

BEFORE THE PUBLIC UTILITIES COMMISSION OF  
THE STATE OF CALIFORNIA



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

R.08-11-005  
(Filed November 6, 2008)

**PREHEARING CONFERENCE STATEMENT OF  
THE CONSUMER PROTECTION  
AND SAFETY DIVISION**

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BEFORE THE PUBLIC UTILITIES COMMISSION OF  
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Order Instituting Rulemaking to Revise and Clarify Commission Regulations Relating to the Safety of Electric Utility and Communications Infrastructure Provider Facilities.

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**PREHEARING CONFERENCE STATEMENT OF  
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The Consumer Protection and Safety Division (CPSD) submits this Prehearing Conference Statement pursuant to Decision (D.) 12-01-032 and Administrative Law Judge (ALJ) Kenney's March 23, 2012 *Ruling Setting a Prehearing Conference (PHC) and Directing Parties to File Prehearing Conference Statements* (ALJ Ruling). In D.12-01-032, issued in Phase 2 of this proceeding, the Commission instituted Phase 3 to consider, develop, and adopt regulations regarding several matters, including revisions to Section IV of General Order (GO) 95, the development of a fire-incident data reporting requirement, and the development of fire-threat maps. (D.12-01-032, Ordering Paragraph 8.) The ALJ Ruling requests that parties file written statements regarding the scope and schedule for Phase 3, and encourages parties to provide detailed plans for addressing each of the topics listed in Ordering Paragraph 8 of D.12-01-032, include scheduling matters, and address whether the scope of Phase 3 should be modified to include issues as to whether the Commission should contract with Lawrence Livermore National Laboratories (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 high-resolution fire-threat map that covers the entire state, and whether the mapping tool should identify

areas on a statewide basis where vegetation biomass should be removed for fire safety purposes. These issues are listed below, with CPSD's corresponding response.

- 1. The specific scope of each topic identified in OP 8 of D.12-01-032, including detailed proposals for revising Section IV of GO 95.**
  - a) Revising Section IV of General Order (GO) 95 to reflect modern materials and practices, with the goal of improving fire safety.**

Due to the complexity of this request and time constraints, CPSD cannot put forth a good faith rule change proposal at this time. Specifically, given that General Order 95 Section IV is based mostly on text which was adopted in 1922 and has changed only slightly from that time, CPSD will only be providing concepts. CPSD proposes that rule changes consider the following:

- Create an extreme wind loading district for California;
- Correct and/or remove conflicting language;
- Modernize strength criteria;
- Develop multiple examples to guide utilities, CIPs, and the Commission on how to enforce the new rules.

- b) Revising Section IV of GO 95 to incorporate standards regarding wood structures and materials that (a) provide electric utilities and 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 CPSD.**

In addition to the general concepts listed in 1(a) above, CPSD believes that any rule changes developed in Phase 3 of this proceeding should be based on sound engineering and should be enforceable. Utilities and CIPs should also be able to comply with any rule changes. Furthermore, CPSD recommends that in order to give better guidance to all parties (CIPs, Utilities, CPSD staff, and the public), Appendix F, Typical Problems, should be updated as well.

- c) 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.**

CPSD believes that Section IV of GO 95 should be modified to incorporate one or more new loading districts, and should also incorporate any high fire threat maps developed in Phase 3.

- d) 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.**

As a fundamental standpoint, CPSD believes that any approved rule changes that increase safety should apply to existing structures. However, without knowing the specifics of any rule changes and the costs associated with applying them to existing structures, CPSD at this time cannot make an informed decision as to a plan or timeline for upgrading existing facilities to meet the new standards.

- e) 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.**

CPSD proposes to add a new Section V to GO 165 that would require each electric IOU to collect information on all fire incidents which are attributable to its overhead power lines. The data collected for each incident would include, at a minimum, the date, time, location, equipment, voltage, fire agencies involved, weather conditions, vegetation conditions, and apparent cause. The purpose of the proposal is to help prevent

catastrophic power line fires by providing information about the cause of such incidents so that strategies for preventing fires could be devised and the effectiveness of fire prevention strategies could be evaluated.

In accordance with D.12-01-032, CPSD will develop a concrete plan for identifying, assessing, and abating systemic fire safety risks of overhead power lines and aerial communications facilities in close proximity to power lines using the data. Such a plan will include:

- Consulting with IOUs, CIPs, Mussey Grade Road Alliance, CalFire and other interested parties;
  - Details on analyzing the data CPSD receives, including development of a database to input information;
  - Formulating strategies to reduce the number of power line fires;
  - Developing a procedure for CPSD to submit proposals for review and evaluation by the Commission, and a procedure for Commission adoption or rejection of such proposals;
  - Discussions on providing information to fire agencies such as CalFire.
- f) **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:**
- i) **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).**

- ii) 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.**
- iii) Estimated costs for the development, expert review, implementation, and maintenance of fire-threat maps.**
- iv) Recommendations for funding the development, expert review, implementation, and maintenance of fire-threat maps.**
- v) A proposed schedule and milestones for the development, adoption, and implementation of fire-threat maps.**
- vi) The work plan may include alternative proposals and recommendations if the workshop participants cannot reach a consensus.**

D.12-01-032 Ordering Paragraph 8 directs the CIPs and IOUs to cooperate with CPSD and CalFire in the preparation of a detailed work plan in Phase 3 for the development, adoption, implementation, and funding of state-wide fire-threat maps. CPSD supports the directives and parameters of Ordering Paragraph 8. However, Question No. 5 of the ALJ Ruling (at pp. 4-5) asks whether the scope of Phase 3 should be modified to include whether the Commission should contract with LLNL to develop a work plan for the high resolution fire threat maps. CPSD supports the notion of having a neutral party with appropriate expertise facilitate the creation of the work plan, as long as the development of the work plan should be done in accordance with the parameters set forth in Ordering Paragraph 8, with input from the parties and those with technical expertise. However, CPSD has some questions and concerns about the involvement of LLNL, as expressed in response to Question 5, below.

