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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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)

**ADMINISTRATIVE LAW JUDGE'S RULING
SETTING A PREHEARING CONFERENCE AND DIRECTING
PARTIES TO FILE PREHEARING CONFERENCE STATEMENTS**

This ruling sets a prehearing conference (PHC) for April 23, 2012. Any party that plans to participate actively in the PHC shall file and serve a written PHC statement by April 18, 2012.

Background

In Decision (D.) 12-01-032, at Ordering Paragraph 8, the Commission instituted Phase 3 of this proceeding to consider, develop, and adopt regulations regarding the following matters:

- i. Revising Section IV of General Order (GO) 95 to reflect modern materials and practices, with the goal of improving fire safety.
- ii. Revising Section IV of GO 95 to incorporate standards regarding wood structures and materials that (a) provide electric utilities and communications infrastructure providers (CIPs) with clear guidance for reliably obtaining prescribed safety factors when using wood products with inherent variability, and (b) can be enforced by the Commission and the Commission's Consumer Protection and Safety Division (CPSD).

- iii. Revising Section IV of GO 95 to incorporate (a) a new High Fire-Threat District, (b) one or more maps of the High Fire-Threat District, and (c) fire-safety standards for the design and construction electric utility and CIP structures in the High Fire-Threat District.
- iv. Assessing whether any of the new fire-safety standards developed pursuant to the previous Item iii(c) should apply to existing facilities in the High Fire-Threat District in light of cost-benefit considerations and Rule 12 of GO 95 and, if so, developing a plan, timeline, and cost estimate for upgrading existing facilities in the High Fire-Threat District to meet the new standards.
- v. Requiring investor-owned electric utilities (IOUs) to report data to CPSD regarding power-line fires and requiring CPSD to use such data to (a) identify and assess systemic fire-safety risks associated with overhead power-line facilities and aerial communications facilities in close proximity to power lines, and (b) formulate cost-effective measures to reduce systemic fire risks. The requirement shall be developed in consultation with the IOUs, CIPs, the Mussey Grade Road Alliance, California Department of Forestry and Fire Protection (Cal Fire), and other interested parties in this proceeding.
- vi. Preparing a detailed work plan for the development, adoption, implementation, and funding of fire-threat maps that accurately identify areas where there is an elevated risk of catastrophic power-line fires occurring. Once adopted, these maps shall be used in conjunction with the fire-prevention measures adopted by Decision 09-08-029 and today's decision that rely on fire-threat maps for their implementation. The IOUs and CIPs shall cooperate with CPSD and Cal Fire in the preparation of the work plan. The other parties in this proceeding and the Lawrence Livermore National Laboratory (LLNL) are invited to participate. The work plan shall contain the following:
 - a. A detailed proposal for the development of high resolution fire-threat maps that cover the entire state. The detailed proposal shall address the option of reviewing and adopting for regional or statewide use the Reax Map and/or the fire-threat map developed by San Diego Gas & Electric Company (SDG&E).

- b. Recommendations for obtaining assistance from Cal Fire, LLNL, and other neutral experts in the development and review of fire-threat maps, including the Reax Map and the SDG&E Map.
- c. Estimated costs for the development, expert review, implementation, and maintenance of fire-threat maps.
- d. Recommendations for funding the development, expert review, implementation, and maintenance of fire-threat maps.
- e. A proposed schedule and milestones for the development, adoption, and implementation of fire-threat maps.
- f. The work plan may include alternative proposals and recommendations if the workshop participants cannot reach a consensus.

Ordering Paragraph (OP) 9 of D.12-01-032 states that facilitated workshops will be held in Phase 3 regarding the matters identified above. OP 10 directs the assigned Commissioner to convene a PHC for Phase 3 and to set a schedule for parties to file comments prior to the PHC regarding the scope of Phase 3. These comments may include proposals to add and/or delete issues from Phase 3.

Prehearing Conference

Pursuant to OP 10 of D.12-01-032, a PHC will be held on April 23, 2012, at 10 a.m., in a Commission Courtroom at 505 Van Ness Avenue, San Francisco, CA, 94102. The purpose of the PHC is to discuss the scope and schedule for Phase 3, and to identify any new parties.

