utility will be ordered to pay for mitigation beyond its service guarantee, should not be occupying the minds of decision-makers during these events. Such a precedent should not be adopted.

¹¹ DisabRA PFM at p. 4.

¹² DisabRA PFM at p. 2.

¹³ DisabRA PFM at p. 1.

¹⁴ DisabRA PFM at p. 1.

¹⁵ DisabRA PFM at p. 4.

V.

CONCLUSION

For the reasons stated herein, DisabRA's PFM should be denied.

Respectfully submitted,

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October 7, 2010

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to the Commission's Rules of Practice and Procedure, I have this day served a true copy of RESPONSE OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) TO PETITION FOR MODIFICATION OF DECISION 09-09-030 BY DISABILITY RIGHTS ADVOCATES on all parties identified on the attached service list(s). Service was effected by one or more means indicated below:

Transmitting the copies via e-mail to all parties who have provided an e-mail address. First class mail will be used if electronic service cannot be effectuated.

Executed this **7th day of October, 2010**, at Rosemead, California.

/s/ MELISSA SCHARY

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