

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



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10-14-16
04:59 PM

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

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

**OPENING COMMENTS OF SAN DIEGO GAS & ELECTRIC COMPANY ON FIRE
MAP 2 WORKSHOP REPORT**

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October 14, 2016

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Introduction

Pursuant to Administrative Law Judge Kenney’s Ruling Extending the Schedule for the Workshop Report and Associated Filings, dated September 23, 2016, San Diego Gas & Electric Company (“SDG&E”) provides its Opening Comments on the Workshop Report¹ dated October 7, 2017.

Comments

1. SDG&E strongly supports the plan set forth in Administrative Law Judge Kenney’s Revised Scoping Memo² and urges its adoption.

2. Completion Date:

Judge Kenney indicated Commission intent to ensure there is a Map 2 by “Fire Season”. SDG&E supports a submission date as early as possible, no later than March 31 2017. SDG&E’s recommended schedule is presented in table format below. This schedule will allow more time for developing new rules that will apply to Map 2. The purpose of Rulemaking R.15-05-006 is both (1) to develop and adopt fire-threat maps, and (2) to consider the need for new fire-safety regulations based on the adopted maps. These new fire-safety regulations are intended

¹ JOINT PARTIES’ WORKSHOP REPORT FOR WORKSHOPS HELD AUGUST – SEPTEMBER 2016, October 7, 2016.

² ADMINISTRATIVE LAW JUDGE’S RULING REVISING THE SCOPING MEMO PROPOSAL FOR THE FIRE MAP 2 WORKPLAN, September 6, 2016.

to safeguard the people and protect the property and resources of California, and as such they should be developed expeditiously. The workshop report itself notes at page 3 that “Appendix B [of the 7/15 Scoping Memo] provides that “When possible, the Fire Map 2 Work Plan and any alternatives to the Work Plan should enable the rapid development and adoption of Fire Map 2”.

SDG&E PROPOSED SCHEDULE FOR SUBMISSION OF FIRE MAP 2

Event	Estimated Time Requirement
PDP creates draft Shape A Peer Development Panel (PDP) uses the inputs specified in the Sept. 09, 2016 Revised Scoping Memo and submits shape files to TRT. (PDP – representatives from IOUs, CIPs, POUs)	2 weeks
TRT reviews draft Shape A Technical Review Team (TRT) reviews shape files submitted by PDP to confirm content is consistent with inputs specified Sept. 09, 2016 Revised Scoping Memo. Question/concerns are resolved with PDP. (TRT – reps from Cal-Fire, Local Fire Agencies, SED)	3 weeks
PDP Refines Shape A and Creates draft Shape B Combination of PDP (and additional members as-needed) follow approved developmental guides and procedures in consultation with TRT to create draft Shape B.	4 weeks
PDP seeks public input to draft Shape B Refines draft Shape B as-needed, and Submits draft Shape B to TRT	5 weeks
TRT reviews draft Shape B and works with PDP to refine draft Shape B as-needed	2 weeks
PDP refines Shape B then Creates draft Shape C	2 weeks
TRT reviews draft Shape C works with PDP to refine draft Shape C as-needed, then Submits draft Shape C to CPUC	3 weeks
Total Time until submission to CPUC (goal to finish by 3/31/17)	21 weeks
CPUC Approves Shape C as Fire Threat District Map [CPUC to administer Shape C data files and display Fire Threat District Map on CPUC web site.]	TBD

3. Process for Review/Approval of Shapes A, B, and C:

The Workshop Report suggests the use of advice letters for submission and gaining “approval” of Shapes A, B, and C. SDG&E disagrees with this proposal as inconsistent with Section 5 of General Order 96-B, which states as follows:

5. Use of Advice Letters

5.1 Matters Appropriate to Advice Letters [adopted in Fourth Interim Decision, D.07-01-024 (Jan. 25, 2007)]

The advice letter process provides a quick and simplified review of the types of utility requests that are expected neither to be controversial nor to raise important policy questions. The advice letter process does not provide for an evidentiary hearing; a matter that requires an evidentiary hearing may be considered only in a formal proceeding.

The primary use of the advice letter process is to review a utility's request to change its tariffs in a manner previously authorized by statute or Commission order, to conform the tariffs to the requirements of a statute or Commission order, or to get Commission authorization to deviate from its tariffs. A utility may also request relief by means of an advice letter where the utility:

- (1) has been authorized or required, by statute, by this General Order, or by other Commission order, to seek the requested relief by means of an advice letter; or
- (2) requests modification of a Commission resolution addressing a prior advice letter of the utility. See General Rule 7.2. To request an extension of time to comply with such resolution, see General Rule 7.8.

