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

Order Instituting Rulemaking to Develop  
and Adopt Fire-Threat Maps and  
Fire-Safety Regulations.

Rulemaking 15-05-006  
(Filed May 7, 2015)

**ADMINISTRATIVE LAW JUDGE'S RULING SETTING A  
PREHEARING CONFERENCE AND AUTHORIZING PARTIES TO  
FILE AND SERVE PREHEARING CONFERENCE STATEMENTS**

**Prehearing Conference**

This ruling sets a prehearing conference (PHC) for June 22, 2016, at 1:30 p.m., in a Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California 94102. The purpose of the PHC is to (1) discuss the schedule and procedures for the development and adoption of the Fire Map 2 Work Plan, and (2) address other matters relevant to this proceeding.

**Background**

In Decision (D.) 16-05-036, the Commission adopted Fire Map 1, which identifies areas of California where there is an elevated hazard for the ignition and rapid spread of power-line fires due to strong winds, flammable vegetation, and other environmental conditions.<sup>1</sup> Decision 16-05-036 states that Fire Map 1 will serve as the foundation for the development of Fire Map 2, which will

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<sup>1</sup> D.16-05-036 at 2. These are the environmental conditions associated with the catastrophic power-line fires that burned 334 square miles of Southern California in October 2007. (*Ibid.*)

delineate the boundaries of a new High Fire-Threat District where utility infrastructure and operations will be subject to stricter fire-safety regulations.<sup>2</sup>

Decision 16-05-036 directs the Fire Safety Technical Panel<sup>3</sup> (Panel) to convene as soon as practical to prepare a detailed work plan for the development, adoption, and implementation of Fire Map 2. The Decision further requires the Panel to be co-chaired by the Commission's Safety and Enforcement Division (SED), Southern California Edison Company (SCE), and any other parties designated by SED and SCE.<sup>4</sup> The Fire Map 2 Work Plan submitted by the Panel must address the following matters:

- A. The matters identified in the *Assigned Commissioner's Amended Scoping Memo and Ruling* (Scoping Memo) that was issued in Rulemaking 08-11-005 on May 15, 2013, at pages 10 - 12, to the extent these matters pertain to Fire Map 2. Pages 10 - 12 of the Scoping Memo are reproduced in Appendix A of today's ruling. (D.16-05-036, at Ordering Paragraph 3.i.)
- B. Validation of Fire Map 1 against historical fires. (D.16-05-036, at Ordering Paragraph 3.ii.)
- C. Incorporating into Fire Map 2 additional factors and conditions that affect fire hazards associated with overhead utility facilities generally and at specific locations (e.g., Laguna Beach). Such factors and conditions may include the parties' knowledge of (A) terrain; (B) vegetation (e.g., potential contact between trees and power lines in low-wind areas); (C) areas designated as high hazard zones pursuant to the Governor's Proclamation of a State of

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<sup>2</sup> D.16-05-036 at 2.

<sup>3</sup> The membership and duties of the Fire Safety Technical Panel are identified in Order Instituting Rulemaking (OIR) 15-05-006 at 11 -13, and in the *Assigned Commissioner's Amended Scoping Memo and Ruling* that was issued in Rulemaking 08-11-005 on May 15, 2013, at 7 - 12.

<sup>4</sup> D.16-05-036, at Ordering Paragraph 3.

Emergency issued on October 30, 2015; (D) microclimates; (E) historical power-line fires besides the October 2007 fires in Southern California (*e.g.*, the September 2015 Butte Fire in Amador and Calaveras Counties); (F) other historical fires; and (G) other factors and conditions. (D.16-05-036 at Ordering Paragraph 3.iii.)

- D. The fire hazards associated with historical power-line fires besides the October 2007 fires in Southern California. These other power-line fires include the Butte Fire that burned 71,000 acres in Amador and Calaveras Counties in September 2015.<sup>5</sup> (D.16-05-036 at 2 and 30.)
- E. Whether historical fires and other factors demonstrate that the City of Laguna Beach should be designated as a high fire-hazard area on Fire Map 2.<sup>6</sup> (D.16-05-036 at 23.)
- F. Other matters deemed appropriate by the parties. (D.16-05-036 at Ordering Paragraph 3.iv.)

Lastly, D.16-05-036 directs the Panel to prepare the Fire Map 2 Work Plan using the same process that was used to prepare the Fire Map 1 Work Plan that is attached to D.14-01-010 unless directed otherwise by the assigned Commissioner and/or the assigned ALJ.<sup>7</sup>

### **Prehearing Conference (PHC) Statements**

Parties may file and serve written PHC statements no later than June 17, 2016. The PHC statements should include the following:

1. Any objections to the preliminary scoping memo set forth in OIR 15-05-006 regarding the category of this proceeding, the need for hearings, issues to be considered, and/or the schedule.

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<sup>5</sup> Items C and D overlap.

<sup>6</sup> Items C and E overlap.

