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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Implement
Electric Utility Wildfire Mitigation Plans
Pursuant to Senate Bill 901 (2018).

Rulemaking 18-10-007

**ASSIGNED COMMISSIONER AND ADMINISTRATIVE LAW JUDGE'S
RULING LAUNCHING PHASE 2 OF THE WILDFIRE MITIGATION
PLAN PROCEEDING**

Summary

This ruling initiates Phase 2 of this proceeding. In Phase 1, the Commission approved the Wildfire Mitigation Plans (WMPs or Plans) of Pacific Gas and Electric (PG&E), Southern California Edison, San Diego Gas and Electric, small/multijurisdictional utilities PacifiCorp, Bear Valley Electric Service, and Liberty Utilities (the foregoing utilities are collectively referred to as IOUs), and certain Independent Transmission Owners, and gave guidance on the legal meaning of Senate Bill (SB) 901. The Commission's decisions¹ announced workshop(s) in Phase 2 to develop 1) metrics to evaluate the Plans, 2) templates for reporting data consistently so they are useful to mitigating and evaluating wildfires in the future, and 3) a process for next year's WMPs that allows more time for review. The decision also stated that Phase 2 would evaluate PG&E's second amended WMP, filed too late for review on April 25, 2019. This ruling

¹ Decision (D.) 19-05-036, D.19-05-037, D.19-05-038, D.19-05-039, D.19-05-040 and D.19-05-041.

also kicks off the independent evaluation process required by SB 901. In addition, Phase 2 may examine how to expand the list of languages in which the electrical corporations conduct outreach. We also alert stakeholders to a current effort to update CAL FIRE's Powerline Fire Prevention Field Guide (Field Guide), which contains standards, statutes, and regulations necessary to minimize the occurrence of wildfires that may be caused by the operation and maintenance of electrical powerlines and energized electrical equipment used in the delivery of electricity. Finally, this ruling schedules a prehearing conference on August 28, 2019 at 10:00 a.m. at the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, California.

1. Phase 2 Activities

1.1. Filings

The Phase 1 decisions provide for the following filings by respondent electrical corporations and other stakeholders:

- Filing by electrical corporations: All electrical corporation respondents must, by July 30, 2019, file and serve on the service list for this proceeding a report entitled "Data Collection for Wildfire Mitigation Plans" that: a) includes a "Data and Map Product Catalogue" that lists, identifies, and describes all datasets and map [products] the electrical corporation possesses, collects and maintains that could be useful in assessing the effectiveness of its Wildfire Mitigation Plan (WMP) in reducing catastrophic wildfire risk; b) provides a "Data Dictionary" detailing the data tables, attribute column headers, sample attributes, alias, description, and metadata about the datasets and map products identified in (a); c) proposes metrics to assess whether the Wildfire Mitigation Plans are having or will have the desired result (i.e., a reduction in the risk of catastrophic wildfire); d) suggests new areas of data collection that could assist in assessing WMP effectiveness and align utility data collection efforts; e) proposes a schedule for collecting and using the data for future wildfire mitigation efforts; and f) proposes a

manner of making the data available to third party researchers for the purposes of improving wildfire mitigation. Before making this filing, the electrical corporations should consult experts in data analysis, including, if relevant, presenters at the Wildfire Technology Innovation Summit, to ensure they gather the data in a manner that allows assessment, including using common data gathering methods across all respondent electrical corporations. The filing shall include the results of this consultation.

- Comments on July 30, 2019 filings: Parties may comment on these filings by August 21, 2019.

1.2. Workshops

The Phase 1 decisions allow the Commission's Safety and Enforcement Division to conduct workshops during Phase 2. The goals of these workshops will be:

- i. Creating a list of metrics that provides the Commission, the Department of Forestry and Fire Protection (CAL FIRE), related agencies and researchers tools to evaluate the effectiveness of the WMPs at mitigating catastrophic wildfires;
- ii. Developing a common template for capturing the foregoing metrics to determine efficacy of approved WMPs of this type;
- iii. Creating databases and datasets for future analysis;
- iv. Incorporating work of experts in the field, including those who were involved in the Wildfire Technology Innovation Summit sponsored by the Commission and several other agencies on March 20-21, 2019;
- v. Process for conducting review of the electrical corporations' next WMP filing, including whether to stagger large IOU filings and those of the small and multijurisdictional utilities;
- vi. Discovery and data exchange in 2019 that will assist stakeholders in assessing and commenting on the next WMPs;
- vii. Other process improvements to reduce the time constraints faced during this proceeding to date;

- viii. Discussion of additional languages for outreach by the electrical corporations; and
- ix. Other related issues, including topics suggested by parties or developed by the Commission.

