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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

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

**JOINT REPLY COMMENTS OF CERTAIN ELECTRIC UTILITIES TO
OTHER PARTIES' COMMENTS ON ASSIGNED COMMISSIONER'S
SCOPING MEMO AND RULING**

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

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I. INTRODUCTION

Pursuant to the July 15, 2016 Assigned Commissioner's Scoping Memo and Ruling ("Ruling" or "ACR") in Rulemaking (R.)15-05-006, Pacific Gas & Electric Company (U 39-E) ("PG&E"), Liberty Utilities (CalPeco Electric) LLC ("Liberty Utilities"), (U 933-E), PacifiCorp (U 901-E), doing business as Pacific Power ("PacifiCorp"), Southern California Edison Company (U 338-E) ("SCE"), Bear Valley Electric Service (U 913-E) ("BVES"), a division of Golden State Water Company, and the California Municipal Utilities Association ("CMUA") (collectively, the "Joint Electric Utilities"), respectfully submit these joint reply comments to other parties' comments.¹

II. REPLIES OF THE JOINT ELECTRIC UTILITIES TO PARTIES' OPENING COMMENTS

**A. THE JOINT ELECTRIC UTILITIES AGREE WITH THE CIP
COALITION THAT THE COMMISSION SHOULD NOT EXPAND THE
GEOGRAPHIC SCOPE OF THE EXISTING SOUTHERN CALIFORNIA
FIRE-SAFETY REGULATIONS BASED ON FIRE MAP 1**

The Commission asserts that Fire Map 1 "shows that the conditions associated with the power-line wildfires of October 2007" exist in Northern California in areas not shown on the

¹ Pursuant to Rule 1.8(d), PG&E has been authorized to file these reply comments on behalf of the Joint Electric Utilities.

interim fire threat maps.² Based on this premise, the Commission indicates that it may issue a proposed decision extending the special Southern California fire regulations to all high fire threat areas of California.

In Opening Comments, the Communication Infrastructure Providers (“CIP”) Coalition argues that it would be premature and inappropriate to expand the interim Southern California-specific fire safety rules to the areas in Fire Map 1 identified in the ACR for four reasons:

1. The premise that Fire Map 1 demonstrates that the high fire-threat areas of Northern California depicted in Fire Map 1 possess “conditions” or other similarities to the high fire threat areas of Southern California, such as Santa Ana winds, etc., is not correct;
2. Fire Map 1 was not conceived, designed or adopted for the purpose of designating overhead utility fire threat areas but rather as a foundation for a statewide map that could ultimately be used to identify fire threat areas in Fire Map 2;
3. The acknowledged inherent errors in Fire Map 1 render it an invalid tool for the purpose of identifying fire risk mitigation areas; and
4. The potential expansion of current rules to selected areas of Fire Map 1, without cost benefit analysis and without correcting acknowledged errors, would be premature.

The Joint Electric Utilities agree with the CIP Coalition. Fire Map 1 has not been validated against historic fire data as directed in the Commission’s May 27, 2016 Decision.³ Fire Map 1 was expressly intended to serve as a foundation for Fire Map 2 that will identify statewide fire threat areas. The Joint Electric Utilities agree that it would be premature and inappropriate to adopt expanded fire safety regulations based on a flawed map.

² ACR at p. 8.

³ D.16-05-036, *mimeo*, p. 24.

B. THE JOINT ELECTRIC UTILITIES AGREE WITH THE CITY OF LAGUNA BEACH'S COMMENTS ON THE PROPOSED DECISION TO ADOPT FIRE MAP 1 – NOT THE CITY'S RECENT OPENING COMMENTS

In its Opening Comments on the proposed decision adopting Fire Map 1, the City of Laguna Beach (“City”) supported the use of Fire Map 1 “as the foundation for the development of Fire Map 2” but concluded that information on “historical fires and other factors” should be used to adjust Fire Map 1 during the Map 2 process before determining where stricter fire safety measures should be employed.⁴ In adopting Fire Map 1, the Commission answered the City’s comments by determining that “it is reasonable to authorize, but not require, electric utilities and CIPs to use Fire Map 1 to supplement the interim fire-hazard maps . . . [and] implement in this area the stricter fire-safety regulations adopted in R.08-11-005.”⁵

However, where the City was “wary” of interim regulations before, in its Opening Comments, here, the City has seemingly reversed itself. Now the City “feels strongly that the Commission should extend the fire-safety regulations that apply specifically to the high-fire threat areas of Southern California to all areas of California, including Northern California. . . .”⁶ The City makes this recommendation despite acknowledged flaws including the fact that “Fire Map 1 does not depict the City of Laguna Beach, or the 70,868 acres of Amador County burned in the Butte Fire, as an area of high fire hazard.”⁷

The Joint Electric Utilities do not agree with the City’s latest position. Fire Map 1 has flaws. As the City and the Joint Utilities noted in comments to the PD adopting Fire Map 1, the map has not been validated against historic fire data. Furthermore, in overstating the relative fire

⁴ City of Laguna Beach Opening Comments on Proposed Decision of Administrative Law Judge Timothy Kenney, pp. 1-2.

⁵ D.16-05-036, *mimeo*, pp. 22-23.

⁶ Opening Comments of City of Laguna Beach on Extending the Fire-Safety Regulations Applicable to the High Fire-Threat areas of Southern California to the Highest Fire-Threat Areas on Fire Map 1, p. 2.