<sup>7</sup> D.16-05-036 at Ordering Paragraph 3.

2. The specific matters that should be addressed by the Fire Map 2 Work Plan, in addition to those listed previously in this ruling. These additional matters may include the following topics recommended by the parties:
  - a. Examining vegetation issues in low wind areas.<sup>8</sup> (D.16-05-036, at 12.)
  - b. Including utility knowledge of local conditions in setting the boundaries of the High Fire-Threat District.<sup>9</sup> (D.16-05-036 at 12.)
  - c. Investigating whether wind should be a factor in the definition of the High Fire Threat District and whether wind should apply differently in Northern California and Southern California. (D.16-05-036 at 12.)
  - d. Revisiting issues for which there was not full agreement regarding Fire Map 1's model for fire spread and fire volume. These issues include bias in wind direction, linkage between surface fire and crown fire, and fire spread in response to wind direction. (D.16-05-036 at 12 and 15.)
  - e. Comparing the dates associated with the top two percent of the climatology that drives Fire Map 1's fire ignition and fire spread models with the 4-month window used to develop the average live fuel moisture data. (D.16-05-036 at 14-15.)
  - f. Assessing whether the LANDFIRE surface fuel dataset used in Fire Map 1 overstates the fire hazard in some areas because it assumes continuous vegetation when, in reality, there are areas where vegetation is sparse or discontinuous. (D.16-05-036 at 15.)
  - g. Evaluating whether the non-burnable areas excluded from Fire Map 1 (*e.g.*, large bodies of water) should be expanded. (D.16-05-036 at 15-16.)

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<sup>8</sup> This recommendation overlaps with D.16-05-036 at Ordering Paragraph 3.iii.

<sup>9</sup> This recommendation overlaps with D.16-05-036 at Ordering Paragraph 3.iii.

- h. Incorporating into Fire Map 2 the consequences (*i.e.*, risks) of wildfires. (D.16-05-036 at 16.)
  - i. Incorporating into Fire Map 2 the risk to communities from power-line fires that ignite in developed areas under fire-weather conditions. (D.16-05-036 at 17.)
  - j. Expanding high fire-hazard areas relative to Fire Map 1 to reflect utility-related fire hazards associated with developed areas, such as vehicle-pole accidents. (D.16-05-036 at 23, Footnote 22.)
  - k. Incorporating into the Work Plan the detailed steps for converting Fire Map 1 into Fire Map 2, such as SDG&E's proposal that is summarized in D.16-05-036 at Section 6.5.
  - l. Developing a supplemental map that addresses the fire hazard of trees contacting power lines, with the objective of developing vegetation management and inspection regulations in identified high-risk areas.<sup>10</sup> (*Mussey Grade Road Alliance Comments on the Proposed Decision Adopting Fire Map 1*, filed on May 16, 2016 at 6.)
3. Recommended procedures for the development and adoption of the Fire Map 2 Work Plan.
  4. The role of the California Department of Forestry and Fire Protection (Cal Fire) and its Independent Expert Team with respect to the development of the Fire Map 2 Work Plan.
  5. The schedule for the development and adoption of the Fire Map 2 Work Plan. The schedule should list the major events leading to the adoption of the Fire Map 2 Work Plan, such as workshops, workshop report, written comments, motions for evidentiary hearings, proposed decision, etc., with a date or time frame for each listed event.

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<sup>10</sup> This recommendation overlaps with D.16-05-036 at Ordering Paragraph 3.iii.

6. The need for evidentiary hearings regarding the development and adoption of the Fire Map 2 Work Plan. Any party that believes evidentiary hearings are needed shall identify the material factual issues that require evidentiary hearings.
7. Possible ways to accelerate the development and adoption of the Fire Map 2 Work Plan. One possibility might be a phased roll out of Fire Map 2, with lower priority issues deferred to later versions of Fire Map 2.<sup>11</sup>
8. The status and progress of the quarterly meetings that the Panel is required to hold pursuant to D.16-05-036 at Ordering Paragraph 4, for the purpose of considering the need for new fire-safety regulations based on Fire Maps 1 and 2.
9. Whether this proceeding will extend beyond the 18-month deadline for ratesetting proceedings and, if so, whether, and at what point, the Commission should close this proceeding and open a successor rulemaking proceeding.

Parties should be prepared to discuss the above matters at the PHC. Also, parties are encouraged to meet and confer prior to the PHC for the purpose of reaching a consensus on (1) the schedule and procedures for developing the Fire Map 2 Work Plan, and (2) the role of Cal Fire and its Independent Expert Team with respect to the development of the Fire Map 2 Work Plan.

**IT IS RULED** that:

1. A prehearing conference shall be held on June 22, 2016, at 1:30 p.m. in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California 94102.

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<sup>11</sup> For example, D.16-05-036 summarizes a number of unresolved issues and concerns raised by certain parties regarding Fire Map 1. It may be possible that some of these matters (*e.g.*, vegetation fuel moisture) can be addressed in a later version of Fire Map 2.

