



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

**FILED**  
06-30-11  
04:59 PM

Order Instituting Rulemaking To Revise and Clarify  
Commission Regulations Relating to the Safety of  
Electric Utility and Communications Infrastructure  
Provider Facilities.

Rulemaking 08-11-005  
(Filed November 6, 2008)

**COMMENTS OF PACIFICORP (U901E) ON PROPOSED  
DECISION ADOPTING REGULATIONS TO REDUCE FIRE HAZARDS  
ASSOCIATED WITH OVERHEAD POWER LINES AND COMMUNICATION  
FACILITIES**

Shannon McWhinney  
PacifiCorp  
825 NE Multnomah St., Suite 1800  
Portland, OR 97232  
Tel: (503) 813-5585  
Fax: (503) 813-7252  
E-mail: shannon.mcwhinney@pacificorp.com

Attorney for PacifiCorp

Date: June 30, 2011

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**I. INTRODUCTION**

In accordance with Rule 14.3 of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), PacifiCorp (U 901 E) hereby provides its comments regarding the June 10, 2011 Proposed Decision (“PD”) adopting regulations to reduce fire hazards associated with overhead power lines and communication facilities. PacifiCorp believes the PD evidences the mutual effort and cooperation of the Assigned Commissioner, ALJ, Commission Staff, electric utilities and communication infrastructure providers (“CIPs”) to set forth a reasonable and balanced approach to reducing fire hazards within the State of California. Subject to the points discussed below, PacifiCorp is therefore in general support of the PD.

## **II. THE PD SHOULD BE REVISED TO INCORPORATE LIMITED CLARIFICATIONS**

### **A. Electric Utilities Should be Required to Make Reasonable Attempts at Contact with Obstructing Property Owners Rather than Daily Visits.**

PacifiCorp strongly supports the proposed new Paragraph 4 to Rule 35 of General Order (“GO”) 95 that would allow electric utilities to shut off power to customers who obstruct vegetation management. PacifiCorp believes it provides a crucial tool towards reducing fire hazards by allowing for completion of critical vegetation management. However, PacifiCorp does not feel electric utilities should be required to attempt daily visits to an obstructing property owner’s residence or primary place of business in addition to written notice until contact is achieved.<sup>1</sup> In certain circumstances, attempting daily visits may not be reasonable or worthwhile. For example, PacifiCorp has experienced situations when an obstructing property owner threatens physical violence to PacifiCorp employees who attempt to access the owner’s property. PacifiCorp therefore obtains the assistance of law enforcement rather than putting the safety of its employees in jeopardy. It would be highly onerous on PacifiCorp as well as law enforcement to attempt daily visits to a customer who has proven highly contentious. Additionally, weather or rugged terrain may thwart daily visits to the property of an obstructing owner. Further, if an electric utility has reliable information that an obstructing customer is unavailable such as traveling out of the country, it does not seem to be a useful use of time to attempt daily visits in addition to written notice. For these reasons, PacifiCorp respectfully requests that proposed Paragraph 4 be clarified to indicate that daily visits be attempted *to the extent reasonable*.

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<sup>1</sup> PD, at p. 88.

**B. “Safety Hazard” in General Order 95, Rule 18B Should be Clarified to Match the Definition Provided in Rule 18A.**

While the revised Rule 18A of GO 95 defines “Safety Hazard” as a “condition that poses a significant threat to human life or property,”<sup>2</sup> the revised Rule 18B does not utilize the defined term. PacifiCorp therefore recommends that Rule 18B be revised to incorporate the definition of “Safety Hazard” set forth in Rule 18A for purposes of clarity and consistency.

**C. The Definition of “Year” in the PD Should be Revised to Mirror the NERC Definition for Purposes of Consistency.**

The PD proposes that the term “year” be defined as “12 consecutive calendar months starting the first full month after an inspection is performed.”<sup>3</sup> The proposed definition differs from the definition set by the North American Electric Reliability Corporation (“NERC”) which utilizes the standard calendar year beginning on January 1 and ending on December 31.<sup>4</sup> As an electric utility operating within six states, PacifiCorp believes consistency with the NERC meaning is necessary because operating under numerous definitions of the term “year” requires additional technological support, decreases efficiency and increases the likelihood of error.

**D. The Markings Required by GO 95, Rule 91.5 in the PD Should Be Distinguishable from Ground Level.**

PacifiCorp strongly supports Rule 91.5 to GO 95 as set forth in the PD since it will allow for efficient on-site identification of facility owners during critical situations when time is of essence. PacifiCorp, however, suggests that the required markings be distinguishable from ground level so that pole climbing or ascension is not necessary thereby increasing the speed of identification and response time.

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<sup>2</sup> *Id.*, Appendix B-3.

<sup>3</sup> *Id.* at p. 71.

<sup>4</sup> North American Electric Reliability Corporation, Section on Compliance Application Notice –0010, *Compliance Application: Definition of “Annual” and Implementation of Annual Requirements*, <http://www.nerc.com/files/CAN-0010%20Definition%20of%20Annual.pdf>.

**E. The Record Retention Periods Set Forth in the PD Should be Consistent.**

The PD prescribes a retention period of ten years rather than the typical five-year period for inspection and correction records.<sup>5</sup> PacifiCorp believes that the inspection and correction record retention period set forth in the PD should be revised to mirror the standard five-year period for purposes of consistency at least with respect to hard copies. PacifiCorp also believes that five years is an adequate period of time to allow for investigation of any serious safety-related incidents. PacifiCorp does not object to retaining electronic system records for the proposed ten-year period.

**F. The Implementation Period of the PD Should be Clarified.**

As the PD is comprehensive and contains numerous new requirements for electric utilities and CIPS to abide by, PacifiCorp believes that the affected parties should be provided a window of time to implement the changes following adoption of the PD. However, the PD does not include a proposed effective date. Therefore, in order to allow sufficient time to prepare for and implement the changes, PacifiCorp recommends that an effective date within not less than six months following adoption be included in the Final Decision.

**II. CONCLUSION**

PacifiCorp appreciates the time and effort invested by all the parties in this proceeding as well as the opportunity to participate and provide comments. PacifiCorp believes the PD represents the culmination of the twenty-five workshops held to construct reasonable and balanced regulations aimed at reducing fire hazards associated with overhead power lines and communication facilities. The PD is comprehensive and even-handed with respect to the

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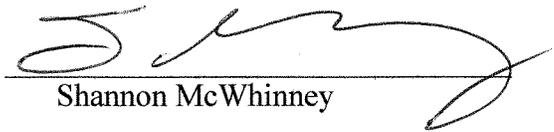
<sup>5</sup> PD, at 141.

facilities and operations of both CIPs and electric utilities. Therefore, subject to the limited revisions above, PacifiCorp supports adoption of the PD by the Commission.

Respectfully submitted this June 30, 2011 at Portland, Oregon.

PACIFICORP  
Shannon McWhinney  
825 NE Multnomah St., Suite 1800  
Portland, OR 97232  
Tel: (503) 813-5585  
Fax: (503) 813-7252  
E-mail: shannon.mcwhinney@pacificorp.com

By



Shannon McWhinney

Attorney for PacifiCorp