A utility may seek a rate increase by means of an advice letter only if use of an advice letter for this purpose is authorized by statute or Commission order.

There is nothing about Shapes A, B, or C that is already in utility tariffs, nor would require a utility to deviate from its tariffs. To date, there is no statutory, General Order, or Commission authorization to seek any “relief” regarding potential Fire Map Shapes through an advice letter. More importantly, Energy Division staff, which would be tasked with review of any such advice letters, has no expertise in, nor even familiarity with the Fire Mapping process, which is potentially controversial and could raise policy questions (contrary to the first sentence of Section 5.1).

4. Methods of Determining Exclusions and Inclusions to Shape B:

The workshop report reflects two proposed methods. SDG&E recommends the use of its table and method for determining exclusions and inclusions to Shape B. In the workshop report, Pacificorp's table and matrix is included, along with SDG&E's. Although in theory these could be two different tools for two slightly different purposes, SDG&E sees no need for the 'matrix worksheet' and recommends use of its table. The Commission should make sure the adopted process reflects a rule that areas may be removed from Shape B *only* if there is no significant fire history and no proximity to assets at risk, Communities at Risk, and at least one other driver identified in the "removal" column of the table is present.). Pacificorp's table/matrix should be optional, if adopted at all.

5. Purpose and composition of TRT:

The Technical Review Team (TRT) should be empowered to render decisions/guidance/approval so as to break deadlocked issues between the Parties. Furthermore, the TRT will make decisions as steps in the map development process evolve. Ultimately the final PDP work product will be reviewed/approved by the TRT for technical validity, service territory border fidelity and will confirm that fire safety is enhanced by adherence to the intent of R.15-05-006.

The TRT should be headed by CAL FIRE in an oversight role. Additional resources for the TRT could include: the Northern and Southern CAL FIRE Fire Plan Coordinators to help in the review process. A side benefit would be their access to Unit PreFire Engineer ("PFE") who should have knowledge to add. The TRT also could potentially use Los Angeles County Fire as an additional resource. Los Angeles County Fire is a public agency that is greatly affected by the Fire Safety issues raised in this proceeding, and presumably have sufficient bandwidth for participation. If necessary, the Commission can order utilities to fund outside technical assistance for the TRT.

6. Input from local communities and fire districts regarding Shape B, consistent with Senate Bill 1463:

Whether due to legal requirements or simply good policy, the Commission should recognize that the input of local governments is important to the fire prevention process. SDG&E recommends that local input be solicited as each utility develops its Shape B, rather

than after a statewide Shape B has been concluded. Soliciting and collecting local input from hundreds of communities and stakeholders on a statewide Shape B would be burdensome, complicated, and somewhat illogical: it is highly unlikely that, for example, the community of Sacramento would need to weigh in on Shape B in San Diego. Furthermore, due to regional differences SDG&E submits that each utility should be allowed to determine its own suitable method to communicate with stakeholders. For example, one potential point of contact might be the local County Fire Chief's Association.

7. Number of Tiers in Fire Map 2:

SDG&E has repeatedly expressed the numerous rationales for identifying three tiers – no more and no less – in Fire Map 2. SDG&E is absolutely opposed to adding any more tiers. As a fallback position, if for some reason the Commission cannot or will not adopt a three tier Fire Map 2, then SDG&E strongly recommends a two tier Fire Map 2 rather than a four tier version.

ALJ Kenney did not endorse the inclusion of any tiers beyond those in the SDGE proposal but indicated that different regulations may be applied to areas having different fire risks within the same tier. This could be problematic if interpreted loosely. For example, areas of like risk and threat within the same Tier ought to be treated the same whereas areas within the same Tier that have different characteristics with regard to rule applicability may be treated differently, i.e., Areas of Tier 2 without trees ought not have tree regulations applied. The entire presumption of the SDG&E proposal (and the Scoping Memo proposal) is that there will be 3 Tiers. The work processes and Tier definitions are predicated on this presumption. Other configurations (more Tiers) were contemplated but SDG&E learned through its work (and explained in workshops) that more were not only unnecessary but were not desirable as they add complexity to mapping, operations and enforcement.

When the Commission adopts a 3-tier system, SDG&E recommends that it do so as follows: Tier 3 shall represent the areas with the highest risk (and require the most restrictive fire safety regulations), Tier 2 shall represent areas with lesser risk than extreme (but may require enhanced fire safety regulations), and Tier 1 (baseline) shall represent areas with the least risk (where current regulations are deemed sufficient to protect public safety, even if they can be adjusted in the future).

The workshop report suggests that “Once the number of tiers is determined in the Decision on the Work Plan, and the tiers are defined by the PDP, Territory Leads (presumptively the IOU or POU in a given service territory) will develop the Shape B proposal (with tiers) for their service territory. It is anticipated that it will take 16 - 24 weeks for the development of a statewide Shape B with tiers.”

