

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



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

R.15-05-006
(Filed May 7, 2015)

CITY OF LAGUNA BEACH PREHEARING CONFERENCE STATEMENT

David L. Huard
Lilly B. McKenna
Mila A. Buckner
Manatt, Phelps & Phillips, LLP
One Embarcadero Center, 30th Floor
San Francisco, CA 94111
Tel: (415) 291-7400
Fax: (415) 291-7474
DHuard@manatt.com
LMcKenna@manatt.com
MBuckner@manatt.com

Attorneys for City of Laguna Beach

June 17, 2016

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As directed by the presiding Administrative Law Judge (“ALJ”) Timothy Kenney,¹ the City of Laguna Beach (the “City”) hereby submits its Prehearing Conference Statement in anticipation of the upcoming prehearing conference scheduled for June 22, 2016, in order to address both the proposed scope of the proceeding and the proposed schedule.

I. COMMENTS

A. Category Of The Proceeding

The City does not object to ratesetting, as the term is defined in the Commission’s Rules of Practice and Procedure, Rule 1.3(e), as the category for this proceeding.²

B. Issues To Be Considered

Generally, the City will address mandatory issues B, C and E. In addition, the City will address the issue of whether the high-fire hazard areas on Fire Map 2 should be expanded relative to Fire Map 1 to include the City. In addition to those matters listed in ALJ Kenney’s Ruling, the City requests that the Fire Map 2 Work Plan include the following issues:

¹ *Administrative Law Judge’s Ruling Setting a Prehearing Conference and Authorizing Parties to File and Serve Prehearing Conference Statements* (“ALJ Timothy Kenney’s Ruling”), filed June 2, 2016, pp. 3-7.

² *Order Instituting Rulemaking to Develop and Adopt Fire-Threat Maps and Fire-Safety Regulations*, filed May 15, 2015 (“OIR”), p. 6.

1. The Fire Map 2 Work Plan should address the consequences of wildfires to the human environment.

The Fire Map 2 Work Plan should include an analysis of wildfire consequence as well as an explanation of how this measure will be used to inform the Commission's understanding of wildfire risk assessment. Wildfire consequence is an important component of wildfire risk assessment that was not addressed in Fire Map 1. Consequences of wildfire include human injury or fatality, property damage, strain on local government resources, impacts on ecosystems as well as others. Areas that are developed present a higher risk of wildfire consequence than in undeveloped areas. These are the resources that are impacted by wildfire and what the Commission stated is its intent to protect by adopting increased fire safety regulations. To the extent the Department of Forestry and Fire Protection ("Cal Fire") Fire and Recourse Assessment Program Fire Threat Map ("FRAP Map") addresses these variables, this data should be integrated with Fire Map 1 so as to maintain conformity with existing fire safety measures.

2. The Fire Map 2 Work Plan should address the risk to communities from power-line fires that ignite in, or spread to, developed areas under fire-weather conditions as well as the unique fire risk along the wildland-urban interface.

The Fire Map 2 Work Plan should include an analysis of the risks to developed areas presented by utility-line fires that start under fire-weather conditions. For example, Fire Map 1 does not illustrate the heightened risk of wildfire that is presented along the wildland-urban interface. Homes that are built into, or adjacent to, undeveloped areas with dry vegetation face a heightened risk of wildfire. Fires that start in open grassland during high winds and/or drought conditions move quickly to private homes and commercial areas. These structures are easily consumed and in turn act as a major fuel source—providing logs to a flame where dry brush was only kindling. This is the sort of fire the City experienced in 1993 when 441 homes were burned to the ground. The Fire Map 2 Work Plan should include an analysis of wildland-urban interface areas as well as other risk assessment data that specifically address wildfire threat in developed areas.

3. High fire-hazard areas on Fire Map 2 should be expanded relative to Fire Map 1 to reflect utility-related fire hazards associated with developed areas, such as vehicle-pole accidents.

The Fire Map 2 Work Plan should expand high fire-hazard areas relative to Fire Map 1 to reflect utility-related fire hazards such as vehicle-pole accidents. Fire Map 1 depicts physical and environmental variables that contribute to wildfire risk but the consideration of man-made hazards is equally important. One of the primary wildfire risks within the City is a heavily utilized state highway. This road sits adjacent to open space and is lined with Southern California Edison (SCE) utility poles and wires that have been associated with at least 46 vehicle accidents over the last nine years as well as several wildfires. Other counties face the same issue. As recently as June 6, 2016, a fire ignited in Los Angeles County when a vehicle crashed into a utility pole. Referred to as the “Old Fire,” this may be the largest fire ever to occur in the southwestern San Fernando Valley.

4. The Fire Map 2 Work Plan should include a detailed description of the steps for converting Fire Map 1 into Fire Map 2.

The Fire Map 2 Work Plan should contain a precise explanation of how Fire Map 1 will be used in the development of Fire Map 2. Fire Map 1 depicts fire hazard using only a limited snap shot of the variables that should be considered in a full analysis of utility-caused wildfire risk. The Fire Map 2 Work Plan must lay out what additional variables will be considered and how each of these measures will inform the development of Fire Map 2. Further, the Fire Map 2 Work Plan should make clear to what extent utilities may rely, if at all, upon Fire Map 1 while Fire Map 2 is in development.