The workshop(s) will tentatively take place on September 17, 18 and 19, 2019, in the San Francisco offices of the Commission at 505 Van Ness Avenue. Confirmation of the dates, a schedule and agenda will be circulated at a later time.

2. PG&E'S April 25, 2019 Second Amended Plan

PG&E filed a second amended WMP on April 25, 2019, two business days before Proposed Decisions issued in Phase 1 of this proceeding. PG&E's second amended WMP filed April 25, 2019 presented two key questions: 1) the impact on PG&E's wildfire preparedness of its proposal to extend many deadlines included in its original WMP filed on February 6, 2019; 2) whether PG&E's proposal to use "objective" factors and exclude "subjective" judgment in determining which trees to remove in its service territory could result in PG&E ignoring the opinions of certified arborists or in the unnecessary removal of (potentially a large number of) healthy trees. Decision 19-05-037 on PG&E's Plan did not approve the second amended WMP, stating during this cycle, PG&E may only remove healthy trees if the utility has evidence that those trees pose a risk to utility electric facilities under wildfire ignition conditions, based on the opinion of a certified arborist.

In response to a ruling seeking an executive summary of the changes contained in its second amended WMP, on April 26, 2019 PG&E made a filing explaining the changes:

- Aviation Resources: Revises the timeline for helicopters to be available to CAL FIRE [California Department of Forestry and

Fire Protection] from May 2019, to as soon as feasible after Federal Aviation Authority (FAA) certification due to ongoing delays caused by the government shutdown.

- Wildfire Safety Inspection Program (WSIP) – Distribution Inspections: Revises the inspection completion date from May 31, 2019, to as soon as feasible for locations impacted by weather or other external factors (e.g., landowner objections, government permits, or environmental requirements).
- WSIP – Transmission Inspections: Revises the inspection completion date from May 1, 2019, to as soon as feasible for locations impacted by weather or other external factors.
- WSIP – Distribution Corrective Action: Revises the corrective action completion date from June 30, 2019, to as soon as feasible for locations impacted by weather or other external factors.
- WSIP – Transmission Corrective Action: Revises the corrective action completion date from May 31, 2019, to as soon as feasible for locations impacted by weather or other external factors.
- WSIP – Substation Corrective Action: Revises the corrective action completion date from May 31, 2019, to as soon as feasible for locations impacted by weather or other external factors.
- Supervisory Control and Data Acquisition System (SCADA) Enabling: Revises SCADA enabling for line reclosers completion date from June 1, 2019, to as soon as feasible for locations impacted by weather or other external factors.
- Resilience Zones: Revises the operational schedule for the first resilience zone from June 1, 2019, to as soon thereafter as feasible to allow for design changes that will maximize risk reduction, but which require PG&E to obtain additional land rights.
- Vegetation Management - Target #4: Revises Target #4 to require completion of Quality Assurance (QA) audits for 100% of the enhanced vegetation management work and reworking of any trees that QA identifies as not having originally met program scope.

- Vegetation Management - Number of Trees: Clarifies that inspectors conducting distribution vegetation management patrols will assess all trees with potential to strike powerlines, but only trees assessed as needing work will be recorded in PG&E's database.
- Public Safety Power Shutoff (PSPS) - Re-Energization: Clarifies that patrol of distribution lines prior to re-energization in areas that do not experience the PSPS triggering conditions, but were only de-energized because of other lines, will be based on operational judgment.