**2. A detailed plan for addressing each topic in OP 8.**

CPSD proposes that parties file a list of detailed proposed rule changes (PRCs) to be addressed in workshops. Parties would then have the opportunity to file comments on the PRCs, including whether the PRCs are outside the scope of this proceeding. A pre-workshop conference would be held with the assigned ALJ to set the final schedule for workshops and develop a master list of PRCs to be addressed. Once a master list of PRCs is compiled, CPSD recommends that workshops be held, using neutral facilitators to help foster ideas in a large group environment. Furthermore, CPSD recommends that prior to each formal workshop, one or two days of technical workshops be held. The technical workshop would only focus on technical issues, would only involve engineers and other technical experts, and would not require a facilitator. Upon completion of the workshops, parties would compile and submit a Workshop Report to the Commission. CPSD recommends that any remaining PRCs on which parties were unable to come to consensus be addressed in briefs for resolution by the Commission.

**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.**

CPSD believes that the procedures used in Phase 1 and Phase 2 of this proceeding to resolve disputed issues should be used in Phase 3. That is, if there are any remaining concerns or disputed matters that cannot be resolved in workshops, then parties may file briefs and reply briefs dealing with any remaining disputed changes, and submit those issues to the Commission for resolution. CPSD notes that many complicated issues will be addressed in Phase 3, and is concerned that having an expeditious schedule may compromise the parties' ability to fully consider and come to a consensus on these issues. CPSD proposes the following schedule:

<b>Phase 3 Milestones</b>	<b>Date</b>
Parties file and serve Proposed Rule Changes (PRCs)	July 30, 2012
Parties file comments re: PRCs, including whether PRCs are outside the scope of Phase 3	August 17, 2012
Parties file reply comments on PRCs	August 31, 2012
Pre-Workshop Conference, ALJ to determine scheduling and whether any PRCs are outside scope of Phase 3	September 11, 2012
Workshops and Technical Workshops	September 12, 2013 – March 31, 2013
Workshop Report Filed and Served	May 31, 2013
Opening Briefs on Workshop Report	June 28, 2013
Reply Briefs on Workshop Report	July 19, 2013
Proposed Decision	September 2013
Proposed Decision Considered at Commission Meeting	October 2013

- 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.**

CPSD strongly supports the idea of appointing one of the Commission’s Alternative Dispute Resolution (ADR) ALJs as a neutral facilitator for the Phase 3 workshops. CPSD also believes that having more technical workshops where engineers and other experts can discuss the technical aspects of certain proposals would be beneficial, and recommends holding technical workshops for engineers and experts in

addition to all-party workshops. CPSD recommends that the structure used in Phase 2 of this proceeding be used as a model for the structure of the Phase 3 workshops.

CPSD believes the workshops should be held in San Francisco or Southern California, approximately twice per month. If the workshop structure follows the structure used in Phase 2, CPSD suggests also using the workshop report format used in that phase. In that workshop report, each proposal listed (1) a rationale for the proposed rule change; (2) remaining concerns (if any); (3) current rule (if any); (4) rule in strikeout/underline form showing proposed revisions; and (5) final proposed rule.

- 5. Whether the scope of Phase 3 should be modified pursuant to OP 10 of D.12-01-032 to include whether the Commission should contract with LLNL to prepare a work plan for the development, adoption, implementation, and funding of a dynamic high resolution fire-threat map (mapping tool) that covers the entire state, and whether the mapping tool should identify areas on a statewide basis where vegetation biomass should be removed for fire safety purposes.**

As discussed above, CPSD supports the idea of having a neutral party facilitate the preparation of a work plan for the development, adoption, implementation, and funding of a dynamic high resolution fire-threat map that covers the entire state, but has questions and concerns about the involvement of LLNL. CPSD questions what role LLNL would have in the development of a work plan, including whether it would just act as a neutral facilitator, or whether it would have more control and input in crafting the final work product. CPSD is also unaware of LLNL's expertise or experience in carrying out the tasks set forth in Ordering Paragraph 8. CPSD also questions whether the Commission must issue a request for proposals and go through the state's bidding requirements before it may contract with an outside party to create the work plan. CPSD does not object to modifying the scope of Phase 3 to include the issue of identifying vegetation biomass in the mapping tool for informational purposes.

**6. Any other issues that should be added and/or deleted from the scope of Phase 3.**

At this time, CPSD believes that only those issues identified in the ALJ Ruling, as well as those issues identified by CPSD in this PHC statement, should be considered in Phase 3 of this proceeding.

**7. Whether any (or additional) discovery is needed and the anticipated date that discovery will be completed.**

At this time, CPSD does not believe discovery is necessary.

**8. Whether evidentiary hearings are needed.**

At this time, CPSD does not believe that evidentiary hearings are necessary.

**9. Any other matters relevant to the scope, schedule, and conduct of this proceeding.**

CPSD has no further matters at this time.

Respectfully submitted,

/s/ KIMBERLY J. LIPPI

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