⁷ *Id.*

risk along the North Coast of California, Fire Map 1 potentially overlooks more heightened fire threats in other areas like the City and the Butte Fire area. For these reasons, the Joint Electric Utilities respectfully disagree with the City’s changed position and submit that Fire Map 1 should be validated and utilities (electric, telecom, and cable TV) should be authorized to use their local knowledge and other applicable data to determine (and document) whether the boundaries of the map should be adjusted in the Map 2 process before it becomes the basis of mandatory expanded regulations, consistent with the Commission’s ruling in D.16-05-036.

C. THE CITY OF LAGUNA BEACH’S PROPOSAL TO AMEND GO 166 IS OUT OF SCOPE AND UNNECESSARY

In its Opening Comments, the City complains that Fire Map 1 does not depict the City as “an area of high fire hazard”⁸ and suggests that the Commission can address this oversight by amending General Order (GO) 166:

The Commission should amend GO 166 to require that when developing and submitting a plan to reduce the risk of fire ignitions a utility must meet with local government officials to discuss all potential mitigation measures, including undergrounding the overhead power-lines facilities located in the high-fire threat area.⁹

The amendment to GO 166 proposed by the City is unnecessary.

In 2012, the California Legislature adopted Assembly Bill (AB) 1650^{10/} which requires electric corporations in California to adopt emergency and disaster preparedness plans.¹¹ In developing and adopting an emergency plan, the electric corporation^{12/} must invite appropriate representatives of “every city, county, or city and county” in its service territory to meet with, and provide consultation to the utility.¹³ Further, AB 1650 provided that every city and county

8 *Id*

9 *Id.* at p. 3.

10 Stats. 2012, ch. 472, §1.

11 Cal. Publ. Util. Code § 768.6.

12 AB 1650 and GO166 apply only to CPUC-regulated electric utilities.

13 Cal. Publ. Util. Code § 768.6(b)(1)(B).

could designate a point of contact for the utility to consult with on emergency plans and that the utility must provide such points of contact with an opportunity to comment on draft plans.¹⁴ Finally, in order to update and improve the plans, every two years the utility must again invite cities and counties to meet and provide consultation on preparation of the utility's plans.¹⁵

AB 1650 went into effect in January 2013. Electric corporations had meetings in March and April of 2013 and again in 2015 to receive comments from cities and counties and modified their annual reports to comply with AB 1650. Further, at the direction of the Consumer Protection and Safety Division (CPSD, now Safety and Enforcement Division), utilities prepared a draft amendment to GO 166 to fully implement the requirements of AB 1650. That amended version of GO 166 was submitted to CPSD in August 2013 (Attachment A).

Emergency planning under AB 1650 includes planning for a wide range of emergencies, including fire emergencies, and addresses both response requirements and mitigation measures. For example, utilities' emergency response plans include fire prevention measures such as seasonal implementation of the "no test" policy, which requires a physical inspection of facilities before re-energization following a fault event. The meet and confer obligations required under AB 1650 provide local government officials the opportunity to discuss, among other things, the "potential mitigation measures" of concern to the City and such measures may be adopted as part of a utility's emergency response plan.

The changes to GO 166 proposed by the City are outside the scope of this proceeding. However, the Commission should separately adopt the amendment submitted by the utilities to CPSD in August 2013 to amend GO 166 and thus fully implement the intent of AB 1650. When coupled with the likely inclusion of the City within a high fire-threat district as a result of the

¹⁴ Cal. Publ. Util. Code § 768.6(b)(1)(C).

¹⁵ Cal. Publ. Util. Code § 768.6(b)(3).

Fire Map 2 process,¹⁶ the City’s proposals to amend GO 166 are unnecessary.

D. CLARIFICATION REGARDING THE MAP ATTACHED TO THE JOINT ELECTRIC UTILITIES’ OPENING COMMENTS

In its opening comments the Joint Electric Utilities attached an interim map generated by San Diego Gas & Electric Company (“SDG&E”) for the purpose of demonstrating that a state-wide map could be produced with underlying data, such as Fire Map 1, FRAP maps and Fire Perimeters. Since this map included data from the flawed Fire Map 1, the graphic supplied substantially overstates the impact of fire risks in Northern California. By including this map in its opening comments, the Joint Electric Utilities do not endorse Fire Map 1 as-is or the actual map that is attached to the submission. The results of the CPUC's final map, whether using the SDG&E method or otherwise must be adjusted using Utilities’ local knowledge and other applicable data.

E. CALIFORNIA STATE OF EMERGENCY MEASURES IN PLACE

On January 17, 2014, Governor Edmund G. Brown Jr. proclaimed a State of Emergency and directed state officials to take all necessary actions to prepare for conditions that could result from the drought. In response, the Commission’s then-Acting Director of the Safety Enforcement Division (“SED”) instructed utilities to take all practicable measures necessary to reduce the risk of fires. As a result, California utilities are currently implementing a drought/fire mitigation plan in accordance with SED’s instructions and provide quarterly reports on progress. Accordingly, in addition to the reasons set forth by both the CIP Coalition and the Joint Electric Utilities in their opening comments, the Joint Electric Utilities clarify that a number of additional fire prevention measures currently are in place during the pendency of this proceeding as a result of the drought.

¹⁶ In D. 16-05-036, the Commission acknowledges that the City “will have an opportunity [during the development of Fire Map 2] to show that 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.” p. 23.