One party, William Abrams (Abrams), sought hearings, as well as discovery, on the amended Plan in a motion filed on April 29, 2019. Because the motion for hearings was filed the day the Commission mailed the Proposed Decisions in Phase 1, and the Proposed Decisions did not act on PG&E's amended Plan, the motion was not considered in Phase 1. PG&E opposed the motion and a few parties supported it. Abrams also filed a motion to compel PG&E to respond to that discovery on May 13, 2019.

This ruling denies Abrams' motion for evidentiary hearing, as it did not comply with the requirement for such motions set forth in the December 7, 2018 scoping memo for this proceeding, which still apply:

[E]videntiary hearings will only be held if certain conditions are met, and the assigned ALJs and Commissioner determine that they are needed. Any party that believes a hearing is required must make a motion requesting evidentiary hearings ... including the following information: i) the material issues of disputed fact to be addressed in hearings, (ii) the evidence the party proposes to introduce, (iii) the specific provisions of the utility plan to be addressed in hearings, and (iv) the amount of time requested for hearings. The motion shall also state a justification for hearings and what the moving party would seek to demonstrate through hearings.

However, parties may comment on the second amended WMP in their filing due on August 21, 2019.

3. Discovery

Parties are free to continue discovery subject to the discovery requirements set forth in the ALJ's February 21, 2019 ruling, as modified here (with modifications in *italics*). PG&E shall respond to discovery about its second amended Plan, including Abrams' discovery requests described in his April 14, 2019 motion to compel, as set forth below, and the other electrical corporation respondents are also required to respond to discovery in accordance with the following rules:

1. Any discovery or data requests and responses shall be posted on the responding electric corporation's website in an easy to follow format that identifies what the discovery was about, what the responses were about, and links to any documents produced. The electric corporations shall update the website weekly, with an email to the service list *if anything has changed* with the relevant link and discussion of what is new on the website. The website shall be labeled "Wildfire Mitigation Plan - Discovery/Data Requests - Rulemaking 18-10-007" for each electrical corporation.
2. Any data requests or responses to and from Commission staff shall be sent to the email address WMPSED@cpuc.ca.gov. Requests may also come to the electrical corporations from Commission staff using this address. Each electrical corporation shall also send to this email address the name of their single point of contact for all data request and response matters for Commission staff use.
3. All data requests and discovery responses are due *within 10 calendar days* of issuance of the requests/responses, which requests will and responses shall be sent by email. Exceptions to this 10-day requirement will require a motion by the responding electrical corporation and a strong showing of the specific reason for the delay.

4. Independent Evaluation

Phase 2 will kick off the process contemplated in SB 901 for evaluation of the effectiveness of the current WMPs. While some dates the statute lists are far in the future, we opt to kick off the independent evaluation process now. The independent evaluator provisions in Public Utilities Code Sections 8386(b) and (h) provide only that “As a part of the independent evaluator’s report, the independent evaluator shall determine whether the electrical corporation failed to fund any activities included in its plan.” Neither provision contains a comprehensive list of the topics for evaluation. At a minimum, the following is a list of tasks the independent evaluator should undertake, issues it should address, and qualifications it should possess. If parties have other suggested topics, they may address them in their filing due August 21, 2019.

1. Assemble a team of qualified engineers, linemen and others;
2. Establish a field inspection program for the inspection of facilities being constructed (either new construction or upgrades to existing facilities) and in-service electric transmission and distribution lines. The primary goal is to identify significant conditions that increase risks of wildfire ignitions;
 - a. Develop risk-based criteria for field inspections and procedures for inspection, based on an order of priority that emphasizes the most consequential facilities or work first;
 - b. Perform field inspection of electric overhead facilities; work includes visual pole integrity, asset management data discrepancies (including GPS location), cross arm angle and integrity, joint pole cable management, signage, vegetation clearance, conductor sag and sway, insulator integrity, guy wire integrity and other elements required to assure compliance with CPUC rules and regulations;
3. Request necessary records from electrical corporation;
4. Identify safety issues and potential violations;

- a. Communicate identified issues and potential violations to the electrical corporation and work with company representatives directly to address the concerns and resolve conditions;
 - b. Escalate issues to CPUC as necessary;
 - c. Issue correction notices and non-conformance reports to ensure compliance as necessary;
5. Perform analysis of information being collected through field inspections and develop reports that summarize trends, patterns and other information that may be required by CPUC in order to assess overall compliance performance of electrical corporations; and
 6. Assess whether the electrical corporation failed to fund any activities included in its Plan.