2. Parties may file and serve written prehearing conference (PHC) statements no later than June 17, 2016. Written PHC statements should address the matters identified in the body of this ruling.

Dated June 2, 2016, at San Francisco, California.

/s/ TIMOTHY KENNEY

Timothy Kenney  
Administrative Law Judge

## Appendix A

Pages 10 – 12 of the *Assigned Commissioner's Amended Scoping Memo and Ruling* that was issued in R.08-11-005 on May 15, 2013.

### **3.1.2. The Contents of the Work Plan**

The work plan prepared by the [Fire Safety Technical Panel] shall contain the following pursuant to D.12-01-032 and today's Amended Scoping Memo:

1. A detailed work plan for the funding (if needed), development, expert review, adoption, and implementation of fire-threat maps that:
  - i. Cover the entire state.
  - ii. Identify high fire-threat areas where there is an elevated risk of power-line fires occurring and spreading rapidly.
  - iii. Identify the types and locations of overhead power-line facilities in the high fire-threat areas.
  - iv. Identify the types and locations of aerial telecommunications facilities in close proximity to overhead power-line facilities in the high fire-threat areas.
  - v. Integrate with the fire-prevention measures adopted in this proceeding that rely on fire-threat maps for their implementation, including fire-prevention measures that may be adopted in Phase 3 of this proceeding.
  - vi. Will be available to Commission staff, fire-safety agencies, and the public, while also protecting information about critical infrastructure or which may be proprietary.
2. The detailed work plan shall include the following steps and procedures:
  - i. Determine the types of information, the level of detail, and other characteristics the fire-threat maps must possess.
  - ii. Determine if the existing Reax Map and the SDG&E map possess all the necessary characteristics determined in Item 2.i., or, if not, whether these maps can be modified to possess the necessary characteristics.
  - iii. Based on the results of Item 2.ii, determine if it is necessary to develop new fire-threat maps and, if so, the steps that would be necessary to develop new fire-threat maps.
  - iv. The result of Items 2.ii and 2.iii may be acceptance of the existing fire-threat maps as-is, revising the existing maps, or rejecting the existing maps and developing new maps. The work plan shall include alternative paths/schedules for each of these possibilities.

3. The work plan shall provide the following for each of the paths/schedules identified in Item 2.iv above:
  - i. The specific technical expertise from neutral third parties that is needed, if any, to carry out Items 2.i – 2.iv above; an explanation of how this expertise can be obtained; and recommendations for obtaining assistance from Cal Fire and other neutral experts, if needed, to carry out Items 2.i - 2.iv.
  - ii. If the work plan anticipates contracting with neutral experts to assist with Items 2.i – 2.iv above, the work plan shall (a) identify who will select the neutral experts; (b) explain how the contracting process will work; and (c) identify who will oversee the work performed by the neutral experts.
  - iii. The estimated cost to carry out Items 2.i – 2.iv above, including the cost of contracting with neutral experts, if necessary.
  - iv. A recommended funding mechanism, if needed, for the development, expert review, and implementation of fire-threat maps. One option is to provide utility funding and cost recovery using the Fire Hazard Prevention Memorandum Accounts (FHPMAs) that are described in D.12-01-032 at pages 153 – 156.
  - v. A proposed schedule, recommended procedures (e.g., facilitated workshops), and milestones for the development, expert review, adoption, and implementation of fire-threat maps, including conforming revisions to GO 95 and GO 165. The process should include an opportunity for parties to participate, request evidentiary hearings, and file comments and/or briefs.
  - vi. A discussion of whether electric utilities and CIPs should be able to make small scale adjustments to the boundaries of the high fire-threat areas based on their own expertise and local conditions and, if so, how such adjustments should be vetted and incorporated into the approved maps.
  - vii. A description of how the final fire-threat maps adopted by the Commission should be updated, including the frequency of such updates and the procedure by which the maps will be updated and subsequently incorporated into GO 95, GO 165, and other GOs, if applicable.
  - viii. A proposed schedule, recommended procedures (e.g., facilitated workshops), and milestones for addressing deferred Track 1 issues.

- ix. An explanation of whether the matters to be considered in Track 3 (including deferred Track 1 issues) are subject to the California Environmental Quality Act (CEQA) and, if so, when and how the CEQA review would occur.
- x. Alternative recommendations if the [Fire Safety Technical Panel] participants cannot reach a consensus on all issues. The alternatives should provide the same level of detail as the work plan.
- xi. A list of Commission actions that may be required to implement the elements of the work plan and alternatives, such as ALJ rulings, scoping memos, or Commission decisions approving the (a) work plan, (b) any associated funding mechanism, and/or (c) the final fire-threat maps.
- xii. Any other matters the Panel participants deem appropriate, provided that such matters are within the scope of Track 3.

(END OF APPENDIX A)