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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 No. 08-11-005
(Issued November 13, 2008)

**MUSSEY GRADE ROAD ALLIANCE
MOTION FOR OFFICIAL NOTICE OF VICTORIAN ROYAL
BUSHFIRE COMMISSION FINAL REPORT**

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**MUSSEY GRADE ROAD ALLIANCE
MOTION FOR OFFICIAL NOTICE OF VICTORIAN ROYAL
BUSHFIRE COMMISSION FINAL REPORT**

I. INTRODUCTION

Pursuant to Rule 11.1 of the Rules of Practice and Procedure of the California Public Utilities Commission (CPUC), the Mussey Grade Road Alliance (Alliance) files this motion for official notice of portions of the 2009 Victorian Bushfires Royal Commission Final Report, released on July 31st, 2010. This Report contains significant additional information on the role of electrical infrastructure in the ignition of wildland fires that may be of use to the Commission and to parties participating in R.08-11-005.

II. IMPORTANCE OF THE VICTORIAN BUSHFIRES ROYAL COMMISSION REPORT TO THE SUBJECT OF POWER LINE FIRE

On February 7th, 2009, the state of Victoria in Australia was struck by a series of wildland fires that left one hundred seventy three people dead and which burned 430,000 hectares (over one million acres)¹. In response, the Victorian Government established a commission to investigate the events and conditions that led to this disaster in order to avoid any recurrence of a similar tragedy. The Victorian Bushfires Royal Commission heard oral testimony from 434 witnesses and received written submissions from 1,700 people and organizations². Its report, released on the 31st of July 2010, is lengthy. Of specific relevance to this Rulemaking is the Royal Commission's finding that electrical infrastructure played a

¹ 2009 Victorian Bushfires Royal Commission Final Report; Government Printer for the State of Victoria; PP. No. 332; Session 2006 – 10; ISBN 978-0-9807408-4-4; July 2010; Vol. III, p. viii-ix.

<http://www.royalcommission.vic.gov.au/Commission-Reports/Final-Report>

² Id. The Alliance expert submitted a summary of CPUC activities related to power lines and wildland fire to the Royal Commission in January 2010:

http://royalcommission.vic.gov.au/Submissions/SubmissionDocuments/SUBM-002-054-0037_R.pdf

significant role in the ignition of the fires, including the Kilmore East fire, which was responsible for the majority of injuries and fatalities.

In fact, the Royal Commission found that electrical utility infrastructure was responsible for five of the fifteen fires ignited during the period examined. Furthermore, it pointed out that this had historical precedents: On February 12, 1977, nine of sixteen major fires in Victoria were started by electrical infrastructure, and of the eight “Ash Wednesday” fires of February 16, 1983, four were attributed to electrical infrastructure³.

While electrical infrastructure technologies, conditions and processes may differ between Victoria and California, there remain some striking similarities between the events of February 2009 and recent fires attributed to power lines in California. In particular, the role of reclosers, line clashing, vegetation and hazard trees all echo similar testimony recently heard by the CPUC. The report sheds additional light on these issues and would be of benefit to the CPUC and Parties in this proceeding, which is tasked with ensuring the future safety of Californians.

III. OFFICIAL NOTICE WOULD NOT BE ADVERSELY PREDJUCIAL

While it would have been preferable to have this material available for discussion during the Rulemaking workshops, the report had not yet been released. Now that it is available, the Alliance requests that relevant portions of the Victorian Bushfires Commission Final Report be granted official notice.

This report is factually “neutral” with respect to Parties to this proceeding. None of them, to our knowledge have specific interests in the Victorian fires or in the electrical infrastructure of Victoria. Official notice of this material would allow reference to discuss factual details of electrical failures without directly referring to specific instances that might be currently contested by Parties or the subject of litigation in California as a result of the 2007

³ Id., p. 148.

fires. This factual evidence should be of use to all parties, not just those representing the Commission or ratepayer groups, but the utilities as well.

IV. MATERIALS REQUESTED FOR OFFICIAL NOTICE

The report of the Victorian Bushfires Royal Commission is voluminous, and the Alliance requests notice be granted only for those portions submitted with this Motion, which have direct relevance to the issue of power lines and wildland fire. We request that the following sections be granted official notice:

Final Report Summary (file VRBC_Summary_PF.pdf).

Electricity-Caused Fire (Volume 2, pp. 147-186; file VBRC_Vol2_Chapter04_PF.pdf)

Specific fires associated with power line ignitions:

The Kilmore East Fire (Volume 2, pp. 69-92; file VBRC_Vol1_Chapter05_PF.pdf)

The Horsham Fire (Volume 2, pp. pp. 93-104; file VBRC_Vol1_Chapter06_PF.pdf)

The Coleraine Fire (Volume 2, pp. pp. 105-116; file VBRC_Vol1_Chapter07_PF.pdf)

The Pomborneit–Weerite Fire (Volume 2, pp. pp. 93-104; file VBRC_Vol1_Chapter07_PF.pdf)

All chapters of the report are available at the Victorian Bushfires Royal Commission website: <http://www.royalcommission.vic.gov.au/Commission-Reports/Final-Report>

V. CONCLUSION

The Final Report of the Victorian Bushfires Royal Commission was a result of considerable effort of information gathering, community and professional outreach, and review and judgment. The result of an official governmental investigation, it represents a high-quality source of factual material and analysis. Despite the fact that it has become available late in the course of this proceeding, it would be a missed opportunity not to avail ourselves of the result of so much effort, particularly when we can have it at no cost to Californians. This report, by fully exploring the tragedy of untrammled wildfire and its effect on the people of Victoria, and the

role electrical infrastructure had to play in this event, underscores the vital importance of this Rulemaking and its mandate to reduce the potential for future power line fires in California.

Respectfully submitted this 6th day of August, 2010,

By: /S/ **Diane Conklin**

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CERTIFICATE OF SERVICE

I hereby certify that pursuant to the California Public Utilities Commission's Rules of Practice and Procedure, I have served a true copy of the **MUSSEY GRADE ROAD ALLIANCE MOTION FOR OFFICIAL NOTICE OF VICTORIAN ROYAL BUSHFIRE COMMISSION FINAL REPORT** to all parties on the service list for Rulemaking No. 08-11-005 via electronic mail.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 6th day of August at Ramona, California.

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