5. In-Language Outreach

The Phase 1 decisions required electrical corporations to conduct outreach in English, Spanish, Chinese languages, Tagalog and Vietnamese, as well as Korean and Russian where prevalent in the service territory of the electrical corporation. There may be additional languages that should be added to the list, and Phase 2 will consider the issue. Parties may address languages desired, entities with which the Commission or electrical corporations might partner, and any other issues they wish to raise about in-language communication in their August 21, 2019 filing.

6. CAL FIRE Powerline Fire Prevention Field Guide

Finally, all stakeholders should be aware that CAL FIRE is in the process of revising its Powerline Fire Prevention Field Guide (Field Guide), which contains standards, statutes, and regulations necessary to minimize the occurrence of wildfires that may be caused by the operation and maintenance of electrical powerlines and energized electrical equipment used in the delivery of electricity.

The current version of the Field Guide is available at <http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fppguidepdf126.pdf>. Once updated, the updated version will be available on the following webpage: http://cdfdata.fire.ca.gov/fire_er/fpp_engineering_view?guide_id=15. We urge the electrical corporations, who participated in development of the current Field Guide, to expedite any tasks related to the update.

7. Next Steps

As directed in the WMP decisions, the electrical corporations will file a report on July 30, 2019 relevant to development of proper metrics and datasets to evaluate the effectiveness of their wildfire mitigation activities.

On or before August 21, 2019, parties or stakeholders that desire to become parties may file comments, limited to 25 pages and titled "Comments on Phase 2" on the following. The electrical corporations may comment only on items 3-5, with comments limited to 15 pages:

1. Electrical corporation reports filed on July 30, 2019;
2. PG&E's second amended WMP;
3. Additional in-language outreach (languages desired, entities with which the Commission or electrical corporations might partner, or other issues);
4. The list of tasks for the independent evaluator; and
5. Suggested process improvements for Commission review of the next cycle of WMPs.

We will hold a prehearing conference to consider the scope and schedule of Phase 2, and add new parties to the proceeding, on August 28, 2019 at

10:00 a.m. in the Commission's San Francisco Hearing Rooms, 505 Van Ness Avenue, San Francisco.

IT IS RULED that:

1. No later than August 21, 2019, parties or stakeholders that desire to become parties may file and serve comments, limited to 25 pages and titled "Comments on Phase 2" on the following issues. The electrical corporations may comment only on items c-e, with comments limited to 15 pages.
 - a. Electrical corporation reports filed on July 30, 2019 pursuant to the Wildfire Mitigation Plan guidance decision, D.19-05-036;
 - b. PG&E's second amended WMP;
 - c. Additional in-language outreach (languages desired, entities with which the Commission or electrical corporations might partner, and any other issues parties wish to raise about in-language communication);
 - d. The list of tasks for the independent evaluator set forth in Section 4 above; and
 - e. Suggested process improvements for Commission review of the next cycle of WMPs.
2. Discovery may proceed on all electrical corporations subject to the rules set forth in Section 3 above.
3. The motion of William Abrams for evidentiary hearing is denied.
4. PG&E shall respond to outstanding discovery served by William Abrams and addressed in his motion to compel filed on April 14, 2019 in accordance with the discovery rules set forth in Section 3 above.
5. A prehearing conference for Phase 2 will take place on August 28, 2019, at 10:00 a.m. in the Commission's San Francisco location, 505 Van Ness Ave., Hearing Rooms, San Francisco, for the purpose of adding new parties, and determining the scope and schedule of Phase 2 of this proceeding.

6. Workshop(s) will tentatively take place on September 17, 18 and 19, 2019, in the San Francisco offices of the Commission at 505 Van Ness Avenue. Confirmation of the dates, a schedule and agenda will be circulated at a later time.

Dated June 14, 2019, at San Francisco, California.

/s/ MICHAEL PICKER

Michael Picker
Commissioner

/s/ JESSICA T. HECHT for

Sarah R. Thomas
Administrative Law Judge