5. The Fire Map 2 Work Plan should provide a clear explanation of the role of the California Department of Forestry and Fire Protection (Cal Fire) and its Independent Expert Team (IET) with respect to the development of the Fire Map 2 Work Plan.

The Fire Map 2 Work Plan should provide a clear explanation of the role of Cal Fire and IET regarding the development of the Fire Map 2 Work Plan. In addition, the Fire Map 2 Work Plan should make clear the role and responsibilities of the Fire Safety Technical Panel

and the Subject Matter Expert Panel during the development of Fire Map 2.

6. The Fire Map 2 Work Plan should provide a clear explanation of when and how this proceeding will develop and adopt fire safety regulations.

The purpose of Fire Map 2 is to develop a statewide map that depicts utility fire threat zones where the fire safety regulations adopted in this proceeding for high fire-threat areas would apply,³ still the Commission needs to make clear when and how these fire safety regulations will be developed. This should be clearly outlined in the Fire Map 2 Work Plan. Further, these fire safety regulations should include a mandate that local governments with jurisdiction over high fire-threat areas may require undergrounding of overhead utility lines and equipment if, for example, the local government bears a percentage of the cost of construction of undergrounding facilities, less any authorized credits and exclusive of return and tax components.

7. Any and all measures should be taken to accelerate the development and adoption of the Fire Map 2 Work Plan.

The City supports any and all measures taken to accelerate the development and adoption of the Fire Map 2 Work Plan that do not compromise the integrity of the process. It took over eight years to complete Fire Map 1 and in that time California has continued to be plagued by devastating wildfires caused by overhead utilities. In the last twelve months alone, California has been afflicted by the September 2015 Butte Fire in Amador and Calaveras County, which burned 70,868 acres, as well as the June 2016 Old Fire in Los Angeles County, which burned approximately 500 acres. These utility-caused fires serve as primary examples of the disasters this proceeding is designed to address.

Further, in addition to taking an excessive amount of time, the Fire Map 1 proceeding has concluded in a product that continues to raise substantial issues and

³ D.14-01-010, *Order Instituting Rulemaking to Revise and Clarify Commission Regulations Relating to the Safety of Electric Utility and Communications Infrastructure Provider Facilities*, dated January 16, 2014, p. 10.

controversies. The City questions the value of continuing to refine Fire Map 1, and developing an entire other map, when reasonable fire-threat maps already exist.

In Decision 12-01-032⁴, the Commission ordered the Investor Owned Utilities (“IOUs”) and Communication Infrastructure Providers (“CIPs”) to use the Reax Map, SDG&E Map, and the Cal Fire FRAP Map until permanent fire-threat maps (Fire Map 1 and Fire Map 2) were adopted. The Fire Map 2 Work Plan should contain a similar order.

The City recognizes that Cal Fire advised the Commission that the FRAP Map may not be well suited for the initial objectives of Rulemaking 15-05-006 in preparing Fire Map 1.⁵ However, until Fire Map 2 has been finalized and adopted by the Commission, there continues to be no better fire-map available than the FRAP Map. With no exact date by which Fire Map 2 may be available, the Commission needs to provide local governments with alternative resources to turn to in order to advance fire safety regulations.

Altogether the City urges the Commission to take every measure possible to expedite its process for the development of Fire Map 2 and provide the State with the revised wildfire regulations it so badly needs.

C. Need for Hearings

The City requests evidentiary hearings for the development and adoption of the Fire Map 2 Work Plan. The City will actively participate in hearings and provide testimony for the material factual issues identified above as well as those issues outlined in ALJ Timothy Kenney’s Ruling.

D. Proposed Schedule

Decision 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 attached to D.14-01-010.

⁴ D.12-01-032, *Order Instituting Rulemaking to Revise and Clarify Commission Regulations Relating to the Safety of Electric Utility and Communications Infrastructure Provider Facilities*, dated January 12, 2012 (“D.12-01-032”), pp. 4-5, 147-148, 171-172 (Conclusions of Law ¶ 19), 179-180 (Ordering ¶ 12).

⁵ D.12-01-032, pp. 141-142.

However, unlike the Fire Map 1 process, it is essential that the commission adhere strictly to the one year duration proposed for Fire Map 1 in developing and finalizing Fire Map 2.

II. CONCLUSION

As set forth above, the City requests that the scoping ruling for this proceeding include the scope of the issues and procedural schedule proposed herein.

June 17, 2016

Respectfully submitted,

By: */s/ David L. Huard*

David L. Huard

David L. Huard
Lilly B. McKenna
Mila A. Buckner
Manatt, Phelps & Phillips, LLP
One Embarcadero Center, 30th Floor
San Francisco, CA 94111
(415) 291-7400
DHuard@manatt.com
LMcKenna@manatt.com
MBuckner@manatt.com

Attorneys for City of Laguna Beach

317133874.2