SDG&E recommends that tiers be determined in the decision on the work plan, not by the PDP. Furthermore, four to six months to develop a tiered Shape B is far too slow.

8. Tree Mortality:

According to Mark Rosenberg’s Tree Mortality presentation at the workshops on August 19, 2016, Tree Mortality is a moving target both spatially and temporally. Tree Mortality is therefore not to be treated as a ‘layer’ in Fire Map 2, it is a column in the table below describing where regulations will apply. One could say that Tree Mortality is a layer associated to Fire Map 2 for the purposes of rulemaking. The Fire Map 2 is intended to be a 10 year reference. It is not well suited to be considered for inclusion in the same manner as Fire Threat or Map 1 data. It should, however, occupy a column in the final regulation matrix such as SDGE presented (during workshops and copied below):

Matrix Approach

Regulation	Map Layers			
	Fire Map 2			Tree Mortality
	Tier 1 (Moderate)	Tier 2 (Elevated)	Tier 3 (Extreme)	IGISZ
Regulation W	NO	NO	YES	NO
Regulation X	NO	YES	YES	YES
Regulation Y	6 feet	10 feet	15 feet	15 feet
Regulation Z	5 years	3 years	2 years	2 years

9. Proposing New Rules for use in Fire Map 2:

Revised and/or new rules can be an effective way to ensure the intent of the OIR is carried out statewide. Some that deserve near term consideration include (but are not limited to):

- enhanced phase spacing as a function of tier,
- selection of wind speeds greater than those presently used as defaults for line designs,
- recognition of non-traditional materials for line construction and the role they can play in a defensive or offensive measure against wildfires, and
- enhanced vegetation clearances (as a function of tier).

Further, the impact that joint-use utilities (communications and electric) can have needs to be recognized in the form of new rules aimed at ensuring:

- proper inspection and maintenance of these systems where they are in proximity to electric facilities.

A long-standing issue related to pole loading must be resolved, centering on:

- how safety factors are applied to line designs.

Absent this resolution, the utilities and the regulatory community will continue to disagree on key concepts, leading to (in some cases) over-engineered facilities. The fixation on this one area takes resources away from many of the other areas that need proper treatment; fire safety is a multi-faceted task and any physical structure has some limit in terms of strength. Intelligent allocation of resources is the key to building a system that is robust in the areas where it is most critical.

Finally, rules should be used to specify how rapidly any changes are phased in: are they to be accomplished immediately, over time, or as new facilities are built or existing facilities renewed as a function of maintenance.

SDG&E recommends against developing rules with extensive, time consuming panel/workshop processes. While consensus gathering can be one means of developing rules, it is not necessarily a rapid one. Proposed rules can also be reviewed in traditional written “notice and comment” procedures. SDG&E recommends that any party be able to propose fire safety

rule changes, and that the Commission utilize its written comment process to expeditiously review such proposals.

10. Confidentiality of CIP facilities:

As noted in the Workshop Report at p. 3, Appendix B of the 7/15 Scoping Memo provides in part that the Fire Map 2 Plan:

...shall include a detailed work plan for the development, adoption, and implementation of a Fire Map 2 that: i. Incorporates Fire Map 1. ii. Covers the entire state. iii. Identifies the types and locations of overhead power-line facilities in the high fire-threat areas. iv. Identifies the types and locations of aerial telecommunications facilities in close proximity to overhead power-line facilities in the high fire-threat areas...

Despite this directive in the Scoping Memo, during workshops CIP representatives argued against including information on Fire Map 2 with regard to CIP facilities, claiming this information is proprietary and would raise national security issues. The workshop report states that there was a consensus that such information was not “necessary” to develop the map (Report, p. 17), however a work plan without this information³ would not comply with the Scoping Memo language cited above. Furthermore it may be needed to develop or enforce new regulations, even if it is not needed to draw Fire Map 2.

³ For purposes of the Fire Map 2 work plan and for Fire Map 2, it seems unlikely that a line drawing of aerial telecommunications facilities, without identification of anything other than the type of equipment, would violate Homeland Security, FCC, or other Critical Infrastructure regulations. However, if telecommunications infrastructure providers wish to claim that the Scoping Memo proposes something illegal, they should file a legal brief on this issue, rather than making such claims in a workshop report or comments (as p. 17, footnote 18 declares is their intention).

Conclusion

SDG&E urges the Commission to adopt the plan set forth in Administrative Law Judge Kenney's Revised Scoping Memo, and to move forward as expeditiously as possible with Fire Map 2.

Respectfully submitted,

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October 14, 2016.