

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.

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

**COMMENTS OF
THE SAFETY AND ENFORCEMENT DIVISION
IN RESPONSE TO THE ADMINISTRATIVE LAW JUDGES'
RULING INVITING COMMENTS REGARDING WHETHER
DECISION 17-01-009 SHOULD BE MODIFIED**

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I. INTRODUCTION

Pursuant to the March 10, 2017 ruling by the Administrative Law Judges (ALJs' Ruling), the Safety and Enforcement Division (SED) submits comments regarding whether Decision (D.) 17-01-009 should be modified as described in the ALJs' Ruling.

In these comments, SED takes a position only on Item 4 in the ALJs' Ruling. In addition, the California Department of Forestry and Fire Protection (CAL FIRE), acting on behalf of the Independent Review Team (IRT), has requested that SED file comments on its behalf. The comments below explicitly expressed as the position or request of the IRT represent the opinions and requests of the IRT, and do not necessarily represent SED's opinion.

II. REQUIREMENT TO DEVELOP SHAPE C

Item 2 in the ALJs' Ruling: The IRT does not believe that explicit depiction of utility facilities is required to create and implement Fire Map 2 to meet the Commission's objectives.

Item 4 in the ALJs' Ruling: Because utilities should already have maps and schematics to inform the location of their facilities, SED does not believe that a Shape C map is necessary for the Commission to enforce potential fire-safety regulations that may apply only to utility facilities located in the High Fire-Threat District.

III. SCHEDULE FOR COMPLETION OF FIRE MAP 2

Item 6 in the ALJs' Ruling: The revised schedule in the ALJs' Ruling for the development of Fire Map 2 assumes that map development is completed following the creation and adoption of Shape B (with no Shape C). The revised schedule is derived from D.17-01-009, Table 1, at pages 42-47.

The IRT objects to Row 8 in the revised schedule proposed in the ALJs' Ruling. The estimated date for Fire Map 2 to become effective would be changed from December 2017 in Row 13 of Table 1 in D.17-01-009, to November 2017 in Row 8 of the revised Table 1.

The IRT believes that a number of functional elements designed to clean up Shape B, and make it workable for the implementation of regulations, are required, whether they are called out in a separate step (and data product, in this case as Shape C) or not. These include creating edge fidelity of the map Tier zones with existing infrastructure, alignment of Tier boundaries to features that promote implementation, typological clean-up to remove overlaps and slivers, and quality control regarding map thematic information (most notably, Tier classification). The IRT believes that for a statewide data product, that has likely undergone editing at fine scales and across much of the domain, this process is not insignificant, and likely represents approximately 4 weeks of work, even after all comments from the Territory Leads (TLs) and Peer Development Panel (PDP) have been submitted and reviewed by the IRT. Thus, whether Shape C, as a defined and discrete product is necessary, versus being considered as a final product after the completion of Shape B is immaterial to the actual process required to create a workable Fire Map 2 product as intended.

For these reasons, the IRT requests that if Shape C is eliminated as contemplated by the ALJs' Ruling, the amount of time allotted for Shape C development (i.e., 25 days) in the original schedule be allocated to the end of the Shape B schedule. By having eliminated a formalized step in the process (i.e., Shape C development and approval), and precluded a round of comments/responses, it is likely that the comment periods would be utilized for parties to comment to the IRT regarding their final Shape B decisions. In as

much as the Shape B refinement process already allows for back and forth deliberation on any and all map changes, it would seem beneficial to roll up all the defined Shape C refinement into Shape B, but not alter the schedule so as to allow sufficient time for the work to proceed.

IV. CONCLUSION

In sum, SED requests that the Commission accept the recommendations in SED's comments, for the reasons set forth herein. SED has taken a position only on Item 4, but may respond in reply comments to any issues addressed in other parties' comments.

Respectfully submitted,

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