

**Concurrence of Commissioner Rachelle B. Chong
Decision Denying SDG&E's Application to Shut-Off Power During
Periods of High Fire Danger
Items 44 and 44a
September 10, 2009**

I wish to set forth why I am casting my vote for Item 44a, the ALJ's Alternate Proposed Decision. In determining which item to vote for today, I was guided by three primary considerations. Foremost, I evaluated whether SDG&E needs an immediate grant of additional authority so that it can shut-off power in the event of an emergency. Parties to this proceeding, including SDG&E, all acknowledged that SDG&E currently has this authority to act in order to adequately protect its customers under its existing Commission-approved tariff. I agree. As a result, I do not think tariff changes or any shift in liability is warranted.

Second, I considered the Legislative declaration embodied in Public Utilities Code Section 330(g) that reliable electric service is of utmost importance to the health, safety and welfare of California citizens and the economy.¹ It can't be overstated how tremendously vital electric power is to our ability to effectively function and communicate in the world we live in.

Because a continuous supply of electric power is so critical, our utilities should not proactively shut-off power to customers unless doing so is imperative for public health and safety. As to the instant application, I would need to be convinced that shutting off power under the weather conditions proposed by SGD&E is in fact imperative to the safe operation

¹ Public Utilities Code Section 330(g) states in pertinent part: "Reliable electric service is of utmost importance to the safety, health and welfare of the state's citizenry and economy." (Pub. Util. Code § 330, subd. (g).)

of SDG&E's system, or that such conditions constitute an actual emergency situation that warrants a power shut-off. Try as I might, I could not find much evidence in the record that either of these things is true.

In fact at the All-Party Meeting I held with Commissioner Bohn on September 1, 2009, San Diego emergency first responders such as Cal-Fire, the San Diego Office of Emergency Services, and the San Diego Sheriff's Department implored us to reject SDG&E's proposed shut-off plan, even with additional mitigations as originally proposed by Commissioner Simon in an earlier proposed decision. These particular public safety entities did not view the shut-off criteria proposed by SDG&E as constituting an emergency. Further, they set forth a host of significant adverse impacts to public safety that occur when power is off - impacts which would seriously impede the ability of these professionals to carry out their public protection functions.

Of the many potential adverse impacts, four that particularly stood out to me were: (a) the loss of critical information and communications sources for receiving emergency information such a television, Internet, and cordless telephones at a time when fast and orderly evacuation may be needed; (b) the adverse impact on traffic when power goes out and traffic lights and street lights are down; (c) adverse impacts on water utilities and fire fighters who can't pump water absent power; (d) and the unique risks to persons with disabilities and with medical conditions should the lights go out in a non-emergency situation.

Perhaps no power shut-off plan could be perfect. However, if in the future we are presented with another emergency shut-off plan for

consideration, it must be able to garner support and confidence from a majority of fire and safety entities.

Third, I agree with the Administrative Law Judge that there must be some hard analysis and quantification of the relative costs and benefits of a shut-off plan to the numerous individuals, businesses, and providers of essential services that would be affected. That analysis has not yet been done. It must be done before I can be assured that any action we might take is not premature, or does more harm than good.

I commend SDG&E for its desire and work already undertaken to reduce the potential for fires. I commend them for the substantial efforts SDG&E has already undertaken to improve the safety of its facilities pursuant to its new recloser policy and Fire Safety program. I encourage and expect SDG&E to be aggressive in implementing its plans to replace wood poles with steel, underground wires where feasible, keep on top of vegetation clearance, and inspect facilities to identify any problems or pole overloading situations in high fire risk areas. I believe these measures would provide better long-term results than further work on an emergency shut-off plan. I would suggest SDG&E keep the Commission informed of these efforts with quarterly voluntary filing with the Energy Division and the Commissioner's offices. Of course, SDG&E may address its hardening of the system in its ordinary course of business.

I do favor closing this proceeding. Nothing precludes SDG&E from filing a new application in the future since the application is dismissed without prejudice. I want to commend Commissioner Simon for his earnest and passionate efforts in this contentious proceeding. He has held

a very open proceeding where all interested stakeholders have had a chance to participate.

Dated September 10, 2009, at San Francisco, California.

/s/ RACHELLE B. CHONG
Rachelle B. Chong
Commissioner