Written Prehearing Conference Statements

Consistent with OP 10 of D.12-01-032, any party who intends to participate actively in the PHC shall file and serve a written PHC statement regarding the

scope and schedule for Phase 3.¹ Parties are encouraged to include the following matters in their PHC statements:

1. The specific scope of each topic identified in OP 8 of D.12-01-032. Parties are encouraged to provide detailed proposals regarding each topic in OP 8, such as proposals for revising Section IV of GO 95 to (i) reflect modern materials and practices, and (ii) incorporate standards for wood structures and materials that (a) provide clear guidance for reliably obtaining prescribed safety factors when using wood products with inherent variability, and (b) can be enforced by the Commission and CPSD.
2. A detailed plan for addressing each topic in OP 8.
3. A proposed schedule for Phase 3 that lists all major events, such as written comments, workshops, workshop reports, hearings and/or briefs, and other milestones.
4. Recommendations regarding the location, format, and schedule for the facilitated workshops contemplated by OP 9 of D.12-01-032. Parties may wish to review the suggested workshop protocols that are attached to the *Assigned Commissioner's Ruling and Scoping Memo for Phase 2 of this Proceeding* dated November 5, 2009.
5. Whether the scope of Phase 3 should be modified pursuant to OP 10 of D.12-01-032 to include the following subjects:
 - i. Whether the Commission should contract with LLNL to prepare a work plan consistent with OP 8.vi of D.12-01-032 for the development, adoption, implementation, and funding of a dynamic high resolution fire-threat map (i.e., a mapping tool) that covers the entire state. The scope of the work conducted by LLNL could include the following:
 1. Hold one or more workshops to:
 - a. Share information on which tools key stakeholders are currently using for mapping wildfire risk.

¹ Parties who do not participate in the PHC may file and serve PHC statements.

- b. Discuss approaches to quantifying fire-related risks to and from power-line infrastructure.
 - c. Gain consensus on risk factors, data sources, and quantitative approaches for developing a new wildfire risk mapping tool.
 - d. Outline a work plan to develop, adopt, implement and fund a wildfire risk mapping tool.
 2. Prepare and present technical analyses of relevant topics including risk assessment; weather and climate modeling; decision support and analysis; and wildfire modeling.
 3. Report the major findings of the workshop.
 4. Draft a work plan for a new wildfire risk mapping tool.
- ii. Whether the mapping tool should identify areas on a statewide basis where vegetation biomass should be removed for fire safety purposes.
6. Any other issues that should added and/or deleted from the scope of Phase 3 pursuant to OP 10 of D.12-01-032.
7. Whether any (or additional) discovery is needed and the anticipated date that discovery will be completed.
8. Whether an evidentiary hearing is needed. Any party who believes an evidentiary hearing is needed should (i) identify and describe the material factual issues that will be litigated, and (ii) provide a schedule for all hearing-related events in the party's response to Item 3 above.
9. Any other matters that are relevant to the scope, schedule, and conduct of this proceeding.

PHC statements shall be filed and served by April 18, 2012. Each party shall email a copy of its PHC statement in Microsoft Word format to the assigned Administrative Law Judge (timothy.kenney@cpuc.ca.gov).

Service List

The official service list is available on the Commission's website at: (http://docs.cpuc.ca.gov/published/service_lists/R0811005_77981.htm). There is no need for persons and entities who are currently on the service list to take any action if they wish to remain on the service list. Parties should confirm that their information on the service list is current and correct, and notify the Commission's Process Office of any changes or errors.

Participation

The service list for this proceeding is divided into three categories. The Party category is reserved for those planning to participate actively in this proceeding by attending workshops, submitting written comments, etc. The State Service category is for employees of the State of California. The Information Only category is for those who wish to receive all documents filed in the proceeding, but who will not be participating actively.²

As set forth in Rule 1.4 of the Commission's Rules of Practice and Procedure, a person may request party status in this proceeding by:

- Making an oral motion to become a party at the PHC (Rule 1.4(a)(3)).
- Filing a written motion to become a party (Rule 1.4(a)(4)).

As required by Rule 1.4(b), a person seeking party status by oral or written motion must:

² A party may have only one person listed in the "Party" category of the service list, but the same party may have multiple people listed in the "State Service" or "Information Only" categories of the service list.

- (1) Fully disclose the persons or entities in whose behalf the motion is being made, and the interest of such persons or entities in the proceeding.
- (2) State the factual and legal contentions the person intends to make and show that the contentions will be reasonably pertinent to the issues already presented.

Persons and entities that wish to monitor this proceeding may contact the Commission's Process Office to be placed on the service list in the State Service or Information Only category. Requests to be placed on the service list can be sent by email (Process_Office@cpuc.ca.gov) or by postal mail (Process Office, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, California, 94102). All requests must include the following:

- Docket Number: Rulemaking 08-11-005
- Name of person or representative.
- Name and entity represented, if any
- Address
- Telephone number
- Email address
- A request to be placed on the service list in the State Service category or the Information Only category.

Assistance with Commission Procedures

Any party who is unfamiliar with the Commission's procedures can obtain assistance from the Commission's Public Advisor at:

- (866) 849-8390 or (415) 703-2074
- (866) 836-7825 (TTY-toll free)
- public.advisor@cpuc.ca.gov

